

The regular meeting of the North Wildwood Planning Board was held on the above date & time. Adequate notice of this regular meeting was submitted to the official newspaper of the City of North Wildwood (AC Press) & local newspapers. An Agenda was posted on the main bulletin board at City Hall, on the bulletin board at the Planning/Zoning Office, posted on the front entrance of the Meeting Room 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's Designee, Mr. McCullion	Present
Vice Chair Ed Einhaus	Present	Chief Matt Gallagher	Present
Mr. William Green	Absent	Councilman David DelConte	Present
Mr. Bill Auty (Alternate 1)	Present	Mr. John Harkins	Present
Mr. Sevick (Alternate 2)	Present		
		Mr. Dean Marcolongo (Board Solicitor)	Present
		Mr. Ralph Petrella (City Engineer)	Present
		Ms. Elizabeth Terenik (Board Planner)	Excused
		Eric Gundrum, (PB Secretary)	Present

The Board Solicitor announced the Board quorum was established.

E) SWEARING IN OF PROFESSIONALS:

The Board Solicitor conducted the truth swearing of the Board's professionals as necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) NEW BUSINESS:

**P-14-10-2 - Scott Peter**

Block 230, Lot 11  
227 East 22<sup>nd</sup> Avenue  
R-1 Zoning District  
Minor Subdivision Approval

Scott Peter residing at 745 West Montgomery Avenue, Wildwood, NJ has applied to the Board for minor subdivision approval to create two (2) conforming building lots from one (1) existing lot & to convey a 20 ft. wide portion of said lot to an adjacent property owner for property located at Block 230, Lot 11, commonly known as 227 East 22<sup>nd</sup> Avenue. No variances are necessary.

Scott Peter appeared pro se, was sworn & testified on behalf of the application. Mr. Peter advised that he is the contract purchaser of the subject property which currently contains a 2.5 story frame multi-unit building, a two (2) story frame multi-unit building & an asphalt parking lot. He noted that the existing property contains multiple non-conforming uses & structures. Mr. Peter testified that the property is located in the R-1 Zone & is 120 ft. wide x 100 ft. deep. He further testified that the lot has existing two (2) buildings containing six (6) apartments. Mr. Peter testified that he proposes to demolish all of the structures on the lot & subdivide the property. He intends to create two (2) 50 ft. x 100 ft. lots for the development of two (2) single family dwellings. The remaining 20 ft. x 100 ft. portion of the lot will be conveyed to the owner of Block 230, Lot 10. In support of the application, Mr. Peter had submitted to the Board an agreement to sell the 20 ft. x 100 ft. portion of the lot to 2110 Atlantic Avenue, LLC. That portion of the lot will merge into Lot 10. Upon questioning from the Board, Mr. Peter advised that there are no tenants in either building. The Applicant shall be prohibited from filing the plan of minor subdivision until all structures on the subject property have been demolished and removed. The Board was in receipt of a plan of minor subdivision of GEOSurv NJ, LLC which were incorporated as fact. All development & the subdivision will be in accordance with said plans. The Applicant has agreed to certain conditions of approval

Mr. Petrella, Board Engineer, appeared, was sworn & testified that the proposed subdivision was a buy-right subdivision so long as the 20 ft. x 100 ft. portion was incorporated into Lot 10. The Board was in receipt of a review memorandum of Terenik Land Use Planning which was incorporated as fact.

The Chairman then opened the application for public comment; at which time the following members of the public came forward to testify:

1. Richard Brown of 2110 Atlantic Avenue, North Wildwood appeared, was sworn & testified in support of the application. Mr. Brown is the owner of Block 230, Lot 10 & has contracted to purchase the 20 ft. x 100 ft. portion of the subject property.

At this time the public portion of the application meeting was closed by the Chairman when no other members of the public choose to speak. The Chairman offered any comment from the Board members. None was offered. The Chairman then closed the public portion of the meeting.

The Board then discussed the finding of facts on the application. Chairman Davis “volunteered” for the finding of facts. Chairman Davis reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1 Zoning District. The Applicant has agreed to conditions of approval as set forth above. The Applicant shall be prohibited from filing the plan of minor subdivision until all structures on the subject property have been demolished & removed. The proposed subdivision meets the standards of the ordinance. Approval is specifically conditioned upon the transfer of a 20 ft. x 100 ft. portion of the subject property to 2010 Atlantic Avenue, LLC, the owner of Block 230, Lot 10 with this portion merging into Lot 10 by way of a deed of consolidation in such form to be approved by the Board Solicitor prior to the filing of same with the Cape May County Clerk’s Office. The Board did hear from one (1) member of the public providing comment in support of the application. Board Planner reported on the application. The Applicants are requesting preliminary & final minor subdivision approval. The Board has determined that the Applicant has met the requirements of minor subdivision approval so long as the Applicant complies with the terms & conditions set forth by the Board members as agreed by the Applicant. The Board did find that the benefits of the application for approval. No additions or correction to the finding of facts. The Board accepted the finding of facts.

The Board Solicitor called for a motion to approve the application & Resolution as discussed. Motioned by: Vice-Chairman Einhaus & seconded by Mr. McCullion. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Based on the affirmative roll-call vote of the Board members. Mr. Sevick was not required to vote on the application.

**P-14-10-1 - 1306 Surf Avenue, LLC**

Block 269, Lot 15

1306 Surf Avenue

R-1.5 Zoning District

Minor Subdivision approval, with “c” variances

1306 Surf, LLC doing business at 153 Freedom Rider Trail, Glen Mills, PA has applied to the Board for minor subdivision approval to create two (2) lots from one (1) lot & variances for lot area (3,750 sq. ft. proposed where 4,000 sq. ft. is required) & lot depth (75 ft. proposed where 100 ft. is required) for property located at Block 269, Lot 15 commonly known as 1306 Surf Avenue.

Ronald J. Stagliano, Esq. appeared on behalf of the Applicant & explained the nature of the application to the Board.

Mr. Stagliano advised that the subject property is located at the northwest corner of 14<sup>th</sup> & Surf Avenues & is located in an R-15 Zone. The subject property is 75 ft. x 100 ft. and there is currently a single-family dwelling & duplex residential structures on the lot with several non-conforming conditions. The Applicant proposes to subdivide the property in two (2) lots & develop two (2) single-family dwellings residences fronting on 14<sup>th</sup> Avenue. The proposed subdivision will require variances for lot frontage & lot area and there is no additional land for purchase since all adjacent properties are fully developed. Mr. Stagliano opined that the Applicant could build a duplex residence on the lot without variance relief but that the Applicant desires to construct only two (2) single family dwellings.

Stephen Martinelli, a licensed professional planner & land surveyor, appeared, was sworn & testified on behalf of the application. Mr. Martinelli testified from his plan of minor subdivision which was received by the Board & incorporated as fact. The Board was also in receipt of a boundary survey by Domenick A. McGonigle, professional land surveyor evidencing the existence of two (2) dwellings on the subject property. This survey was incorporated as fact. The Board was also in receipt of two (2) color photographs of the structures on the subject property & an aerial photograph of the site. Mr. Martinelli testified as to the dimensions of the subject property & the existing structures on same. Mr. Martinelli testified that the existing lot has 100 ft. of frontage on 14<sup>th</sup> Avenue & 75 ft. of frontage on Surf Avenue. The Applicant proposes to subdivide the property to create two (2) 3,750 sq. ft. lots fronting on 14<sup>th</sup> Avenue. The subdivision plan evidences the proposed setbacks in accordance with the North Wildwood Land Development Ordinance (LDO).

Mr. Stagliano called Brian Murphy, a licensed professional planner & engineer from Cape May Court House, NJ, who was sworn & testified on behalf of the application. Mr. Murphy testified as to the two (2) existing structures on the subject property. Based upon his inspection of the area, he noted that most of 14<sup>th</sup> Avenue has been constructed with single-family dwellings & most of the properties fronting on Surf Avenue have been developed as duplexes. He noted that the two (2) principal structures on this site are non-conforming uses & contain non-conforming setbacks. Specifically he noted that the single-family dwelling adjacent to Surf Avenue encroaches into the frontyard setback & the duplex fronting on 14<sup>th</sup> Avenue encroaches into the sideyard & rearyard setbacks. If this application is approved, these non-conforming conditions will be resolved. Mr. Murphy testified that the purposes of Zoning will be advanced by the proposed development in that there will be better safety from fire by correcting the setback encroachments, the structures will be protected from flood by raising same above base flood elevation (BFE) and the public health safety & welfare will be advanced by the construction of two (2) new homes built to current construction codes. Mr. Murphy testified that in his opinion the proposed development is more in compliance with the LDO since the Applicants would be developing two (2) single-family dwellings on a street mostly populated by single-family dwellings that the development of single-family dwellings presents less density than a duplex & the single-family dwellings are permitted uses. Mr. Murphy further testified that, in his opinion, the proposed development provides for adequate light, air & open space since conforming setbacks will be developed, that the proposed development provides for appropriate population density and, since an old building will be removed & replaced with newer structures, the proposed development will provide for a more desirable visual environment. Upon questioning from the Board & Chairman, Mr. Murphy testified that he believes that the development of two (2) single-family dwellings adjacent to 14<sup>th</sup> Avenue is better than a duplex fronting on Surf Avenue since the residence of the structure would not be looking out onto a busier street (Surf Avenue). In addition he believed that the development of two (2) single-family dwellings provides for more light, air & open space than a duplex. As such, the benefits of the variance relief outweigh any detriment.

Upon questioning of the Board regarding building height, Mr. Stagliano noted that the Applicant is proposing 36 ft. of maximum building height. The Board questioned Board Engineer, Mr. Petrella regarding a reduction in building height pursuant to LDO Section 276-34. Mr. Petrella testified that, given the ratios set forth in Section 276-34, there will only be a 2.25 ft. building reduction. The Applicant(s) has agreed to several conditions of approval which will assist in mitigating any negative impact upon the neighborhood. The setbacks for the proposed buildings will be no less than the setbacks evidenced on the plan of minor subdivision & will preempt the LDO setbacks for the R-1.5

Zoning District. There are driveways existing along Surf Avenue & if there are any existing driveways same will be replaced with raised curb. The single-family dwelling on the corner lot (proposed Lot 15.01) will be designed with architectural features adjacent to Surf Avenue to give an appearance normally consistent with the front side of a building.

James Gaffney a principal/applicant, appeared, was sworn & testified on behalf of the application. Mr. Gaffney testified that he & his partner, Robert Panetta, preferred to develop two (2) single-family dwellings rather than a duplex to provide more individual ownership. He advised that he will receive the corner lot (proposed Lot 15.01) & he desires to develop a porch on 14<sup>th</sup> Avenue.

Robert Panetta, a principal/co-applicant, appeared, was sworn & testified on behalf of the application. He agreed with Mr. Gaffney that he prefers the idea of developing a single-family dwelling for family privacy purposes.

Chairman Davis then opened the application for public comment. No members of the public were in attendance at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

Ralph Petrella, Board Engineer, appeared, was sworn & testified as to the application. The Board was in receipt of a review memorandum of Ms. Terenik, Terenik Land Use Planning which were received by the Board & incorporated as fact

The Board then discussed the finding of facts on the application. Several Board members has reservation about granting the requested variances, however the Board realized that single-family dwellings will be the preferred course of action. Chairman Davis "volunteered" for the finding of facts. Chairman Davis reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1.5 Zoning District. The Applicant has agreed to conditions of approval as set forth above. Revised plans are necessary. The Board did not hear from any member of the public providing comment. No members of the public were in attendance at this time. The Applicants are requesting preliminary & final minor subdivision approval, as well as variance approval. The Board did find that the benefits of the variance relief outweigh the detriments & that the relief & approval requested can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & LDO. No additions or correction to the finding of facts. The Board accepted the finding of facts.

The Board Solicitor called for a motion to approve the application & Resolution as discussed. Motioned by: Vice-Chairman Einhaus & seconded by Mr. McCullion. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Based on the affirmative roll-call vote of the Board members. Mr. Sevick was not required to vote on the application.

H) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment. No members of the public were in attendance at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

I) APPROVAL OF MINUTES: – Regular: November 12, 2014

The Board Solicitor presented the approval of November 12, 2014 regular meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes.

Vice-Chairman Einhaus requested correction/amendment to the minutes regarding the application regarding P-14-7-1 – Joe & Colleen Lerro (aka Joe Joe’s Pizza), heard last month. Vice-Chairman Einhaus affirmed his reluctance & frustration to vote “yes” on the application based on the testimony by the Applicants & requested that the minutes be reflected with additional wording/clarification of same. Vice-Chairman Einhaus clarified his statement as requested for insertion in the meeting minutes. The Board Secretary & Vice-Chairman Einhaus worked on the language requested & will incorporate same to the minutes upon approval of the meeting minutes by the Board.

The Board proposed no further corrections, additions or comments to the Meeting Minutes. Motioned by Mr. Sevick & seconded by Mr. Harkins. The Board proposed no corrections, additions or comments to the Resolution. Based on the affirmative roll-call vote of the Board members.

Chairman Davis further clarified the situation regarding the referenced application as it occurred over time. He also stated that the Applicant poorly transmitted the proposal/application to the Board.

J) MEMORIALIZATIONS:

P-14-7-1 – Joe & Colleen Lerro (aka Joe Joe’s Pizza)  
Block 221, Lot 1  
201 North New Jersey Avenue  
D&E Zoning District  
Siteplan approval w/ “c” variances

Joseph & Colleen Lerro residing at 2 Wichwood Lane, Langhorne, PA have applied to the Board for preliminary & final siteplan approval together with a variance for number of parking spaces (five (5) proposed where 17 is required) to renovate an existing multi-use building located at Block 221, Lot 1, commonly known as 201 N. New Jersey Avenue.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Mr. Harkins & seconded by Mr. Auty. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Based on the affirmative roll-call vote of the Board members.

K) UNFINISHED BUSINESS: None presented.

L) COMMUNICATION(S): None presented.

M) REPORTS: None presented.

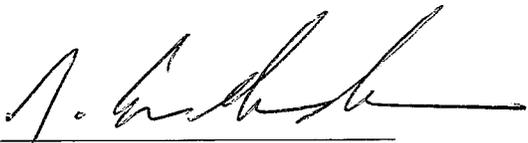
The Board Solicitor congratulated the Board members & Vice-Chairman Einhaus in clearing describing their reasons for voting on each application.

A brief discussion regarding the “multi-family dwellings” & duplexes as a permitted use in the R-1.5 Zoning District ensued. Chairman Davis lead the discussion. The application (P-14-10-1 - 1306 Surf Avenue, LLC) heard tonight was used as an example of several modifications or “possibilities” that could be developed under the current Ordinance.

N) MEETING ADJOURNED:

Meeting was adjourned at 8.45pm, on motioned by Mr. Harkins & seconded by Mr. McCullion. Based on the affirmative roll-call vote of the Board members.

APPROVED: 12/18/15  
Date

  
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J. Eric Gundrum  
Board Secretary

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