

North Wildwood Planning Board
 Re-Organization & Regular Meeting:
 January 11, 2023, 6:30 p.m.

The Re-Organization & Meeting of the North Wildwood Planning Board (Board) was held on the above date & time. Adequate notice of this meeting was submitted to the official newspaper of the City of North Wildwood (AC Press). An Agenda was posted on the main bulletin board at City Hall, on the bulletin board at the Planning/Zoning Office & on the City web site. Notice of same was forwarded to local newspapers for their notice as afforded under the Open Public Meeting Act requirements.

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	Present
Chief John Stevenson	Present	Mr. William Green	Present
Mr. John Harkins	Present	Councilman James Kane	Absent
Mr. George Greenland	Absent	Mr. Bill O'Connell	Absent
Mr. Bill Auty (Alt. 1)	Absent	Ms. Valeria DeJoseph (Alt. 3)	Present
Mr. Ron Peters (Alt. 2)	Present	Sharon Cannon (Alt. 4)	Absent

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

F) ORGANIZATION MEETING – ANNUAL APPOINTMENTS FOR 2023

Election of Chairman & Vice Chairman

The Board Solicitor announced the selection of Chairman of the Board position.

Board member Mr. Green nominated Chairman Davis, no other nominations. Motioned by Mr. Green with Vice Chair DiEduardo with a 2nd nomination for Chairman Davis. Motion to re-elect Mr. Davis as Chairman, with all Board members voted in the affirmative by roll-call vote on the Chairman's nomination. Mr. Davis voting to abstain. Upon conclusion of voting, Chairman Davis thanked the Board members for his nomination.

The Board Solicitor announced the selection of Vice-Chair of the Board position.

Chairman Davis nominated Vice Chairperson DiEduardo, no other nominations. Motioned by Chairman Davis, with a 2nd nomination for Ms. DeJoseph, with all Board members voted in the affirmative by roll-call vote on the Vice Chair's nomination. Upon conclusion of voting, Vice Chair DiEduardo thanked the Board members for her nomination.

Notice Designation of Official Newspapers

The Board Secretary made announcement that the official newspaper for the City as well as the Board, including notices of public meetings, shall be the Atlantic City Press newspaper. The Atlantic City Press newspaper shall serve as the primary newspaper, the Cape May County Herald as secondary newspaper. The Cape May County Herald & Wildwood Leader newspapers will supplement & serve as special notices of the Board, such as special meetings, cancellations etc. All notices of meetings of the Board shall be posted on the bulletin board in the lobby of City Hall, on the City website & as filed with the City Clerk.

Motion to select Atlantic City Press & Cape May County Herald newspaper(s) as noted above: Motioned by Vice Chair DiEduardo, 2nd by Mr. Harkins, with no other nominations. All Board members voted in the affirmative by roll-call vote on the newspapers.

Notice of Scheduled Meetings for 2023 Calendar Year.

The Board Secretary announced Board Resolution No. PB-09-2022 for the Schedule of Meetings for the 2023 Calendar Year. Meeting times were not changed. Based on the passage of the Resolution by the Board, notice of same has been sent to area newspapers referenced above to reflect the schedule & timing of meetings & will be certified by the Board Secretary.

Resolution No. PB-01-2023 - Resolution Appointing Board Secretary

Chairman Davis presented Board Resolution No. PB-01-2023 appointing Eric Gundrum as the Board Secretary for the Board & charged with the responsibility of performing all duties of the Board Secretary to the best of his ability. The anticipated term of this service shall commence January 2, 2023 & end December 31, 2023.

Motion to elect Eric Gundrum as Board Secretary: Motioned by Mr. Harkins, 2nd by Mr. Green, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Secretary's nomination. Board Secretary Eric Gundrum thanked the Board members for his nomination.

Appointment of Board Professional(s) for Year 2023

As for the Board Professional Request for Proposals (RFP'S) as issued & advertised by the City Clerk's office, RFPs received by the Board Secretary for Board Solicitor, only one (1) RFPs were received & evaluated by the Board. Robert J. Belasco of Stefankiewicz & Belasco, LLC submitted the Board Solicitor RFP.

The Board Solicitor nomination for the Board will be charged with the responsibility of performing all duties of Board Solicitor to the best of his ability. The anticipated term of this service shall commence January 2, 2023 & end December 31, 2023.

The Board members considered the RFP submitted. Motion to nominate Robert Belasco as Board Solicitor. Motioned by Mr. Green, 2nd by Vice Chair DiEduardo, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Professionals nomination. Mr. Belasco thanked the Board for his nomination as new Board Solicitor.

As for the Board Professional Request for Proposals (RFP'S) as issued & advertised by the City Clerk's office, RFPs received by the Board Secretary for Board Engineer, only two (2) RFPs were received & evaluated by the Board. Ralph Petrella, Van Note Harvey & Assocs., & Gregory R. Valesi of CME Associates submitted the RFP's. The Board Engineer nomination for the Board will be charged with the responsibility of performing all duties of Board Engineer to the best of his ability. The anticipated term of this service shall commence January 2, 2023 & end December 31, 2023.

The Board members considered the RFP's submitted. Motion to nominate Ralph Petrella as Board Engineer. Motioned by Chairman Davis, 2nd by Vice Chair DiEduardo, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Professionals nomination. Mr. Petrella thanked the Board for his nomination as new Board Engineer.

G) SWEARING IN OF PROFESSIONALS:

The Chairman & Board Solicitor did conduct the truth swearing of the professionals of the Board; Mr. Petrella, Board Engineer for it was necessary for tonight.

H) MOTIONS FOR ADJOURNMENTS:

Application No: Z-22-11-1 W & O Associates, LLC

431 E. 25th Avenue

Block 289; Lot 8

OS Zoning District

Use Variance – dormitory housing proposed, with “c” variances for parking

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 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 February 8, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

D) MEMORIALIZATIONS: –

Application No: Z-22-10-1 Stephen Yarrow

306 Central Avenue

Block 217; Lot 19

R-1 Zoning District

Siteplan approval, d(2) expansion of a non-conforming use variance & ‘c’ variance relief in order to construct a rearyard deck

The Board heard & considered the application of Stephen Yarrow, Diane Yarrow, Geremiah Giampa, & Colleen Glynn (Applicant), owners of the property located at 306 Central Avenue, a/k/a Block 217, Lot 19 (Property), seeking a D(2) Use Variance pertaining to the expansion of a non-conforming use, and ‘C’ variance relief in relation to minimum frontyard setback (10ft. is required whereas 8.2ft. is existing & proposed), minimum rearyard setback (10ft. is required whereas 2.1ft. is existing & proposed), minimum sideyard setback to the 2.5-story dwelling (8ft. is required whereas 1.4ft. & 25.5ft. are proposed), minimum sideyard setback to the 1-story dwelling (8ft. is required whereas 12.2ft. and 4ft. are existing & proposed), and minimum total sideyard setback (20ft. is required whereas 17ft. is proposed), in order to construct a 2nd floor rear deck over an existing 1-story sloped roof section of the front building & extending said deck beyond the 1-story section to extend to the width of the building. The Property is located in the R-1 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Vice Chair DiEduardo & 2nd by Chairman Davis. 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 Mr. Green, Mr. Harkins & Mr. Miller abstained from the vote.

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 attached storage area/shed locations in frontyard setback

The Board heard & considered the application of Joseph M. Conroy & Eileen E. Conroy (Applicant), owners of the property located at 500 Atlantic Avenue, a/k/a Block 246, Lot 11 (Property), seeking ‘C’ variance relief in relation to the minimum frontyard setback (10ft. is required whereas 3.7ft. is proposed), in order to construct a 10ft. x 8ft. addition to the front of the existing single-family dwelling facing 5th Avenue to provide additional on-site storage for the residence. The Property is located in the R-1 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Ms. DeJoseph & 2nd by Vice Chair DiEduardo. 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. Green & Mr. Harkins abstained from the vote.

J) NEW BUSINESS: –

Application No: P-22-10-3 MW of Wildwood, LLC

426 West 19th Avenue

Block 88; Lot 4

R-2 Zoning District

Conditional Use Standard siteplan approval for new duplex construction

The Board heard & considered the application of MW of Wildwood, LLC (Applicant), owner of the property located at 426 West 19th Avenue, a/k/a Block 88, Lot 4 (Property), seeking Conditional Use approval in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

Cory Gilman, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. Mr. Gilman informed the Board that the Property is currently developed with a single-family dwelling which the Applicant intends to demolish in order to construct a new single family semi-detached (duplex) dwelling. Mr. Gilman advised the Board that single family semi-detached dwellings are permitted as conditional uses within the R-2 Zoning District on 50ft. x 100ft. lots provided the Applicant complies with specific conditions set forth within the City's Land Use Ordinance at §276-16(D)(1).

Brian Newswanger, RA of Atlantes Architects appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Newswanger was placed under oath & he testified from the proposed plans revised dated October 10, 2022, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger reviewed the existing & proposed site conditions for the benefit of the Board. He reviewed the Conditional Use Standards associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. Mr. Newswanger testified that he designed the structure so as to appear as if it were a single-family dwelling by incorporating an asymmetrical façade, offset decks & projecting bays & rooflines with a significant amount of fenestration. He indicated that one main entrance is visible from the street whereas the 2nd unit entrance is hidden within a recessed area of the garage. He reviewed the proposed floor plans for the benefit of the Board, and he confirmed that each unit contains a total of three (3) bedrooms. Compliant off-street parking is also provided on site. Mr. Newswanger advised the Board that the ground floor consists of a garage & storage area, the 1st floor consists of a living room, dining room, kitchen & one bedroom, and the 2nd floor contains two (2) additional bedrooms & open den/game room. Mr. Newswanger advised the Board that the proposed structure complies with all area & bulk requirements & conditions controlling the development of the proposed duplex. Mr. Newswanger testified that the structure is limited to two (2) habitable floors, provides one visible entrance from the street, and contains an asymmetrical front façade. Mr. Newswanger reviewed the proposed architectural elevations for the benefit of the Board.

In response to a question posed by the Board, Mr. Newswanger stated that each unit has its own individual deck space, and same are separated by a partition. Mr. Newswanger reviewed the types of materials proposed to be used on the exterior façade of the structure, and he confirmed that the structure is compliant with maximum permitted building height and also provides sufficient off-street parking. Mr. Newswanger opined that the proposed development is consistent with the surrounding neighborhood & the proposed duplex satisfies all conditions associated with the permitted conditional use. Accordingly, he opined that the Applicant was entitled to conditional use approval.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated December 7, 2022 which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed the conditions associated with the development of a single-family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District. He indicated that the Board was required to determine whether the appearance of the proposed structure met the condition that it appear as if it were a single-family dwelling.

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/minor subdivision approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Belasco, Board Solicitor “volunteered” for the finding of facts. Mr. Belasco 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 on a conforming 50ft. x 100ft. lot for the R-2 Conditional Use Standard, & it is currently vacant. The Applicant is before the Board requesting Conditional Use/siteplan approval in order to construct a new duplex dwelling which will conform to all of the R-2 Conditional Use requirements governing same. Mr. Newsanger reviewed & confirmed the requirements sought in connection with this Application & he confirmed that the proposed duplex dwelling will conform to all of the R-2 bulk requirements. Mr. Newsanger provided testimony in regards to the parking requirements. Mr. Newsanger’s testimony was deemed credible by the Board. The Board finds that the Applicant has presented valid 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 meets all requirements which provides additional justification for granting the requested siteplan approval. The Board found that the Applicant did establish that granting the siteplan 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 Conditional Use/siteplan 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. 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.

Board member Ms. DeJoseph identified she had a conflict with the application, 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: P-22-10-4 Mark Arabia & Sean Dougherty

203 Delaware Avenue
Block 156; Lot 2
R-2 Zoning District
Variance from NJSA 40:55D-35 which is required for Lot does not abut an improved street
Minor subdivision approval & ‘c’ variance relief

The Board heard & considered the application of Mark Arabia & Sean Dougherty (Applicant), owners of the property located at 203 Delaware Avenue, a/k/a Block 156, Lot 2 (Property), seeking minor subdivision approval to create one 50ft. x 82ft. lot (Lot 2.02) & one 50ft. x 117ft. lot (Lot 2.01), 'C' variance relief in relation to minimum lot frontage – Lot 2.01 (40ft. is required whereas 0ft. is proposed), minimum sideyard setback – Lot 2.01 (6ft. is required whereas 5ft. is proposed), minimum distance between structures – Lot 2.01 (8ft. is required whereas 5ft. is proposed), minimum lot depth – Lot 2.02 (100ft. is required whereas 50ft. is proposed), minimum frontyard setback – Lot 2.02 (10ft. is required whereas 3ft. is proposed), minimum rear yard setback – Lot 2.02 (10ft. is required whereas 5ft. is proposed), minimum distance between structures – Lot 2.02 (8ft. is required whereas 5ft. is proposed), and a planning variance from N.J.S.A. 40:55D-35 as proposed Lot 2.01 does not abut an improved street, in order develop a single-family dwelling on each of the proposed lots. The Property is located in the R-2 Zoning District.

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 is proposing to subdivide the Property to create two (2) lots suitable for the development of single-family dwellings. In addition to minor subdivision approval, Mr. Amenhauser identified 'c' variance relief sought by the Applicant in relation to each of the proposed single-family dwellings.

Sean Dougherty, the Applicant & owner of the subject property, appeared & he was placed under oath to testify before the Board. Mr. Dougherty advised the Board that he has resided in the community for approximately 40 years & he currently operates multiple restaurant/entertainment businesses throughout Cape May County. He stated that he & his family have always desired to live on the water in North Wildwood, and the opportunity to arose to purchase an interest in the Property which led to the filing of this application. Mr. Dougherty testified that he & his family will reside in one of the proposed single-family dwellings, specifically the home proposed on Lot 2.02, and Mr. Arabia and/or his family will reside in the home proposed on Lot 2.01.

Vincent Orlando, P.E., P.P., L.L.A., C.M.E. with Engineering Design Associates, P.A. appeared before the Board on behalf of the Applicant. Mr. Orlando was accepted by the Board as an expert in the fields of engineering & planning, and he was placed under oath & testified from the proposed site/architectural plans prepared by Architetra, P.C., revised dated December 27, 2022, which were received by the Board & which are incorporated herein as fact. Mr. Orlando reviewed the existing site conditions & the proposed subdivision for the benefit of the Board. Mr. Orlando testified that the Property is a uniquely shaped lot which contains a significant amount of frontage along the backbay. The Property is located at the corner of Delaware & 2nd Avenues. The existing lot contains frontage along 2nd Avenue & the waterfront access is provided in what the applicant referred to as the sideyard. Mr. Orlando advised the Board that a single-family dwelling currently exists on site which the Applicant is proposing to demolish. Mr. Orlando testified that the Applicant is proposing to subdivide the existing parcel to ensure that waterfront access is provided for both of the proposed single-family dwellings. The subdivision proposes to create one lot, Lot 2.02, having frontage along 2nd Avenue, and an interior lot, Lot 2.01, which is essentially landlocked, but which will be accessed by way 14ft. drive aisle which will be recorded as an access easement. Mr. Orlando advised the Board that the proposed development is consistent with the surrounding neighborhood as same is developed with single-family & multi-family residential dwellings.

In addition to minor subdivision approval, Mr. Orlando identified several 'c' variances that are requested by the Applicant. More specifically:

- a. With respect to proposed Lot 2.01:

- i. Minimum lot frontage (40ft. is required whereas 0ft. is proposed);
 - ii. Minimum side yard setback (6ft. is required whereas 5ft. is proposed); and
 - iii. Minimum distance between structures (8ft. is required whereas 5ft. is proposed).
- b. With respect to proposed Lot 2.02:
- i. Minimum lot depth (100ft. is required whereas 50ft. is proposed);
 - ii. Minimum front yard setback (10ft. is required whereas 3ft. is proposed);
 - iii. Minimum rear yard setback (10ft. is required whereas 5ft. is proposed); and
 - iv. Minimum distance between structures (8ft. is required whereas 5ft. is proposed).

In response to a question posed by the Board, Mr. Orlando testified that the lot depth associated with proposed Lot 2.02 is deficient; however, the lot itself is compliant with the required minimum lot area. Mr. Orlando further testified that a planning variance is also requested in accordance with N.J.S.A. 40:55D-35 & 36, as proposed Lot 2.01 does not abut an improved street. In regards to the planning variance, Mr. Orlando testified that, in order to grant a variance from the applicable statutory section, the Board must analyze whether adequate access can be provided to the lot which does not contain frontage along an improved street. Mr. Orlando further testified that the proposed easement will consist of a 14ft. wide drive aisle, and same provides a sufficient means of ingress/egress to the interior lot & the proposed drive aisle will provide safe access for emergency vehicles. The proposed drive aisle will be constructed using concrete. Mr. Orlando opined that the unique conditions & dimensions of the Property amounts to a hardship to the Applicant which presents practical difficulties in complying with the City's Land Use Ordinance which supports granting the request variances. In response to a question posed by the Board concerning the distance between structures, Mr. Orlando testified that proposed pools are located 5ft. from the principal structures whereas 8ft. is required. He indicated that the 5ft. is measured to a 2nd-floor deck, but the pool is located approximately 10ft. from the structure itself. Mr. Orlando 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; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Orlando 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 & Ordinance. He reiterated that the Applicant's proposal is consistent with the surrounding neighborhood as single-family dwellings are common throughout same. Mr. Amenhauser presented architectural renderings of the proposed single-family dwellings for the Board's review. Mr. Orlando testified that the orientation of the lots & homes will provide an aesthetic enhancement to the waterward side of the property as the homes were designed in a manner to take advantage of the waterfront views & access to same.

A significant discussion took place between the Board & the Applicant in regards to the proposed access easement that will provide ingress/egress to proposed Lot 2.01. Board Members expressed concerns regarding the possibility that owners of the properties and/or their guests may park in the easement area, thereby blocking access to the interior lot & potentially preventing emergency vehicles from accessing same. Mr. Orlando testified that the Applicants are the owners of the Property & they intend to occupy same which will ensure that access to the interior lot is not blocked. Mr. Dougherty, the anticipated owner/occupant of Lot 2.02, the exterior lot, testified that he will not block access to the interior lot by parking vehicles in the easement area. As a condition of approval, the Applicant agreed to record an easement, subject to the review & approval of the Board Solicitor, ensuring that access to the proposed 14ft. wide drive aisle is never impeded and/or blocked, and

said easement will provide that same shall run in perpetuity with the land. Board Members questioned the off-street parking arrangement, specifically related to proposed Lot 2.02. Mr. Orlando testified that each dwelling will provide two (2) off-street parking spaces within proposed garages, and two (2) additional off-street parking spaces will be provided in front of said garages. In addition, proposed Lot 2.01, the interior lot, has a larger off-street parking area which will ensure that an adequate turning radius & access is provided to utilize the interior garage parking spaces.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated December 7, 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. As a condition of approval, the Applicant will comply with all comments & conditions outlined within Mr. Petrella's report.

Chairman Davis then opened the application for general public comment. Two (2) members of the public addressed the Board in connection with the application:

- a. Kevin O'Donnell, owner of the property located at 231 West 2nd Avenue, appeared & he was placed under oath to testify before the Board. Mr. O'Donnell distributed a photograph depicting flooding at the Property between December 22 - 23, 2022, which was received by the Board & which was marked as Exhibit O-1. Mr. O'Donnell distributed four (4) additional photographs depicting flooding at the Property that occurred on or about October 3, 2022 & a document from www.wunderground.com outlining rainfall amounts during October of 2022 which was received by the Board & which was marked as Exhibit O-2. Mr. O'Donnell expressed concerns in regards to the impact that development of the Property will have on the surrounding neighborhood, specifically related to an increase in flooding. Mr. O'Donnell expressed additional concerns in regards to the loss of on-street parking & the proposed distance between the pools & principal structures. The Board discussed in great detail the variance process & procedures that Applicants are required to follow when a deviation from applicable area & bulk requirements is proposed. Mr. Petrella advised Mr. O'Donnell that the development of the Property will have no impact on tidal or storm flooding.
- b. Joseph Gawrysiak, owner of the property located at 324 East 9th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Gawrysiak questioned the Applicant's representation that they are experiencing a hardship which supports granting the requested variances. He took issue with the Board's review of prior applications & the City's issuance of permits to other parties which was not in any way associated with this Application.

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 application approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Belasco, Board Solicitor "volunteered" for the finding of facts. Mr. Belasco reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-2. The Applicant is also requesting a planning variance pursuant to N.J.S.A. 40:55D-35 & 36, as proposed lot 2.01 does not abut an improved street. The Property is an oversized, irregularly shaped lot located in the City's R-2 Zoning District & it is currently developed with a single-family dwelling & an accessory garage. The Applicant proposes to demolish the existing structures currently located on site in order to subdivide the property to create one 50ft. x 82ft. lot (Lot 2.02) and one 50ft. x 117ft. lot (Lot 2.01). The Applicant intends to develop a single-family dwelling on each of the newly created lots. Mr.

Orlando reviewed & confirmed the variances sought in connection with this Application. Mr. Orlando provided testimony in regards to the need for a planning variance as proposed Lot 2.01 does not abut an improved roadway. He indicated that the proposed easement will ensure that adequate access is provided for ingress/egress to the interior lot. He indicated that the 14ft. drive aisle is large enough to accommodate emergency vehicle access. Mr. Orlando provided testimony in relation to the positive & negative criteria which supports granting the relief sought by the Applicant. He identified several of the purposes of Zoning that are advanced in connection with this Application, and he opined that there are no substantial detriments to the public good & the Applicant's proposal will not impair the intent or purpose of the Zoning Map or Ordinance. The Board found Mr. Orlando's & Mr. Dougherty's testimony to be credible & persuasive. The Board received public comment from two (2) individuals in connection with this application. Board Members unanimously agreed that the Applicant's proposal amounts to the best use of the available land & they agreed that the development of single-family dwellings advances the goals & objectives outlined within the City's Master Plan. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the application as discussed. The application of Mark Arabia & Sean Dougherty is hereby granted & approved. Motioned by: Vice Chair DiEduardo & 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. Board members voted based on the majority roll-call vote being affirmative, the application was approved by the Board.

At the conclusion of the application, Ms. DeJoseph returned to the Board meeting as a voting member.

K) ZONING OFFICER REPORT:

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

L) PUBLIC PORTION:

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

Joseph Gawrysiak, owner of the property located at 324 East 9th Avenue, appeared & he was already been placed under oath to testify before the Board as part of previously heard application. Mr. Gawrysiak remitted that another house is being raised & gutted to the studs. He mentioned that another house was renovated in the same way.

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;

M) APPROVAL OF MINUTES: – December 14, 2022 meeting minutes

The Board Solicitor presented to the Board the approval the December 14, 2022 regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board Secretary mentioned minor corrections are necessary which will be completed upon adoption. No discussion or corrections proposed. Motioned as proposed by Vice Chair Eduardo & 2nd by Mr. Harkins. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved.

N) UNFINISHED BUSINESS: –

The Board Secretary presented no items for discussion. Two Board members had family members passing. The Chairman requested the Board consideration in sending flowers, which the Board graciously consented.

O) COMMUNICATION(S):

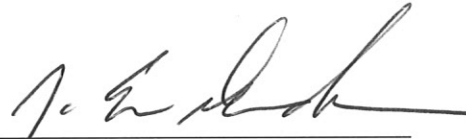
The Board Secretary reminded the Board of the need for menu selections for the Holiday party scheduled soon.

P) REPORTS: - None presented

Q) MEETING ADJOURNED:

Meeting was adjourned at 8:45pm, on motion by Mr. Harkins & 2nd by Ms. DeJoseph, with all present members voting in the affirmative.

APPROVED: 2/9/23
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.

