

North Wildwood Planning Board
Regular Meeting: August 9, 2023
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	Bill Auty	Present
John Harkins	Present	Councilman James Kane	Present
George Greenland	Present	Bill O'Connell	Present
Ron Peters (Alt. 1)	Present	Sharon Cannon (Alt. 3)	Present
Valeria DeJoseph (Alt. 2)	Present	Scott McCracken (Alt. 4)	Present
		Mr. Robert Belasco (Board Solicitor)	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: Z-23-6-2 Cheryl Kulpa & John Perpiglia

423 East 5th Avenue

Block 322; Lot 10

O/S Zoning District

minor subdivision approval in order to create a 40ft. x 100ft. lot & a 50ft. x 100ft. lot. The Applicant is proposing to construct a new single-family dwelling on the proposed 50ft. x 100ft. lot & is seeking 'c' variance relief for required minimum 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 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 August 9, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

G) MEMORIALIZATIONS:

Application: P-23-5-2 MacDonald Living Trust

221 West 19th Avenue

Block 140; Lot 26

R-2 Zoning

"c" variance siteplan approval - renovate & expand the existing single-family dwelling

The Board heard & considered the application of Margaret M. McDonald Living Trust UTD January 7, 2019 (Applicant), owner of the property located at 221 W. 19th Avenue, a/k/a Block: 140, Lot: 26 (Property), seeking 'C' variance relief in relation to minimum sideyard setback (4ft. is required whereas 1.82ft. & 6ft. are proposed), minimum total sideyard setback (10ft. is required whereas 7.82ft. is proposed), minimum frontyard setback (10ft. is required whereas 7.76ft. is existing & proposed), and a design waiver for continuous raised curb (15ft. is required whereas 10ft. is proposed), in order to raise the existing structure & to construct a 14ft. addition to the rear, a covered rearyard deck, and to expand the existing ½ story by constructing dormers.

The Board Solicitor called for a motion to approve the memorialization 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 memorialization was approved by the Board. Board member(s) Councilman Kane & Mr. McCracken abstained from the vote.

Application: Z-23-5-3 2300 New York Ave LLC

2300 New York Avenue

Block 135; Lot 11

R-2 Zoning District

"d" Use Variance siteplan approval for tri-plex, residential building, seeks to convert an existing commercial (day-care facility) on the 1st floor of the building into three (3) residential apartments

The Board heard & considered the application of 2300 New Jersey Avenue, LLC (Applicant), owner of the property located at 2300 New Jersey Avenue, a/k/a Block: 135, Lot: 11 (Property), seeking a D(1) Use variance, and 'c' variance relief in relation to minimum lot frontage/width (60ft. is required whereas 40ft. is existing & proposed), minimum lot area (6,000SF is required whereas 4,000SF is existing & proposed), minimum sideyard setback (10ft. is required whereas 3.92ft. is existing & proposed), and minimum frontyard setback (10ft. is required whereas 6.67ft. is existing & proposed), in order to convert an existing mixed-use building which contains two (2) residential units & one (1) commercial unit to a three (3) unit multi-family dwelling. The property is located in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. Greenland & 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 member Councilman Kane abstained from the vote.

Application: Z-23-5-1 Scooter Boot LLC

107 East 21st Avenue

Block 200; Lot 16

R-1.5 Zoning District

d” Use Variance siteplan approval for proposed development of a duplex, residential building, which is not permitted use in the R-1.5 Zoning District

The Board heard & considered the application of Scooter Boot, LLC (Applicant), owner of the property located at 107 East 21st Avenue, a/k/a Block: 200, Lot: 16 (Property), seeking a D(1) Use Variance, & a design waiver for continuous raised curb (30ft. is required whereas 20ft. is proposed), in order to develop a single-family semi-detached (duplex) dwelling in the R-1.5 Zoning District. Based on the majority roll-call vote being negative, the Resolution of approval for the application was not approved by the Board. The application was disapproved.

The Board Solicitor called for a motion to approve the memorialization of the Resolution 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 memorialization was approved by the Board. Board member Councilman Kane abstained from the vote.

H) **NEW BUSINESS:**

Application: P-22-10-4 Mark Arabia & Sean Dougherty

203 Delaware Avenue

Block 156; Lot 2

R-2 Zoning District

Extension of previous granted approval per NJSA 40:55D-47(f)

Previously granted approval for minor subdivision approval & ‘c’ variance relief for Lot does not abut an improved street

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 an extension of minor subdivision approvals granted on January 11, 2023 & memorialized by the Board within Resolution P-22-10-4. 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 on January 11, 2023 the Applicant received minor subdivision approval & ‘C’ variance relief in order to subdivide the Property to create two (2) lots suitable for the development of single-family dwellings. These approvals were ultimately memorialized by the Board on February 9, 2023 within Resolution P-22-10-4. Mr. Amenhauser indicated that the Applicant has been diligently pursuing required outside agency approvals & permits since receiving approvals from the Board.

To date, Mr. Amenhauser advised the Board that the Applicant has received approvals from the Cape May County Planning Board & NJDEP-CAFRA permit in order to construct the proposed single-family dwellings. The Applicant has also applied for a NJDEP-CAFRA permit in order to complete necessary repairs to the existing bulkhead located on site which were contemplated & discussed with the Board at the time of the original application. Mr. Amenhauser noted that the Applicant & the NJDEP have engaged in discussions/negotiations regarding the proposed bulkhead improvements & required public access improvements; however, a formal agreement has not been reached & the CAFRA permit has not yet been issued. Mr. Amenhauser indicated that the Applicant is unable to record the plan of subdivision & until the final CAFRA permit is received from the NJDEP.

Pursuant to N.J.S.A. 40:55D-47(d), minor subdivision approvals expire within 190 days from the date on which the Board memorializes its Resolution unless an Applicant records the approved plan of minor subdivision with the County Clerk's Office. Accordingly, the Applicant is requesting an extension of the prior minor subdivision approval in order to protect the relief previously granted by the Board. Pursuant to N.J.S.A. 40:55D-47(f), a municipal Board is permitted to extend minor subdivision approvals for a "length of time equal to the period of delay caused by the wait for required approvals, as determined by the planning board."

Mr. Amenhauser indicated that the Applicant was requesting an extension of the prior minor subdivision approvals for a period of 97 days to accommodate the anticipated time that is expected for the NJDEP to issue the permit in question. The Board questioned whether the requested 97-day extension was sufficient to ensure that the Applicant received the permit in question. Mr. Amenhauser indicated that the Applicant was optimistic that the permit in question would be issued within the requested extension period, and he noted that the Applicant could return to request an additional extension if the issuance of the permit was further delayed. After a discussion with the Board, the Board ultimately determined that an extension of six (6) months was both reasonable & appropriate in order to accommodate any unexpected delays in the permitting process.

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.

No finding of fact was necessary by the Board members, as per the Board Solicitor.

The Applicant is the owner of the Property & has come before the Board in order to request an extension of the minor subdivision approval granted on January 11, 2023 & memorialized by Resolution on February 9, 2023. 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 received prior approvals to demolish the existing structures currently located on site in order to subdivide the property to create one (1) 50ft. x 82ft. lot (lot 2.02) & one (1) 50ft. x 117ft. lot (lot 2.01) suitable for the development of single-family dwellings. The Applicant is requesting an extension of the prior minor subdivision approval memorialized within Resolution P-22-10-4 due to delays associated with receiving outside agency approvals & required permits. Pursuant to N.J.S.A. 40:55D-47(d), minor subdivision approvals expire within 190 days from the date on which the Board memorializes its Resolution unless an Applicant records the approved plan of minor subdivision with the County Clerk's Office. The previously approved minor subdivision approval is set to expire on August 19, 2023. In light of the delays experienced in connection with the pursuit of required outside agency approvals and permits, the Applicant is requesting an extension of the prior minor subdivision approval pursuant to N.J.S.A. 40:55D-47(f).

The Board specifically finds that N.J.S.A. 40:55D-47(f) authorizes the Board to extend the 190-day filing period associated with minor subdivision approvals for a period of time "... equal to the period of delay caused by the wait for the required approvals, as determined by the planning board" if the Board determines the "(1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities & (2) that the developer applied promptly for and diligently pursued the required approvals." Based upon the Applicant's representations, the Board finds that the Applicant has diligently pursued required outside agency approvals & that the delay in the issuance of a required NJDEP-CAFRA permit has directly prevented the Applicant from recording the approved minor subdivision plan. The Board further finds that it is appropriate to grant a six (6) month extension of the minor subdivision approvals in order to allow the Applicant to obtain required approvals/permits & to accommodate any unexpected delays in the permitting process. Accordingly, the Board unanimously agreed to extend the prior approvals memorialized within Resolution P-22-10-4 for an additional six (6) months through February 19, 2024.

The Board Solicitor called for a motion to approve the Board Resolution 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 Resolution was approved by the Board.

Mr. McCracken identified he had a conflict with the next application, stepped down for the next application(s) & took a seat in the public seating area.

Application: P-23-6-3 Jersey Development Group, LLC

234 West Chestnut Avenue

Block 158; Lot 4

R-2 Zoning District

Conditional Use/siteplan approval in order to construct single-family semi-detached (duplex) dwelling

The Board heard & considered the application of Jersey Development Group, LLC (Applicant), owner of the property located at 234 West Chestnut Avenue, a/k/a Block 158, Lot 4 (Property), seeking 'c' variance relief in relation to off-street parking (five {5} off-street parking spaces are required whereas four {4} are proposed), a contiguous raised curb waiver (25ft. is required whereas 17ft. is proposed) & Conditional Use approval in order to construct a single family residential duplex dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

Jeffrey Barnes, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. Mr. Barnes 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 duplex dwelling. Mr. Barnes indicated that duplex 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 Chapter §276-16(D)(1). Mr. Barnes reviewed the Conditional Use standards for the benefit of the Board. He indicated that the structure proposed by the Applicant meets all applicable conditions. Mr. Barnes indicated that a parking issue was identified by the Board Engineer who indicated that the side-by-side parking arrangement proposed within the garage is not functional & should therefore not be counted towards off-street parking requirements. Mr. Barnes indicated that the parking arrangement proposed by the Applicant is consistent with prior parking arrangement proposals which have been accepted by the Board without the need for variance relief.

Board Engineer Ralph Petrella indicated that the proposed parking arrangement will not allow both vehicles within the garage to exit independently, & he recommended that the Board consider granting a variance for one (1) off-street parking space.

Scott Peter, the principal of Jersey Development Group, LLC & the owner of the Property, appeared and he was placed under oath to testify before the Board. Mr. Peter discussed his ties to the community, noting that over the years he has developed a substantial number of residential properties throughout Cape May County. Mr. Peter testified that he has constructed residential duplex dwellings within the City's R-2 Zoning District in accordance with the Conditional Use standards in the past, and he indicated that the proposed residential dwelling was designed to appear as if it were a single-family dwelling while also ensuring that same was unique compared to what he has developed in the past. Mr. Peter testified that each unit within the proposed duplex residential dwelling will contain four (4) bedrooms. Mr. Peter 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, and dormers & a gabled roof with a significant amount of fenestration. He advised the Board that bump-outs & a number of architectural features were included within the design in order to ensure that the structure appears as if it were a single-family dwelling. He indicated that one (1) main entrance is visible from the street whereas the 2nd unit entrance is hidden located along the side of the structure, and same is hidden by a substantial amount of landscaping. Mr. Peter testified that off-street parking is provided to accommodate a total of six (6) vehicles, three (3) per unit, and that the proposed side-by-side parking arrangement within the garage is consistent with prior proposals he has presented to the Board. He reviewed the proposed floor plans for the benefit of the Board. Mr. Peter advised the Board that the proposed structure complies with all area & bulk requirements & conditions controlling the development of the proposed duplex. He confirmed that the structure is limited to two (2) habitable floors, was designed in a 'Traditional Seashore Style,' and a roof pitch of 10/12 is proposed whereas only 5/12 is required. Mr. Peter reviewed the proposed architectural elevations for the benefit of the Board. He presented a color rendering of the proposed structure which was received by the Board & which was marked as Exhibit A-1. With respect to the proposed curb cut, Mr. Peter indicated he originally proposed an 18-foot-wide curb cut; however, in light of the comments & recommendations made by the Board Engineer, he has no objection to increasing the width of the curb cut to 20 feet in order to provide direct access to the proposed off-street parking spaces. Mr. Peter indicated that he also intends to ensure that 20 feet of clearance is provided between the face of the garage door & the property line to ensure that no vehicles encroach within the public right-of-way.

In response to a question posed by the Board, Mr. Peter testified that proposed eaves/overhangs will not encroach more than two (2) feet into the required minimum sideyard setback. As a condition of approval, the Applicant will submit revised plans confirming that the eaves/overhangs do not encroach more than two (2) feet into the required sideyard setback. A discussion ensued in regards to off-street parking & the need for variance relief. Mr. Peter confirmed that each unit will contain a total of four (4) bedrooms, necessitating 2.5 off-street parking spaces per unit. He indicated that he wanted to be upfront about the proposal rather than label the 4th bedroom as a den or home office in effort to circumvent the need for a parking variance. He opined that while two (2) off-street parking spaces cannot technically be counted towards the off-street parking requirement, they are provided within the garage & can be utilized by unit owners which he contends is sufficient to accommodate the needs of the site while ensuring that the surrounding neighborhood is not negatively impacted. Mr. Peter noted that on-street parking is available in front of the Property & throughout the surrounding neighborhood. With respect to the parking variance, Mr. Peter testified that his proposal advances purposes of Zoning, outlined within N.J.S.A. 40:55D-2, which he argued supports granting the relief sought as the proposal:

- a. Promotes the establishment of appropriate population densities & concentrations that will contribute to the well-being of persons, neighborhoods, communities & regions & preservation of the environment; and

- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Peter further testified that the relief requested presents no substantial detriments to the public good & same will not impair the intent or purpose of the City's Zoning Map & Land Development Ordinance. In response to a question posed by the Board, Mr. Peter confirmed that the proposed decks will be separated by a 6-inch-wide partition in order to ensure that each unit has its own individual deck space.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated July 28, 2023 which was received by the Board & which is incorporated herein as fact. As a condition of approval, the Applicant will submit a detailed lot grading & drainage plan subject to the review & approval of the Board Engineer. Mr. Petrella reviewed the conditions associated with the development of a 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. Two (2) individuals addressed the Board in connection with this application, namely:

- a. Thomas Kelly, owner of the property located at 236 West Chestnut Avenue, appeared & he was placed under oath to testify before the Board. Mr. Kelly raised concerns about the height of the proposed structure & the impact that same would have on his property, specifically the solar panels located on his roof. He raised additional concerns about flooding he anticipates that the proposed development will cause & about potential damage associated with the driving of pilings. He indicated that the proposed development will negatively impact parking & traffic in the surrounding neighborhood.
- b. Kathleen Kelly, owner of the property located at 236 West Chestnut Avenue, appeared & she was placed under oath to testify before the Board. Mrs. Kelly reiterated the concerns raised by Mr. Kelly. She indicated that the neighborhood itself already experiences parking & traffic issues due to its proximity to the North Wildwood bar district located on Olde New Jersey Avenue.

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

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-2 Zoning District lot. The Property is a 50ft. x 100ft. lot, located in the R-2 Zoning District. The Applicant is requesting Conditional Use approval in order to construct a duplex dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District. Duplexes located on lots providing a minimum of 5,000 SF are permitted as Conditional Uses within the R-2 Zoning District provided the Applicant meets all of the required conditions set forth within the City's Land Development Ordinance at §276-16(D)(1). Scott Peter, the principal of Jersey Development Group, LLC & the owner of the Property, appeared & he testified from the proposed site & architectural plans, and he reviewed the existing & proposed conditions for the benefit of the Board. Mr. Peter contends that his proposal meets all required conditions associated with the development of a duplex dwelling on a 50ft. x 100ft. lot within the City's R-2 Zoning District. He testified that the structure was designed in order to appear as if it were a single-family dwelling as required by the Conditional Use requirements under the City's Land Use Ordinance. The Board finds that the Applicant's proposal meets all applicable conditions & all area & bulk requirements governing the construction of a duplex dwelling on a 50ft.

x 100ft. lot within the City's R-2 Zoning District. With respect to required off-street parking, based upon the proposed off-street parking arrangement & the comments/concerns raised by the Board Engineer, it was determined that the Applicant requires a variance for off-street parking as five (5) spaces are required whereas four (4) are proposed. The Board finds that while only four (4) off-street parking spaces can be counted towards the off-street parking requirement, a total of six (6) off-street parking spaces are provided on site which mitigates the impact of the requested parking variance. The Board found Mr. Peter's testimony to be credible & persuasive. Two (2) persons for public comment was received in connection with this Application. Board Members agreed that the proposed duplex dwelling promote a desirable visual environment & would enhance the surrounding neighborhood & general welfare of the community while looking like a single-family dwelling. The Board specifically finds that the Property is particularly suited to accommodate the development of duplex residential dwelling as a Conditional Use. 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 Conditional Use siteplan approval as well as requested variance approval. The Board found that the Applicant did establish that granting the siteplan & 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 Conditional Use standard & "c" 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 Board 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.

As to the combined Board format as formulated under the NJ-Municipal Land Use Law (NJ-MLUL), Councilman Kane as Class II Board member & representative of the Governing Body identified he had a conflict with the next application, stepped down for the next application(s) & took a seat in the public seating area.

Application: Z-23-6-1 Kevin Smith, Mary Ellen McKenna & Thomas Peters

234 W. 18th Avenue

Block 140; Lot 10

R-2 Zoning District

d(6) "Use"/Maximum building height variance & 'c' variance relief in order to construct duplex residential dwelling

The Application submitted by Kevin Smith, Mary Ellen McKenna & Thomas Peters seeks requests a d(6) "Use"/Maximum building height variance & 'c' variance relief in order to construct single-family semi-detached dwelling at the property located at 234 West 18th Avenue, a/k/a Block 140, Lot 10, located R-2 Zoning District.

Jeffrey Barnes, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is located at 234 West 18th avenue, a/k/a Block: 140, Lot: 10, in the City's R-2 Zoning District. The Applicant is proposing to demolish the existing two (2) residential structures containing three (3) units in order to develop a duplex dwelling on site. The Property is an undersized lot of 3,000 sq. ft where 6,000 sq. ft. is required. In order to achieve same, additional building height is required necessitating a D(1) use variance. Proposed building height is 34.57 feet whereby 24 feet is permitted, thus is more than 10% of the permitted height requiring Use/Height variance.

Applicant & his attorney, Mr. Barnes, requested tabling the application till the September meeting to work out details regarding same. Board members were almost united that the application required revisions to the plans. It was desirable to the most of the Board that a conforming/"fresh start" of the application would be beneficial. Mr. Barnes requested adjournment of the application due to the fact the Applicant was not prepared to continue with the application based on the myriad of issues concerning the construction of the site & how it relates to the Board's possible review & interpretation of the siteplan. Mr. Barnes requested time until the September meeting to submit revised documentation, which was granted 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 September 13, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

At the conclusion of the application, Councilman Kane returned to the Board meeting as a voting member.

I) ZONING OFFICER REPORT:

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

J) PUBLIC PORTION:

Chairman Davis then opened the meeting 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.

K) APPROVAL OF MINUTES:

The Board Solicitor presented to the Board the approval the July 12, 2023 Board regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. Corrections made to Mr. Peters & Chief Stevenson attendance, as to the date of the minutes. No further discussion or corrections proposed. Motioned as proposed by Ms. DeJoseph & 2nd by Mr. Harkins. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes.

L) UNFINISHED BUSINESS:

Sample Landscaping regulation – Board Engineer version/amendment – Board discussion
No Board Action required

The Board Solicitor & Secretary announced the distribution of the Board Engineer's version of the amendment to Chapter 276-35(B)(6). Last month the Board reviewed Wildwood Crest landscaping ordinance/requirements for the Board's information & discussion of same to amend the City's Land Development Ordinance in light of recent paver/parking in the frontyard events. The Board Engineer also stated he was in favor of the City adopting some of the standards of Wildwood Crest's requirements. The Board Chairman stated the front of the house/frontyard of the property should not be constructed with hard impervious surfaces. The Board Solicitor also highlighted some requirements of the Wildwood Crest

requirements. The City's existing ordinance requirements seem to preclude hardscaping despite what is happening in the City.

Board member Mr. O'Connell stated that enforcement of the regulations must be emphasized & parking on the "landscaping" cannot be permitted.

Mr. O'Connell stated this "parking on the landscaping" is a root cause of the over-development of the City. Mr. O'Connell questioned whether any discussion or amendments to the Ordinance were being proposed. Chairman Davis stated the City was aware of the desire of the Board & was looking into the subject. The City is looking whether a Master Plan Re-Examination is required or whether an Ordinance deleting the duplex conditional use standard in the R-2 Zoning District. It is currently under advisement.


M) COMMUNICATION(S): None presented.

N) REPORTS: None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 9:45pm, on motioned by Ms. Cannon & 2nd by Mr. Harkins. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 9/18/23
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.