

North Wildwood Planning Board
Regular Meeting: March 13, 2024
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 (Cape May County Herald) & 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 DiEduardo	Present	Mayor's Designee Mr. Doug Miller	Present
Chief John Stevenson	Absent	Bill Auty	Absent
John Harkins	Present	Councilman James Kane	Absent
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)	Absent
		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 professional as it was necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) MEMORIALIZATIONS:

Application No.: Z-21-11-2-(A) North Shore Bricks, LLC

301 New York Avenue

Block 186, Lot 2

R-2 Zoning District

Amended site plan approval, re-affirming (d)2 Use variance for the expansion of a non-conforming use, & ‘c’ variance(s). The Planning Board previously approved a substantially similar application in January of 2022. The pending application proposes to expand the previously approved 2nd floor.

The Board heard & considered the application of North Shore Bricks, LLC (Applicant), owner of the property located at 301 New York Avenue, a/k/a Block 186, Lot 2 (Property), seeking amended preliminary & final siteplan approval, a D(2) Use variance for the expansion of a non-conforming use, & ‘C’ variance relief in relation to minimum sideyard setback (10ft. is required whereas 1.7ft. is existing & proposed), minimum frontyard setback (10ft. is required whereas 0ft. & 1.6ft. are existing & proposed), minimum rearward setback (10ft. is required whereas 1.7ft. is existing & proposed), maximum building coverage (70% is permitted whereas 89% is existing & 86.23% is proposed), maximum lot coverage (80% is permitted whereas 100% is existing & proposed), and off-street parking (28 off-street parking spaces are required whereas 0 are existing & proposed), in order to expand a previously approved 2nd-floor deck to an existing non-conforming restaurant & bar to add 36 additional outdoor seats thereby increasing the total number of 2nd-floor outdoor deck seats to 100. The Property is located in the R-2 Single-family/duplex residential Zoning District.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Greenland & 2nd by Ms. DeJoseph. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board. Board members Chief Stevenson, Mr. Auty, Mr. Harkins, Mr. O’Connell, Mr. Miller, Councilman Kane, Vice Chair DiEduardo, Ms. Cannon & Mr. McCracken, Ms. DeJoseph & Mr. McCracken abstained from the vote.

H) NEW BUSINESS:

Application No.: P-23-10-4 Timothy Rocco

316 West 19th Avenue

Block 113, Lots: 7

R-2 Zoning District

The Application submitted by Timothy Rocco seeks “c” variance approval in order to reduce density from a duplex to single-family structure on a pre-existing undersized 25x100 lot in the R-2 Zoning District. The pending application proposes to renovate & expand the existing 2nd floor. The application submittal is result of a Zoning Enforcement action as the proposed construction taking place was a full 2nd floor expansion to the issuance of a simple renovation Construction Permit by the City.

The Board heard & considered the application of Timothy Rocco (Applicant), owner of the property located at 316 West. 19th Avenue, a/k/a Block 113, Lot 7 (Property), seeking ‘C’ variance relief in relation to minimum lot area (4,000SF is required whereas 2,500SF is existing & proposed), minimum lot frontage/width (40ft. is required whereas 25ft. is existing & proposed), minimum sideyard setback (six (6) feet. is required whereas 0.5ft. and 5.8ft. are proposed), off-street parking (2 parking spaces are required whereas 0 are proposed), and a design waiver for minimum roof pitch (a minimum 4/12 roof pitch is required whereas 3.3/12

is proposed), in order to renovate an existing 1.5-story single-family semi-detached dwelling & to convert same to a single-family dwelling;

John Amenhauser, Esq., appeared on behalf of the Applicant & the outlined the nature of the application & the relief sought in connection with same. The Property is located at 316 West. 19th Avenue, a/k/a Block 113, Lot 7, in the City's R-2 Zoning District. The Property is an existing 25ft. x 100ft. undersized lot. The Property is currently developed with a single-family semi-detached dwelling. The Applicant is proposing to renovate the existing structure & to convert the existing dwelling to a single-family dwelling. Mr. Amenhauser advised the Board that the Applicant is proposing to eliminate the existing 2nd floor unit, & construct a small addition to 2nd-floor for existing 1st-floor unit. He reviewed & confirmed the variances sought in connection with the Applicant's proposal.

David Crawford, R.A., Architect appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Crawford was placed under oath & he testified from the proposed Floor Plans & Architectural Elevations, dated May 8, 2023 & last revised January 22, 2024, which were received by the Board & which are incorporated herein as fact. Mr. Crawford reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Crawford indicated that the Applicant purchased the Property with the intent to convert same to a single-family dwelling. Mr. Crawford testified that the proposed renovation/addition will not expand the existing building footprint. He indicated that neither building nor lot coverage will be increased in connection with the proposed development. Mr. Crawford reviewed & confirmed the variance relief sought by the Applicant. Mr. Crawford testified that the fact that the Property is an undersized lot presents practical difficulties in connection with conforming to the underlying area & bulk requirements of the R-2 Zoning District which results in a hardship to the Applicant. With respect to off-street parking, Mr. Crawford testified that there is currently no off-street parking provided on site for the two (2) existing units. Mr. Crawford further testified that there is no location on site to provide for off-street parking; however, he indicated that the Applicant's proposal will improve the overall parking as the density of the site is being reduced through the elimination of the 2nd-floor unit. With respect to the proposed roof pitch, Mr. Crawford testified that a 3.3/12 roof pitch is more than adequate & the roof pitch is consistent with the roof that already exists. Mr. Crawford advised the Board that the variances sought in connection with lot coverage, frontage/width are pre-existing non-conforming conditions. Mr. Crawford testified that there is no further encroachment into the sideyard setback & he indicated that the existing conditions are pre-existing. Mr. Crawford further testified that the sideyard setback variance is sought due to the vertical expansion of the existing structure which will maintain the non-conforming sideyard setbacks. Mr. Crawford 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:

- 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;
- b. Secures safety from fire, flood, panic & other natural & man-made disasters;
- e. 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; and
- i. Promotes a desirable visual environment through creative development techniques, good civic design & arrangement.

Mr. Crawford 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. In addition, Mr. Crawford testified that the Board should also consider the requested variance relief under the C(1) hardship standard, as the undersized lot presents practical difficulties which prevent the Applicant from complying with the area & bulk requirements of the R-2 Zoning District. In response to a question posed by the

Board, Mr. Crawford testified that the converted single-family dwelling will contain three (3) bedrooms, one (1) on the 1st floor & two (2) on the 2nd floor. Mr. Crawford testified that the Applicant's proposal is consistent with the surrounding neighborhood & is a more appropriate use on the existing undersized lot.

Timothy Rocco, the Applicant & owner of the subject property, appeared & he was placed under oath to testify before the Board. Mr. Rocco testified that he purchased the Property approximately one year ago, and he confirmed that he intends to convert the existing structure to a three (3) bedroom, single-family dwelling. Mr. Rocco advised the Board that he & his family are the sole users of the Property. Mr. Rocco testified that renovation has already commenced under validly issued permits. He indicated that during construction a portion of the 2nd-floor roof caved in which necessitated that the entire 2nd-floor be reframed, and he took advantage of the opportunity to expand the 2nd-floor without realizing that additional permits and/or variance relief would be required. Mr. Rocco testified that he received a stop work order & ceased all construction activity pending the outcome of this application. In response to a question posed by the Board in regard to a shed depicted on the proposed site plan, Mr. Rocco testified that an accessory shed previously existed on site; however same has since been removed. He confirmed that he has no intentions of reconstructing an accessory shed in the location of the former shed. As a condition of approval, the Applicant must submit a revised site plan eliminating the reference to the accessory shed in the rearyard.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 28, 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.

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. 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 on a non-conforming lot. The Applicant is before the Board requesting 'C' variance relief approval. The Property is currently developed with a single-family semi-detached dwelling. The Applicant is proposing to renovate the existing structure & to convert the existing dwelling to a single-family dwelling. The Board reviewed architectural plans prepared by David Crawford, RA of David Robert Crawford, Architect, which were received by the Board & which are incorporated herein as fact. Mr. Crawford testified & reviewed the existing & proposed conditions for the benefit of the Board. Mr. Crawford reviewed the renovations proposed to the existing structure to convert same from a duplex to a single-family dwelling. The proposed renovations include a small addition to the 2nd-floor which will not encroach further into the existing sideyard setbacks. Notwithstanding the fact that the Property is an undersized lot, conforming lot & building coverage is provided & will be maintained. Mr. Crawford opined that the undersized results in a hardship to the Applicant which presents practical difficulties in conforming with the area & bulk requirements of the R-2 Zoning District & which supports granting the requested variance relief. Mr. Crawford 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. Crawford 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. Timothy Rocco, the Applicant & owner of the subject property, appeared & he was placed under oath to testify before the Board. Mr. Rocco reviewed his ownership of the Property & he discussed the proposed development. He advised the Board that construction

has already commenced in connection with validly issued permits; however, during construction the decision was made to expand the 2nd-floor due to issues that arose with the roof during construction. A stop work order was issued & no construction has continued pending the outcome of this application. The Board found Mr. Crawford's & Mr. Rocco testimony to credible & persuasive. There was no public comment received. The Applicant agreed to the following conditions of approval. Moreover, the Board determined that the fact the Property is an undersized lot establishes a hardship to the Applicant & supports granting the variance relief. The Applicant & expert identified several of the purposes of Zoning which they contend are advanced in connection with this Application, and they opined that there are no substantial detriments to the intent or purpose of the Zoning Map or Ordinance nor is there a detriment to the public good or surrounding community in connection with the proposed project. The Applicant agreed to additional conditions of approval. 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 variance approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Board Resolution for the application as discussed. Motioned by Mr. Greenland & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

Application No.: P-24-1-2 John Patrick & Dorothy Prior

910 New York Avenue

Block 149; Lot 15

R-2 Zoning District

The Application submitted by John Prior seeks minor subdivision approval & 'c' variance relief in order to subdivide the existing parcel to create two (2) undersized, 50ft. x 70ft. lots for the future development of single-family dwellings

The Board heard & considered the application of John & Dorothy Prior (Applicant), owners of the property located at 910 New York Avenue, a/k/a Block 149, Lot 15 (Property), seeking minor subdivision approval & 'C' variance relief in relation to minimum lot depth (100ft. is required whereas 70ft. is proposed), & minimum lot area (4,000SF is required whereas 3,500SF is proposed), in order to subdivide an existing 70ft. x 100ft. lot into two (2) 50ft. x 70ft. lots to be developed with single-family dwellings.

Cory Gilman, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is located at 910 New York Avenue, a/k/a Block 149, Lot 15, in the City's R-2 Zoning District. The Property is an existing 70ft. x 100ft. lot & it is currently developed with a single-family semi-detached dwelling. The Applicant is proposing to demolish all improvements located on site & is seeking minor subdivision approval in order to create two (2) 50ft. x 70ft. lots suitable for the future development of single-family dwellings. Mr. Gilman advised the Board that the Applicant intends to orient the proposed lots towards 10th Avenue. This will ensure that back-out parking along New York Avenue is eliminated as the parking would be relocated to 10th Avenue. He acknowledged that the Applicant could develop a duplex on site; however, he advised the Board that the Applicant would prefer to develop single-family dwellings as same allows for more light, air & open space, and for significantly more landscaping on

site. Mr. Gilman indicated that the proposal to develop single-family dwellings as opposed to a duplex is a better overall zoning alternative for the site and the surrounding neighborhood.

Mr. John Prior, the Applicant & owner of the subject property, appeared & he was placed under oath to testify before the Board. Mr. Prior testified that he has a long-standing history of visiting North Wildwood & he purchased the subject property in 2021. Mr. Prior testified that his wife currently resides full-time in the existing duplex & he intends to retire to the home in the near future. Mr. Prior further testified that his children & their children occupy the 2nd unit located on site. He indicated that the existing dwelling is in need of renovations, and he & his family decided that developing a single-family dwelling would better serve their individual & overall family needs. In addition, Mr. Prior testified that he prefers the aesthetic appearance of a single-family dwelling over a duplex & it alleviates the need to establish a condominium association with the various restrictions that would arise in connection with same. In response to a question posed by the Board, Mr. Prior testified that his family would retain ownership of one of the single-family dwellings & the other would likely be sold.

Mr. Anthony J. Goodwin, P.L.S. of CME Associates appeared on behalf of the Applicant & he was recognized as an expert in the field of land surveying. Mr. Goodwin was placed under oath & he testified from the proposed Minor Subdivision Plan, dated December 18, 2023 & last revised January 29, 2024, which was received by the Board & which is incorporated herein as fact. Mr. Goodwin reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Goodwin confirmed that the Property is an existing, oversized 70ft. x 100ft. lot located in the City's R-2 Zoning District. A single-family semi-detached (duplex) dwelling is currently developed on site & there is an accessory shed located in the northern corner of the site. Mr. Goodwin advised the Board that the existing duplex contains a number of pre-existing non-conforming conditions which will be eliminated in connection with the proposed minor subdivision & the demolition of the existing structure. Mr. Goodwin testified that the existing duplex was originally built in the 1940s & it does not meet current building, fire, or flood codes. Mr. Goodwin reviewed & discussed the surrounding neighborhood and the types of uses & the sizes of lots within same, noting that several undersized, 30ft. wide lots exist in the surrounding neighborhood. Mr. Goodwin testified that the proposed subdivision would result in the creation of two (2) 50ft. x 70ft. lots which would both be developed with single-family dwellings. He noted that the only required variances are associated with minimum lot depth & minimum lot area. Mr. Goodwin testified that the proposed single-family dwellings would conform to all applicable bulk requirements of the R-2 Zoning District. As a condition of approval, the Applicant will confirm the property addresses & lot numbers with the City Tax Assessor & reflect same on a revised Plan of Minor Subdivision.

In response to a question posed by the Board, Mr. Goodwin testified that individual curb cuts are located along both New York & 10th Avenues. He indicated that an existing fence obstructs the site triangle associated with the New York Avenue driveway which creates safety issues for the occupants of the existing dwelling when they are backing out of the site. Both proposed lots will be oriented towards 10th Avenue which would allow the Applicant to eliminate the curb cut along New York Avenue thereby improving the overall safety of the site. As a condition of approval, the Applicant will replace the depressed curb along New York Avenue with raised curbing & a note will be added to revised plans reflecting same.

Board Members indicated that a setback of 20ft. should be provided between the front property line & the face of proposed garages to ensure adequate space for off-street parking. As a condition of approval, the Applicant will ensure that a setback of 20ft. is provided from the front property line to the face of the garages. Board Members raised concerns in regards to the possible location of the corner lot driveway & its proximity to the New York & 10th Avenues intersection. Mr. Goodwin testified that the Applicant will evaluate the location

of the driveway & will ensure that same is located as far as reasonably possible from the intersection to improve vehicle & pedestrian safety.

In response to a question posed by the Board, Mr. Goodwin indicated that a separation of 12ft. would be provided between both single-family dwellings, and Mr. Goodwin indicated that same promotes light, air & open space, and amounts to a fire safety improvement as adequate space would exist between the structures in the event of an emergency. The interior single-family dwelling will provide six (6) foot sideyard setbacks, and the corner lot will contain a minimum six (6) foot interior sideyard setback, and 10ft. frontyard setback to both New York & 10th Avenues. Mr. Goodwin opined that several of the purposes of Zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application & support the relief sought by the Applicant as it:

- a. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals & general welfare;
- b. Secures safety from fire, flood, panic & other natural & man-made disasters;
- c. Provides adequate light, air & open space;
- e. Promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities & regions & preservation of the environment;
- 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;
- h. Encourages the location & design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities & routes which result in congestion or blight; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Goodwin further opined that 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 Zone Map & Ordinance. He noted that single-family dwellings are a permitted use in the R-2 Zoning District, and the proposed single-family dwellings will conform to all applicable bulk requirements. Mr. Goodwin testified that the proposal will also serve to eliminate an existing non-conforming duplex & replace same with two (2) single-family dwellings which are more consistent with the existing development in the surrounding neighborhood.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 28, 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.

Chairman Davis then opened the application for general public comment. Four (4) members of the public addressed the Board in connection with this application, namely:

- a. Chris Wixstead, owner of the property located at 209 West 10th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Wixstead questioned the Applicant's proposal & whether they were asking for approval to build two (2) single-family dwellings on one site. He raised concerns about the proposed subdivision & the impact that same would have on the neighborhood. Mr. Wixstead expressed concerns about the setbacks associated with the proposed single-family dwellings. He indicated that he would prefer that a duplex be built on site rather than two (2) single-family dwellings.
- b. Francis Wixstead, owner of the property located at 209 West 10th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Wixstead echoed the concerns raised by his brother. He raised concerns about off-street parking in the neighborhood. He expressed concerns about the density

of the site & the surrounding neighborhood. He advised the Board that he was opposed to single-family dwellings, and would prefer that any development be oriented towards New York Avenue. He expressed concerns about the impact on light, air & open space.

- c. Brian McDowell, owner of the property located at 407 East 10th Avenue, appeared & he was placed under oath to testify before the Board. Mr. McDowell advised the Board that he is in favor of the proposed development. He advised the Board that a single-family dwelling is a significant improvement over a duplex.
- d. Martin Moran, owner of the property located at 220 West 20th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Moran advised the Board that is in favor of the proposed development. He agreed that single-family dwellings are a better alternative than a duplex. Mr. Moran indicated that much larger duplex could be constructed on site which would have more of a negative impact on the neighbors & surrounding neighborhood.

With no additional members of the public spoke out in favor or against the application, Chairman Davis closed the public portion of the application.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance approval. Each Board member gave reasoning for 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 on a non-conforming lot. The Applicant is before the Board requesting minor subdivision approval & ‘C’ variance relief approval. Mr. Prior reviewed his ownership history of the Property & he outlined the basis for his proposal. The Applicant currently occupies one of the existing units located on site. The 2nd unit is occupied by immediate and/or extended family. Mr. Prior discussed the desire to develop single-family dwellings as opposed to a larger duplex. The Property is an existing 70ft. x 100ft. lot & same is currently developed with a single-family semi-detached dwelling. All existing improvements located on site will be demolished. The Applicant is seeking minor subdivision approval in order to create two (2) 50ft. x 70ft. lots suitable for the future development of single-family dwellings. The proposed lots will be oriented towards 10th Avenue. Mr. Goodwin reviewed the existing and proposed site conditions for the benefit of the Board. Mr. Goodwin discussed the proposed minor subdivision for the benefit of the Board. He acknowledged that the proposed lots are slightly undersized; however, he noted that many lots within the surrounding neighborhood are smaller than what is proposed by the Applicant. Mr. Goodwin reviewed & confirmed the variances sought in connection with this Application, noting that the proposed single-family dwellings will fully conform to the bulk requirements of the R-2 Zoning District. Mr. Goodwin provided testimony in relation to the positive & negative criteria which supports granting the relief sought by the Applicant. He identified several of the purposes of Zoning which he contends are advanced in connection with this Application, and he opined that there are no substantial detriments to the intent or purpose of the Zoning Map or Ordinance nor is there a detriment to the public good or surrounding community in connection with the proposed project. Four (4) members of the public addressed the Board in connection with this Application. The Applicant agreed to additional conditions of approval. Mr. Prior & Mr. Goodwin’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 variance approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Board Resolution for the application as discussed. Motioned by Mr. Miller & 2nd by Ms. Cannon. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

Application No.: P-24-1-4 American Build Pro

137 East 12th Avenue
Block 209; Lots 14 & 15
R-1.5 Zoning District

The Application seeks minor subdivision approval to subdivide the existing parcel to create two (2) lots, with both lot(s) is proposed to be developed with a single-family dwelling.

The Board heard & considered the application of American Buildpro, Inc. (Applicant), the contract-purchaser of the property located at 137 East 12th Avenue, a/k/a Block 209, Lots 14 & 15 (Property), seeking minor subdivision approval, in order to relocate the property line between Lots 14 & 15 in order to create two (2) fully-conforming 60ft. x 100ft. lots

Cory Gilman, Esquire appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Lot 14 is an existing 90ft. x 100ft. parcel of land & Lot 15 is an existing 30ft. x 80.6ft. parcel of land. The Applicant is proposing to relocate the existing lot line between lots 14 & 15 in order to create two (2) fully-conforming 60ft. x 100ft. lots. Mr. Gilman advised the Board that, pursuant to Ordinance, the lot depth associated with proposed lot 15 is fully conforming, notwithstanding the fact that a portion of Lot 15's depth measures 80.6ft. The applicable Ordinance provides that lot depth is measured from the midpoint of the front lot line to the midpoint of the rear lot line. Based upon the foregoing definition, Lot 15 provides compliant lot depth of 100ft. He indicated that the Applicant is proposing to eliminate all existing improvements located on Lots 14 & 15 in connection with this subdivision. Single-family dwellings are proposed to be developed on the subdivided lots; however, no development is proposed at this time.

Mark DeVaul, P.L.S., a professional land surveyor, appeared on behalf of the Applicant. Mr. DeVaul was accepted by the Board as an expert in the field of land surveying & he was placed under oath & testified from the proposed plan of Minor Subdivision, dated November 6, 2023, which was received by the Board & which is incorporated herein as fact. Mr. DeVaul reviewed the existing site conditions for the benefit of the Board & he confirmed the size of the existing lots. Mr. DeVaul confirmed that the Applicant's proposed subdivision will result in the creation of two (2) fully-conforming 60ft. x 100ft. lots. Mr. DeVaul discussed the lot depth definition, and advised the Board that Lot 15 provides compliant lot depth even though a portion of the lot depth measures 80.6ft. whereas 100ft. is required. He testified that the lot depth definition provides that lot depth is measured from the midpoint of the front property line to the midpoint of the rear property line, and in this case 100ft. of lot depth is provided. Mr. DeVaul indicated that proposed Lot 14 will contain 6,000SF & proposed Lot 15 will contain 5,418SF. Mr. DeVaul testified that the Applicant intends to develop single-family dwellings in the future. He noted that the minimum lot area associated with the development single-family dwellings in the R-1 Zoning District is 4,000SF, and both of the proposed lots exceed the applicable minimum lot area requirement. Mr. DeVaul advised the Board that there are no variances sought in connection with this Applicant & therefore this amounts to a by-right subdivision.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 28, 2024, which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirmed that the lot depth of Lot 15 complies with the applicable definition, and he acknowledged that the Applicant's proposal amounts to a by-right subdivision.

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

- a. Brian McDowell, owner of the property located at 407 East 10th Avenue, appeared & he was placed under oath to testify before the Board. Mr. McDowell advised the Board that he supports the Application & is in favor of the development of single-family dwellings.

With no additional members of the public spoke out in favor or against the application, Chairman Davis closed the public portion of the application.

As the Board considers this application for minor subdivision a “by-right subdivision,” the Board’s typical findings of fact was not needed for the application. The Board found that the Applicant did establish that granting the minor subdivision approval is a by-right subdivision & 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 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 Board Resolution for the application as discussed. Motioned by Mr. Miller & 2nd by Ms. Cannon. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

Application No: P-24-1-1 Joseph Lerro

201 Olde New Jersey Avenue

Block 221; Lots 1-3

D&E Zoning District

The Application submitted by Joseph Lerro seeks preliminary & final major siteplan approval in order to renovate/expand an existing restaurant/bar at the property.

The Board heard & considered the application of Joseph & Colleen Lerro and 120 Pennsylvania Avenue, LLC (Applicant), owners of the property located at 201 Olde New Jersey Avenue, a/k/a Block 221, Lots 1, 2, & 3 (Property), seeking preliminary & final siteplan approval, in order to renovate an existing bar/restaurant to construct an outdoor bar & seating area, containing 34 bar seats & 128 table seats, and to construct a private event area in the rear of the site containing 96 seats.

Cory Gilman, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is located at 201 Olde New Jersey Avenue, a/k/a Block 221, Lots 1, 2, & 3, in the City’s Dining & Entertainment (D&E) Zoning District. The Property is an existing 150ft. x 100ft. lot & it is currently developed with an existing commercial use, a restaurant/bar & two (2) residential unit. The Applicant is proposing to renovate the existing bar/restaurant in order to construct an outdoor bar & seating area (pavilion), containing 34 bar seats, 128 table seats, and to construct a private event area in the rear of the site containing 96 seats. The proposed pavilion is primarily located on Lot 2, and it will slightly encroach into Lots 1 & 3. The Board inquired if the Applicant intended to consolidate the three (3) existing lots in light of the encroachment. Mr. Gilman indicated that the Applicant has no problems consolidating lots 1 & 2; however, Lot 3 is currently occupied by two (2) commercial tenants which presents issues with consolidation due to the liquor license sited at the property. As a condition of approval, the Applicant will record a Deed of Consolidation consolidating lots 1 & 2, subject to the review & approval of the Board Solicitor. As a condition of approval, the Applicant will record an easement permitting the pavilion

encroachment on to Lot 3, subject to the review & approval of the Board Solicitor. The proposed outdoor patio area & seating will be covered to protect the space from the elements. In addition, the Applicant is proposing to renovate an existing residential dwelling on Lot 2 in order to provide an additional service bar & bathroom. Mr. Gilman advised the Board that the Applicant is requesting preliminary & final siteplan approval in connection with this proposal. No variance relief is required.

Joseph Lerro, the Applicant & owner of the Property, appeared & he was placed under oath to testify before the Board. Mr. Lerro advised the Board that he purchased Lot 1 in 2019, Lot 3 in 2019 & Lot 2 in 2001.

Dana Lerro, the Applicant's daughter & the general manager of the restaurant/bar, appeared & she was placed under oath to testify before the Board. Ms. Lerro advised the Board that commercial operations are located on all three (3) of the existing lots. She advised the Board that Lot 1 is developed with a restaurant/bar on the ground-floor & two (2) residential units above, Lot 2 is primarily vacant with a single-family dwelling located in the rear portion of the lot, and Lot 3 is developed with two (2) commercial uses & two (2) residential units. Lot 3 also contains an outdoor dining area which is typically utilized for private functions. Ms. Lerro testified that the restaurant/bar located on Lot 1 contains a total of 106 indoor seats & 100 outdoor seats which were approved in accordance with the Covid-19 siteplan exceptions enacted by the City of North Wildwood, & the New Jersey Alcoholic Beverage Control during the pandemic. The commercial business located on Lot 1 hires musicians to perform in the restaurant area. Performances end no later than 11pm. Ms. Lerro indicated that the proposed development is primarily confined to Lot 2 at this time. She confirmed that the existing rearward residential unit will be converted to bathrooms & a service bar. With respect to parking, Ms. Lerro testified that four (4) off-street parking spaces are located at the back portion of Lot 1 & there are four (4) on-street parking spaces which have been allocated to the commercial business. Ms. Lerro testified that in 2014, the Applicant received approvals for the existing uses that are currently operating on site, and the Applicant received a parking variance to permit three (3) off-street parking spaces. She noted that there are large public parking lots located to the North & South of the Property, and parking is not an issue in the D&E Zoning District. Ms. Lerro testified that the commercial uses currently operate with approximately 24 staff members & the businesses located on Lot 1 are generally open Monday through Friday, with the exception of Wednesdays, from 3pm to 3am & on Saturdays and Sundays from 12pm – 3am. The business is closed on Wednesdays. She noted that the Applicant does not operate the commercial uses located on Lot 3 as they rented to third-parties. No changes are proposed to the hours of operation or the number of employees. A small storage area is provided in the rear of lot 1. Ms. Lerro testified that trash is handled via two (2) dumpsters located on site. She indicated that the Applicant is proposing to install a fence to secure the trash enclosure. Trash is collected by a private hauler on Fridays, Saturdays & Sundays in addition to the two (2) regularly scheduled weekday trash collections offered by the City. Ms. Lerro testified that the proposed pavilion to be constructed on Lot 2 will be located above the existing ground-floor use & same is intended to expand the dining area. Music would be provided on the pavilion consistent with the music that is provided on the ground-floor. A bar is proposed on the pavilion along with table seating. The pavilion will offer a smaller menu consisting primarily of appetizers & share plate meals. In response to a question posed by the Board, Ms. Lerro indicated that the Applicant would comply with the City's noise ordinance. No additional parking is required as the D&E Zoning District exempts outdoor seating from off-street parking requirements. Moreover, Ms. Lerro opined that the elimination of two (2) commercial uses improves the overall parking impact of the site. Ms. Lerro advised the Board that the Applicant has future plans to completely overhaul the site. The plan is to eventually convert the site to one bar/restaurant. In response to a question posed by the Board, Ms. Lerro indicated that a total of 238 additional seats are proposed, resulting in a total of 364 seats on site.

Joseph Lombardi, R.A., with Architectra, P.C., appeared, he was recognized as an expert in the field of architecture & he was placed under oath to testify before the Board from the proposed site & architectural plans,

dated February 26, 2024, which were received by the Board & which are incorporated herein as fact. Mr. Lombardi reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Lombardi noted that Lot 1 consists of a 61ft. x 100ft. parcel, Lot 2 consists of a 39ft. x 100ft. parcel, and Lot 3 consists of a 50ft. x 100ft. parcel. Mr. Lombardi testified that the Applicant's proposal is limited to the construction of a pavilion, modifications to the existing residence located on Lot 2 & the installation of a walk-in box for the restaurant/bar. He indicated that Lot 1 contains a 2-story building containing a bar/restaurant & a pizza shop on the ground-floor, and two (2) residential units above. Lot 2 is vacant, but for the rearyard residential dwelling. Lot 3 is developed with a 2-story structure containing a commercial & residential unit on the ground-floor & a residential unit on the 2nd-floor. Mr. Lombardi reviewed the existing building setbacks for the benefit of the Board:

- a. Lot 1: a 0.00ft. setback is provided to Chestnut Avenue;
- b. Lot 1: a 3.9ft. setback is provided to Olde New Jersey Avenue;
- c. Lot 3: a 0.00ft. setback is provided to Olde New Jersey Avenue; and
- d. Lot 3: an existing deck encroaches beyond the property line approximately 1.4ft.

It should be noted that the required setbacks are 0.00ft. in the D/E Zoning District. Mr. Lombardi advised the Board that the proposed pavilion structure on Lot 2 will comply with the area & bulk requirements of the Ordinance. He reviewed the pavilion floor plan for the Board. A bar & table seating is proposed along with a small stage & the rear dwelling will contain the service bar & bathrooms as testified to by Ms. Lerro. Mr. Lombardi testified that the pavilion will be reduced in depth by five (5) ft. to ensure that same is compliant with the Ordinance & to ensure that the site does not exceed maximum permitted lot coverage of 80%. The proposed building coverage is 63.3% which complies with the Ordinance.

Board Members expressed concerns in regards to the number of seats compared to the number of proposed bathrooms & questioned whether the number of provided bathrooms was adequate to service the site. Mr. Lombardi testified that the Construction Code provides that one (1) bathroom is sufficient to satisfy the needs of 75 customers, and a total of 12 bathrooms are provided on site which is more than adequate. In response to a question posed by the Board in regard to a tent depicted on the proposed site plan, Mr. Lombardi testified that the tent is a temporary structure which will be located above the proposed private event area & the area is only open when an event is booked. Mr. Lombardi testified that the tent isn't actually tent, it's a shade structure that's porous & is intended to be used only for shade purposes. Mr. Lombardi discussed the Applicant's future development plans for the site. The lots will be consolidated & one large upscale bar/restaurant will be operated on site. In response to a question posed by the Board, Mr. Lombardi testified that a gate is proposed along Chestnut Avenue to secure the parking area. Board members questioned how the alcohol stored at the outside service bar & 2nd-floor pavilion bar will be secured. Ms. Lerro testified that the bars will be equipped with security gates & locked alcohol cabinets to prevent access to same.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 29, 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.

At the conclusion of the Applicant's presentation the application was opened by Chairman Davis to the public for comment. One (1) member of the public addressed the Board in connection with this Application:

- a. Brian McDowell, owner of the property located at 407 East 10th Avenue, appeared & he was placed under oath to testify before the Board. Mr. McDowell advised the Board that he was in favor of the proposed development.

No additional members of the public spoke out in favor or against the application. Accordingly, the public portion of this application was closed by Chairman Davis.

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. 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 D/E Zoning District on an expanded lot. The Applicant is before the Board requesting major siteplan approval & ‘C’ variance relief approval. Mr. Lerro & Ms. Lerro reviewed their ownership history of the Property & outlined the basis for his proposal. The Applicant currently occupies one of the existing units located on site. The Property is an existing 150ft. x 100ft. lot & it is currently developed with an existing commercial use, a restaurant/bar, and two (2) residential units. Mr. Lerro discussed the desire to develop open air outdoor seating use for this bar & restaurant on the expanded parcel. The Applicant is proposing to renovate the existing bar/restaurant in order to construct an outdoor bar & seating area (pavilion), containing 34 bar seats, 128 table seats, and to construct a private event area in the rear of the site containing 96 seats. A total of 258 new seats are proposed, for a total of 364 seats on site. The proposed pavilion will provide a ground-floor space; however, the primary use of the pavilion will be on the 2nd-floor, where a bar, tables & a stage are proposed. The existing trash enclosure is more than sufficient to accommodate the expanded needs of the site. Additional bathrooms are proposed on site for a total of 12 which are more than adequate to service the needs of the business. Limited parking is provided on site; however, no additional off-street parking is required as the additional seats are outdoors which does not trigger a need to provide parking. The Applicant is before the Board requesting preliminary & final siteplan approval. No variance relief is required in connection with the proposed development. The Applicant’s proposal is essentially Phase 1 of a larger future planned development which will result in the entire site being developed with one upscale bar/restaurant. The Board found Ms. Lerro’s & Mr. Lombardi testimony to be credible. One (1) member of the public spoke in favor of the application. Mr. Lombardi provided testimony in relation to the positive & negative criteria which supports granting the relief sought by the Applicant. He identified several of the purposes of Zoning which he contends are advanced in connection with this Application, and he opined that there are no substantial detriments to the intent or purpose of the Zoning Map or Ordinance nor is there a detriment to the public good or surrounding community in connection with the proposed project. The Applicant agreed to additional conditions of approval. The Board finds that the Applicant has presented valid reasons which advance the purposes of Zoning which justify the granting of the aforementioned approval. In addition, the Board finds that the fact that the Property meets all requirements which provides additional justification for granting the requested siteplan approval. The Board found that the Applicant did establish that granting the siteplan approval would advance the purposes of Zoning, to the public good, to the City’s municipal Land Use Ordinances & to the City’s Zoning Map. The Board finds that the Applicant has satisfied the requirements for variance approval. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the Board Resolution for the application as discussed. Motioned by Ms. DeJoseph & 2nd by Mr. Miller. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

At this time of the meeting, Chairman Davis requested a five (5) minute recess. Upon conclusion of the recess, the Board resumed its meeting.

Application No: Z-24-1-5 500 Ocean Ave, LLC

500 Ocean Avenue

Block 321; Lot 7

OS Zoning District

The Application submitted by 500 Ocean Ave, LLC seeks a D(1) Use variance/siteplan approval in order to convert an existing 21-unit motel to a nine (9) unit multi-family dwelling at the property.

The Board heard & considered the application of 500 Ocean Ave, LLC (Applicant), owner of the property located at 500 Ocean Avenue, a/k/a Block 321, Lot 7 (Property), seeking a D(1) Use variance, 'C' variance relief in relation to maximum lot coverage (80% is permitted whereas 100% is existing & proposed), minimum rear yard setback (10ft. is required whereas 4ft. is existing & proposed), and minimum side yard setback (10ft. is required whereas 4ft. is existing & proposed), and a design waiver for continuous raised curb, in order to convert an existing 21-unit motel to a nine (9) unit multi-family dwelling.

Cory Gilman, Esq. appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is located at 500 Ocean Avenue, a/k/a Block 321, Lot 7, in the City's O/S Zoning District. The Property is currently developed with a 21-unit motel d/b/a The Seaport Suites. The Applicant is proposing to converting the exiting motel to a multi-family dwelling. Multi-family dwellings are not permitted in the O/S Zoning District requiring a D(1) Use variance approval. The Applicant is proposing to renovate the existing motel to reduce the number units from 21 to nine (9) units. Mr. Gilman advised the Board that the motel is a pre-existing non-conforming use in the O/S Zoning District. Mr. Gilman reviewed the existing bulk conditions which are not being exacerbated in connection with this proposal. He noted that the site exceeds maximum permitted lot & building coverage; however, these conditions will not change in connection with the Applicant's proposal. Mr. Gilman informed the Board that there are no exterior renovations/modifications proposed to the existing structure with the exception of eliminating unit doors & windows, and adding new windows were doors previously existed.

Mr. Joseph Byrne, the principal of 500 Ocean Ave, LLC, appeared & he was placed under oath to testify before the Board. Mr. Byrne discussed his history with the City of North Wildwood, and the Wildwoods as a whole, as a business owner & a developer. He advised the Board that he purchased the Property 2 years ago, in January of 2022, and proceeded to renovate the existing structure. Mr. Byrne testified that he purchased the Property for approximately \$1.7 million & invested an additional \$1.1 million towards renovating the site. He indicated that the prior owners failed to maintain the structure & the renovations ultimately ended up significantly exceeding what was originally budgeted. Mr. Byrne further testified that it was his intention to continue to operate the site as a motel. Last year the motel operated at full capacity; however, Mr. Byrne indicated that the business operated at a substantial loss.

Mr. Byrne advised the Board that, to mitigate ongoing losses, he has elected to seek a Use Variance approval to convert the existing motel to a multi-family dwelling. The total number of units will be reduced to nine (9), consisting of five (5) 1-bedroom units & four (4) 2-bedroom units. The existing office would be converted to a shared laundry/storage room. A total of eighteen (18) off-street parking spaces will be maintained on site, resulting in two (2) off-street parking spaces being provided per unit.

In response to a question posed by the Board, Mr. Byrne testified that the site would no longer operate as a motel if the Board approves this application. He candidly advised the Board that he intends to convert the existing motel to a 21-unit condominium if the Application is denied as the continued motel operation is simply not financially viable.

Mr. Ryan Lossino, R.A. of Mass Architecture Studios, LLC, appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Lossino was placed under oath & he testified from the Existing & Schematic Floor Plans, which are undated, but which were received by the Board Secretary on January 31, 2024, and a proposed Site Plan, dated January 26, 2024, which were received by the Board & which is incorporated herein as fact. Mr. Lossino reviewed the existing & proposed site conditions for the benefit of the Board. The Property is an existing 100ft. x 100ft. lots which is developed with a two (2) story, 21-unit, L-shaped motel with exterior circulation on the 1st & 2nd floors. An inground swimming pool is located on the ground floor. A total of 21 off-street parking spaces currently exists. Existing side/rearyard setbacks measure four (4) feet. Mr. Lossino reviewed the existing & proposed floor plans for the benefit of the Board. He confirmed that the Applicant is proposing to reduce the number of existing units from 21 to nine (9), consisting of five (5) 1-bedroom units & four (4) 2-bedroom units. Mr. Losinno testified that the existing pool will be maintained & a total of 12 existing doors will be eliminated and/or replaced with windows. A trash/recycling area is proposed adjacent to Ocean Avenue within one of the existing off-street parking spaces. Mr. Lossino testified that this area will be enclosed & screened, and trash would be collected two (2) times per week by the City. Mr. Lossino testified that a storage area is also proposed to be constructed within one of the additional off-street parking spaces.

In response to a question posed by the Board, Mr. Lossino testified that there are no 'C' variances requested in connection with the Applicant's proposal. The variances associated with the minimum rear/sideyard setbacks are associated with pre-existing non-conforming conditions which are not being exacerbated by this proposal. A discussion ensued between the Board & the Applicant in regards to the proposed multi-family use compared to simply converting the existing motel to a condominium association. Board Members expressed concerns regarding the fact that multi-family dwellings are not a permitted use in the O/S zone. The Board expressed additional concerns about the potential loss of an existing motel.

Tiffany Morrissey, P.P. of Tiffany A. CuvIELLO, PP, LLC was also present at the meeting on behalf of the Applicant. Ms. Morrissey was accepted by the Board as an expert in the field of land planning & she was placed under oath & was sworn in to testify. Mr. Morrissey reiterated that the Property is currently developed with a 21-unit motel which is a non-conforming use in the O/S Zoning District which the Applicant is proposing to convert to a multi-family dwelling. She recognized that multi-family dwellings are not a permitted use in the O/S Zoning District; however, she argued that the proposed use is more consistent with the permitted uses that are allowed in the O/S Zoning District. Ms. Morrissey noted that the reduction from 21-units to nine (9) units will result in an overall reduction in the number of bedrooms from 21 to 13. Ms. Morrissey further acknowledged that the City's most recent Master Plan recognizes a loss of hotels/motels & a need to preserve the existing hotels/motels. Prior to the adoption of the 2010 Master Plan, the Property was in a zone which allowed for the development of hotels/motels as permitted uses. She noted that the current O/S Zoning District where the Property is located permits the development of single-family dwellings, duplexes, triplexes & commercial uses. Ms. Morrissey testified that the Applicant's proposed multi-family conversion sought to provide an appropriate number of units while taking into consideration available off-street parking & the need to provide functional living space for unit owners. The result was a 9-unit multi-family dwelling with compliant off-street parking.

In response to a question posed by the Board about alternate development that could take place at the Property, Ms. Morrissey testified that the Applicant would need to demolish the existing structure which is not an option given the amount of money invested in the site. In response to a question posed by the Board, Ms. Morrissey testified that the proposed multi-family dwelling would be open on a year-round basis & all units would provide heat & air conditioning. Ms. Morrissey testified that the Applicant's proposed conversion to a multi-family dwelling would allow the Applicant to maintain the aesthetic appearance of an older hotel while

allowing the Applicant to salvage the financial contributions made to renovate the site. She reviewed & discussed the existing uses in the surrounding neighborhood, noting that there is a mix of single-family dwellings, duplexes, triplexes & prior hotels/motels that were previously converted to multi-family dwellings or “condo-tels.” She opined that the site is not viable for the continued operation of a hotel. Board Members questioned this assertion given the proximity of the Property to the beach. In response to a question posed by the Board, Ms. Morrissey testified that the proposed units are a minimum of 600SF in size.

Ms. Morrissey opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application and support the relief sought by the Applicant as it:

- a. Encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals & general welfare;
- d. Provides adequate light, air & open space;
- f. Promotes the establishment of appropriate population densities & concentrations that will contribute to the well-being of persons, neighborhoods, communities, regions & preservation of the environment;
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement; and
- m. Encourages coordination of the various public & private procedures & activities shaping land development with a view of lessening the cost of such development & to the more efficient use of lands.

Ms. Morrissey further testified that the Applicant’s proposal amounts to the adaptive reuse of an existing building while reducing the overall density & intensity of the site. Ms. Morrissey opined that the Applicant’s proposal amounts to a better overall zoning alternative, and the Applicant’s proposal advances the overall purpose of the O/S Zoning District. She further opined that 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.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 28, 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.

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. 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 O/S Zoning District on a non-conforming lot as pre-existing motel. The Applicant is before the Board requesting Use variance/siteplan approval in order to renovate existing motel to multi-family/apartment dwelling. The Property is currently developed with a twenty-one (21) unit motel d/b/a The Seaport Suites. The Applicant is proposing to renovate the existing motel to reduce the number units from 21 to nine (9). The proposal also involves converting the exiting motel to a multi-family dwelling/apartment as planning land use. Multi-family dwellings are not permitted in the O/S Zoning District requiring a D(1) Use variance approval. The Applicant has been experiencing difficulties in connection with operating the motel. The motel has been operating at a substantial loss. The proposed conversion to a multi-family dwelling took into consideration providing an appropriate number of units while ensuring that compliant off-street parking is provided on site. The Applicant intends to convert the existing motel to the condominium form of ownership in the event the

application to convert the property to a multi-family dwelling is denied. Minimal modifications proposed to the site itself, primarily associated with the creation of a defined storage within an existing parking space. Mr. Lossino discussed the interior modifications proposed to the existing motel which will result in a reduction in the number of units from 21 units to nine (9) units. Mr. Lossino discussed the variances sought in connection with the Applicant's proposal, noting that the 'C' variances are sought in connection with pre-existing non-conforming conditions which are not being exacerbated. Ms. Morrissey reiterated the nature of the Applicant's proposal & she highlighted the modifications proposed to the existing structure. Ms. Morrissey discussed the O/S Zoning District in general & the various types of uses permitted within same. The D(1) Use variance approval is required as multi-family dwellings are not permitted in the O/S Zoning District. She reviewed the Property & the surrounding neighborhood as well as the existing uses within same. Ms. Morrissey reviewed & discussed provisions of the City's most recent Master Plan which specifically speaks to the loss of hotels/motels throughout the City & the need to preserve same. She provided testimony in relation to the positive & negative criteria which support granting the relief sought by the Applicant. She identified several of the purposes of Zoning which she contends are advanced in connection with this Application, and she opined that there are no substantial detriments to the intent or purpose of the Zoning Map or Ordinance nor is there a detriment to the public good or surrounding community in connection with the proposed project. The Board found Mr. Morrissey's testimony to be credible. Mr. Lossino, Ms. Morrissey & Mr. Byrne's testimony was deemed credible by the Board. The Board received no public comment from the public regarding the application. With respect to the D(1) Use variance approval, the Board found that the conversion of an existing motel to a multi-family dwelling presents substantial detriments to the Zoning Map & the O/S Zoning District ordinance requirements as multi-family dwellings are not a permitted use in the O/S Zoning District, and the Applicant's proposal seeks to eliminate an existing motel which is inconsistent with the City's Master Plan. The Board determined that the Applicant's proposal was inconsistent with the goals & objectives of the O/S Zoning District. The Board unanimously found that the project & the requested Use variance approval was not appropriate & was contrary to the City's Master Plan, its Land Development Ordinance, and the Zone Map. Board Members raised concerns about the proposed loss of a motel/hotel & the fact that the Applicant is proposing to convert an existing non-conforming use to another non-conforming use.

Board Members took issue with the Applicant's proposal to install a storage structure in an existing parking lot, within a frontyard, adjacent to the public right-of-way. Mr. Byrne testified that the storage structure would not be permanent. Board Members expressed additional concerns that regardless of whether the structure is moveable, it likely would be permanent as unit owners would be storing personal belongings within same. The Board further found that the purposes of Zoning identified by Ms. Morrissey 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 Land Development Ordinance & its Zoning Map as there were substantial detriments to the public good, the Zoning District, and the surrounding community. The Board further found that the Property was not particularly suited to accommodate the proposed multi-family/apartment use & that approving same would amount to a substantial detriment to the public good & the surrounding neighborhood. 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 Use variance/siteplan approval. The Board found that the Applicant did not 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 did not satisfy 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 for the application as discussed. Motioned by Ms. Cannon & 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 dis-approved by the Board. The Board's motion did not pass approval. The application was DISAPPROVED by the Board. Only Mr. Greenland voted yes on the application.

Land Development Ordinance Amendment Chap. 276-24 – Motel/Commercial (M/C) Zoning District
Board discussion & possible adoption

City Council has requested that the Board evaluate potential revisions to the MC (Motel Commercial) Zoning District in light of prior modifications made to the adjacent R-1 & R-1.5 Zoning Districts & the types of uses permitted within same. At its March 13, 2024 regular meeting, the Planning Board reviewed a draft Ordinance, outlining proposed revisions to the MC Zoning District pertaining to the development of single-family dwellings & duplex dwellings, and the Board unanimously agreed that the MC Zoning District. The Planning Board unanimously agreed that the MC Zoning District should be revised to eliminate duplex dwellings as permitted uses, and to divide the MC Zoning District into the MC-1 Zoning District, located between 22nd & 26th Avenues, which would permit the development of single-family dwellings in accordance with the bulk requirements & standards located within the R-1 Zoning District, and the MC-2 Zoning District, located between 16th & 17th Avenues, which would permit the development of single-family dwellings in accordance with the bulk requirements & standards located within the R-1.5 Zoning District. The Board found that the proposed revisions to the MC Zoning District are consistent with recent development trends & would in the best interest of the City as the revisions are consistent with the goals & objections of the City of North Wildwood Master Plan.

Accordingly, the Board resolves to recommend that the City Council accept & adopt the proposed revisions to the City's Land Development Ordinance as outlined within the Ordinance attached hereto.

The Board Solicitor called for a motion to approve the Board Resolution as discussed. Motioned by Vice Chairperson DiEduardo & 2nd by Chairman Davis. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

I) **ZONING OFFICER REPORT:**

Dan Speigel, Zoning Officer/Construction Official, was absent for tonight's meeting. Joe Balbore, his assistant, was present & did not have anything to report for tonight's meeting. The Board has no questions or requests for tonight's meeting.

J) **PUBLIC PORTION:**

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

K) APPROVAL OF MINUTES:

The Board Solicitor presented to the Board the approval the February 21, 2024 Board Regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. No further discussion or corrections proposed. Motioned as proposed by Mr. Peters & 2nd by Mr. Greenland. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes. Board members Mr. Harkins, Vice Chair DiEduardo & Ms. Cannon abstained from the vote.

L) UNFINISHED BUSINESS: None presented

M) COMMUNICATION(S):

Planning Board Secretary announced Planning Board member Chief Stevenson announced his resignation from the Board by letter, with his last meeting being the April meeting. His resignation is pending his City retirement.

N) REPORTS: None presented

The Board had a brief discussion of current inventory of motels in the City & the aspect of possible conversion of “Condo-tels.”

O) MEETING ADJOURNED:

Meeting was adjourned at 10:36pm, 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: _____
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.