

North Wildwood Planning Board
Regular Meeting: November 9, 2022
6:30 p.m.

The regular meeting of the North Wildwood Planning Board (Board) was held on the above date & time. Adequate notice of this regular meeting was submitted to the official newspaper of the City of North Wildwood (AC Press) & local newspapers. An Agenda was posted on the main bulletin board at City Hall, well in advance of the meeting date & on the City web site.

A) CALL TO ORDER

Chairman Davis called the meeting to order.

B) OPEN PUBLIC MEETING STATEMENT

Chairman Davis read the Open Public Meeting Act statement.

C) PLEDGE OF ALLEGIANCE

Chairman Davis led the audience in reciting the Pledge of Allegiance to the Flag.

D) ROLL CALL

Chairman Robert Davis	Present	Mayor Patrick Rosenello'	Absent
Vice Chair Jodie Di Eduardo	Present	Mayor's Designee Mr. Doug Miller	Absent
Chief John Stevenson	Present	Mr. William Green	Absent
Mr. John Harkins	Present	Councilman James Kane	Absent
Mr. George Greenland	Present	Mr. Bill O'Connell	Present
Mr. Bill Auty (Alt. 1)	Present	Ms. Valeria DeJoseph (Alt. 3)	Present
Mr. Ron Peters (Alt. 2)	Present	Sharon Cannon (Alt. 4)	Present

Mr. Robert Belasco (Board Solicitor)	Absent
Mr. David Stefankiewicz'	Present
Mr. Ralph Petrella (Board Engineer)	Present
Eric Gundrum, (Board Secretary)	Present

The Board Solicitor announced that the Board quorum has been established.

E) SWEARING IN OF PROFESSIONALS:

The Board Solicitor did conduct the truth swearing of the Board's professionals as it was necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS:

Application No. P-22-7-1 Joseph M. & Eileen E. Conroy

500 Atlantic Avenue

Block 246; Lot 11

R-1 Zoning District

Multiple “c” variance(s) – installation of shed in three (3) possible locations in frontyard setback

The Board Secretary announced receiving an email in timely fashion from the Applicant’s attorney requesting the adjournment of the above referenced application.

The Board Chairman expressed his dismay regarding an additional adjournment request. He mentioned that certain citizens are in the audience again this month to hear the application, and another adjournment request has been filed with the Board. The Board Chairman polled the Board members whether this should be the last adjournment request based on the Board Solicitor advice whether adjournment requests can be limited in number granted. The Board did in a majority vote, state that this is the last adjournment request & a new application would have to be filed for any other Planning Board meeting. Any submittal of amended plan, if approval by the Board is required, must be submitted no less than 10 days before the December 14th Planning Board meeting. The Board did vote on the last adjournment request for the application,

The Board Solicitor called for a motion to approve the last adjournment request of the application as discussed. Motioned by Mr. O’Connell & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the motion was approved by the Board.

The Board Solicitor announced adjournment of the above referenced application by request of the Applicant’s attorney/agent. The request for adjournment also provided for time limit wavier under the NJ Municipal Land Use Law {NJ-MLUL} (NJSA 40:55D-1 et. seq.) & the Ordinance (Chap. 276-1 et. seq.) as announced by the Board Solicitor. The Board Solicitor announced to the public that this application will be adjourned to the December 14, 2022 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

G) MEMORIALIZATIONS:

Application No. P-22-8-1 Nicholas Rotandi

208 W. Chestnut Avenue

Block 158; Lot 10

R-2 Zoning District

‘c’ variance relief for sideyard setbacks, lot area, lot frontage/width. Siteplan approval required for Chap. 276-34(B)(9)(d).

The Board heard & considered the application of Nicholas & Carolyn Rotandi (Applicant), owner of the property located at 208 West Chestnut Avenue, a/k/a Block 158, Lot 10 (Property), seeking ‘c’ variance relief in relation to minimum lot area (4,000SF is required whereas 2,500SF is existing & proposed), minimum lot frontage/width (40ft. is required whereas 25ft. is existing & proposed), to demolish an existing single-family dwelling & accessory structure in order to construct a new single-family dwelling on site.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. Harkins & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board. Board members Chief Stevenson, Mr. O'Connell & Ms. Cannon abstained from the vote.

Application No. Z-22-2-5 Anthony Viscusi

3 Mace Avenue
Block 6.04; Lot 5
R-2 Zoning District
“d(3) Conditional Use Variance/Use Variance siteplan approval

The Application submitted by Anthony Viscusi was originally presented to the Board in September's meeting & requested a “d(3) Conditional Use Variance in order to permit the construction of a single-family semi-detached dwellings at the property located at 3 Mace Avenue, a/k/a Block 6.04, Lot 5, in the City's R-2 Zoning District, for a property that does not meet the Conditional Use requirements of the Ordinance. The application also requests a “c” variance for a roof-top deck which was prohibited by recently adopted City Ordinance. Board members had several questions regarding the project. There were some inconsistencies discovered by the Board members & the Applicant's experts.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Ms. DeJoseph & 2nd by Mr. Peters. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board. Board members Chief Stevenson, Mr. O'Connell, Vice Chair DiEduardo & Ms. Cannon abstained from the vote.

H) **NEW BUSINESS:**

Application No. P-22-9-1 Galway Condominium Association

113-115 East 7th Avenue
Block 214; Lot 18
R-2 Zoning District
Preliminary & final siteplan approval & ‘c’ variance relief in order to construct accessory storage sheds

The Board heard & considered the application of Galway Condominium Association (Applicant), owner of the property located at 113-115 East 7th Avenue, a/k/a Block 214, Lot 18 (Property), seeking preliminary & final siteplan approval, and ‘C’ variance relief in relation to maximum square footage of accessory shed (150SF is permitted whereas 200SF is proposed), minimum accessory rearward setback (4ft. is required whereas 6 inches is proposed), minimum accessory sideyard setback (4ft. is required whereas 6 inches is proposed), minimum distance between principal & accessory structure (8ft. is required whereas 7ft. is proposed), in order to install a 200SF storage shed containing five (5) individual storage units for use by the individual owners of existing condominium units. The Property is located in the R-2 Zoning District.

Mr. Louis Cappelli, Jr., Esq. appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Cappelli advised the Board that the Property is currently developed with three (3) residential buildings, containing a total of five (5) residential units, in a condominium format. The Applicant is proposing to construct a 200SF shed for storage purposes on the back east portion of the lot. Mr. Cappelli advised the Board that no outdoor storage currently exists on site, and there is very limited

storage within the interior of the units as they were constructed in the 1960s. Variance relief is sought in connection with:

- Maximum square footage of accessory shed (150SF is permitted whereas 200SF is proposed);
- Minimum accessory rear yard setback (4ft. is required whereas 6 inches is proposed);
- Minimum accessory side yard setback (4ft. is required whereas 6 inches is proposed); and
- Minimum distance between principal and accessory structure (8ft. is required whereas 7ft. is proposed).

Bob Cates, owner of the Units 4 & 5 of the Galway Condominium Association, appeared before the Board & he was placed under oath to testify. Mr. Cates testified that he is the president of the Condominium Association & he confirmed that three (3) structures exist on site with a total of five (5) residential units. Mr. Cates described the layouts of the individual units & the number of bedrooms that exist in same. Mr. Cates testified that there is one (1) small closet in each of the bedrooms in his unit, and one (1) small closet outside of the bathroom. He indicated that storage is extremely limited. There is no location to store beach carts, beach chairs, bikes, etc. He indicated that these items are typically stored in the living room; however, when his family comes down these items are moved outside & are unfortunately left somewhat out in the open. Mr. Cates testified that the proposed shed would provide much needed storage which currently does not exist on site. Mr. Cates advised the Board that the proposed location of the shed is realistically the only possible location where same could be located in light of the fact that the site is fully developed. The proposed location is also adjacent to a privacy fence which would provide a buffer to the neighboring property. Mr. Cates reviewed numerous photographs which were submitted with the application which depict items being stored outside in the open, unsecured. The proposed shed is 5ft. x 40ft. with four (4) dividers creating five (5) separate storage spaces for each individual unit. It will be constructed on 4x4 rails which will run the entire length of the shed. Mr. Cates described the adjacent properties in surrounding neighborhood and the existing uses. He advised the Board that many of these properties have accessory structures located within the required four (4) ft. setbacks.

Dave Rowan, owner of the Unit 1 of the Galway Condominium Association, appeared before the Board & he was placed under oath to testify. Mr. Rowan testified that his unit has four (4) bedrooms, and he has limited storage available within the unit. He indicated that there is no space within the unit to store bicycles, surfboards, beach equipment, power tools, etc. Mr. Rowan testified that there is no way to reconfigure the unit in order to provide additional storage inside of the unit.

Kathleen Tomer, owner of Unit 2 of the Galway Condominium Association, appeared before the Board & she was placed under oath to testify. Ms. Tomer testified that she stores personal belongings within the living room & bedrooms in her home. She indicated that some items are stored outside & same are unsecured.

William Lyons, owner of Unit of 3 of the Galway Condominium Association, appeared before the Board & he was placed under oath to testify. Mr. Lyons advised the Board that he too experiences the same issues that his fellow association members are dealing with. Mr. Lyons testified that he has been forced to store items outside, and he has had personal items stolen in the past as they cannot be secured. He indicated that the storage shed would provide much needed storage for his unit & for all units at the Galway Condominium Association.

The Board was in receipt of a review memorandum prepared by Board Engineer Ralph Petrella, P.E. P.P., P.L.S. of Van Note-Harvey Associates, Inc., dated October 31, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirmed the relief sought by the Applicant for the benefit of the Board.

Chairman Davis then opened the application for general public comment. No further public members wished to speak on behalf of the meeting or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland “volunteered” for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the R-2 Zoning District. The Applicant is before the Board requesting ‘C’ variance relief in order to construct a 5ft. x 40ft. storage shed on the back east portion the lot. Variance relief is required due to the fact that the Property is a multi-unit lot with a lack of storage. She testified that the Applicant is experiencing a hardship due to the lack of storage of the Property which supports the variance relief requested by the Applicant.

The Board is also in receipt of floor plans depicting the dimensions of the proposed shed, dated April 20, 2022, which were received by the Board & which are incorporated herein as fact. The Board received testimony from four (4) unit owners, Bob Cates, Dave Rowan, Kathleen Tomer & William Lyons, who all testified to the limited amount of storage that exists on site. All of the witnesses testified that personal items have to be stored outside, in unsecured locations, due to the limited amount of storage within the interior of the units. No public comment was received in connection with this application. The Board finds that the Applicant has presented special reasons which advance the purposes of Zoning which justify the granting of the aforementioned approval. In addition, the Board finds that the fact that the Property is a multi-unit Property with no secure & practical storage for personal items, the Applicant is experiencing a hardship which provides additional justification for granting the requested variance relief. The Board found that the Applicant did establish that granting the requested variance approval would advance the purposes of Zoning, to the public good, to the City’s municipal Land Use Ordinances & to the City’s Zoning Map. The Board finds that the Applicant has satisfied the requirements for variance approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the of the Resolution as discussed. Motioned by Vice Chair DiEduardo & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

Application No. P-22-9-2 Steacy Walsh/Steven Hoffman

319 East 17th Avenue

Block 266; Lot 16

R-1 Zoning District

Preliminary & final siteplan approval, ‘c’ variance relief in order to construct an accessory pool in the rearyard & a new frontyard deck

The Board heard & considered the application of Stacey Walsh & Steven Hoffman (Applicant), owners of the property located at 319 East 17th Avenue, a/k/a Block 266, Lot 16 (Property), seeking ‘C’ variance relief in relation to minimum frontyard setback (10ft. is required whereas 0.9ft. is proposed), minimum sideyard setback (8ft. is required whereas 1.9ft. is proposed), minimum distance between structures (8ft. is required whereas 4.8ft. is proposed), and maximum square footage of accessory shed (150SF is permitted whereas 175SF is proposed), in order to construct a 6ft. x 29ft. porch with a roof that extends into the frontyard & to install a 10ft. x 14ft. shed. The Property is located in the R-1 Zoning District.

Mr. Cory Gilman, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Gilman advised the Board that the Property is a 55ft. x 100ft. lot located in the R-1 Zoning district & it is currently developed with single-family dwelling. Mr. Gilman informed the Board that the structure previously contained a total of five (5) units. As such, the prior use of the property was non-conforming. He indicated that a prior owner of the Property renovated the structure & converted the non-conforming five (5) unit structure to a single-family dwelling which is a permitted use in the R-1 Zoning District. Mr. Gilman indicated that the current owners eliminated a large non-conforming accessory structure in the rearyard in order to make room for a pool. The Applicant is proposing to construct a small shed in the rearyard & to add a deck to the front of the property that does not extend any further in to the frontyard setback than existing 3rd-floor balcony. The pool & paver area fully comply with the zoning requirements of the zone & they are not a part of the application & relief sought. Mr. Gilman reviewed & confirmed that variance relief for the benefit of the Board. More specifically:

- Minimum frontyard setback (10ft. is required whereas .9ft. is proposed);
- Minimum sideyard setback (8ft. is required whereas 1.9ft. is proposed);
- Minimum distance between structures (8ft. is required whereas 4.8ft. is proposed); and
- Maximum square footage of accessory shed (150SF is permitted whereas 175SF is proposed).

Mr. Gilman indicated that the bulk of the proposed shed will be located approximately 10ft. from the principal structure; however, a small corner is located 4.8ft. from the corner of small bump-out located on the principal structure requiring variance relief.

Stacey Walsh, an owner of the Property, appeared & she was placed under oath to testify before the Board. Ms. Walsh testified that she & Mr. Hoffman purchased the Property approximately one (1) year ago. Ms. Walsh advised the Board that she has vacationed in North Wildwood since she was a child, and owning a home in North Wildwood has always been a dream. She indicated that they purchased the Property with the intent to renovate same.

Mr. Steven Hoffman, an owner of the Property, appeared & he was placed under oath to testify before the Board. Mr. Hoffman testified that the prior owners purchased the property in 2011 with the intent to renovate same. The Property previously contained a non-conforming use consisting of five (5) residential units. The former owners started renovations in 2018, and the structure was subsequently converted to a conforming single-family dwelling. Mr. Hoffman testified that additional renovations are still required and he & his wife intend to finish same. Mr. Hoffman testified that at the time he purchased the Property a non-conforming accessory shed was located in the rearyard. The shed was approximately 17ft. tall & same was in disrepair & has since been demolished. A covered deck is proposed to be constructed along the front of the structure. Mr. Hoffman indicated that the front of the home consists of a flat façade with a 3rd-floor balcony that extends into the frontyard setback. He indicated that the lack of any architectural features creates & undesirable visual environment. Mr. Hoffman testified that the proposed deck will break up the front façade & bring the balcony together with the home. An existing eave which extends into the sideyard setback will be eliminated as part of renovations. Mr. Hoffman advised the Board that he is also proposing to construct a shed in the rearyard adjacent to the proposed pool. He indicated that pool equipment, beach supplies, bikes, etc. would be stored in the proposed shed. The proposed shed will be constructed using materials similar to the principal structure. He indicated that a hip roof is proposed in order to match the roof that exists on the home. The shed will be setback 57ft. from the street & the home is proposed to be 10ft. tall. Mr. Hoffman opined that the proposed deck & shed will have no impact on neighboring properties. He indicated that neighboring properties primarily consist of commercial uses which would not be impacted by same. Mr. Hoffman testified that the proposed deck will never be enclosed and same will remain open. In response to a question posed by the Board, Mr. Hoffman testified that the deck will be accessed using an existing sliding door.

Mr. Drew Pavlick, P.E, P.P. with CME Associates, appeared before the Board on behalf of the Applicant. Mr. Pavlick was accepted by the Board as an expert in the field of engineering & land planning & he was placed under oath & testified from the proposed variance plan, dated October 18, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Pavlick reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Pavlick confirmed that the Property is currently developed with a single-family dwelling. He indicated that the existing structure maintains 1.9ft. & 18.8ft. sideyard setbacks, a 35.8ft. rearyard setback, and a 0.9ft. existing frontyard setback to an existing 3rd-floor balcony. The frontyard setback to the façade of the home is 6.9ft. Mr. Pavlick testified that a concrete driveway exists on-site & the site provides compliant parking. With respect to impervious coverage, Mr. Pavlick advised the Board that existing coverage is 57.6%. Additional landscaping is proposed area of the driveway. An existing concrete area will be eliminated & replaced with a grass/stone landscaping feature. Mr. Pavlick testified that the goal is to create open space, to facilitate infiltration, and to reduce/limit impervious coverage. This will also offset the increase in coverage associated with the construction of the proposed pool. Mr. Pavlick testified that the existing 3rd-floor deck measures 6ft. deep by 10ft. wide & it provides a frontyard setback of 0.9ft. whereas 10ft. is required. Mr. Pavlick advised the Board that the proposed frontyard deck measures 6ft. deep by 26ft. wide. The proposed deck will encroach into the frontyard setback no further than the existing 3rd-floor balcony. Mr. Pavlick confirmed that a 10ft. x 14ft. shed is proposed in the backyard. The shed will contain a 3.5ft. overhang in the direction of the pool. Mr. Pavlick further opined that the application can be granted as there are no substantial detriments to the public good & the application does not substantially impair the intent or purpose of the Zoning Map & Land Development Ordinance. Mr. Pavlick opined that several of the purposes of Zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application & support the relief sought by the Applicant as it:

- c. Provides adequate light, air & open space;
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses and open space, both public & private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and
- i. Promotes a desirable visual environment through creative development techniques, good civic design & arrangement.

In response to a question posed by the Board, Mr. Pavlick indicated that an existing concrete area slated to be removed will be replaced with stone. The Board advised the Applicant that parking on stone is not permitted pursuant to the Ordinance. Mr. Gilman indicated that the proposed stone is river rock & parking would not be possible. In response to a question posed by the Board, Mr. Pavlick advised the Board that the area behind the pool will contain stone landscaping.

The Board was in receipt of a review memorandum prepared by Board Engineer Ralph Petrella, P.E. P.P., P.L.S. of Van Note-Harvey Associates, Inc., dated October 31, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirmed the relief sought by the Applicant for the benefit of the Board. He indicated that an additional variance is required for the square footage of the proposed shed.

Chairman Davis then opened the application for general public comment. No further public members wished to speak on behalf of the meeting or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance approval. Each Board member gave reasoning for their view of

the facts & the application as it relates to the application. Mr. O'Connell "volunteered" for the finding of facts. Mr. O'Connell reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the R-1 Zoning District. The Property is located in the R-1 Zoning District & same is developed with a single-family dwelling. The Applicant is before the Board requesting 'c' variance relief in order to construct a 6ft. x 29ft. porch with a roof that extends into the frontyard & to install a 10ft. x 14ft. shed in the rearyard. The Board received testimony from the owners/applicants, Steven Hoffman & Stacey Walsh. Mr. Hoffman & Ms. Walsh testified to the state of the Property, the renovations that have been completed to date, and the renovations that are proposed in connection with this Application. The Board is in receipt of a proposed variance plan, dated October 18, 2022, which was received by the Board & which are incorporated herein as fact. Said plans were prepared by CME Associates. Drew Pavlick, P.E, P.P. with CME Associates appeared, he was recognized as an expert in the fields of engineering & land planning, and he testified on behalf of the Applicant. The Board is also in receipt of architectural plans, dated May 9, 2019 & last revised September 13, 2022, which were received by the Board & which are incorporated herein as fact. Mr. Pavlick testified to the existing & proposed site conditions. He identified the variances sought in connection with this Application and he addressed the positive & negative criteria which supports the relief sought by the Applicant. Mr. Pavlick identified several of the purposes of zoning that he contends are advanced in connection with this Application.

To the proposed accessory rearyard shed, and the need for variances associated with the maximum square footage of an accessory shed & the minimum distance between buildings, with respect to these "c" variances sought by the Applicant, the Board finds that the Applicant has presented special reasons which advance the purposes of zoning which justify the granting of the aforementioned variances. The Board further finds that the benefits of granting the relief sought by the Applicant outweighs any potential detriment to the public, and that there is no substantial detriment to the intent of the Ordinance or Zoning Map. Accordingly, the Board finds that the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good without substantially impairing the intent & purpose of the Ordinance or Zoning Map.

Board Members expressed concerns with the proposed frontyard setback & the fact that same measures 0.9ft. whereas 10ft. is required. Board Members indicated that there are no other properties in the surrounding neighborhood which encroach into the frontyard setback as much as is proposed by the Applicant. With respect to the "c" variances sought by the Applicant associated with the proposed frontyard deck, specifically minimum frontyard setback & minimum sideyard setback, Board Members felt the proposed deck would be detrimental to the surrounding neighborhood as the deck would encroach into the frontyard setback & extend nearly to the property line with no frontyard setback. A majority of the Board found that these variances were not appropriate & were contrary to the City's Master Plan, the Ordinance, and the Zoning Map. The Board further found that the purposes of Zoning would not be advanced in connection with the proposed development. The Board found that the approving these variances would not be in the best interests of the City & that the proposed Application would in fact impair the intent & purpose of the City's Ordinance & Zoning Map as there were substantial detriments to the public good, the Zoning District, and the surrounding community.

Based on Findings of Facts deliberation, and at the request of the Applicant, the Board was requested to conduct two (2) votes on the variance relief sought. The 1st vote pertained to the proposed accessory rearyard shed, and the need for variances associated with the maximum square footage of an accessory shed & the minimum distance between buildings. The 2nd vote pertained to the variance for frontyard deck & associated setback. No additions or correction to the finding of facts. No discussion on the facts.

SHED - The Board Solicitor called for a motion to approve the of the Resolution as discussed. Motioned by Mr. O'Connell & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

DECK - The Board Solicitor called for a motion to approve the of the Resolution as discussed. Motioned by Vice Chair DiEduardo & 2nd by Ms. Cannon. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

Due to the nature of the next application, Mr. Greenland, for she resides within 200 feet of the property, stepped down for the next application(s) & took a seat in the public seating area.

Application No. P-21-10-1(A) 317 E. Hand Ave, LLC

645 W. Spruce Avenue

Block 47; Lot 12

R-2 Zoning District

Preliminary & final minor subdivision approval, Conditional Use duplex approval

The Board heard & considered the application of 317 East Hand, LLC (Applicant), doing business at 29 Union Avenue, Lakehurst, NJ, owner of the property located at 645 West Spruce Avenue, a/k/a Block 47, Lot 12 (Property), seeking minor subdivision approval, preliminary & final siteplan approval & a D(3) Conditional Use variance, in order to create two (2) conforming 52.5ft. x 104.37ft. lots to construct a single family semi-detached (duplex) dwelling on each proposed lot. The Property is located in the R-2 Zoning District.

Mr. John Amenhauser, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Amenhauser advised the Board that the Applicant previously received approvals identical to this proposal in September of 2019, memorialized in Resolution P-19-5-4, and in December of 2021, memorialized in Resolution P-21-10-1; however, the plan of subdivision was not recorded within six (6) months of the approval, and, accordingly, the subdivision approvals expired. Mr. Amenhauser advised the Board that the Applicant is again proposing to subdivide the existing property in order to develop two (2) duplexes, which are permitted as Conditional Uses within the R-2 Zoning District on lots that provide a minimum lot area of 5,000SF provided said duplexes comply with the conditions enumerated within the City's Land Development Ordinance at §276-16(D)(1). A proposed subdivision plan, dated September 12, 2022, was received by the Board and is incorporated herein as fact. Mr. Amenhauser indicated that the proposed lots conform and/or exceed the area & bulk requirements within the R-2 Zoning District equating this to a by-right subdivision. Mr. Amenhauser advised the Board that the proposed duplexes comply with all conditions, as previously presented to the Board in December of 2021.

Mr. Mark Callazzo, the Applicant & owner of the Property, appeared & he was placed under oath to testify before the Board. Mr. Callazzo testified that he will continue to comply with the conditions of approval outlined within Mr. Petrella's October 31, 2022 review memorandum & within the prior Board Resolutions. Mr. Callazzo testified that the proposed duplexes were designed to appear as if they were a single-family dwelling as required by the Ordinance. Mr. Callazzo testified that the roof has been redesigned to provide the required 5/12 pitch and a grading & drainage plan have been submitted to the Board Engineer for review.

Mr. Amenhauser stated that the originally submitted plans depicted steps which encroached within the required frontyard setback; however, revised plans have been submitted & reflect that these steps are not be

located within the required frontyard setback. Mr. Amenhauser indicated that the water service easement located on site will be vacated, as previously represented, as the proposed development will incorporate & provide individual water services to each respective lot. As a condition of approval, prior to the start of construction, the Applicant will vacate the existing water easement & will contact the Wildwood Water Department in order to cap, below grade, and/or remove the water connection located on the neighboring property. The Applicant will be solely responsible for the costs incurred, and will repair the ground to its prior state after the water service is capped and/or removed.

The Board was in receipt of a review memorandum prepared by Board Engineer Ralph Petrella, P.E. P.P., P.L.S. of Van Note-Harvey Associates, Inc., dated October 31, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Petrella's reviewed the conditions governing the conditional use duplex & confirmed that the Applicant complies with same. He advised the Board that the revisions made to the architectural plans adequately addressed the concern raised in relation to the proposed location of the front steps. As a condition of approval, the Applicant agreed to incorporate a provision in the Condominium Master Deed/By-Laws providing that the Den may only be utilized as a Den & cannot be utilized as a bedroom, subject to the review & approval of the Board Solicitor.

Chairman Davis then opened the application for general public comment. One (1) member of the public addressed the Board in connection with the application:

- a. George Greenland, owner of the property located at 630 West Pine Avenue, was placed under oath & was sworn in to testify before the Board. Mr. Greenland requested confirmation that the water service easement & water hookup located on his property would be removed in connection with the development of this property. The Board confirmed that the Applicant agreed as a condition of approval to vacate the easement & cap/remove the water hookup located on Mr. Greenland's property.

No further public members wished to speak on behalf of the meeting or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance/minor subdivision approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. O'Connell "volunteered" for the finding of facts. Mr. O'Connell reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the R-2 Zoning District.

The Applicant is proposing to subdivide the property in order to create two (2) conforming 52.5ft. x 104.37ft. lots. The Board finds that the proposed minor subdivision is a by-right subdivision as the proposed lots conform to the area & bulk requirements within the R-2 Zoning District. The Applicant is also seeking Conditional Use approval & a waiver from continuous raised curb requirements in order to construct a single family semi-detached (duplex) dwelling on each proposed lot. Duplexes located on lots providing a minimum of 5,000 SF are permitted as conditional uses & the Board finds that the Applicant has complied with all of the required conditions set forth within the Ordinance at §276-16(D)(1). The Board finds that the Applicant has complied with all required conditions in order to construct duplexes on the newly proposed lots, and the application requires no variance relief in connection with the proposed development. The Applicant agreed to several conditions of approval in an effort to satisfy concerns raised by the Board. The Board finds that the Applicant has presented special reasons which advance the purposes of Zoning which justify the granting of the aforementioned approval. The Board found that the Applicant did establish that granting the requested minor subdivision approval would advance the purposes of Zoning, to the public good, to the City's municipal Land

Use Ordinances & to the City's Zoning Map. The Board finds that the Applicant has satisfied the requirements for minor subdivision approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the of the Resolution as discussed. Motioned by Ms. DeJoseph & 2nd by Mr. O'Connell. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

After the application(s) was concluded, Mr. Greenland, returned to their seats on the Board's dais to partake in Board business.

Application No. P-22-7-1 Joseph M. & Eileen E. Conroy

500 Atlantic Avenue

Block 246; Lot 11

R-1 Zoning District

Siteplan approval, multiple "c" variance(s) – installation of three (3) sheds in frontyard setback

The next application was adjourned to the December meeting as previously announced.

Year 2023 Meeting Dates – Resolution No. PB-09-2022

The Board Secretary introduced Board Resolution 09-2022. N.J.S.A. 10:4-18 et. seq. requires that every public body give notice of the proposed schedule of regular meetings of said public body along with the proposed time, date & location of said meetings to be held during the succeeding year. The Board forwards the hereto referenced Resolution as follows; regular meetings of the Board shall be held on the 2nd Wednesday of each month unless otherwise indicated in accordance with the following schedule contained in the Resolution.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Vice Chair DiEduardo & 2nd by Ms. DeJoseph. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

I) **ZONING OFFICER REPORT:**

Dan Spiegel, Zoning Officer/Construction Official, was excused from tonight's meeting due to vacation.

J) **PUBLIC PORTION:**

Chairman Davis then opened the meeting for general public comment.

Mr. Bill Leiter, of 423 East 8th Avenue spoke to the Board regarding construction occurring at 421 East 8th Avenue which has issued Certificate of Occupancy (C/O) for new duplex residential construction project which has been constructed. Mr. Leiter had questioned several aspects of the construction, regarding; lighting, shielding of HVAC units, etc. on the impact on his house next door. Mr. Leiter also mentioned the underground drainage system connected to the downspouts which overflows to the swimming pool to which allegedly floods his property. Mr. Leiter also questioned the fencing requirement surrounding the swimming pool & lawn sprinkler heads causing water spots on his personal vehicle. Chairman Davis informed Mr. Leiter he would personally contact the Zoning/Construction Officer to see if anything can be done regarding his concerns.

No further public members wished to speak on behalf of the meeting or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

K) APPROVAL OF MINUTES:

The Board Solicitor presented to the Board the approval the October 12, 2022 Board regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. No discussion or corrections proposed. Motioned as proposed by Vice Chair DiEduardo & 2nd by Ms. DeJoseph Mr. Miller & 2nd by Mr. Harkins. Several Board members remarked their present/absent markings are incorrect, to which the Board Secretary will make corrections upon adoption. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, with Board members Chief Stevenson, Mr. O’Connell & Ms. Cannon abstained from the vote. the Meeting Minutes were approved.

L) UNFINISHED BUSINESS:

Land Development Ordinance amendments – Chap. 276-12(G) & Chap. 276-12(F)
Stair landings & open-air decks

Land Development Ordinance amendments – Chap. 276-35(B) - Property line parking/
Driveway Parking

Due to absences & new members to the Board, the Board Secretary requested deferment of discussion of the Ordinance amendment to the December meeting. The deferment was granted by the Board.

M) COMMUNICATION(S): None presented

Chief Stevenson announced that he is a member of the State’s Low Speed Vehicle (LSV) Task Force to invite change in amendments of the State laws regarding the regulation of LSV’s. Chairman Davis announced that Mr. Green would like to be involved in any discussion the City has in changing/amending LSV regulation.

N) REPORTS: None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 8:12pm, on motioned by Vice Chair DiEduardo & 2nd by Ms. DeJoseph. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 12/15/22
Date



J. Eric Gundrum
Board Secretary

This is an interpretation of the action taken at the meeting by the Secretary, and not a verbatim transcript.