

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 and 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	Present
Vice Chair Ed Einhaus	Present	Chief Matt Gallagher	Present
Mr. William Green	Present	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 (Board Engineer)	Present
		Mr. Brian Murphy (Board Planner)	Present
		Eric Gundrum, (PB Secretary)	Present

Mr. Larry Booy, City Zoning Officer, also attended tonight's meeting for the discussion of possible Land Development Ordinance amendments.

The Board Solicitor announced the Board quorum was established.

E) WEARING IN OF PROFESSIONALS:

The Board Solicitor conducted the truth swearing of the Board's professionals was not necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None presented.

The Board Secretary made announcement concerning the microphones and the Board recording process.

G) NEW BUSINESS:

**Board Resolution No. PB-02-2015
Memorialization of selection of Board professionals
Board Solicitor, Board Engineer & Board Planner**

The Board Secretary introduced Board Resolution PB-02-2015 for the Board's memorialization.

The Board has determined that the effective completion of their appointed duties requires that they retain the services of administrative personnel, experts, planners, engineers & legal counsel to assist the Board as needed during the forthcoming year. The New Jersey Municipal Land Use Law (NJ MLUL), specifically NJSA 40:55D-24 & 40: 55D-69, a Municipality's Planning Board is granted the power to employ, contract for, and fix the compensation for professionals, experts and other service providers as it deems necessary for the effective completion of their appointed duties. The Board has met & reviewed proposals & selected its Board Professionals by vote at its Board meeting on January 14, 2015. The Board had the opportunity to consider its needs for the calendar year 2015 and to review the professional services of certain persons and have considered them to be necessary and of sufficient expertise to provide guidance to the Board during the forthcoming year.

The Board voted & approved the Chairperson of the Board is hereby authorized and to approve the contracts for the employment of the following persons for the positions set forth below for the calendar year 2015.

Ralph Petrella, Jr., of Van Note Harvey & Assocs., Board Engineer
Brian J. Murphy, of MV Engineering, LLC, Board Planner
Dean R. Marcolongo, Esquire, Board Solicitor

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. Harkins & 2nd by Vice-Chairman Einhaus. 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 abstained.

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: – January 14, 2015 meeting &
May 13, 2015 meeting

The Board Solicitor presented the approval of January 14, 2015 meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board proposed no corrections, additions or comments to the Meeting Minutes. Motioned by Chief Gallagher, & 2nd by Mr. Green. All other present members voted in an affirmative roll-call vote, with Mr. Sevick abstaining.

The Board Solicitor presented the approval of May 13, 2015 meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green pointed out grammatical error, which was corrected upon discussion. The Board proposed no further corrections, additions or comments to the Meeting Minutes. Motioned by Vice-Chairman Einhaus, & 2nd by Mr. Green. All other present members voted in an affirmative roll-call vote, with Mr. Harkins abstaining.

J) MEMORIALIZATIONS:

P-15-3-2 – 2110 Atlantic Avenue LLC (Summer Nites B&B)

Block 230, Lot 10

2110 Atlantic Avenue

R-1 Zoning District

Conditional Use/Siteplan Approval – addition of Swimming Pool & Parking

2110 Atlantic Avenue, LLC doing business at 2110 Atlantic Avenue, North Wildwood, NJ has applied to the Board for amended preliminary & final siteplan approval & an amended conditional use permit to add a pool, expanded garage & additional parking to an existing bed & breakfast located at Block 230, Lot 10, commonly known as 2110 Atlantic Avenue. Bed & Breakfast operations are conditional uses within the R-1 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. Green & 2nd by Vice-Chairman Einhaus. 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. Harkins & Mr. Sevick abstained.

P-15-3-1 – San Francisco Corp.

Block 28, Lot 7

725 West Spruce Avenue

R-2 Zoning District

Minor Subdivision w/ “c” Variances Approval –
2 residential lots

San Francisco Corp., through the Estate of Joanne M. Kane doing business at 1007 Central Avenue, North Wildwood, NJ has applied to the Board for minor subdivision approval to create two (2) lots from one (1) lot together with a variance for lot depth (98.38 ft proposed where 100 ft is required) to demolish an existing dilapidated, multi-family structure with several encroaching non-conforming conditions & construct two duplexes on two (2) lots at Block 28, Lot 7, commonly known as 725 West Spruce Avenue, North Wildwood, NJ.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Chief Gallagher & 2nd by Councilman DelConte. 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. Harkins & Mr. Sevick abstained.

P-14-12-1 – Paradise Cove, LLC

Block 101.01, Lot(s) 1 & 2
400 & 406 West Spruce Avenue
BB Zoning District
Major Subdivision Approval
12 residential lots, with minor new street

Paradise Cove, LLC doing business at 154 Anselm Road, Richboro, PA has applied to the Board for preliminary & final major subdivision approval to develop 10 buildable lots for single-family residences or duplexes together with 20 ancillary boat slips at Block 101.01, Lots 2, 3 & 3.01, commonly known as 400-406 West Spruce Avenue, North Wildwood, NJ.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mayor Rosenello & 2nd by Chief Gallagher. The Board Solicitor called for any discussion or corrections to the Resolution. Mayor Rosenello noted that the bulkhead construction should be tied into the east & west bulkheads at either end of the property, with the satisfaction of the Board Engineer. The Board proposed no further corrections, additions or comments to the Resolution. Based on the affirmative roll-call vote of the Board members. Mr. Harkins & Vice-Chairman Einhaus abstained.

K) **UNFINISHED BUSINESS:**

Proposed Ordinance #1677
Amendments to the Land Development Ordinance,
Chapter 276-1 et. seq.
Board Resolution No. PB-03-2015

Mayor Rosenello explained briefly the purpose merit of the proposed Ordinance. Most are revision & clarifications and revisions to the permissible height requirements. The Mayor also stated that if the Board needs more time to review, Council is in no rush to adopt and can be reviewed at the next month's meeting.

Mayor Rosenello mentioned Vice-Chairman Einhaus sent him several questions which needed clarification, which the Mayor provided. Chairman Davis specified the history of these amendments & purpose with Mr. Larry Booy, City Zoning Officer providing highlights to the discussion.

Mayor also pointed out the clarifications to the R-1.5 Zoning District, that two-family dwelling proposal would be now a conditional use application. Chairman Davis also explained the setback requirements. The original purpose of the R-1.5 Zoning District was to act as a buffer to single-family R-1 Zoning District to denser Zoning District closer to the beach and to capture existing non-

conforming “beach cottages” properties. Also changes to Bayside Business Zoning District to up the minimal lot size requirement for duplexes, essentially matching the R-2 Zoning District bulk requirements. Some Board members pointed out several necessary revisions that are necessary.

Mayor Rosenello mentioned the major changes were in Section 9, whereby the R-1.5 would allow duplexes as a conditional use application. Chairman Davis mentioned the history & purpose of the R-1.5 Zoning District. Several examples of residential duplexes were mentioned locally & in Wildwood Crest. The other major change was the clarification of 36 feet of building height & maximum of three (3) stories in each respective Zoning District. Chairman Davis explained why the limitation on building of number of stories was needed. There were several questions & explanations on why the “mathematical equation” of maximum building height was originally adopted & how the Base Flood Elevation (BFE) & Finished Floor Elevation (FFE) came into play with possible building design. Also Section 34 of the existing ordinance was explained & discussed to be amended to be “easier” to interpret.

Pursuant to the New Jersey Municipal Land Use Law (NJ MLUL), specifically NJSA 40:55D-64 & NJSA 40:55D-26, the Board is given the responsibility & authority to hold public hearings regarding amendments to a municipality’s Land Development Ordinance and report its findings & recommendations to the governing body of the municipality.

The Board considered the amendments to Chapter 276 (Land Development Ordinance) at its meetings of May 13, 2015 & June 10, 2015. While the Board found the proposed amendments generally satisfactory & consistent with the Master Plan, the Board does recommend numerous amendments to the ordinance as set forth below.

In Section 6 (R-1 Zoning District), Section 11 (R-1.5 Zoning District) & Section 12 (R-2 Zoning District) of the proposed ordinance, a subsection has been added that reads “safety enclosures of roof top areas of hotels & motels used for sun decks and other recreational purposes”. These three (3) Zoning District ones do not permit hotels & motels and, therefore, this language is unnecessary & should be deleted.

In Section 20 involving the Bayside Business (BB) Zoning District, the maximum height is listed not to exceed 36 feet from base flood elevation. This portion should be modified to include the phrase, “or three (3) stories”. This is consistent with other changes proposed.

In Section 8 involving Section 276-15(b), a Subsection 9 is proposed which addresses air conditioning/HVAC compressor units & generators in sideyards. The second sentence should be amended to include the phrase “and shall be located a minimum 4 feet from the side property line”. This language should also be included in all other zoning districts.

With regard to Section 6, the 1st sentence of the new language establishes the maximum height. A 2nd sentence should be immediately added which reads, “All development on undersized lots shall have a reduced maximum height in accordance with the schedules set forth in Section 276-34(9). This language should be included in the maximum height provisions for all zoning districts.

Mayor Rosenello mentioned Section 276-34(B)(9) was revised to reflect uniform heights & the “charts” with correct & current Zoning Districts.

Section 28 of the proposed ordinance amends Section 276-34(9) of the zoning ordinance. This section was intended to require reduced maximum building heights on undersized lots but has been somewhat problematic. To clarify this section of the Ordinance, the Board proposes the following amendments including maximum building height schedules for the R-1, R-1.5 and R-2 Zoning Districts:

Section Twenty-Eight. Section 276-34(9) is revised to read as follows:

(9) Any detached single-family dwelling located on an existing lot of record or any isolated vacant lot within the R-1, R-1.5 and R-2 Zoning Districts which does not meet the applicable minimum lot requirements of this chapter shall be permitted to be demolished and rebuilt, or a new construction built or an addition constructed thereon without variance relief, provided:

(a) The total permitted building and lot coverages, including impervious coverages, if applicable, stipulated in this chapter for the detached single-family dwelling on the lot in question are not exceeded.

(b) The proposed detached single-family dwelling on the lot conforms with the applicable yard requirements and parking requirements of this chapter except as follows:

[1] On lots having a lot frontage of 30 feet, the side yard setbacks shall total 10 feet (six 6 feet for a corner lot having one side yard setback) with minimum setbacks of four 4 feet (six 6 feet for a corner lot having one side yard); and

[2] On lots having a lot frontage of 40 feet, minimum side yard setbacks shall be six feet per side yard.

(c) The maximum building height (as defined in § 276-7 of the ~~Code of the City of North Wildwood~~ Land Development Ordinance) of the proposed detached single-family dwelling or a new construction built or an addition constructed thereon on the lot shall be reduced ~~by the ratio of proposed lot frontage to required lot frontage rounded to the nearest whole inch. By way of example and not by way of limitation as shown in the applicable table(s) below. For lot frontages not listed, maximum building height shall be reduced to the next lowest height shown:~~

[1] For the R-1 Zoning District:

Type of Lot	Minimum Required Lot Frontage (feet)	Maximum Building Height (feet)
Required	50	35 <u>36</u>
<u>Undersized</u>	<u>45</u>	<u>32</u>
Undersized	40	28
<u>Undersized</u>	<u>35</u>	<u>26</u>
Undersized	30 <u>or less</u>	24

[2] For the R-1.5 Zoning District:

Type of Lot	Minimum Required Lot Frontage (feet)	Maximum Building Height (feet)
Required	40	35 36
Undersized	35	27
Undersized	30 <u>or less</u>	24

[3] For the R-2 Zoning District:

Type of Lot	Minimum Required Lot Frontage (feet)	Maximum Building Height (feet)
Required	45 40	35 36
Undersized	35	27
Undersized	30 <u>or less</u>	24

(d) No building or addition constructed thereon shall be constructed under this subsection on a lot less than 30 feet wide without variance relief and/or Zoning Board approval. In such case, the same lot frontage/width, building height and side yard setback ~~ratios~~ shall be employed as defined & shown in the applicable table above & referenced herein.

(e) In keeping with the traditional seashore architecture of the single-family homes in North Wildwood, no building constructed under this subsection shall have a flat or mansard roof. All roofs for buildings so constructed shall be of gable, gambrel or hipped roof design and shall employ a slope of not less than four in 12, with steeper pitches encouraged. Parapets, cornices and similar architectural features shall be articulated and appropriately decorated. Architectural elements such as porches, bays and dormers are encouraged, to add interest and variety to the visual landscape.

Chairman Davis then opened the amendment to the Ordinance 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.

At its June 10, 2015 meeting, the Board reviewed & considered the proposed amendments to the City's Land Development Ordinance, accepted public comment regarding same, and found that the proposed amendments were generally satisfactory to the Planning Board and that said amendments were substantially consistent with the North Wildwood Master Plan.

Mayor Rosenello also mentions language relating to "abandonment of properties" was revised to reflect current case law. Board Solicitor Marcolongo suggested that he will review this language.

L) COMMUNICATION(S): None presented.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:30pm, on motioned by Vice-Chairman Einhaus & 2nd by Mr. Green. Based on the affirmative roll-call vote of the Board members.

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.