

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	Absent
Mr. Bill Auty (Alternate 1)	Present	Mr. John Harkins	Present
Mr. Sevick (Alternate 2)	Absent		

Mr. Dean Marcolongo (Board Solicitor)	Present
Mr. Ralph Petrella (Board Engineer)	Present
Mr. Brian Murphy (Board Planner)	Present
Eric Gundrum, (PB Secretary)	Present

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 necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS:

The Board Secretary received a request from Walnut Avenue LLC to adjourn the application to the August meeting. The following application was postponed to the August meeting with all notices

having being served & notice to the public given by the Board Solicitor. The following application was postponed:

P-09-4-1(A) – Walnut Avenue LLC

Block 190.01, Lot 2
120 West Walnut Avenue
CBD Zoning District
Repeal of Planning Board condition of approval

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

G) **NEW BUSINESS:**

Board member Mr. Harkins stepped down from the dais and took a seat in the public audience, for a conflict on the application was expressed. Mr. Harkins was excused from the application proceedings.

P-15-5-1 – BCF Building & Project Mgt., LLC

Block 114, Lot 9 thru 11
301 & 305 West 19th Avenue
R-2 Zoning District
Minor Subdivision, with “c” variances
2 residential lots

BCF Building & Project Management, LLC doing business at 3413 Pacific Avenue, Wildwood, NJ has applied to the Board for minor subdivision approval to create two (2) lots from three (3) existing lots together with variances for lot area (3,600 sq. ft. proposed where 4,000 sq. ft. is required) as to the development of a single-family dwelling & lot area (5,400 sq. ft. proposed where 6,000 sq. ft. is required) to create two (2) buildable lot for the development of a single-family & duplex residential dwelling(s) for property located at Block 114, Lots 9, 10 & 11, commonly known as 301-305 19th Avenue, North Wildwood, NJ.

Doreen Corino, Esq. of Corino Law Office, P.A., appeared on behalf of the Applicant and explained the nature of the application to the Board. Ms. Corino advised that the Applicant is the contract purchaser of the subject property which currently consists of three (3) lots. The Applicant proposes to realign the lot lines & develop two (2) lots for the construction of a duplex & a single-family dwelling on the property which is located in the R-2 Zone.

Ms. Corino advised that the properties are generally undersized as to lot depth, however, Section 276-16 (e)(1) permits exception as to lot depth on certain blocks within the municipality including Block 114. Lot depths on lots in this block are permitted to be 90 feet. However, even though the reduced lot depth is permitted, the lots are still undersized as to lot area and the Applicant is requesting variance relief regarding same. Solicitor Marcolongo confirmed the exception as to lot depth under Section 276-16(e)(1) & advised that it could certainly be argued that the exception for lot depth would, by implication, provide an exception for lot area. However, since the definition of lot area means all

area within the lot lines, in an abundance of caution he required the Applicant to request the variances for lot area.

Matthew J. Hender, a licensed landscape architect & professional planner with Engineering Design Associates, appeared, was sworn & testified on behalf of the application. Mr. Hender testified from the plan of minor subdivision created by James R. Boney, a professional land surveyor, which was received by the Board & incorporated as fact. Mr. Hender testified that the subject property is located on the northwest corner of 19th & Delaware Avenues. It currently consists of three (3) lots with total frontage on 19th Avenue of 100 feet. The Applicant proposes to realign lot lines & subdivide the property so that the property fronting on both 19th & Delaware Avenue would be a 40 ft. x 90 ft. lot and would be developed with a single-family dwelling. The remaining property fronting on only 19th Avenue would have 60 ft. of frontage & 90 ft. of depth and would be developed with a duplex. Mr. Hender testified that in the R-2 Zone, properties containing single-family dwellings are required to have 4,000 sq. ft. and the corner lot as proposed would have only 3,600 sq. feet. Properties containing duplexes are required to have 6,000 sq. feet and the proposal calls for a lot of 5,400 sq. feet. Mr. Hender testified that he believes that the variance relief requested can be granted via the C1 criteria as a result of the unusual shape of the property. Specifically, the lot is generally undersized for lot depth as a result of the 12 ft. alleyway to the rear of the property. He noted, however, that the Land Development Ordinance (Ordinance) permits an exception as to lot depth & he believes that it was the intention of the Ordinance to also provide a variance for lot area. Mr. Hender further testified that he believes that the relief requested can be granted under the C2 criteria since the benefits of the variance relief outweigh any detriment & the purposes of Zoning are advanced by the variance relief. Specifically, he believed that the proposed development provides for appropriate population densities, provides for a desirable visual environment & that the proposed development is compatible with other properties in the neighborhood. Mr. Hender further testified that based upon the fact that it is consistent with the neighborhood, the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance.

Chairman Davis then opened the application for general public comment, at which time the following members of the public came forward to testify:

- A. Joyce Thompson of 311 West 19th Avenue, appeared, was sworn & questioned the Board about the variance process.
- B. Elizabeth DiDonato of 306 West 18th Avenue, appeared, was sworn & expressed concerns regarding the proposed setbacks. It was noted that no variance relief for setbacks was requested.
- C. Dennis DiDonato of 306 West 18th Avenue, appeared, was sworn questioned whether the Applicant had considered flipping the properties since the duplex would be on the corner. The Applicant suggested that, for parking traffic purposes, it would be better to have the single-family dwelling on the corner.

Upon questioning from the Board, the Applicant agreed to condition of approval upon the construction of the single-family dwelling & duplex must meet all setback requirements and if the developer desires to develop into the setbacks, they must return to the Planning Board for further variance relief.

Mr. Petrella, Board Engineer, appeared, was sworn & testified on behalf of the application. Mr. Petrella testified that he believed that the exception for a lot depth evidenced intent to also provide exception for lot area. He further testified that if the exception for lot area did exist, this would be a subdivision as of right.

Mr. Murphy, Board Planner appeared, was sworn & testified on behalf of the application. He stated that, in his opinion, this was clearly a hardship application given the lack of lot depth for all properties on this block;

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-2 Zoning District. The Applicant has agreed to conditions of approval as set forth above. The Board did hear from several members of the public. Board Planner & Board Engineer reported on the application. The Applicants are requesting preliminary & final minor subdivision approval. The Board finds that all lots on Block 114 are deficient as to lot depth and that the Ordinance intentionally provided an exception recognizing the unusual hardship which is levied upon property owners for this block and that this hardship in and of itself is justification for the variance relief for lot area for both the corner lot to be developed with a single-family dwelling & the interior lot to be developed with a duplex. The Board finds that the lot frontage & width for the lots is consistent with the Ordinance. The Board finds that all lots on this block are deficient as to lot depth & lot area except for two and, as such, the proposed development is compatible with the neighborhood. Board finds that the proposed subdivision meets the standards of the Ordinance except for the variance relief requested. 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: Mayor Rosenello & 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 was not required to vote on the application.

Board member Mr. Harkins returned to his seat on the dais upon conclusion of the application proceedings.

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: – June 10, 2015 meeting

The Board Solicitor presented the approval of June 10, 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. Language within the minutes were clarified & corrected on page 5. The Board proposed no further corrections, additions or comments to the Meeting Minutes.

Motioned by Mr. Harkins, & 2nd by Vice-Chairman Einhaus. All Board members voted in an affirmative roll-call vote.

- J) MEMORIALIZATIONS: None presented.
- K) UNFINISHED BUSINESS: None presented.
- L) COMMUNICATION(S):

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

The Board Secretary explained the Resolution approving the amendment to the Land Development Ordinance and Letter from the Board Solicitor requesting clarifications/corrections was delivered to City Council & the City Clerk. The lot depth/area exemption as discussed at tonight's meeting as it related to the application presented tonight, was requested by the Board to be included.

The Board Secretary also distributed some newspaper articles regarding some planning projects in other municipalities of the State.

- M) REPORTS: None presented.

Vice-Chairman Einhaus requested the status of the affordable housing in the City. Mayor Rosenello explained that several meetings were held on the issue. Under the Supreme Court directives, a "Declaration of Judgment of an Affordable Housing Plan," would have to be filed by mid-July. The City has decided that the effort to prepare & file this Declaratory Judgment document was not in the City's best interest at this time.

Vice-Chairman Einhaus also requested status of the redevelopment of Seapointe Pier. Mayor Rosenello explained that preliminary Request for Proposal (RFP) was issued. The current status of the Redevelopment Plan for the Pier was discussed briefly also.

- N) MEETING ADJOURNED:

Meeting was adjourned at 7:42pm, on motioned by Mr. Green & 2nd by Vice-Chairman Einhaus. Based on the affirmative roll-call vote of the Board members.

APPROVED: 8/18/15
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.