

North Wildwood Planning Board  
Regular Meeting: October 11, 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	Present
Chief John Stevenson	Absent	Bill Auty	Absent
John Harkins	Present	Councilman James Kane	Absent
George Greenland	Absent	Bill O'Connell	Absent
Ron Peters (Alt. 1)	Present	Sharon Cannon (Alt. 3)	Absent
Valerie 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: None presented.

G) MEMORIALIZATIONS:

**Application: P-21-2-1(A) Jersey Development Group, LLC**

132 West 3<sup>rd</sup> Avenue

Block 186; Lot 3

R-2 Zoning District

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

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

The Board heard & considered the application of Jersey Development, LLC (Applicant), owner of the property located at 132 West 3<sup>rd</sup> Avenue, a/k/a Block 186, Lot 3 (Property), seeking a one (1) year extension of prior approvals, specifically Conditional Use approval to construct a single-family semi-detached (duplex) dwelling on a 50ft. x 100ft. in the R-2 Zoning District, which was granted by the Board on June 9, 2021, and memorialized within Resolution P-2021-2-1 on July 14, 2021.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Ms. DeJoseph & 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.

**Application: P-23-6-2 Cheryl Kulpa & John Perpiglia**

423 East 5<sup>th</sup> 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 heard & considered the application of John Perpiglia & Cheryl Kulpa (Applicant), owners of the property located at 423 East 5<sup>th</sup> Avenue, a/k/a Block 322, Lot 10 (Property), seeking minor subdivision approval, & 'c' variance relief in relation to minimum frontyard setback – Lot 10.01 (10ft. is required whereas six (6)ft. is proposed), in order to demolish an existing single-family dwelling to subdivide the Property to create a conforming 50ft. x 100ft. lot & a 40ft. x 100ft. lot in the Oceanside (OS) Zoning District, with intentions to construct a single-family dwelling on the larger lot.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Miller & 2nd by Mr. McCracken. 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: Z-23-7-1 Cody Lubisky**

130 East Walnut Avenue

Block 221; Lot 8

R-1.5 Zoning District

seeks a D(1) Use Variance & "C" variances to permit two (2) residential buildings on one (1) lot, for a total of three (3) residential dwellings. The rear building will be raised & renovated as a duplex structure, while the front building will be a new 3-story residential building

The Board heard & considered the application of Cody Lubisky (Applicant), owner of the property located at 130 East Walnut Avenue, a/k/a Block 221, Lot 8 (Property), seeking a D(1) Use Variance to permit

two (2) principal structures on one (1) lot, and ‘C’ variance relief in relation to off-street parking (six {6} off-street parking spaces are required whereas five {5} are proposed), minimum distance between buildings (8ft. is required whereas 6.5ft. is proposed), minimum sideyard setback (6ft. is required whereas 3.49ft. is existing & proposed), minimum rearward setback (10ft. is required whereas 4.64ft. is existing & proposed), and minimum total sideyard setback (16ft. is required whereas 9.49ft. is proposed), in order to demolish & reconstruct a single family dwelling on a site which is also developed with a separate single-family semi-detached dwelling in the rear of the property. The property is located in the R-1.5 Zoning District.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Ms. DeJoseph & 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. Mr. Miller, Mr. Peters, Ms. DeJoseph & Mr. McCracken abstained from the vote due to the original Use Variance vote.

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

234 West 18<sup>th</sup> Avenue

Block 140; Lot 10

R-2 Zoning District

d(6) “Use”/Maximum building height variance & ‘c’ variance relief in order to construct single-family semi-detached dwelling

The Board heard & considered the application of Keith Smith, Mary McKenna, & Thomas Peters (Applicant), owners of the property located at 234 West 18<sup>th</sup> Avenue, a/k/a Block 140, Lot 10 (Property), seeking a D(6) maximum building height/Use variance (24ft. is permitted whereas 31.12ft. is proposed), and ‘c’ variance relief in relation to minimum lot area (6,000SF is required whereas 3,000SF is existing & proposed), minimum lot frontage/width (60ft. is required whereas 30ft. is existing & proposed), minimum sideyard setback (10ft. is required whereas 5ft. is proposed), and a design waiver for continuous raised curb (15ft. is required whereas 5ft. is proposed), in order to construct a single-family semi-detached (duplex) dwelling on an undersized lot in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Ms. DeJoseph & 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. Mr. Miller, Mr. Peters, Ms. DeJoseph & Mr. McCracken abstained from the vote due to the original Use Variance vote.

**Application: Z-23-8-1 Denise Kalai Mattia & Thomas Mattia**

214 East 23<sup>rd</sup> Avenue

Block 228; Lot 6

R-1 Zoning District

seeks a D(1) Use variance to permit a duplex residential dwelling in R-1 Zoning District

The Board heard & considered the application of Thomas & Denise Mattia (Applicant), owners of the property located at 214 East 23<sup>rd</sup> Avenue, a/k/a Block 228, Lot 6 (Property), seeking a D(1) Use Variance, ‘C’ variance relief in relation to off-street parking (five {5} off-street parking spaces are required whereas four {4} are proposed), and a design waiver for continuous raised curb (30ft. is required whereas 15.6ft. is proposed), in order to construct a single-family semi-detached (duplex) dwelling.



The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Harkins & 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 Resolution was approved by the Board. Mr. Miller, Mr. Peters, Ms. DeJoseph & Mr. McCracken abstained from the vote due to the original Use Variance vote.

H) NEW BUSINESS:

**Application: Z-2021-1-1(A) Sunshine Shore Properties, LLC**

511 East 11<sup>th</sup> Avenue

Block 416; Lot 6

O/S Zoning District

requests extension of approvals for previous granted approvals in order to convert an existing 24-unit motel to 10 residential apartments

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

The Board heard & considered the application of Sunshine Shore Properties, LLC, LLC (Applicant), owner of the property located at 511 East 11<sup>th</sup> Avenue, a/k/a Block 416, Lot 6 (Property), seeking a one (1) year extension of prior approvals, preliminary & final siteplan approval, a D(1) Use variance, a D(5) Use/Density variance & 'C' variance relief to convert an existing 24 unit motel to 10 residential apartments, which was granted by the Board on August 11, 2021, and memorialized within Resolution P-2021-1-1(A) on September 14, 2021.

Andrew Catanese, Esq. appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Catanese advised the Board that on May 12, 2021, the Applicant appeared before the Board & received preliminary major siteplan approval, a D(1) Use variance, a D(5) Use/density variance & 'C' variance relief to convert an existing 24-unit motel to 10 residential apartments. Said approvals were memorialized by the Board within Resolution Z-2021-1-1. The Applicant received final siteplan approval from the Board on August 11, 2021, which was memorialized within Resolution Z-2021-1-1 on September 14, 2021. Mr. Catanese advised the Board that the Applicant has not yet begun renovating the Property in order to convert the existing 24-unit motel to a 10-unit multi-family residential dwelling. He indicated that the Applicant has been experiencing financial difficulties which has delayed the project; however, he advised the Board that the Applicant has every intention of proceeding with the proposed development. In light of the financial issues experienced by the Applicant since receiving the approvals in question, the Applicant has been unable to obtain construction permits in order to proceed with the approved development. Accordingly, the Applicant is requesting a one (1) year extension of the prior approvals, pursuant to N.J.S.A. 40:55D-52& City Ordinance § 276-58(L)(4), through September 14, 2024.

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Accordingly, the Applicant is requesting a one (1) year extension of the prior approvals pursuant to City Ordinance § 276-58(L)(4).

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.



Due to the difficulties experienced by the Applicant, the Applicant is requesting an extension of the prior approvals pursuant to City Ordinance §276-58(L)(4) which allows the Board to grant three (3) one (1) year extensions of prior approvals. This application represents the Applicant's first request for a one (1) year extension of the prior approvals granted & memorialized within Resolution Z-2021-1-1. In deliberations, Board Members acknowledged the right of an Applicant to request a one (1) year extension of prior approvals, and determined that the request for a one (1) year extension was reasonable & appropriate under the circumstances presented by Mr. Catanese. Accordingly, the Board unanimously agreed to extend the prior approvals memorialized within Resolution Z-2021-1-1 for one (1) year through September 24, 2024.

The Board Solicitor called for a motion to approve the Board Resolution as discussed. Motioned by Mr. Miller & 2nd by Mr. McCracken. 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: P-23-8-2 Crosstrees Condominium Association**

801 Ohio Avenue

Block 78; Lot 1

TH Zoning District

Siteplan approval for multiple sheds, exceeding the 150 sq. ft. threshold maximum

The Board heard & considered the application of Crosstrees Condominium Association (Applicant), owner of the property located at 801 Ohio Avenue, a/k/a Block 78, Lot 1 (Property), seeking minor siteplan approval & 'C' variance relief in relation to maximum total gross floor area of accessory sheds (150SF is permitted whereas a total of 1,600SF is proposed), and minimum frontyard setback (10ft. is required whereas 1.9ft. is proposed), in order to erect a total of twenty (20) accessory sheds along the southern property line for use by individual unit owners.

John Amenhauser, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is located in the City's Townhouse (TH) Zoning District & it is currently developed with three (3) principal structures containing a total of twenty (20) residential units. Mr. Amenhauser advised the Board that the Applicant is seeking approval to construct a total of twenty (20) accessory sheds along the southern property line to provide storage space for individual unit owners. Mr. Amenhauser advised the Board that the Property was previously encumbered by a Deed Restriction which required that the Applicant maintain a buffer consisting of a berm & plantings to the neighboring City Department of Public Works property. Prior to filing this Application, the Applicant & the City negotiated an agreement which resulted in the Deed Restriction being extinguished.

Mr. Charles DiGerolamo, the President of the Crosstrees Condominium Association, appeared & he was placed under oath to testify before the Board. Mr. DiGerolamo advised the Board that the proposal to install twenty (20) individual storage sheds on site was unanimously approved by the full membership of the Association. He indicated that there is very limited storage available on site for each individual unit. As it stands, each unit is afforded a small 8ft. x 4ft. storage area. Mr. DiGerolamo testified that approximately eight (8) of the existing storage areas are located on the 2nd-floors which presents practical difficulties in relation to access for elderly unit owners. Mr. DiGerolamo testified that given the existing development on site, there are limited areas where additional storage space can be provided for individual unit owners. He indicated that the elimination of the Deed Restriction has allowed the Association to potentially utilize that area to install individual storage sheds for each unit owner. Mr. DiGerolamo advised the Board that the proposed sheds are uniform in appearance, contain vinyl siding, one access door, a window & shutters.

In response to a question posed by the Board, Mr. DiGerolamo testified that the proposed storage sheds will be located on the Association's property. A setback of one (1) foot is proposed to the southern property line.

Joseph Mohnack, P.E., C.M.E. with DeBlasio & Associates, P.C., appeared before the Board on behalf of the Applicant. Mr. Mohnack was accepted by the Board as an expert in the field of engineering & he was placed under oath & he testified from the proposed Variance Plan, dated July 31, 2023 & last revised September 14, 2023, which was received by the Board & which is incorporated herein as fact. Mr. Mohnack reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Mohnack confirmed that a total of 20 residential units exist on site within three (3) individual multi-family structures. Mr. Mohnack testified that the Applicant's proposal is limited to the installation of 20 storage sheds along the southern property line. Mr. Mohnack testified that the sheds are approximately 8ft. x 10ft. & there is 1.5ft. proposed between each shed in order to facilitate access between the sheds themselves. As a condition of approval, the Applicant will amend the Association's Master Deed & By-laws to prohibit individuals from storing items in the spaces between the sheds themselves. The sheds are proposed to be located one (1) foot off of the southern property line. Mr. Mohnack advised the Board that the TH Zoning District does not require a minimum side or rear yard setback for accessory structures so there is no variance required in connection with this proposed condition.

In response to a question posed by the Board, Mr. Mohnack testified that the fence along the southern property line is located on the Public Works lot & same is not owned by the Applicant.

Mr. Mohnack reviewed the variance relief sought in connection with the Applicant's proposal. He indicated that a variance is sought in connection with the total combined floor area of the sheds as a maximum floor area of 150SF is permitted whereas 1,600SF is proposed. Mr. Mohnack testified that the individual sheds themselves do not exceed the maximum floor area permitted; however, the floor of all sheds combined necessitates variance relief. Mr. Mohnack 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:

- a. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals & general welfare;
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses & open space, both public & private, according to their respective environmental requirements in order to meet the needs of all NJ citizens; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Mohnack 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 indicated that the only potential impact is to the neighboring Public Works property which is only operated during normal business hours & which is buffered by the fence located on the Public Works lot. Mr. Mohnack advised the Board that a question arose as to whether or not the Applicant required additional variance relief in connection with required open space & landscaping on site. He indicated that the Applicant is proposing open space & landscaped areas amounting to 13% of the site whereas a minimum of 10% is required. Accordingly, no variance is required.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated September 29, 2023, 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. Belasco “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 TH Zoning District lot, the Property is located next to the DPW property. The Property is currently developed with 20 residential units located within three (3) multi-family structures. The Applicant is also proposing to construct a total of 20 accessory sheds along the southern property line to provide storage space for individual unit owners. The Applicant is requesting minor siteplan approval & ‘C’ variance relief. Mr. Mohnack reviewed the existing & proposed site conditions for the Board. Mr. Mohnack provided testimony regarding the need for a variance relief to construct 20 individual storage sheds along the southern property line. Mr. Mohnack testified to the positive criteria which he contends supports the relief sought by the Applicant & he identified several purposes of Zoning which he advanced in connection with the Applicant’s proposal. Mr. Mohnack testified that in his expert opinion the Applicant’s proposal presents no substantial detriments to the public good nor will it impair the intent or purpose of the Zoning Map & Ordinance. The Board found Mr. Mohnack’s testimony to be credible & persuasive. No public comment was received. 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 “C” variance/siteplan 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 Use variance/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 Board Resolution as discussed. Motioned by Ms. DeJoseph & 2nd by Mr. Miller. 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 Mr. Peters voted no on the application.

**Application: P-23-8-4 MW of Wildwood, LLC**

308 West 19<sup>th</sup> Avenue

Block 113; Lot 9

R-2 Zoning District

Conditional Use/siteplan approval in order to construct a duplex on a 50ft. x 100ft. lot at the property

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The Board heard & considered the application of MW of Wildwood, LLC (Applicant), owner of the property located at 308 West 19<sup>th</sup> Avenue, a/k/a Block 113, Lot 9 (Property), seeking Conditional Use/siteplan approval in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

John Amenhauser, Esq., appeared on behalf of the Applicant & he outlined the nature of the application and the relief sought in connection with same. Mr. Amenhauser 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. Amenhauser advised the Board that single family duplex dwellings are permitted as Conditional Uses/siteplan approval 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). Mr. Amenhauser reviewed the conditional use standards for the benefit of the Board. He indicated that the structure proposed by the Applicant meets all required conditions & the Applicant is therefore entitled to Conditional Use approval.

Brian Newswanger, R.A. 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 Site/Floor Plans, dated August 2023 & last revised September 18, 2023, 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 discussed 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 access to the Property is provided from 19<sup>th</sup> Avenue. Mr. Newswanger testified that he designed the proposed duplex so as to appear as if it were a single-family dwelling by incorporating an asymmetrical façade, a continuous deck along the front façade & projecting bays & rooflines. He advised the Board that one entrance is visible from the street whereas the 2nd unit entrance is hidden out of sight within a recessed area near the garages. 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 provided on site. Mr. Newswanger advised the Board that the proposed duplex complies with all of the applicable area & bulk requirements & conditions controlling the development of the conditional duplexes in the R-2 Zoning District. Mr. Newswanger reviewed the proposed architectural elevations for the benefit of the Board.

Several Board Members expressed concerns that incorporating two (2) separate & distinct garage doors does not promote the appearance of a single-family dwelling, and that the structure appeared as if it were a duplex. Mr. Newswanger noted that the proposed garage doors are recessed under the 1st-floor decks in order to accommodate off-street parking & to further promote the appearance of a single-family dwelling.

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. 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/siteplan approval.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated September 29, 2023 which was received by the Board & which is incorporated herein as fact. 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. As a condition of approval, the Applicant will submit a detailed lot grading plan, subject to the review & approval of the Board Engineer.

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. Belasco "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 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). Brian Newsanger, architect, appeared & he testified from the proposed site & architectural plans, and he reviewed the existing & proposed conditions for the benefit of the Board. Mr. Newsanger 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. The Board found Mr. Newsanger's testimony to be credible & persuasive. No persons for public comment were 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 Mr. Harkins & 2nd by Mr. McCracken. 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 Mr. Peters & Mr. Miller voted no on the application.

I) ZONING OFFICER REPORT:

Dan Spiegel, Zoning Officer/Construction Official, did not have anything to report tonight.

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 September 13, 2023 Board regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. No further discussion or corrections proposed. Motioned as proposed by Mr. Harkins & 2nd by Ms. DeJoseph. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes.

L) UNFINISHED BUSINESS: None presented

M) COMMUNICATION(S):

City Resolution – obtaining Court approval of the City’s Affordable Housing Plan, -  
adopted September 5, 2023  
***No Board action required***

The Board Secretary announced the distribution of the City Resolution regarding Affordable Housing Plan action. No further discussion by the Board.


The Board Solicitor provided an update on the Affordable Housing Plan when resolved & future Board action would be required. The Board Solicitor offered to get an update on Marina Bay Towers from the Affordable Housing Plan Special Master Mark Gibson.

N) REPORTS: None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 7:20pm, on motioned by Ms. DeJoseph & 2nd by Vice Chair DiEduardo. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 11/28/23  
Date

  
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J. Eric Gundrum  
Board Secretary

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