

North Wildwood Planning Board
Regular Meeting: November 15, 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	Present	Bill Auty	Present
John Harkins	Present	Councilman James Kane	Present
George Greenland	Present	Bill O'Connell	Absent
Ron Peters (Alt. 1)	Present	Sharon Cannon (Alt. 3)	Present
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.

Application: Z-23-8-1 2100 NJ Ave, LLC

101 W. 21st Avenue & 2100 New Jersey Avenue
Block 168, Lots: 11 & 12
CBD Zoning District

Minor subdivision approval in order to create a 100ft. x 200ft. lot fronting onto New Jersey Avenue & a new 50ft. x 100ft. lot fronting on to 22nd Avenue in connection with the properties located at 2100 New Jersey Avenue (aka Bank of America bank property). D(1) Use Variance in order to permit the development of a single-family semi-detached (Duplex) residential dwelling on the new proposed 50ft. x 100ft. lot. The property is exclusively located in the Central Business District (CBD) Zoning District.

The Board Secretary announced receiving an email in timely fashion from the Applicant's attorney requesting the formal withdraw of the above referenced application from Board consideration.

G) MEMORIALIZATIONS:

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

511 East 11th 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 11th 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. Accordingly, the Applicant requested a one (1) year extension of the prior approvals pursuant to City Ordinance § 276-58(L)(4).

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Harkins & 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 Resolution was approved by the Board. Board members Chief Stevenson, Mr. Auty, Mr. Greenland, Councilman Kane, & Ms. DeJoseph abstained from the vote.

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.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Miller & 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 Resolution was approved by the Board. Board members Chief Stevenson, Mr. Auty, Mr. Greenland, Councilman Kane, Ms. Cannon & Ms. DeJoseph abstained from the vote.

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

308 West 19th 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

The Board heard & considered the application of MW of Wildwood, LLC (Applicant), owner of the property located at 308 West 19th 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.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Harkins & 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 Resolution was approved by the Board. Board members Chief Stevenson, Mr. Auty, Mr. Greenland, Councilman Kane, Mr. Peters, Ms. Cannon & Ms. DeJoseph abstained from the vote.

Due to being an Ownership & Applicant basis, Board member Ms. DeJoseph stepped down from the Board dais & retained a seat in the public seating section. Ms. DeJoseph has a pending application for Board action for tonight's meeting.

H) **NEW BUSINESS:**

Chairman Davis adjusted the Agenda to hear Applications for Development 1st before any other Board business.

Application: P-23-10-1 Albert & Valerie DeJoseph

219 West 3rd Avenue

Block 156; Lot 21

R-2 Zoning District

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

The Board heard & considered the application of Albert & Valerie DeJoseph (Applicant), owners of the property located at 219 West 3rd Avenue, a/k/a Block 156, Lot 21 (Property), seeking Conditional Use approval & a design waiver for continuous raised curb (25ft. is required whereas 15ft. is proposed), in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

Mr. John Amenhauser, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. Mr. Amenhauser informed the Board that the Property is essentially vacant land with the exception of an existing shed that the Applicant's intend to remove in connection with this Application. The Applicant is proposing to construct a new single family semi-detached (duplex) dwelling on site. Mr. Amenhauser 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). 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 and the Applicant is therefore entitled to conditional use approval. Mr. Amenhauser acknowledged that the City recently modified the regulations associated with the R-2 Zoning District in order to eliminate duplexes on 50ft. x 100ft. lots as permitted conditional uses; however, he indicated that the pending application was submitted prior to the Ordinance taking effect. Accordingly, pursuant to the Time of Application rule/law, the Applicant is able to utilize the Conditional Use standards that were in effect at the time that the Application was originally filed & deemed complete.

Mr. 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 September 2023 & last revised September 23, 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. The Property currently contains an accessory shed, and there is a single-family dwelling to the east & a small residential cottage to the east. Mr. Newswanger testified that the existing shed will be removed in connection with the Applicant's proposal to develop a duplex at the Property. 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 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 distributed a packet containing seven (7) pages consisting of revised floor plans & a color rendering of the proposed duplex, which was received by the Board & marked as Exhibit A-1. Mr. Newswanger reviewed the proposed architectural elevations for the benefit of the Board. Mr. Newswanger testified that the ground floor plan was modified in order to ensure that two (2) side-by-side off-street parking spaces were provided within the proposed garages. He indicated that the parking spaces are functional & each vehicle can be pulled out of the garage without impacting the other vehicle parked in the garage. Mr. Newswanger advised the Board that the Applicant is also requesting a design waiver in connection with required continuous raised curb as 25ft. is required whereas 15ft. is proposed. He indicated that the design waiver is tied to the proposed curb cut which allows the Applicant to provide compliant off-street parking. He advised the Board that one (1) off-street parking space will be lost in connection with the Applicant's proposal; however, there is a net gain of five (5) off-street parking spaces that will be provided on site. 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 approval.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated November 3, 2023 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 application or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by Ms. Cannon & 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.

At the conclusion of the application, Ms. DeJoseph resumed her seat on the Board & participated in official Board business.

Application: P-23-9-2 Joseph Pace

224 West 10th Avenue

Block 148; Lot 5

R-2 Zoning District

Minor Subdivision approval, two (2) new lots with existing Single-family home to remain

The Board heard & considered the application of Joseph Pace (Applicant), owner of the property located at 224 West 10th Avenue, a/k/a Block: 148, Lot: 5 (Property), seeking minor subdivision approval, & ‘C’ variance relief in relation to minimum lot depth – lot 5.01 (100ft. is required whereas 65ft. is proposed), minimum lot area – lot 5.01 (4,000SF is required whereas 2,600SF is proposed), minimum lot frontage – lot 5.02 (40ft. is required whereas 35ft. is proposed), minimum lot width – lot 5.02 (40ft. is required whereas 35ft. is proposed), minimum lot area – lot 5.02 (4,000SF is required whereas 3,500SF is proposed), and minimum sideyard setback – lot 5.02 (6ft. is required whereas 3ft. & 3.6ft. are proposed), in order to subdivide the existing parcel to create a 35ft. x 100ft. lot & a 40ft. x 65ft. lot. The property is located in the R-2 Zoning District.

Mr. John Amenhauser, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. The Property is located at 224 West 10th Avenue, a/k/a Block: 148, Lot: 5, in the City’s R-2 Zoning District. The Property is an irregularly shaped lot which is currently developed with a single-family dwelling. A second dwelling unit exists in the rearyard, and an accessory pool & shed also exist on site. The Applicant is proposing to subdivide the existing parcel in order to create a 35ft. x 100ft. lot & a 40ft. x 65ft. lot. Both proposed lots are undersized, necessitating variance relief. Mr. Amenhauser advised the Board that the Applicant previously appeared before the Board in connection with an application to relocate & maintain the accessory pool & shed on site. He noted that the accessory shed in question has since been removed.

Mr. Gregory Schneider, P.P., P.E. with Kates Schneider Engineering LLC appeared before the Board on behalf of the Applicant. Mr. Schneider was accepted by the Board as an expert in the fields of land planning & engineering, and he was placed under oath & testified from the proposed Plan of Minor Subdivision prepared by Mark G. Devaul, P.L.S., dated September 12, 2023, which was received by the Board & which is incorporated herein as fact. Mr. Schneider reviewed the existing site conditions for the benefit of the Board. He confirmed that the Property is an irregularly shaped lot located at the intersection of 10th & Delaware Avenues. Mr. Schneider testified that the Property is currently developed with a 1-story single-family dwelling & a 2-story single-family dwelling. He advised the Board that the Applicant is proposing to subdivide the Property in order to create a 40ft. x 65ft. corner lot & a 35ft. x 100ft. lot which will contain the existing 2-story single-family dwelling & which will front on 10th Avenue. No development is proposed for the corner lot at this time. Mr.

Schneider testified that the Applicant is proposing to remove the existing above-ground pool & rear dwelling unit in connection with this application. Mr. Schneider further testified that while the proposed lots are undersized, they are more consistent with the lots that exist in the surrounding neighborhood than the existing irregularly-shaped flag lot. Mr. Schneider presented an aerial photograph depicting the lot sizes of properties in the surrounding neighborhood which was received by the Board & which was marked as Exhibit A-1. Mr. Schneider testified that the interior lot located adjacent to the proposed 40ft. x 65ft. lot is only 30ft. wide. Mr. Schneider further testified that the proposed 35ft. x 100ft. lot located adjacent to 10th Avenue will only be deficient in relation to lot frontage/width by approximately five (5) feet. Mr. Schneider reviewed & confirmed the 'c' variance relief sought in connection with this application which is required due to the fact that the proposed lots will be undersized.

In response to a question posed by the Board, Mr. Schneider testified that the proposed sideyard setback/new proposed lot line for the interior lot with existing house will be three (3) feet along the entire length of the existing dwelling. He noted that the rearyard will be completely open as the Applicant intends to eliminate all existing improvements, specifically the 2nd residential dwelling unit located on site in the rear of the yard. In response to a question posed by the Board, Mr. Schneider confirmed that the existing lot is oversized and contains 6,100SF.

Mr. Schneider testified that the elimination of the 2nd residential dwelling unit will eliminate a pre-existing non-conforming use & will also reduce the overall density of the site. Mr. Schneider further opined that the application can be granted as there are no substantial detriments to the public good & the application does not impair the intent or purpose of the Zoning Map & Ordinance as the proposed lots, while undersized, are consistent with the surrounding neighborhood. Mr. Schneider opined that the Application advances several of the purposes of Zoning outlined within N.J.S.A. 40:55D-2, which supports the relief sought by the Applicant as the proposal:

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

Mr. Joseph Pace, the Applicant & Owner of the subject property, appeared & he was placed under oath to testify before the Board. Mr. Pace testified that he plans to reduce the size of the existing deck associated with the 2-story single-family dwelling to ensure that same does not encroach onto the proposed corner lot. Mr. Pace confirmed that he plans to eliminate the existing/separate 1-story residential dwelling located in the rearyard, & the existing pool & a deck associated with same.

In response to a question posed by the Board, Mr. Pace testified that the deck that he intends to maintain will be reduced in size & same will be flush with the front door & side of the existing front dwelling. In response to a question posed by the Board, Mr. Pace testified that he has no plans to develop the proposed corner lot at this time; however, he indicated that if/when he develops same, he intends to construct a single-family dwelling. As a condition of approval, the Applicant will ensure that any structure built on proposed corner lot 5.01 complies with any & all bulk requirements of the R-2 Zoning District. A discussion ensued between the Board & the Applicant in regards to off-street parking. Mr. Pace testified that a total of two (2) off-street parking spaces currently exist which are utilized by the 2-story single-family dwelling. Board Members

expressed concerns that the two (2) off-street parking spaces in question encroach beyond the property line into the public right-of-way, and same are therefore not legal parking spaces. Board Members raised significant concerns about the Applicant's proposal to create two (2) undersized lots when the existing parcel, while irregularly shaped, complies with the minimum lot area required within the R-2 Zoning District. A majority of the Board indicated that the Applicant's proposal is inconsistent with the R-2 Zoning District requirements & the City's current Master Plan.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated November 3, 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 application or to the Board at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland "volunteered" for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the R-2 Zoning District lot, the Property is irregular shaped, at the corner of Delaware & 10th Avenue(s). The Property is currently developed with 2 residential units located on one (1) lot, conforming in Lot Area, but not lot width/frontage. The Applicant is requesting minor subdivision approval & 'C' variance relief. Both lots proposed in connection with the minor subdivision are undersized, necessitating variance relief. Mr. Schneider reviewed the existing & proposed site conditions for the Board. Mr. Schneider provided testimony regarding the need for a variance relief to subdivide the lot. Mr. Schneider 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. Schneider 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. Schneider's testimony to be credible & persuasive. He testified that the proposed lots, while undersized, are consistent with lots that exist in the surrounding neighborhood. The following conditions of approval were imposed should the minor subdivision were to be approved:

- a. The Applicant will ensure that any structure built on proposed lot 5.01 complies with any & all bulk requirements of the R-2 Zoning District.
- b. The Applicant will remove an existing slide glass door due to the elimination of a deck adjacent to same.

Board members expressed concerns in relation to the proposal to create significantly undersized lots in the R-2 Zoning District. The Board specifically found that the proposed subdivision & the creation of undersized lots would detrimental to the surrounding neighborhood & same is contrary to the R-2 Zoning Map & the City's current Master Plan. No public comment was received. A majority of the Board found that the application & the relief sought in connection with same was not appropriate & was contrary to the City's Master Plan, its Zoning Ordinance, and the Zone Map. The Board further found that the purposes of Zoning identified by Mr. Schneider would not be advanced in connection with the proposed development. The Board found that approving this application would not be in the best interests of the City, and that the proposed Application would in fact impair the intent & purpose of the City's Zoning Ordinance & its Zoning Map as there were substantial detriments to the public good, the zone, and the surrounding community. The Board has determined that the relief requested by the Applicant cannot be granted without substantial detriment to the public good & without impairing the intent and purpose to the City's municipal Land Use Ordinances & to the City's Zoning

Map. The Board finds that the Applicant has satisfied the requirements for Minor Subdivision approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the application 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 negative, the application was disapproved by the Board. Board members Chief Stevenson, Mr. Mr. Greenland, Vice Chair DiEduardo, Councilman Kane, Chairman Davis & Mr. Peters voted no. Board members Mr. Auty, Mr. Harkins & Mr. Miller voted yes. Mr. McCracken, Ms. Cannon & Ms. DeJoseph did not need to vote on the application. The Board heard the Application of Joseph Pace, owner of the property located at 224 West 10th Avenue, a/k/a Block: 148, Lot: 5, seeking minor subdivision approval & 'C' variance was denied.

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

Application: Z-23-9-1 Donald & Denise Petersen

308 East 18th Avenue

Block 264; Lot 3

R-1 Zoning District

Use Variance approval – raising two (2) principal structures on one lot

The Board heard & considered the application of Donald & Denise Petersen (Applicant), owners of the property located at 308 East 18th Avenue, a/k/a Block 264, Lot 13 (Property), seeking a D(2) expansion of a non-conforming Use Variance, 'C' variance relief in relation to minimum lot area (5,000SF is required whereas 4,600SF is existing & proposed), minimum lot frontage/width (50ft. is required whereas 46ft. is existing & proposed), minimum sideyard setback – rear building (8ft. is required whereas 4.17ft & 5ft. are proposed), minimum sideyard setback – front building (8ft. is required whereas 3ft. is existing & proposed), minimum total sideyard setback (20ft. is required whereas 18.67ft. is existing & proposed), minimum frontyard setback (10ft. is required whereas 7.37ft. is existing & proposed), minimum rearyard setback – rear building (10ft. is required whereas 1.37ft. is proposed), minimum distance between structures (8ft. is required whereas 7.83ft. is proposed), and a design waiver for continuous raised curb (23ft. is required whereas 7ft. is proposed), in order to raise & renovate the existing two (2) residential dwelling units located on site while reducing the total number of residential units from three (3) to two (2). The property is located in the R-1 single-family Zoning District.

Mr. John Amenhauser, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. The Property is located at 308 East 18th Avenue, a/k/a Block: 264, Lot: 3, in the City's R-1 Zoning District. The Property is currently developed with a front 1.5-story single-family semi-detached (duplex) dwelling & a rear 1-story single-family residential dwelling. The Applicant is proposing to raise & renovate the existing residential dwellings located on site while also reducing the total number of residential units from three (3) to two (2). The residential dwelling located in the frontyard will be reduced from two (2) units to one (1) unit, and the rearyard residential dwelling will maintain one (1) unit with a proposed 2nd-floor addition & a 1st floor deck. Mr. Amenhauser reviewed the variance relief sought in connection with this application, noting that many of the variance requested are associated with pre-existing non-conforming conditions which are not being exacerbated by the Applicant's proposal.

Mr. Timothy Tacka, Jr., the nephew of the Applicants, appeared & he was placed under oath to testify before the Board. Mr. Tacka testified that the Property has been owned by his family for approximately 56 years, and, aside from minor renovations over the years, there has been no change the site or the footprint of the existing structures. Mr. Tacka testified that the Property is experiencing grading & drainage issues which the Applicant intends to address by raising the existing dwellings & re-grading the site. Mr. Tacka testified that parking has been problematic as there is limited off-street parking provided on site. He indicated that the Applicant's proposal to raise the existing structures will allow for the provision of compliant off-street parking on site through the addition of four (4) off-street parking spaces. Mr. Tacka testified that the Applicants are planning to retire to the Property, and the existing structures and layout do not meet the family's current needs.

Ms. Pamela Fine, R.A. of Fine Architecture, P.C. appeared on behalf of the Applicant & she was recognized as an expert in the field of architecture. Ms. Fine was placed under oath & she testified from the proposed Site & Architectural Plans, dated July 11, 2023 & last revised October 16, 2023, which were received by the Board & which are incorporated herein as fact. Ms. Fine reviewed the existing site conditions for the benefit of the Board. She confirmed that the Property is currently developed with a front 1.5-story single-family semi-detached (duplex) dwelling & a 1-story single-family residential dwelling in the rear yard. Ms. Fine reviewed the existing floor plans & architectural elevations associated with each existing structure for the benefit of the Board. Ms. Fine testified that the existing front structure is a duplex which contains three (3) bedrooms within the ground-floor unit & two (2) bedrooms within the second-floor unit. A set of stairs & a landing exist which provide access to the 2nd-floor unit. Ms. Fine further testified that the existing rearyard cottage contains two (2) bedrooms. Mr. Amenhauser distributed a packet containing two (2) photographs that depict the existing residential structures which was received by the Board & which was marked as Exhibit A-1. Ms. Fine advised the Board that the Property is a slightly undersized lot which contains several pre-existing non-conforming conditions. She reviewed & confirmed the 'C' variance relief sought in connection with the Applicant's proposal, and she reiterated the need for a D(2) variance due to the fact that two (2) principal structures exist on site, and same are proposed to be maintained in connection with this Application. Ms. Fine testified that the Applicant is proposing to raise the front structure in order to comply with current flood code requirements which will allow the Applicant to regrade the site to address current drainage issues & which will allow for the provision of off-street parking. As it stands the site contains one (1) off-street parking space, and the Applicant is proposing to increase the number of off-street parking spaces to five (5) in connection with this Application. Ms. Fine testified that the Applicant is also proposing to eliminate the existing stairs & landing within the sideyard setback that provides access to the 2nd-floor unit in order to convert the existing duplex to a single-family dwelling. In addition to the elimination of one (1) residential unit, the total number of bedrooms within the front building will be reduced from five (5) to a total of three (3).

In response to a question posed by the Board, Ms. Fine testified that the Applicants plan to reside full-time within the renovated/converted front dwelling. Access to the 2nd-floor will be provided through internal stairs, and the existing kitchen located on the 2nd-floor will be eliminated.

Ms. Fine reviewed the proposed architectural elevations associated with the front structure for the benefit of the Board. Ms. Fine testified that the existing rearyard cottage will also be raised to comply with current flood code requirements. She indicated that a new 2nd-floor is proposed along with a garage to accommodate off-street parking. A small bump-out & a new deck is also proposed. Ms. Fine reviewed the proposed architectural elevations associated with the rear cottage for the benefit of the Board. Ms. Fine opined that the Applicant's proposal is consistent with the surrounding neighborhood which is developed with a number of multi-family dwellings. Moreover, she noted that two (2) principal structures have existed at the Property for decades & it's clear that the site can continue to accommodate the proposed use, and this argument is further bolstered by the fact that the Applicant is proposing to reduce the number of units located on site from

three (3) to two (2). Ms. Fine opined that the Application advances purposes of zoning, outlined within N.J.S.A. 40:55D-2, which supports the relief sought by the Applicant as it:

- b. 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;
- c. Secures safety from fire, flood, panic & other natural & man-made disasters;
- d. Provides adequate light, air & open space;
- e. 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.

Ms. Fine further opined that the application can be granted as there are no substantial detriments to the public good & the application does not impair the intent or purpose of the Zoning Map & Ordinance. Ms. Fine testified that a continuous raised curb design waiver is also requested in order to accommodate compliant off-street parking. She further testified that one (1) on-street parking space will be lost; however, there is a net gain of four (4) off-street parking spaces.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated November 3, 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. Two (2) members of the public addressed the Board in connection with this application, namely:

- a. Eugene Serba, owner of the property located at 306 East 18th Avenue, appeared & he was placed under oath to testify. Mr. Serba advised the Board that he is an owner of the neighboring property & he supports the Applicant's proposal & the relief sought in connection with same.
- b. Kathleen McAlinden, owner of the property located at 311 East 18th Avenue, appeared & she was placed under oath to testify before the Board. Ms. McAlinden advised the Board that she lives across the street from the Property, and that she supports the application & the relief sought in connection with same.

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 meeting.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland "volunteered" for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the R-1 Zoning District. The Property is currently developed with a 1.5-story single-family semi-detached (duplex) dwelling & a 1-story single-family residential dwelling in the rear. The Applicant is proposing to raise & renovate the existing residential dwellings located on site while also reducing the total number of residential units from three (3) to two (2). The residential dwelling located in the frontyard will be reduced from two (2) units to one (1) unit, and the rearyard residential dwelling will maintain one (1) unit with a proposed 2nd-floor addition & a 1st floor deck. The Board is in receipt of a Site/Architectural Plans prepared by Pamela Fine, R.A., which were received by the Board & which are incorporated herein as fact. Ms. Fine reviewed & discussed the variance relief sought by the Applicant in connection with the proposed development. Ms. Fine provided testimony in relation to the positive & negative criteria which supports granting the relief sought by the Applicant. She identified purposes of Zoning that she contends will be advanced in connection with this Application, and she 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 & Ordinance. The Board found Ms. Fine's testimony to be credible & persuasive. With respect to the requested D(2) Use variance, the Board finds that the Applicant has presented special reasons which advance the purposes of Zoning & which justify the granting of the requested variances. Moreover, the Board determined that the Property can accommodate the expansion of the existing non-conforming use as the Applicant is proposing to reduce the overall density of the site through the elimination of one (1) residential unit. The Board finds that the expansion is simply tied to the Applicant's proposed renovations & the intention to maintain two (2) principal structures on site. Two (2) persons provided public comment was received, in the positive. 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 Use/"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 Mr. Auty & 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. Board members Ms. DeJoseph, Ms. Cannon & Mr. McCracken did not have to vote on the application.

At the conclusion of the application(s), Councilman Kane & Mr. Miller returned to the Board meeting as a voting member(s).

RESOLUTION NO. PB-10-2023 – Resolution approving amendment to Land Development Ordinance Chapter 276-20(B)(12) to clarify language/interpretation of existing paragraph in the Central Business District (CBD) Zoning District

City Council on November 8, 2023, introduced Ordinance 1923, entitled "An Ordinance Amending & Supplementing Ordinance 1844 & Ordinance 1177, as amended, as codified in Chapter 276, "Land Development" which proposes to modify the provisions associated with the construction of, additions to, or rebuilding of single-family dwellings located within 100-foot of the Central Business District (CBD) Zoning District along New Jersey Avenue. Pursuant to N.J.S.A. 40:55D-26 & N.J.S.A. 40:55D-64, prior to the adoption of a development regulation, revision, or amendment thereto, the City Council is required to refer said regulation to the Board for its review & comment in order to ensure that the proposed regulation, revision or amendment is consistent with the municipality's current Master Plan. The Board reviewed & discussed proposed Ordinance No. 1923 to determine if said Ordinance was consistent with the City's current Master Plan, and the Board ultimately found that the proposed Ordinance was acceptable & further found same to be consistent with the current Master Plan. With respect to Ordinance No. 1923, the Board finds that modifying the conditions associated with the construction of, additions to, or rebuilding of single-family dwellings located within 100-foot of the CBD zone along New Jersey Avenue, further advances the purpose and vision of the CBD Zoning District, and serves to further address/clarify the City's position governing the construction of, additions to, or rebuilding of single-family dwellings in the CBD Zoning District.

The Board hereby recommends that proposed Ordinance 1923 be adopted by City Council as it finds that same is consistent with the findings & recommendations set forth within the Master Plan. Accordingly, the Board resolves to recommend that the City Council to formally adopt Ordinance 1923.

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.

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 October 11, 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 Vice Chair DiEduardo & 2nd by Ms. DeJoseph. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes. Board members Chief Stevenson, Mr. Auty, Mr. Greenland, Councilman Kane, Mr. Peters, Ms. Cannon & Ms. DeJoseph abstained from the vote.

L) UNFINISHED BUSINESS: Marina Bay Towers

The Board Solicitor reported on last month's meeting request on the status of Marina Bay Towers affordable housing/development plans. The Board Solicitor reported he had a telephone conversation with the Court's Special Master Mark Gibson who reported not much has occurred since last report. Not much to update or development has occurred. A separate foreclosure/re-structure order/court matter was recently extended for one-year by the Judge Blee who is overseeing all court matters as it relates to Marina Bay Towers. With this extension granted, the Marina Bay Towers has another year to restructure its finances for the development & overall development plan of the site. Mr. Gibson expressed & relayed his frustration of the delays. There is a general lack of communication with the Applicant/Developer of Marina Bay Tower. The Applicant/Developer has expressed a desire to reformulate his overall development plans in a conceptual nature. Mr. Gibson has requested a revised schedule for the development plan, but has not received anything as of yet. The Applicant/Developer is soliciting additional investors/partners at this time. The Applicant/Developer has provided documentation in court-related matters on a timely basis as per Mr. Gibson. While the foreclosure court case is the "lynch-pin" in the whole matter, with extension granted, the Applicant/Developer has been granted another year to come up with the plan to be implemented.

Chairman Davis requested the Board Solicitor to stay alert/monitor the matter.

Mr. Greenland mentioned the aspect of construction in Wildwood City along Pacific Avenue. He mentioned the side of buildings are blank walls, while fronts of the building are on side streets. Several Board Solicitor & Board members expressed a different opinion on the future building plans. The Board Solicitor mentioned one development along Pacific Avenue development on the old Shamrock Bar location has very articulate building details along Pacific Avenue.

Board member Chief Stevenson related a Cape May County Prosecutor case with condo/motel bookings at Champagne Island location. Chairman Davis related his concern about motel/condo conversions.

Board member asked the status of the North Shore Bar/restaurant location on 3rd & New York Avenue(s). The Board Solicitor mentioned that the case between owner & former contractor is in filed lawsuit which is public knowledge. Chairman Davis also related his concern of the status of current state of the building appearance, pending resolution of the lawsuit of the property. A new contractor has been hired to complete the construction. Zoning Officer Spiegel gave a quite update on the status based on new contractor status/on-site.

M) COMMUNICATION(S):

The Board Secretary updated the Board on passage of several Ordinance by City Council as recommended by the Board thru Board Resolution adoption(s);

City Ordinance adoption – City Ordinance No. 1916 – Conditional Use of accessory apartments within Single-family homes, adopted September 5, 2023, effective October 25, 2023

No Board action required

City Ordinance adoption – City Ordinance No. 1913 – deletion of Conditional Use of duplex dwellings on 50x100 lots, adopted September 5, 2023, effective October 25, 2023

No Board action required

Notice of Availability of requests for qualifications & proposals (RFP/RFQ) for various 2024 Planning Board professional services contracts

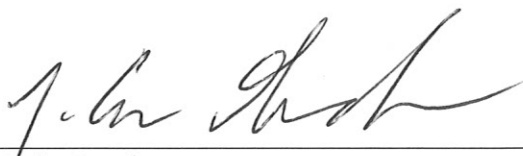
N) REPORTS: None presented

Chairman Davis requested the Boards X-Mas dinner in the January, 2024 month due to hectic x-mas schedules. Board members agreed.

O) MEETING ADJOURNED:

Meeting was adjourned at 8:42pm, 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: 12/15/23
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.

