

North Wildwood Planning Board
Re-Organization & Regular Meeting:
January 10, 2024, 6:30 p.m.

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

A) CALL TO ORDER

Board Solicitor Belasco called the meeting to order.

B) OPEN PUBLIC MEETING STATEMENT

Board Solicitor Belasco read the Open Public Meeting Act statement.

C) PLEDGE OF ALLEGIANCE

Board Solicitor Belasco led the audience in reciting the pledge of Allegiance to the Flag.

D) ROLL CALL

Board Solicitor Belasco called for the Roll Call:

Chairman Robert Davis	Present	Mayor Patrick Rosenello'	Absent
Vice Chair Jodie Di Eduardo	Present	Mayor's Designee Mr. Doug Miller	Present
Chief John Stevenson	Present	Mr. Bill Auty	Absent
Mr. John Harkins	Present	Councilman James Kane	Present
Mr. George Greenland	Present	Mr. Bill O'Connell	Present
Mr. Ron Peters (Alt. 1)	Present	Ms. Valerie DeJoseph (Alt. 2)	Absent
Sharon Cannon (Alt. 3)	Present	Mr. Scott McCracken (Alt. 4)	Absent
	Mr. Robert Belasco (Board Solicitor)	Present	
	Mr. Ralph Petrella (Board Engineer)	Present	
	Eric Gundrum, (Board Secretary)	Present	

F) RE-ORGANIZATION MEETING – ANNUAL APPOINTMENTS FOR 2024

Election of Chairman & Vice Chairman

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

Board member Mr. Greenland nominated current Chairman Robert Davis, no other nominations, with Vice Chair DiEduardo with a 2nd nomination for Chairman Davis. Motion to re-elect Mr. Davis as Chairman,

by Board member Mr. O'Connell, 2nd by Councilman Kane with all Board members voted in the affirmative by roll-call vote on the Chairman's nomination. Upon conclusion of voting, Chairman Davis thanked the Board members for his nomination.

The Board Solicitor announced Chairman Davis will resume the chairmanship & resume order of the meeting.

The Chairman Davis announced the selection of Vice-Chair of the Board position.

Board member Mr. Greenland nominated current Vice Chairperson Jodie DiEduardo, no other nominations, with a 2nd nomination for Vice Chair DiEduardo by Board member Ms. Cannon. Motioned by Councilman Kane, with a 2nd nomination from Ms. Cannon, with all Board members voted in the affirmative by roll-call vote on the Vice Chair's nomination. Upon conclusion of voting, Vice Chair DiEduardo thanked the Board members for her nomination.

Notice Designation of Official Newspapers

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

Resolution PB-11-2023(A) re-affirmed the Board meeting schedule & official newspapers. Motioned by Mr. O'Connell, 2nd by Mr. Greenland, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Secretary's nomination.

Notice of Scheduled Meetings for 2024 Calendar Year.

The Board Secretary announced Board Resolution No. PB-11-2023(A) for the Schedule of Meetings for the 2024 Calendar Year. Meeting times were not changed. Based on the passage of the Resolution by the Board, notice of same has been sent to area newspapers referenced above to reflect the schedule & timing of meetings & will be certified by the Board Secretary.

Resolution No. PB-01-2024 - Resolution Appointing Board Secretary

Chairman Davis presented Board Resolution No. PB-01-2024 appointing Eric Gundrum as the Board Secretary for the Board & charged with the responsibility of performing all duties of the Board Secretary to the best of his ability. The anticipated term of this service shall commence January 2, 2024 & end December 31, 2024.

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

Appointment of Board Professional(s) for Year 2024

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

The Board Solicitor nomination for the Board will be charged with the responsibility of performing all duties of Board Solicitor to the best of his ability. The anticipated term of this service shall commence January 2, 2024 & end December 31, 2024.

As for the Board Professional Request for Proposals (RFP'S) as issued & advertised by the City Clerk's office, RFPs received by the Board Secretary for Board Engineer, only two (2) RFPs were received & evaluated by the Board. Ralph Petrella, Van Note Harvey & Assocs., & Gregory R. Valesi of CME Associates submitted the RFP's. The Board Engineer nomination for the Board will be charged with the responsibility of performing all duties of Board Engineer to the best of his ability. The anticipated term of this service shall commence January 2, 2024 & end December 31, 2024.

Chairman Davis presented Board Resolution No. PB-02-2024 appointing Robert J. Belasco for Board Solicitor & Ralph Petrella as Board Engineer for the Board & charged with the responsibility of performing all duties of the Board Solicitor & Board Engineer to the best of their ability. The anticipated term of this service shall commence January 2, 2024 & end December 31, 2024.

The Board members considered the RFP's & Resolution submitted. Motion to nominate Robert J. Belasco for Board Solicitor & Ralph Petrella as Board Engineer. Motioned by Mr. O'Connell, 2nd by Mr. Harkins, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Professionals nomination. Both Mr. Belasco & Mr. Petrella thanked the Board for his nomination as new Board Engineer.

G) SWEARING IN OF PROFESSIONALS:

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

H) MOTIONS FOR ADJOURNMENTS: None presented.

I) MEMORIALIZATIONS: –

Application: Z-23-10-3 Christopher & Margaret Bristow

321 East 19th Avenue

Block 264; Lot 12

R-1 Zoning District

Minor siteplan approval, a D(1) Use Variance & 'C' variance relief in order to demolish the existing multifamily (3-unit) dwelling & construct new single-family dwelling & make renovations & alterations to the existing cottage (rear building) and install new inground swimming pool

The Board heard & considered the application of Christopher & Margaret Bristow (Applicant), owners of the property located at 321 East 19th Avenue, a/k/a Block 264, Lot 12 (Property), seeking a D(1) Use variance, 'C' variance relief in relation to minimum sideyard setback (8ft. is required whereas 1.4ft. is existing & proposed), and minimum rearward setback (10ft. is required whereas 1ft. is existing & proposed), and design waivers for continuous raised curb with landscaping (28ft. is required whereas 22ft. is proposed), and maximum curb cut width (20ft. is permitted whereas 22ft. is proposed), in order to demolish an existing three (3) unit multi-family dwelling located on site to construct a new single-family dwelling while also maintaining an existing rearward cottage. The property is located in the R-1 single-family Zoning District & is consider pre-existing nonconforming use.

The Board Solicitor called for a motion to approve the memorialization of the 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 memorialization was approved by the Board. Board members Ms. Cannon, Mr. Miller, Councilman Kane & Mr. Peters abstained from the vote.

J) NEW BUSINESS: –

Application No: P-23-10-5 56th Street Rentals, LLC (aka Sandy Shores Motel)

2511 Atlantic Avenue

Block 257; Lot 1

M/C Zoning District

Preliminary & Final siteplan approval & 'c' variance relief in order incorporate additional off-street parking at the property

The Board heard & considered the application of 56th Street Rentals, LLC seeks preliminary & final siteplan approval & 'c' variance relief in order renovate the existing site/parking lot to incorporate additional off-street parking at the property located at 2511 Atlantic Avenue, North Wildwood, NJ, a/k/a Block 257, Lot 1. The property is located in the Motel/Commercial (M/C) Zoning District.

Alan Gould, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. Mr. Gould informed the Board that the Property is currently developed as the Sandy Shores Motel which the Applicant intends to add additional surface parking within the street right-of-way (ROW). Mr. Gould advised the Board that the existing surface parking for the motel is pre-existing non-conforming in minimum dimensions & overhanging the ROW. The Applicant cannot comply with the specific conditions set forth within the City's Land Use Ordinance at §276-35 et. seq. The Property is currently developed with an existing 40-unit hotel, d/b/a The Sandy Shores Resort/Motel.

The Applicant is proposing to add a total of nine (9) additional off-street parking spaces to the existing Motel parking lot/site. The proposed parking spaces are undersized, and same will encroach into the public street right-of-way. Mr. Gould advised the Board that the incorporation of nine (9) additional off-street parking spaces will free up on-street parking spaces around the hotel for use by the general public. Mr. Gould indicated that the proposed off-street parking spaces, while undersized, are consistent with the size of existing parking spaces on site, and within the surrounding neighborhood.

Louis A. DiGregorio, R.A., appeared before the Board on behalf of the Applicant. Mr. DiGregorio was accepted by the Board as an expert in the field of architecture & he was placed under oath & testified from the proposed site/architectural plans, dated January 11, 2023, last revised December 7, 2023, which were received by the Board & which are incorporated herein as fact. Mr. DiGregorio advised the Board that he was retained by the Applicant to evaluate potential modifications to the existing siteplan in order to incorporate additional off-street parking. Mr. DiGregorio testified that a total of thirty-three (33) off-street parking spaces currently exist on site. Mr. DiGregorio testified that the Applicant is proposing to add a total of nine (9) off-street parking spaces to the site, for a total of forty-two (42) spaces, which will ensure that one (1) space is provided for each room within the hotel. Two (2) additional off-street parking spaces would exist for general use. A total of sixty (60) parking spaces are required based upon the use of the site & the number of existing hotel rooms. Mr. DiGregorio indicated that the existing parking situation is a pre-existing non-conforming condition which the Applicant is proposing to improve in connection with this Application. Mr. DiGregorio advised the Board that the parking spaces that are proposed to be added to the site will encroach within the public street right-of-way. He indicated that parking spaces encroaching within the public right-of-way is not an uncommon condition in the surrounding neighborhood. Mr. DiGregorio testified that the Applicant's proposal involves adding five (5) parking spaces along Atlantic Avenue, two (2) parking spaces off of 25th Avenue, and two (2) in-line/front-to-back additional parking spaces within an existing drive aisle. Mr. DiGregorio further testified that the Applicant is proposing to extend an existing curbcut along Atlantic Avenue to accommodate the five (5) proposed spaces. He indicated that guests of the hotel are already parking in this location, and the Applicant's proposal would essentially recognize & legalize these spaces. Along 25th Avenue, Mr. DiGregorio indicated that the Applicant is proposing to reconfigure an existing stairwell in order to provide space for two (2) off-street parking spaces. In addition, Mr. DiGregorio testified that the two (2) off-street parking spaces within the existing drive aisle, will not impede access to internal parking spaces that already exist. In response to a question posed by the Board, Mr. DiGregorio acknowledged that the Atlantic Avenue parking spaces will encroach within the public right-of-way; however, he indicated that they will not impede pedestrian traffic. He indicated that parking encroachments are common in North Wildwood in light of the fact that the public right of way essentially consists of a five (5)-foot buffer between property lines & the start of a five (5)-wide sidewalk.

Board Members expressed concerns in regards to the fact that the proposed off-street parking spaces are significantly undersized & will encroach within the sidewalk area. The Board disagreed that the proposed parking spaces would not impede pedestrian traffic as the proposed parking spaces are deficient by a length of 7.5ft. Board Members expressed additional concerns about the utilization of an existing drive aisle to accommodate two (2) off-street, in-line parking spaces as the drive aisle provides access to internal off-street parking spaces that are also undersized. Concerns were expressed that the proposed parking spaces would prevent access to the internal off-street parking spaces & prevent individuals from safely pulling into to several existing parking spaces. Mr. DiGregorio testified that there will still be sufficient space for pedestrians to walk on the sidewalk even if vehicles encroach within same. Board Members reiterated their safety concerns in regards to the fact that the Applicant's proposal will create a dangerous situation requiring pedestrians to potentially walk within the street in order to walk past the proposed parking spaces. The Board indicated that the detriments to the public good in adding undersized parking spaces that encroach within the public right-of-way outweighs the benefits of adding additional parking to the site.

Ignazio Battaglia, the principal of 56th Street Rentals, LLC, appeared & he was placed under oath to testify before the Board. Mr. Battaglia testified that the existing hotel is a transient operation & patrons typically stay on site for a period of 2-3 days. He indicated that the majority of his patrons bring one (1) vehicle & large trucks/vans are assigned to park in larger parking spaces. He indicated that in his opinion vehicles are

actually getting smaller these days which would reduce any potential encroachment within the public right-of-way. As a condition of approval, the Applicant agreed to mark the five (5) parking spaces off of Atlantic Avenue as “compact” spaces.

Board Members questioned the ability to accommodate large trucks/vans on site given the fact that the majority of the existing parking spaces are also undersized. A discussion ensued in regards to the future operation of the Property & the impact that allowing the creation of undersized parking spaces would have on the City & the public at large. Board Members raised additional concerns in regards to the fact that a structural bump out exists along Atlantic Avenue which would result in vehicles encroaching further into the public right-of-way. As a condition of approval, the Applicant will remove the existing bump out along Atlantic Avenue to ensure that the façade of the building is consistent with the existing structure.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated December 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. As a condition of approval, the Applicant will comply with all comments & conditions outlined within Mr. Petrella’s report. He confirmed the size of the proposed off-street parking spaces noting that all nine (9) parking spaces are undersized. He further indicated that the parking spaces proposed along Atlantic Avenue would encroach in the public right-of-way & would impact pedestrian traffic.

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

- a. Caroline Chenworth, owner of the property located at 301 East 25th Avenue – unit 103, appeared & she was placed under oath to testify before the Board. Ms. Chenworth advised the Board that she is opposed to the Applicant’s proposal. She indicated that the surrounding neighborhood is a high-density area & there is no available on-street parking available during the summer months. She indicated that the Applicant’s proposal would eliminate two (2) on-street parking spaces & create at least five (5) off-street parking spaces that directly impact the public.

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 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 Motel/Commercial (M/C) Zoning District on a non-conforming lot. The Applicant is before the Board requesting variance/siteplan approval in order to construct/install additional non-conforming parking spaces on the property which will not conform to requirements governing same.

The Applicant is proposing to add a total of nine (9) additional off-street parking spaces to the existing site. The proposed parking spaces are undersized, and some encroach into the public street right-of-way. The Board is in receipt of site/architectural plans prepared by Louis A. DiGregorio, R.A., dated January 11, 2023, last revised December 7, 2023, which were received by the Board & which are incorporated herein as fact.

Based upon the existing use of the subject property a total of sixty (60) parking spaces are required. A total of thirty-three (33) off-street parking spaces currently exists on site, and the Applicant is proposing to increase same to forty-two (42). The proposed parking spaces are all undersized requiring variance relief. Parking spaces are required to be a minimum of 9ft. x 18ft. whereas the Applicant is proposing parking spaces that measure 9ft. x 10.5ft., 8ft. x 15ft., & 9ft. x 15ft. Mr. DiGregorio testified that the Applicant's proposal will ensure that each hotel unit is provided one (1) off-street parking space. Mr. Gould, Mr. DiGregorio & Mr. Battaglia reviewed & confirmed the requirements sought in connection with this Application & he confirmed that the proposed parking spaces will help the parking deficient of the property, but do not meet the parking requirements of the Ordinance. The Board received public comment from one (1) individual who expressed concerns in regards to the loss of on-street parking & the impact that the proposed undersized parking spaces would have on the general public and pedestrians. Board Members expressed significant concerns in relation to the proposal to create significantly undersized off-street parking spaces that would encroach within the public right-of-way. Board Members took issue with the fact that the parking spaces would impede pedestrian traffic creating a potentially dangerous situation requiring pedestrians to walk in the street to avoid parked vehicles encroaching within the public right-of-way. The Board specifically found that the proposal to create undersized off-street parking spaces which encroach within the public right-of-way presents substantial detriments to the public good & same will impair the intent & purpose of the Zoning Map & Ordinance. The Board finds that the Applicant has not 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 does not meet all requirements which provides additional justification for granting the requested variance/siteplan approval. The Board found that the Applicant did not establish that granting the variance/siteplan approval would advance the purposes of Zoning, to the public good, to the City's municipal Land Use Ordinances & to the City's Zoning Map. The Board finds that the Applicant did not satisfy the requirements for 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 of the Resolution as discussed. Motioned by Vice Chair DiEduardo & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being negative, the Resolution was not approved by the Board. Ms. Cannon did not need to vote. The application was denied by the Board.

As to the combined Planning/Zoning 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) & were excused for the rest of the meeting by the Chairman Davis.

Application No: Z-17-7-2(A) Kevin McArdle

601 Central Avenue

Block 245; Lot 4

R-1 Zoning District

Minor siteplan approval, a D(1) Use Variance & 'C' variance relief in order to add a swimming pool & modification to garage to a duplex residence in the R-1 single-family Zoning District.

The Board heard & considered the application of Kevin McArdle requests a D(2) Use variance as well as various "C" variance(s) relief in relation to minimum distance between a pool and structure (8ft. is required whereas 4ft. is proposed to a garage, 3ft. is proposed to the principal structure, and 1ft. is proposed to a

cantilevered 2nd floor deck), and minimum parking space size (9ft. x 18ft. is required whereas 9ft. x 14.7ft. is proposed) in connection with the proposed expansion of a non-conforming use (duplex property in R-1 Single-family Zoning District) in order to install a swimming pool in the rearyard/driveway area & modify/construct a proposed accessory garage to serve the new swimming pool. The property is located in the R-1 single-family Zoning District.

The Applicant, Kevin McArdle, was self-represented in connection with this Application. Mr. McArdle was placed under oath & proceeded to testify before the Board. The Property is located at 601 Central Avenue, a/k/a Block 245, Lot 4, in the City's R-1 Zoning District. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. Mr. McArdle testified that he is seeking approval in order to install an in-ground swimming pool in the rearyard. Mr. McArdle also testified that he plans to demolish half of the existing garage located on site in order to accommodate the proposed in-ground swimming pool, and he intends to install a fence in line with the existing building, parallel to Central & 6th Avenue for safety purposes. Mr. McArdle advised the Board that he completed extensive renovations back in 2018 which enhanced the aesthetic appearance of the principal structure while ensuring that its historic appearance was maintained. Mr. McArdle testified that he constructed a covered porch which spans the front & side of the existing structure which improved the visual appearance of same. He advised the Board that he intends to demolish a portion of the existing garage in order to facilitate the installation of the proposed pool. The existing garage will also be resided to maintain consistency with the appearance of the principal structure. In response to a question posed by the Board, Mr. McArdle testified that the proposed pool measures 10ft. x 24ft.

Brendan McArdle, P.E. appeared on behalf of the Applicant and he was recognized as an expert in the field of engineering. Mr. McArdle was placed under oath & he testified from the proposed Siteplan, consisting dated November 15, 2023, which was received by the Board & which is incorporated herein as fact. Mr. McArdle reviewed the existing & proposed site conditions for the benefit of the Board. Mr. McArdle testified that the Applicant's proposal to install an in-ground swimming pool will increase overall lot coverage; however, he confirmed that 77.8% is proposed whereas a maximum of 80% is permitted. Mr. McArdle advised the Board that the Applicant is requesting a D(2) Use variance as the Property is developed with an existing duplex which is not a permitted use in the R-1 Zoning District. Mr. McArdle testified that the proposal to install an in-ground swimming pool is consistent with the surrounding neighborhood & the overall purpose of the R-1 Zoning District. He indicated that the Applicant is proposing to install a fence surrounding the pool which will comply with the requirements of the City's Ordinance to address safety concerns. The proposed fence will be flush with the façade of the existing principal structure. With respect to off-street parking, Mr. McArdle testified that two (2) compliant off-street parking spaces currently exist on site. Mr. McArdle further testified that the parking spaces will be reduced in size in connection with the installation of the pool in question & modifications proposed to the garage. The proposed off-street parking spaces will measure 9ft. x 14.7ft. whereas 9ft. x 18ft. is required. Mr. McArdle testified that proposed undersized parking spaces will encroach within the public right-of-way, but they will not impede or obstruct the sidewalk as the public right-of-way contains a five (5) -foot buffer between the property line & the start of the sidewalk.

A discussion ensued between the Applicant & the Board in regards to available off-street parking spaces on site. In response to a question posed by the Board, the Applicant testified that the garage can accommodate an additional off-street parking space; however, same is strictly used for storage purposes. The Board acknowledged that a 3rd off-street parking space does exist on site, and it determined that three (3) off-street parking spaces are available on site regardless of whether or not the garage off-street parking space is utilized.

As a condition of approval, the Applicant will submit revised plans depicting a gate in front of the existing garage in order to provide access to the interior garage off-street parking space.

Mr. McArdle 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:

- c. Provides adequate light, air & open space; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. McArdle 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 & Land Development Ordinance.

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

Chairman Davis then opened the application for general public comment. 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 view of the facts & the application as it relates to the application. Mr. O'Connell "volunteered" for the finding of facts. Mr. O'Connell reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the R-1 Zoning District on a non-conforming lot. The Applicant is before the Board requesting Use variance/siteplan approval in order to construct a new swimming pool & alteration to existing garage to the property which will conform to all of the R-1 requirements governing same. Mr. McArdle reviewed & confirmed the requirements sought in connection with this Application & he confirmed that the proposed duplex dwelling will conform to all of the R-1 bulk requirements. Mr. McArdle's testimony was deemed credible by the Board. The Board finds that the Applicant has presented valid reasons which advance the purposes of Zoning which justify the granting of the aforementioned approval. In addition, the Board finds that the fact that the Property meets all requirements which provides additional justification for granting the requested variance/siteplan approval. The Board found that the Applicant did establish that granting the variance/siteplan approval would advance the purposes of Zoning, to the public good, to the City's municipal Land Use Ordinances & to the City's Zoning Map. The Board finds that the Applicant has satisfied the requirements for Conditional Use/siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the of the Resolution as discussed. Motioned by Mr. O'Connell & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board. Ms. Cannon did not need to vote.

Application No: Z-22-10-1(A) Yarrow

306 Central Avenue

Block 217; Lot 19

R-1 Zoning District

Minor siteplan approval, a D(1) Use Variance & 'C' variance relief in order to expand non-conforming use of duplex residence & variance relief for setback distance between two ((2) principal structures in the R-1 single-family Zoning District.

The Board heard & considered the application of Stephen Yarrow, Diane Yarrow, Geremiah Giampa, & Colleen Glynn (Applicant), seeking a D(2) Use variance pertaining to the expansion of a non-conforming use, & 'C' variance relief in relation to minimum frontyard setback (10ft. is required whereas 8.2ft. is existing & proposed), minimum rear yard setback (10ft. is required whereas 2.1ft. is existing & proposed), minimum side yard setback to the 2.5-story dwelling (8ft. is required whereas 1.4ft. & 25.5ft. are proposed), minimum side yard setback to the 1-story dwelling (8ft. is required whereas 12.2ft. & 4ft. are existing & proposed), and minimum total side yard setback (20ft. is required whereas 17ft. is proposed), in order to construct a 2nd floor rear deck over an existing one-story sloped roof section of the front building & extending said deck beyond the 1-story section to extend to the width of the building.

The Applicant is returning to the Board as the Applicant/Architect discovered the rear deck will not comply with the requirements for Board approved distance between the two (2) structures as originally approved. None of the approved conditions will change as a result of the proposed project. The property is located in the R-1 single-family Zoning District.

The Board re-heard & re-considered the application of Stephen Yarrow, Diane Yarrow, Geremiah Giampa & Colleen Glynn (Applicant), owners of the property located at 306 Central Avenue, a/k/a Block 217, Lot 19 (Property), seeking a D(2) Use variance pertaining to the expansion of a non-conforming use, and 'C' variance relief in relation to minimum distance between structures (8ft. is required whereas 4.5ft. is proposed), in order to maintain a 2nd floor rear deck over an existing one-story sloped roof section of the front building.

Jeffrey Barnes, Esq. appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Barnes advised the Board that the Property is a 50ft. x 100ft. lot located in the R-1 Zoning District & it is currently developed with a 2.5-story duplex & a 2nd 1-story duplex, for a total of four (4) residential units on site. Mr. Barnes indicated that the Applicant previously appeared before the Board on December 14, 2022 at which time they received a D(2) Use variance, and several 'C' variances in connection with a proposal to construct a 2nd floor rear deck over an existing 1-story sloped roof section of the front building & extending said deck beyond the 1-story section to extend to the width of the building. In light of the fact that two (2) principal uses existed on the site, the Applicant sought a D(2) Use variance associated with the expansion of the pre-existing non-conforming use. Mr. Barnes advised the Board that following the approval of the prior application, the Applicant submitted construction plans & applied for required permits at which time it was discovered that the plans approved by the Board reflected eight (8) feet of clearance between the proposed deck & the rear Duplex whereas the construction plans depicted a clearance of 4.5ft, necessitating additional variance relief. Mr. Barnes reminded the Board that the deck that was previously approved is approximately 8.5ft. above grade which will not change. Aside from the distance between the deck & principal structure, there are no modifications to the previously approved plan.

David Markowski, R.A. with M3 Architectural, LLC, appeared before the Board on behalf of the Applicant. Mr. Markowski was accepted by the Board as an expert in the field of architecture & he was placed under oath & testified from the proposed site/architectural plan, dated November 13, 2023, which was received by the Board & which is incorporated herein as fact. Mr. Markowski testified that he prepared the plans which were previously presented & approved by the Board back in December of 2022. He acknowledged that the plans that were presented *contained an error which misrepresented* the proposed distance between the deck & the rear duplex. Mr. Markowski reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Markowski distributed a photograph of the rear structure & the location of the proposed deck which was received by the Board & which was marked as Exhibit A-1. He advised the Board that the distance between the façade of the structures in question measures 15ft. whereas the distance between the proposed deck & the rear yard structure measures 4.5ft. as opposed to the required 8ft. Mr. Markowski testified that the proposed deck will be cantilevered in order to ensure that the ground level is clear & open without any obstructions. Mr. Markowski reviewed the burden of proof associated with the approval of a D(2) Use variance. He opined that the existing non-conformity will be minimized/improved in light of the increase to the existing sideyard setback. Mr. Markowski opined that several of the purposes of Zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application & support the relief sought by the Applicant as it:

- c. Provides adequate light, air & open space as the existing sideyard setback will be increased from 1.4ft. to 4ft. & there is a de minimis increase in building coverage;
- 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 as the Applicant has completed & is proposing significant upgrades/improvements to the site; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Markowski 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 & Land Development Ordinance (Ordinance).

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated December 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. O'Connell "volunteered" for the finding of facts. Mr. O'Connell reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the R-1 Zoning District on a non-conforming lot. The Applicant is before the Board requesting Use variance/siteplan approval in order to construct a new decks/addition to the dwelling which will conform to all of the R-1 requirements governing same. Mr. Markowski reviewed & confirmed the requirements sought in connection with this Application & he confirmed that the proposed duplex dwelling will conform to all of the R-1 bulk requirements. Mr. Markowski's testimony was deemed credible by the Board.

The Board finds that the Applicant has presented valid reasons which advance the purposes of Zoning which justify the granting of the aforementioned approval. In addition, the Board finds that the fact that the Property meets all requirements which provides additional justification for granting the requested variance/siteplan approval. The Board found that the Applicant did establish that granting the variance/siteplan approval would advance the purposes of Zoning, to the public good, to the City's municipal Land Use Ordinances & to the City's Zoning Map. The Board finds that the Applicant has satisfied the requirements for Conditional Use/siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the of the Resolution as discussed. Motioned by 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. Ms. Cannon did not need to vote.

Chairman Davis called for a five (5) minute break in the meeting. After the five (5) minute break, the meeting resumed.

Application No: Z-23-11-1 2100 NJ Ave, LLC (aka Bank of America property)

101 West 21st Avenue & 2100 New Jersey Avenue

Block 168, Lots: 11 & 12

CBD Zoning District

D(1) Use variance in order to permit the development of a single-family dwellings on the proposed 50ft. x 100ft. lots fronting on to New Jersey and 21st & 22nd Ave(s) and major subdivision approval

The Board heard & considered the application of 2100 NJ Ave, LLC (Applicant), owner of the properties located at 101 West 21st & 2100 New Jersey Avenue(s), a/k/a Block 168, Lots 11 & 12 (Property), seeking Major subdivision approval in order to subdivide a 100ft. x 200ft. lot into five (5) 50x100 lots fronting onto New Jersey Avenue & an individual 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). A D(1) Use Variance in order to permit the development of a single-family residential dwellings with swimming pools & separate garages with the exception of the proposed 50ft. x 100ft. lot fronting on 22nd Avenue being reserved for future development. The property is exclusively located in the Central Business District (CBD) Zoning District consisting 25,000 square feet in total.

The Applicant intends to remove all improvements currently located at the Property, and is proposing to subdivide the existing parcel in order to create five (5) fully-conforming 50ft. x 100ft. lots for the future development of single-family dwellings. Mr. Barnes advised the Board that the CBD Zoning District allows for the development single-family dwellings on 50ft. x 100ft. lots provided they do not front directly on to New Jersey Avenue. In light of the fact that proposed lots 11.02 & 12.01 front directly on to New Jersey Avenue, the Applicant is requesting a D(1) Use variance in order to permit same. The Applicant is also proposing to install swimming pools on each lot, requiring variance relief as pools are not a permitted accessory use in the CBD Zoning District.

Mike Ryan, a member of 2100 NJ Ave, LLC, appeared & he was placed under oath to testify before the Board. Mr. Ryan advised the Board that the Applicant purchased the property in February of 2022. Mr. Ryan testified that significant efforts were undertaken in order to locate a potential tenant to operate a commercial use at the property; however, these efforts ultimately proved to be unsuccessful. He indicated that discussions took

place with multiple seasonal businesses & potential franchisees, but the economics did not support a viable commercial use. In addition, he noted that there are a significant number of commercial properties located along New Jersey Avenue which have been vacant for years. Moreover, Mr. Ryan testified that a traffic study was completed which outlined the limited number of trips that the site would generate if utilized commercially, & it was determined that said trips would be insufficient to support a commercial establishment. Mr. Ryan testified that the decision was ultimately made to pursue approvals in order to develop single-family dwellings at the Property. Mr. Ryan opined that the development of single-family dwellings is a better zoning alternative for the surrounding neighborhood. He advised the Board that the size of the proposed lots conforms with the bulk requirements within the Ordinance & the proposed single-family dwellings are fully conforming with the exception of the proposal to install swimming pools on each lot.

In response to a question posed by the Board, Mr. Ryan testified that the Applicant at one point considered developing a ground-floor commercial use with twenty-four (24) multi-family units above.

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/Architectural Plans, dated November 2023 & last revised December 21, 2023, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger distributed a revised site of Site/Architectural Plans, dated November 2023 & last revised December 21, 2023, which were received by the Board & which were marked as Exhibit A-3. Mr. Newswanger reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Newswanger testified that the Applicant is only proposing to develop four (4) of the five (5) homes at this time, proposed lots 12.01, 12.02, 11.01 & 11.02. Proposed lot 12.03 will remain vacant with the understanding that same will be developed with a fully-conforming single-family dwelling in the future. As a condition of approval, any single-family dwelling constructed on lot 12.03 will provide a 12ft. frontyard setback, 15ft. rearyard setback & sideyard setbacks of 4ft. & 12ft. The Applicant will record a Deed Restriction with the Cape May County Clerk's office which will contain a copy of this Resolution, subject to the review & approval of the Board solicitor. Mr. Newswanger indicated that proposed lots 12.01, 12.02 & 12.03 will be oriented towards 22nd Avenue & proposed lots 11.01 & 11.02 will be oriented towards 21st Avenue. Proposed lots 12.01 & 11.02 contain frontage along New Jersey Avenue necessitating Use variance relief. Mr. Newswanger indicated that landscaping is proposed along New Jersey Avenue in order to soften the appearance of the proposed residential development. Mr. Newswanger reviewed the proposed floor plans for the benefit of the Board. He testified that all of the proposed single-family dwellings will contain four (4) bedrooms & a total of three (3) off-street parking spaces are provided for each home which complies with the RSIS requirements. Mr. Newswanger advised the Board that the proposed floor plans are similar in design; however, each home will have its own unique design, layout & exterior finishes. Mr. Newswanger reviewed the proposed architectural elevations & renderings. He distributed a color rendering of house design "A" which will front on to New Jersey Avenue which was received by the Board & which was marked as Exhibit A-1. Mr. Newswanger also distributed a color rendering of house design "B," the interior lot homes, which was received by the Board & which was marked as Exhibit A-2. Mr. Newswanger testified that the proposed single-family dwellings were designed using a "beach architecture" theme. He reviewed the unique design elements proposed to be incorporated within each individual home, and he discussed the exterior materials that will be utilized during construction.

In response to a question posed by the Board, Mr. Ryan testified that the Applicant intends to utilize cedar shake siding, brick & varying color schemes in order to ensure that the proposed homes are consistent with what exists in the surrounding neighborhood. As a condition of approval, the Applicant will construct the

proposed single-family dwellings consistent with the submitted architectural plans & renderings. In response to a question posed by the Board in regards to the lack of garage space, Mr. Ryan testified that the majority of his client's at the shore are requesting small carports to house low speed vehicles rather than full-blown attached or detached garages. A discussion ensued between the Applicant & the Board in regards to the history & evolution of the CBD Zoning District, specifically related to the development of single-family dwellings.

Mr. Newswanger reviewed the proposed setbacks, building & lot coverages, and building heights. He indicated that the required frontyard setback along New Jersey Avenue is zero (0) feet. The Applicant is proposing frontyard setbacks of 2ft. $7\frac{1}{8}$ inches off of New Jersey Avenue in relation to proposed lots 12.01 & 11.02. He indicated that a fence is proposed along New Jersey Avenue.

Board Members questioned the proposed frontyard setback & the location of entrances to the single-family dwellings. As a condition of approval, the Applicant will ensure that the entrances to the single-family dwellings are recessed in order to provide a six (6) foot setback. In an effort to offset the proposed setback to the majority of the façade of the building, Mr. Newswanger testified that the Applicant would incorporate additional landscaping. Mr. Ryan testified that he would be willing to plant privacy trees & to install landscaping in front of the proposed New Jersey Avenue fence to provide a visual buffer to the structures & the pools that are proposed on site. He indicated that the pool mechanical equipment will either be housed in the proposed carport or underneath a proposed deck. In response to a question posed by the Board, Mr. Newswanger testified that the interior lots will provide 12ft. frontyard setbacks from 21st & 22nd Avenues, sideyard setbacks are proposed at 12ft & 4ft., and the rearyard setback will be 15ft. With respect to the proposed corner lots, the frontyard setbacks will be 6ft. measured to the entrance door off of 21st & 22nd Avenues, the frontyard setbacks off of New Jersey Avenue will be 2ft. $7\frac{1}{8}$ inches off of New Jersey Avenue, a 6ft. sideyard setback, and a 15ft. rearyard setback.

With respect to the proposed swimming pools, Mr. Newswanger testified that same are not a permitted accessory use in the CBD zone. He indicated that the proposed pools are located 3ft. from a structural pillar on site. In response to concerns raised by the Board, Mr. Newswanger testified that a 42-inch railing is proposed for the 2nd-floor decks to prevent individuals from diving into the pool.

John Halbruner, R.A., P.E., of the Hyland Design Group, appeared on behalf of the Applicant & he was recognized as an expert in the fields of architecture & engineering. Mr. Halbruner was placed under oath & he testified to the variances & the justification which he contends supports granting same. Mr. Halbruner confirmed the need for a D(1) Use variance to permit the development of single-family dwellings at proposed lots 12.01 & 11.02 as same front directly on to New Jersey Avenue, and the need for a D(1) Use variance to permit the installation of swimming pools. Mr. Halbruner testified that single-family dwellings are permitted within the CBD Zoning District, provided they do not front directly on to New Jersey Avenue. Mr. Halbruner 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:

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

- i. Promotes a desirable visual environment through creative development techniques and good civic design & arrangement; and
- m. Encourages coordination of the various public & private procedures and activities shaping land development with a view of lessening the cost of such development & to the more efficient use of land.

Mr. Halbruner 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. Mr. Halbruner testified that the Property cannot sustain a viable commercial use. He further testified that the proposed residential dwellings are consistent with the surrounding neighborhood, and amounts to a better zoning alternative compared to what is otherwise permitted in the zone. Mr. Halbruner opined that the corner lots containing frontage along New Jersey Avenue are particularly suited to accommodate the proposed single-family dwellings. He indicated that the proposed residential use is the least intrusive type of permitted use within the CBD Zoning District & the most consistent with surrounding properties in this area of the City.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated January 2, 2024, which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirmed the relief sought by the Applicant for the benefit of the Board. As a condition of approval, the Applicant will comply with all comments & conditions outlined within Mr. Petrella's report.

Chairman Davis then opened the application for general public comment. Five (5) members of the public addressed the Board in connection with the application:

- a. Charles Coan, owner of the property located at 111 West 21st Avenue, appeared & he was placed under oath to testify before the Board. Mr. Coan expressed concerns about the potential future development of proposed lot 12.03. He inquired if the structure that's intended to build on said lot had been designed.
- b. Mary Jean Ricci, owner of the property located at 103 East 21st Avenue, appeared & she was placed under oath to testify before the Board. Ms. Ricci expressed concerns in relation to the proposed development, and the impact that same would have on parking in the neighborhood. She was advised that the Property complies with the number of required off-street parking spaces.
- c. Jennifer Torbett-Leighton, owner of the property located at 106 West 21st Avenue, appeared & she was placed under oath to testify before the Board. Ms. Leighton also raised concerns in regards to the impact on on-street parking. She was advised that the Property complies with the number of required off-street parking spaces.
- d. Mary Ricci, owner of the property located at 103 East 21st Avenue, appeared & she was placed under oath to testify before the Board. Ms. Ricci questioned whether the Applicant intended to remove a drive aisle which provides access between 21st & 22nd Avenues.

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

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. O'Connell "volunteered" for the finding of facts.

Mr. O'Connell reiterated to the address and Block & Lot of the property as stated in the application. The property is located in the CBD Zoning District proposing single-family dwellings. The Applicant is before the Board requesting Use variance/siteplan approval in order to construct new single-family dwellings which will conform to all of the CBD requirements governing same.

The Property is Block 168, Lots 11 & 12, within the City's CBD zone consisting of 25,000SF. All improvements currently located at the subject property will be removed as part of the major subdivision approval. The Applicant is seeking approval to subdivide the existing parcel in order to create five (5) fully-conforming 50ft. x 100ft. lots for the future development of single-family dwellings. The Applicant is only proposing to develop proposed lots 11.01, 11.02, 12.01 & 12.02. Proposed Lot 12.03 will be developed in the future with a conforming single-family dwelling. The CBD Zoning District allows for the development single-family dwellings on 50ft. x 100ft. lots provided they do not front directly on to New Jersey Avenue. In light of the fact that proposed lots 11.02 & 12.01 front directly on to New Jersey Avenue, the Applicant is requesting a D(1) Use variance/siteplan approval in order to permit same. Swimming pools are also proposed to be installed on each lot. Pools are not permitted accessory uses in the CBD Zoning District necessitating a D(1) Use variance. The Board received three (3) exhibits in connection with this Application:

- a. Exhibit A-1: A color rendering of house design "A" which will front on to New Jersey Avenue.
- b. Exhibit A-2: A color rendering of house design "B," the interior lot homes.
- c. Exhibit A-3: Revised site of Site/Architectural Plans, dated November 2023 & last revised December 21, 2023.

Mr. Ryan provided testimony relative to the ownership of the Property. He discussed efforts undertaken to locate a tenant to operate a commercial use & he outlined the difficulties experienced with same which ultimately led to the determination that a residential use was a more viable alternative. Mr. Ryan outlined the various types of residential development that were evaluated, and indicated that single-family dwellings were determined to be the most suited for the surrounding neighborhood & the best alternative for the City as a whole. Mr. Newswanger reviewed & confirmed the requirements sought in connection with this Application & he confirmed that the proposed single-family dwelling will conform to all of the CBD bulk requirements. The single-family dwellings to be developed on the interior lots will provide 12ft. frontyard setbacks from 21st & 22nd Avenues, sideyard setbacks are proposed at 12ft & 4ft., and the rearyard setback will be 15ft. The single-family dwellings to be developed on corner lots, the frontyard setbacks will be six (6) ft. measured to the entrance door off of 21st & 22nd Avenues, the frontyard setbacks off of New Jersey Avenue will be 2ft. 7^{1/8} inches off of New Jersey Avenue, a six (6) ft. sideyard setback, and a 15ft. rearyard setback. The proposed structures are similar in appearance; however, each individual structure will contain unique architectural features, varying color schemes, and slight variations of exterior materials. Mr. Halbruner testified to the positive criteria which supports the relief sought by the Applicant & he identified several purposes of Zoning which he contends are advanced in connection with the Applicant's proposal. Mr. Halbruner 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. Compliant off-street parking is provided on site in connection with the Applicant's proposal. The Board received public comment from four (4) individuals. The following conditions of approval were proposed:

- a. Any single-family dwelling constructed on lot 12.03 will provide a 12ft. frontyard setback, 15ft. rearyard setback & sideyard setbacks of 4ft. & 12ft. The Applicant will record a Deed Restriction with the Cape May County Clerk's office which will contain a copy of this Resolution, subject to the review & approval of the Board Solicitor.

- b. The Applicant will construct the proposed single-family dwellings consistent with the submitted architectural plans & renderings.
- c. The Applicant will ensure that the entrances to the single-family dwellings are recessed in order to provide a six (6) ft. setback.

With respect to the requested D(1) Use variances, 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 proposed use as single-family dwellings are a permitted use in the CBD Zoning District. Mr. Newswanger, Mr. Halbruner & Mr. Ryan testimony was deemed credible by the Board. The Board finds that the Applicant has presented valid reasons which advance the purposes of Zoning which justify the granting of the aforementioned approval. In addition, the Board finds that the fact that the Property meets all requirements which provides additional justification for granting the requested Use variance/siteplan approval. The Board found that the Applicant did establish that granting the Use variance/siteplan approval would advance the purposes of Zoning, to the public good, to the City’s municipal Land Use Ordinances & to the City’s Zoning Map. The Board finds that the Applicant has satisfied the requirements for Use/siteplan approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the of the Resolution as discussed. Motioned by 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. Ms. Cannon did not need to vote.

Chairman Davis called for a five (5) minute break in the meeting. After the five (5) minute break, the meeting resumed.

K) ZONING OFFICER REPORT:

Dan Spiegel, Zoning Officer/Construction Official, has nothing to add to tonight’s meeting.

L) 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.

M) APPROVAL OF MINUTES: – December 13, 2023 meeting minutes

The Board Solicitor presented to the Board the approval the December 13, 2023 regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board Secretary mentioned minor corrections are necessary which will be completed upon adoption. No discussion or corrections proposed. Motioned as proposed by Mr. Harkins, & 2nd by Mr. Greenland. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved, with Ms. Cannon abstaining.

N) UNFINISHED BUSINESS: – None presented

The Board Solicitor brought up the aspect of driveway “strips” vs. driveway/parking area. After discussion of the board members, the Board interprets that driveway strips are not permitted under the Land Development Ordinance.

O) COMMUNICATION(S):

The Board Secretary presented City Ordinance adoption – City Ordinance No. 1923 – amendments to the Land Development Ordinance – Chapter 20 Central Business District (CBD) permitted & bulk requirements, which were adopted December 19, 2023, and became effective December 27, 2023. This was presented to the Board for information & no Board action was required.

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

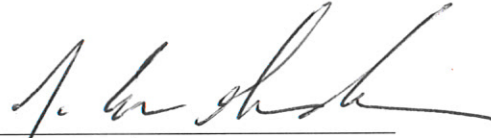
P) REPORTS: - None presented

Q) MEETING ADJOURNED:

Meeting was adjourned at 10:55pm, on motion by Vice Chair Eduardo & 2nd by Ms. Cannon, with all present members voting in the affirmative.

APPROVED: _____

2/22/24
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.