

North Wildwood Planning Board  
Regular Meeting: April 10, 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	Present	Bill Auty	Present
John Harkins	Present	Councilman James Kane	Absent
George Greenland	Present	Bill O'Connell	Present
Ron Peters (Alt. 1)	Present	Sharon Cannon (Alt. 3)	Present
Valerie DeJoseph (Alt. 2)	Present	Scott McCracken (Alt. 4)	Present
		Mr. Robert Belasco (Board Solicitor)	Present
		Mr. Ralph Petrella (Board Engineer)	Present
		Eric Gundrum, (Board Secretary)	Present

The Board Solicitor announced that the Board quorum has been established.

E) SWEARING IN OF PROFESSIONALS:

The Board Solicitor did conduct the truth swearing of the Board's professional as it was necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) MEMORIALIZATIONS:

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

316 West 19<sup>th</sup> 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 2<sup>nd</sup> 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. 19<sup>th</sup> 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;

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Greenland & 2<sup>nd</sup> 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. Board members Chief Stevenson, Mr. Auty, Mr. O’Connell, Mr. Miller & Mr. McCracken abstained from the vote.

**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.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Ms. Cannon & 2<sup>nd</sup> 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. O’Connell, Mr. Miller & Mr. McCracken abstained from the vote.

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

137 E. 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 12<sup>th</sup> 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

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Greenland & 2<sup>nd</sup> 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. O'Connell, Mr. Miller & Mr. McCracken abstained from the vote.

**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.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Harkins & 2<sup>nd</sup> 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. Board members Chief Stevenson, Mr. Auty, Mr. O'Connell, Mr. Miller & Mr. McCracken abstained from the vote.

**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.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Ms. Cannon & 2<sup>nd</sup> 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 & Mr. McCracken abstained from the vote.

H) NEW BUSINESS:

**Application No: P-24-2-3 Cape Holdings Group, LLC**

220 West 14<sup>th</sup> Avenue

Block 144; Lot 9

R-2 Zoning District

'c' sideyard variance & undersized lot (25x100) relief in order to develop a single-family dwelling & an in-ground swimming pool at the property

The Board heard & considered the application of Cape Holdings Group, LLC (Applicant), owner of the property located at 220 West 14<sup>th</sup> Avenue, a/k/a Block: 144, Lot: 9 (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 total sideyard setback (8.3ft. is required whereas 8.1ft. is proposed), and a design waiver for continuous raised curb (12.5ft. is required whereas 9ft. is proposed), in order to construct a single-family dwelling on an existing undersized lot. The property is located in the R-2 Zoning District.

Jeffrey Barnes, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is located at 220 West 14<sup>th</sup> Avenue, a/k/a Block: 144, Lot: 9, in the City's R-2 Zoning District. The Property is an existing 25ft. x 100ft./2,500 sq. ft. undersized lot. The Board is in receipt of Site/Architectural Plans, dated December 5, 2023, prepared by Ronald D. Franke, R.A. with Architectural Management, Inc., which were received by the Board & which are incorporated herein as fact. The Applicant is proposing to construct a single-family dwelling in accordance with §276-34(B) which permits development on undersized lots based upon reductions in the applicable bulk requirements proportionate to the size of the lot, & subject to Planning Board review & approval.

A discussion ensued between the Board & the Applicant in regards to the need for sideyard setback relief due to the proportionate reduction outlined within the above referenced Ordinance. The Board ultimately determined that a de minimis total sideyard setback variance was required.

Mr. Barnes reviewed & confirmed the relief sought by the Applicant in connection with this proposal. He advised the Board that the proposed single-family dwelling will contain a total of four (4) bedrooms, and compliant off-street parking is provided on site. Mr. Barnes noted that a den is proposed within the structure which he indicated is not intended to be utilized as an additional bedroom.

Scott Peter, the principal of Cape Holding Group, LLC, appeared & he was placed under oath to testify before the Board. Mr. Peter confirmed his intention to develop a single-family dwelling on the existing 25ft. x 100ft. lot. He reviewed the provisions of the Ordinance which permits development on undersized lots subject to a proportionate reduction in the bulk requirements tied to the lot frontage/width. Mr. Peter agreed that the

proposed total sideyard setback is approximately two (2) inches less than what is required, necessitating variance relief. Mr. Peter reviewed the proposed siteplan for the benefit of the Board. Mr. Peter testified that the proposed single-family dwelling complies with all applicable bulk conditions with the exception of the total sideyard setback. Mr. Peter testified that the proposed single-family dwelling is 24ft. tall, provides compliant lot & building coverage, and compliant off-street parking is provided on site as well. Mr. Peter reviewed the proposed architectural elevations for the benefit of the Board. He indicated that the structure contains three (3) stories with open decks. He reviewed the design of the proposed single-family home & the architectural features which have been incorporated to create a desirable visual environment. Mr. Peter discussed the proposed floor plans noting that four (4) bedrooms & three (3) bathrooms are proposed.

Board Members expressed concerns that the proposed den will be used as a bedroom. He acknowledged that a den is also proposed, and he reiterated that same is not intended to be used as a 5<sup>th</sup> bedroom. He indicated that there is no door proposed & there are no closets or bathrooms within the den itself. As a condition of approval, the Applicant will widen the entranceway to the den to ensure that same cannot be easily closed off or converted to a bedroom.

Mr. Peter confirmed that a total of three (3) off-street parking spaces are proposed; however, the parking spaces are stacked which only allows two (2) of the parking spaces to be counted. Nevertheless, compliant off-street parking is provided as only two (2) off-street parking spaces are required. Mr. Peter testified that he evaluated the surrounding neighborhood & determined that there are a total of twenty-eight (28) lots that exist on this block, eighteen (18) of which are undersized. Thus, the proposed development is consistent with the surrounding neighborhood. Mr. Peter testified that the fact that the Property is undersized lot presents practical difficulties in complying with the area & bulk requirements of the Ordinance & establishes a hardship which supports granting the requested variance relief. He indicated that notwithstanding the fact that the Property is an undersized lot, the proposed single-family dwelling was designed to comply with the undersized lot ordinance. Mr. Peter testified 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. Promotes the establishment of appropriate population densities & 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; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Peter further testified 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 March 28, 2024 which was received by the Board & which is incorporated herein as fact. As a condition of approval, the Applicant must submit a detailed lot grading plan to be reviewed & approved by the Board Engineer.

Chairman Davis then opened the application for general public comment. Three (3) members of the public addressed the Board, namely:

- a. Patty Talbot, owner of the property located at 223 West 14<sup>th</sup> Avenue, appeared & she was placed under oath to testify before the Board. Ms. Talbot expressed concerns in relation to flooding in the neighborhood. She raised additional concerns in regards to construction related issues which she was advised would need to be addressed through the City's Construction Office.
- b. Timothy Collins, owner of the property located at 216 West 14<sup>th</sup> Avenue, appeared & he was placed under oath to testify before the Board. Mr. Collins raised concerns about the development of the lot & the fact that same is undersized.
- c. Alisha Carson, owner of the property located at 226 West 14<sup>th</sup> Avenue, appeared & she was placed under oath to testify before the Board. Ms. Carson raised concerns about the notice provided in connection with the application. She expressed additional concerns in regards to off-street parking in the neighborhood.

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-2 Zoning District on a non-conforming lot. The Applicant is now proposing to a new construction of a single-family dwelling with a swimming pool in the rearyard. A swimming pool is a permitted accessory use in the R-2 Zoning District, however necessitating a "c" under-sized lot area variance in order to permit the single-family residence. The Applicant is requesting 'c' variance relief in connection with sideyard & under-sized lot area. Mr. Peter 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. The Board found Mr. Peters testimony to credible & persuasive. There were three (3) public comments received. The Applicant identified several of the purposes of Zoning which they contend are advanced in connection with this Application, & 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 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 does meet the criteria for variance relief 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. O'Connell & 2<sup>nd</sup> 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. Mr. Greenland voted no on the application. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board.

**Application No: P-24-2-2 Brenda Melle**

511 Virginia Avenue

Block 103; Lot 2

R-1 Zoning District

'c' variance relief in order to construct a swimming pool at the property.

The Board heard & considered the application of Brenda Melle (Applicant), owner of the property located at 511 Virginia Avenue, a/k/a Block 103, Lot 2 (Property), seeking 'c' variance relief in relation to minimum distance between structures (8ft. is required whereas 2.2ft. 11inches is proposed) & minimum sideyard setback (8ft. is required whereas 5ft. is proposed), in order to install a swimming pool in the rear yard.

John Amenhauser, Esq. appeared on behalf of the Applicant a& he outlined the nature of the application & the relief sought in connection with same. The Property is located at 511 Virginia Avenue, a/k/a Block 103, Lot 2, in the City's R-1 Zoning District. The Property is currently developed with an existing single-family dwelling. Mr. Amenhauser advised the Board that the Applicant is proposing to install a swimming pool in the rearyard of the property. Mr. Amenhauser indicated that Applicant is requesting 'c' variance relief in connection with the proposed distance between the principal structure & the swimming pool. A minimum distance of eight (8) feet between structures is required whereas 2.2ft. is proposed. He advised the Board that the façade of the structure is located 13ft. 8inches from the pool; however, an existing 2<sup>nd</sup> floor deck is located 2.2ft. from the proposed swimming pool.

Andrew Bechtold, R.A. with Thomas/Bechtold Architecture & Engineering appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Bechtold was placed under oath & he testified from the proposed Variance Plan, dated February 1, 2024, which was received by the Board & which is incorporated herein as fact. Mr. Bechtold reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Bechtold confirmed that the Applicant's proposal is limited to the installation of a swimming pool in the rearyard. He testified that the proposed swimming pool complies with all required setbacks with the exception of the minimum distance required between the principal structure & the pool itself. Mr. Bechtold advised the Boad that the proposed swimming pool is a 7 ft. x 20ft. pool. Mr. Bechtold testified that the pool is located more than eight (8) feet away from the façade of the principal structure; however, there is an existing 2<sup>nd</sup> floor deck which is located 2.2ft. from the swimming pool, requiring variance relief. Adequate setbacks are provided to neighboring property owners. Moreover, Mr. Bechtold testified that the only potential detriment associated with the requested 'c' variance is to the Applicant rather than neighboring property owners as the minimum distance between structures has no impact on neighboring properties. Mr. Bechtold informed the Board that there is ample space around the proposed pool to facilitate access to the rearyard.

In response to a question posed by the Board, Mr. Bechtold testified that the Applicant is proposing to install hardscaping in the backyard in order to create a desirable visual environment. Mr. Bechtold testified that a swimming pool is a desired amenity for a residential use. In response to a question posed by the Board, Mr. Bechtold testified that the proposed swimming pool will be 4.5ft. deep. Mr. Bechtold 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. Provides adequate light, air & open space;
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses & open space, both public & private, according to their respective environmental requirements in order to meet the needs of all NJ citizens; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Bechtold 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.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated March 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. One (1) member of the public addressed the Board, namely:

- a) Robert Gallagher, owner of the property located at 500 Virginia Avenue, appeared & he was placed under oath to testify before the Board. Mr. Gallagher raised concerns that the installation of a swimming pool would have a negative impact on flooding in the surrounding neighborhood.

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 conforming lot. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. The existing SFD was approved in connection with a prior Construction Permit application in 2019. The Applicant is now proposing to install a swimming pool in the rearyard. A swimming pool is a permitted accessory use in the R-1 Zoning District, however necessitating a "c" setback variance in order to permit the installation of same. The Applicant is requesting 'c' variance relief in connection with the minimum distance between the principal structure & the proposed swimming pool. Mr. Bechtold's 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. The Board found Mr. Bechtold's testimony to credible & persuasive. There was one (1) public comment received. The Applicant & expert identified several of the purposes of Zoning which they contend are advanced in connection with this Application, & 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 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 does meet the criteria for variance relief 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 & 2<sup>nd</sup> 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.

As to the combined Planning/Zoning Board format as formulated under the NJ-Municipal Land Use Law (NJ-MLUL), Mr. Miller, as representative of the Governing Body identified, stepped down for the following application(s) & were excused for the rest of the meeting by the Chairman Davis.



**Application No: Z-24-1-3 John Kostakos**

1103 Central Avenue

Block 240; Lot 3

R-1 Zoning District

D(1) Use variance & 'c' variance relief in connection with proposed house raising, garage construction & deck/porch expansion of a pre-existing non-conforming residential duplex

The Board heard & considered the application of John Kostakos (Applicant), owner of the property located at 1103 Central Avenue, a/k/a Block 240, Lot 3 (Property), seeking a D(2) Use Variance for expansion of a non-conforming, and 'C' variance relief in relation to minimum sideyard setback (eight (8)ft. is required whereas 4.1ft. & 12.2ft. are existing & proposed), minimum lot frontage/width (50ft. is required whereas 40ft. is existing & proposed), minimum lot area (5,000SF is required whereas 4,000SF is existing & proposed), and minimum total sideyard setback (20ft. is required whereas 16.3ft. is existing & proposed), in order to raise an existing single-family semi-detached dwelling, to construct a new 1<sup>st</sup> floor frontyard deck, a new 1<sup>st</sup> floor deck in the rear, a new 2<sup>nd</sup> floor deck along the south side of the building & to construct a new 300SF accessory garage.

The Applicant, John Kostakos, was self-represented in connection with this Application. Mr. Kostakos was placed under oath & proceeded to testify before the Board. The Property is located at 1103 Central Avenue, a/k/a Block 240, Lot 3, in the City's R-1 Zoning District. The property is currently developed with an existing single-family semi-detached (duplex) dwelling. Mr. Kostakos testified that he is seeking approval to raise the existing structure to address flooding issues & he is proposing to construct new decks along the front & rear of the existing structure. A new accessory garage is also proposed in the rearyard.

Joseph Maffei, P.E., P.P. with Engineering Design Associates, P.A. appeared on behalf of the Applicant & he was recognized as an expert in the fields of engineering & land planning. Mr. Maffei was placed under oath & he testified from the proposed 'House Raising Plan,' dated January 22, 2024 & last revised February 22, 2024, which was received by the Board & which is incorporated herein as fact. Mr. Maffei reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Maffei testified that the Property is an existing undersized lot which is developed with a duplex that was originally built in the 1940s. Mr. Maffei advised the Board that the Applicant is requesting a D(2) Use variance for the proposed expansion of the duplex as duplexes are not a permitted use in the R-1 Zoning District. Mr. Maffei testified that the Applicant is proposing to raise the existing structure to exceed base flood elevation (BFE) to address flooding issues. The existing structure was built at elevation eight (8) feet whereas the Applicant is proposing to raise the structure to elevation 15.4' feet. Mr. Maffei indicated that the Applicant could raise the existing structure without needing to appear before the Board; however, the proposal exceeds the permitted increase in height & the proposed decks are an expansion of the existing building footprint necessitating Board approval. The increase in building height will allow the Applicant to provide off-street parking beneath the 1st floor living space. Mr. Maffei discussed the decks that the Applicant is proposing to construct & he confirmed that a 300SF accessory garage will be constructed in the rearyard. Mr. Maffei reviewed the variance relief sought in connection with the Applicant's proposal. He noted that the majority of the variances are associated with pre-existing non-conforming conditions which will not be exacerbated by the Applicant's proposal. He noted that the requested sideyard setback variance will maintain the existing sideyard setback; however, the horizontal expansion of the non-conforming 4.1ft. sideyard setback requires variance relief. Mr. Maffei noted that there is no new living space proposed by the Applicant.

In response to a question posed by the Board, Mr. Maffei indicated that the front steps & porch will be enclosed. As a condition of approval, the Applicant will submit revised plans depicting that the front steps &

porch will be enclosed. Mr. Maffei 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; and
- 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.

Mr. Maffei 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. Mr. Maffei testified that the Property can accommodate the proposed expansion of the non-conforming use as the expansion itself does not increase the degree of any existing non-conformities.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated March 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. In response to a question posed by Mr. Petrella, Mr. Maffei testified that the 1<sup>st</sup> & 2<sup>nd</sup> floor decks will be cantilevered & no support posts are proposed. Mr. Maffei confirmed that gutters & downspouts on the principal & accessory structures will be directed to the front of the property & will not impact neighboring properties.

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 seeking approval to raise the existing structure to address flooding issues & he is proposing to construct new decks along the front & rear of the existing structure. A new accessory garage is also proposed in the rear yard. Mr. Maffei reviewed the existing & proposed site conditions for the benefit of the Board. Moreover, the Board determined that the Property can accommodate the proposed expansion of the existing non-conforming use as the proposal does not exacerbate any existing non-conforming conditions. The Applicant agreed to following conditions of approval: The Applicant will submit revised plans depicting that the front steps & porch will be enclosed. Mr. Maffei testified to the positive criteria which supports the relief sought by the Applicant and he identified several purposes of Zoning which he contends are advanced in connection with the Applicant's proposal. The Board found Mr. Kostaktos & Mr. Maffei's 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 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 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 Vice Chair DiEduardo & 2<sup>nd</sup> by Mr. Auty. 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. Due to the nature of the Use Variance approval, Board members Mr. Peters, Ms. DeJoseph, Ms. Cannon & Mr. McCracken did not need to vote on the application.

**Application No: Z-24-2-1 Louis Viscont**

100 West 17<sup>th</sup> Avenue

Block 172; Lot 16

CBD Zoning District

d(2) Use Variance & 'c' variance relief in order to construct a swimming pool at the property.

The Board heard & considered the application of Louis Viscont (Applicant), owner of the property located at 100 West 17<sup>th</sup> Avenue, a/k/a Block 172, Lot 16 (Property), seeking a D(1) Use variance & 'C' variance relief in relation to minimum distance between structures eight (8) foot is required whereas four (4) ft. 11 inches is proposed), in order to install a swimming pool in the rearyard.

John Amenhauser, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. The Property is located at 100 West 17<sup>th</sup> Avenue, a/k/a Block 172, Lot 16, in the City's Central Business District (CBD) Zoning District. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. The existing single-family semi-detached dwelling was approved in connection with a prior application in 2019. That approval granted the prior owner of the property minor subdivision approval & a D(1) Use variance to permit the construction of the existing single-family semi-detached dwelling. Mr. Amenhauser advised the Board that the proposed swimming pool is not a permitted accessory use in the CBD zone necessitating another D(1) Use variance in order to permit the installation of same. Mr. Amenhauser indicated that, in addition to the Use variance, the Applicant is also requesting 'c' variance relief in connection with the proposed distance between the principal structure & the swimming pool. A minimum distance of eight (8) feet between structures is required whereas four (4) ft. 11 inches is proposed.

Andrew Bechtold, R.A. with Thomas/Bechtold Architecture & Engineering appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Bechtold was placed under oath & he testified from the proposed Variance Plan, dated January 24, 2024, which was received by the Board & which is incorporated herein as fact. Mr. Bechtold reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Bechtold confirmed that the Applicant's proposal is limited to the installation of a swimming pool in the rearyard. He testified that the proposed swimming pool complies with all required setbacks with the exception of the minimum distance required between the principal structure & the pool itself. Mr. Bechtold advised the Board that the proposed swimming pool is a 17.5ft. x 9ft. fiberglass pool. Mr. Bechtold testified that the pool is located more than eight (8) feet away from the façade of the principal structure; however, there is an existing landing in the rearyard which is elevated approximately five (5) feet which is only located four (4) ft. 11 inches from the pool, requiring variance relief. Mr. Bechtold further testified that there are no 1<sup>st</sup> or 2<sup>nd</sup> floor rearyard decks adjacent to the location of the proposed pool which obviates potential safety concerns. Mr. Bechtold opined that the Property is particularly suited to accommodate

the proposed swimming pool given the fact that the site & immediately adjacent properties are developed with residential uses. Mr. Bechtold testified that a swimming pool is a desired amenity for a residential use.

In response to a question posed by the Board, Mr. Bechtold testified that the proposed swimming pool will be 4ft. 9inches deep. In response to a question posed by the Board, Mr. Bechtold testified that the pool mechanical equipment will be located adjacent to existing HVAC mechanicals & same will be constructed above the based flood elevation (BFE). Moreover, the proposed pool equipment will be screened to provide a visual & audio buffer. Mr. Bechtold 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.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated March 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. 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 on a non-conforming lot. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. The existing duplex dwelling was approved in connection with a prior application in 2019. That approval granted the prior owner of the property minor subdivision approval & a D(1) Use variance to permit the construction of the existing dwelling. The Applicant is now proposing to install a swimming pool in the rearyard. A swimming pool is not a permitted accessory use in the CBD Zoning District necessitating D(1) Use variance in order to permit the installation of same. The Applicant is also requesting 'c' variance relief in connection with the minimum distance between the principal structure & the proposed swimming pool. Mr. Bechtold's testified to the positive criteria which supports the relief sought by the Applicant and he identified several purposes of Zoning which he contends are advanced in connection with the Applicant's proposal. The Board found Mr. Bechtold's 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 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 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. O'Connell & 2<sup>nd</sup> 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. Due to the nature of the Use Variance approval, Board members Mr. Peters, Ms. DeJoseph, Ms. Cannon & Mr. McCracken did not need to vote on the application.

**Application No: Z-24-2-5 Michael Scheiblein**

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

Block 172; Lot 17

CBD Zoning District

d(2) Use Variance & 'c' variance relief in order to construct a swimming pool at the property.

The Board heard & considered the application of Michael Scheiblein (Applicant), owner of the property located at 101 West 18<sup>th</sup> Avenue, a/k/a Block 172, Lot 17 (Property), seeking a D(1) Use variance & 'c' variance relief in relation to minimum distance between structures eight (8) foot is required whereas four (4) foot 11 inches is proposed), in order to install a swimming pool in the rearyard.

John Amenhauser, Esq. appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. The Property is located at 101 West. 18<sup>th</sup> Avenue, a/k/a Block 172, Lot 17, in the City's CBD Zoning District. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. The existing duplex dwelling was approved in connection with a prior application in 2019. That approval granted the prior owner of the property minor subdivision approval & a D(1) Use variance to permit the construction of the existing single-family duplex dwelling. Mr. Amenhauser advised the Board that the proposed swimming pool is not a permitted accessory use in the CBD Zoning District necessitating a D(1) Use variance in order to permit the installation of same. Mr. Amenhauser indicated that, in addition to the Use variance, the Applicant is also requesting 'c' variance relief in connection with the proposed distance between the principal structure & the swimming pool. A minimum distance of eight (8) foot between structures is required whereas four (4) foot 11 inches is proposed.

Andrew Bechtold, R.A. with Thomas/Bechtold Architecture & Engineering appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Bechtold was placed under oath & he testified from the proposed Variance Plan, dated January 24, 2024, which was received by the Board & which is incorporated herein as fact. Mr. Bechtold reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Bechtold confirmed that the Applicant's proposal is limited to the installation of a swimming pool in the rearyard. He testified that the proposed swimming pool complies with all required setbacks with the exception of the minimum distance required between the principal structure & the pool itself. Mr. Bechtold advised the Board that the proposed swimming pool is a 17.5ft. x 9ft. fiberglass pool. Mr. Bechtold testified that the pool is located more than eight (8) foot away from the façade of the principal structure; however, there is an existing landing in the rearyard which is elevated approximately five (5) foot which is only located four (4) ft. 11 inches from the pool, requiring variance relief. Mr. Bechtold further testified that there are no 1<sup>st</sup> or 2<sup>nd</sup> floor rearyard decks adjacent to the location of the proposed pool which obviates potential safety concerns. Mr. Bechtold opined that the Property is particularly suited to accommodate the proposed swimming pool given the fact that the site & immediately adjacent properties are developed with residential uses. Mr. Bechtold testified that a swimming pool is a desired amenity for a residential use. In response to a question posed by the Board, Mr. Bechtold testified that the proposed swimming pool will be 4ft. 9 inches deep. Mr. Bechtold 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 response to a question posed by the Board, Mr. Bechtold testified that the pool mechanical equipment will be located adjacent to existing HVAC mechanicals & same will be constructed above the BFE. Moreover, the proposed pool equipment will be screened to provide a visual & audio buffer.

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

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 CBD Zoning District on a non-conforming lot. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. The existing duplex dwelling was approved in connection with a prior application in 2019. That approval granted the prior owner of the property minor subdivision approval & a D(1) Use variance to permit the construction of the existing dwelling. The Applicant is now proposing to install a swimming pool in the rearyard. A swimming pool is not a permitted accessory use in the CBD Zoning District necessitating D(1) Use variance in order to permit the installation of same. The Applicant is also requesting 'c' variance relief in connection with the minimum distance between the principal structure & the proposed swimming pool. Mr. Bechtold's testified to the positive criteria which supports the relief sought by the Applicant and he identified several purposes of Zoning which he contends are advanced in connection with the Applicant's proposal. The Board found Mr. Bechtold's 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 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 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. O'Connell & 2<sup>nd</sup> 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. Due to the nature of the Use Variance approval, Board members Mr. Peters, Ms. DeJoseph, Ms. Cannon & Mr. McCracken did not need to vote on the application.

**Application No: Z-24-2-7 Kathleen Dressler**

409 E. 7<sup>th</sup> Avenue

Block 307; Lot 19

R-1.5 Zoning District

d(2) Use variance in connection with the expansion of a pre-existing non-conforming use & 'c' variance relief in order to construct an addition duplex dwelling

The Board heard & considered the application of Kathleen Deissler (Applicant), owner of the property located at 409 East 7<sup>th</sup> Avenue, a/k/a Block 307, Lot 19 (Property), seeking a D(2) expansion of a non-conforming Use variance, & 'c' variance relief in relation to minimum total sideyard setback (16ft. is required whereas 12.33ft. is proposed), in order to construct an addition to the 1<sup>st</sup>-floor unit of an existing single-family semi-detached (duplex) dwelling.

John Amenhauser, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. The Property is located at 409 East 7<sup>th</sup> Avenue, a/k/a Block 307, Lot 19, in the City's R-1.5 Zoning District. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. The Applicant is proposing to construct a 363SF addition to the 1st-floor unit & an existing deck will be modified to accommodate same. The existing 2nd-floor unit will remain unchanged in connection with this proposal. Duplexes are not permitted uses in the R-1.5 Zoning District therefore the Applicant requires & is requesting a D(2) Use variance for the expansion of a pre-existing non-conforming use.

Pamela Fine, R.A. of Fine Architecture, P.C. appeared on behalf of the Applicant & she was recognized as an expert in the field of architecture. Ms. Fine was placed under oath & she testified from the proposed Site/Architectural Plans, dated July 30, 2020, which were received by the Board & which are incorporated herein as fact. Ms. Fine reviewed the existing site conditions for the benefit of the Board. She advised the Board that the Applicant originally retained her services in 2020 to proceed with the proposed development at which time the Applicant's proposal would have been permitted by-right as duplexes were a permitted use at that time. Ms. Fine testified that issues associated with the pandemic & the rising cost of construction delayed the Applicant's ability to proceed with the proposed addition. She indicated that the Applicant recently elected to proceed with the proposed development; however, when the plans were submitted for permits it was learned that the R-1.5 Zoning District was modified & that duplexes were no longer a permitted use, necessitating variance relief to proceed with the project. Ms. Fine testified that the existing structure is an over/under duplex with one (1) unit on the 1<sup>st</sup>-floor & a 2nd unit on the 2nd-floor; however, the structure appears as if it were a single-family dwelling. Ms. Fine reviewed the existing floor plans & building elevations for the benefit of the Board. Each unit contains two (2) bedrooms, and access to the 1st-floor unit is provided through the front of the structure & access to the 2nd-floor unit is provided in the rearyard & it is not visible from the public right-of-way. Ms. Fine reviewed the proposed siteplan & floor plans/elevations for the benefit of the Board. Ms. Fine testified that the proposed addition is confined to the rearyard & same will maintain the required six (6) foot sideyard setbacks. She indicated that the existing structure does not comply with the required total sideyard setback nor will the proposed addition, requiring variance relief. Ms. Fine testified that the proposed addition includes a new dining area, an additional bedroom, and one of the existing bedrooms will be converted to an office. In response to concerns raised by the Board, Ms. Fine testified that the Applicant will remove the door & closet associated with the proposed office, and the windows installed within the room will not be egress compliant. Ms. Fine reiterated that there are no changes proposed to the 2nd-floor unit. An existing deck will be modified slightly in order to accommodate the proposed 1st-floor addition. Ms. Fine testified that the Property is particularly suited to accommodate an expansion of the existing non-conforming use.

She indicated that the proposed addition will not be visible from the street, and same does not exacerbate any existing non-conforming conditions. Moreover, she testified that the duplex & the proposed addition are consistent with the surrounding neighborhood. Ms. Fine 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; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Ms. Fine further opined that the application can be granted as there are no substantial detriments to the public good & the application does not 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 March 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.

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-1.5 Zoning District on a non-conforming lot. The Property is currently developed with an existing single-family semi-detached (duplex) dwelling. The Applicant is proposing to install an addition to the residence. Duplexes are not a permitted use in the R-1.5 Zoning District necessitating D(1) Use variance in order to permit the construction of same. The Applicant is also requesting 'c' variance relief in connection with the minimum distance for sideyard setback. Ms. Fine's testified to the positive criteria which supports the relief sought by the Applicant & she identified several purposes of Zoning which he contends are advanced in connection with the Applicant's proposal. The Board found Ms. Fine's testimony to credible & persuasive. There was no public comment received. Moreover, the Board determined that the fact the Property is an undersized lot establishes a hardship to the Applicant & supports granting the Use variance relief for expansion of non-conforming use. 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 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 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 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 Vice Chair DiEduardo & 2<sup>nd</sup> 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. Due to the nature of the Use Variance approval, Board members Mr. Peters, Ms. DeJoseph, Ms. Cannon & Mr. McCracken did not need to vote on the application.

**Application No: Z-24-3-1 Deborah McAlaren *\*\*Conceptual Review\*\****

100 East 22<sup>nd</sup> Avenue

Block 198, Lot 2

CBD Zoning District

Two (2) principal dwelling units, 1 new unit on top of existing garage

***\*\*Conceptual Review\*\**** No formal Board action

The Application submitted by Deborah McAlaren requests a *Conceptual Review* of project proposal to create a livable new unit on top of an existing garage/an accessory structure located at the property at 22<sup>nd</sup> & New Jersey Avenue(s), located in the City's Central Business District (CBD) Zoning District. The property will have a total of three (3) units total with the proposal.

The Board members discussed the conceptual plans of the Applicant & provided guidance on the proposal. As this was a conceptual review, no formal action was taken by the Board.

Board member Mr. O'Connell identified a conflict of interest on the next application. He recused himself & stepped down from the Board dais & took a seat in the public audience.

**Application No: Z-24-3-3 Dartmouth Group2, LLC *\*\*Conceptual Review\*\****

510 East 13<sup>th</sup> Avenue

Block 413, Lot 6

O/S Zoning District

New construction of 30-unit residential structure, replacing existing American Inn motel

***\*\*Conceptual Review\*\**** No formal Board action

The Application submitted by Dartmouth Group 2; LLC requests a *Conceptual Review* of project proposal to create a 30-unit condominium/apartment development with 64 off-street parking spaces located at the property at 510 East 13<sup>th</sup> Avenue in the City's Oceanside (O/S) Zoning District. The location is the current American Inn property.

The Board members discussed the conceptual plans of the Applicant & provided guidance on the proposal. As this was a conceptual review, no formal action was taken by the Board.

At the conclusion of the application, Mr. O'Connell returned to the Board as an active member.

I) ZONING OFFICER REPORT:

Dan Speigel, Zoning Officer/Construction Official, 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 March 13, 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 Vice Chair DiEduardo & 2nd by Mr. Greenland. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes.

L) UNFINISHED BUSINESS: None presented

M) COMMUNICATION(S):

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. Chief Steveson mentioned his cherished experience with the Board, but is happy to retire. He announced his retirement ceremony & invited all to attend.

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 Chief Stevenson & 2nd by Ms. DeJoseph. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: \_\_\_\_\_

5/16/24  
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.*