

North Wildwood Planning Board  
Regular Meeting: January 13, 2016  
7:00 p.m.

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, 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 James M. Flynn	Present	Mayor's Designee Doug Miller	Present
Chief Matt Gallagher	Present	Mr. William Green	Present
Mr. John Harkins	Present	Mr. George Greenland	Present
Ms. Jodie DiEduardo	Present	Councilman David DelConte	Present
Mr. Bill Auty (Alternate 1)	Absent	Mr. William O'Connell (Alternate 2)	Present
Mr. Ron Peters (Alternate 3)	Present	Ms. Barbara Haas (Alternate 4)	Present
		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.

An announcement was made by the Chairman to turn off cell phones by the members of the Public & for all Board members.

E) SWEARING IN OF PROFESSIONALS:

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

that the site is therefore suitable for the proposed subdivision. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Chief Gallagher & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the affirmative roll-call vote of the Board members, the application was approved. Mr. O'Connell, Mr. Peters & Ms. Haas did not need to vote on the application.

**P-15-11-1 - Linda Karcher**

Block 156, Lot 10

216 West 2<sup>nd</sup> Avenue, North Wildwood

R-2 Zoning District

Preliminary & Final siteplan approval w/ "c" variances

Linda Karcher residing at 216 West 2<sup>nd</sup> Avenue, has applied to the Board for variances for lot area (5,000 sq ft proposed where 6,000 sq ft is required), lot frontage & width (50 ft proposed where 60 ft is required), sideyard setback (6 ft proposed where 10 ft is required) and a waiver of continuous raised curb to demolish an existing single-family dwelling & construct a duplex at property located at Block 156, Lot 10, commonly known as 216 West 2<sup>nd</sup> Avenue.

David A. Stefankiewicz, Esq. of the law offices of Stefankiewicz & Barnes, LLC, appeared on behalf of the Applicant & explained the nature of the application to the Board.

Mr. Stefankiewicz advised that the Applicant is the owner of the subject property which currently contains a small single-family dwelling on same. The Applicant proposes to demolish the existing single-family dwelling & construct a side-by-side duplex on same. One will be owned by her brother & one will be owned by herself & it is their intention to retire there together.

Ms. Karcher appeared, was sworn & testified on behalf of the application. Ms. Karcher advised that she has owned the subject property for approximately 23 years. She intends to demolish the existing single-family dwelling & construct a duplex with the understanding that her brother would own one side & she would own the other. It is not their intention to rent same.

Joseph Garramone, a professional architect of Garramone Architects, LLC, appeared, was sworn & testified on behalf of his application from his proposed plans, dated September 10, 2015, and last revised December 14, 2015, which were received by the Board & incorporated as fact. Mr. Stefankiewicz marked as Exhibit A-1, a color rendering of the proposed duplex which the Applicant proposes to construct on the property. Mr. Garramone testified that the Applicant proposes to construct side by side duplexes which would be constructed above base flood elevation with a garage & storage on the 1<sup>st</sup> floor & two (2) floors above. He considered the duplexes to be the standard simple duplex.

Joseph Maffei, a registered engineer & professional planner with Engineering Design Associates, appeared, was sworn & testified on behalf of the application. Mr. Maffei testified that the subject property is in an older neighborhood with mixed developments. There are many large structures in the neighborhood & many smaller older structures. Mr. Maffei advised that he had reviewed Mr.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance(s) application. Each Board member gave reasoning for their view of the facts & the application as it relates to each variance(s). Each Board member reiterated their reasoning of positive & negative reasons for each variance(s) as requested by the application. Mr. Greenland “volunteered” for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-2. The Board did not hear from members of the public.

The Board finds that the Applicant has not sustained her burden of proof for the variance relief requested. While acknowledging that this zone permits duplexes, the Master Plan & Ordinance requires those duplexes on a larger lot than proposed by the Applicant. The Board acknowledges that the proposed development will provide additional off-street parking which is beneficial to the neighborhood, however, the detriments associated with the development of a duplex on an undersized lot outweighs said benefits. The Board finds that the Master Plan determined that duplexes are an appropriate development in this neighborhood so long as they are on lots of at least 6,000 square feet. The development of a duplex on a 5,000 sq ft lot in this zone is clearly incompatible with the Master Plan & Ordinance. Appropriate development on this lot is a single-family dwelling in accordance with the Ordinance. The Applicant has not provided any purpose of zoning which would justify the variance relief requested. The Board has found that the Applicant has not sustained her burden of proof imposed by NJSA 40:55D-70(c) in that the purpose of the NJ Municipal Land Use Law would be advanced by the variance relief requested & the benefits of the variance relief. The Board has determined that the relief requested cannot be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. Green. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. The Board members in a majority voted “no” on the application. Mr. O’Connell, Mr. Peters & Ms. Haas did not need to vote on the application.

The application of Linda Karcher for variance relief for lot area, lot frontage, lot width, sideyard setback, a waiver of continuous raised curb for the development of a duplex on the subject property is hereby denied.

Board member Mr. O’Connell then recused himself & stepped down from the dais due to his business relationship with the next Applicant & application.

**P-15-11-2 - Mario Basilico**

Block 246, Lot 5

202 East 5<sup>th</sup> Avenue, North Wildwood

R-1 Zoning District

Preliminary & Final minor subdivision approval w/ “c” variances

Mario Basilico residing at 188 Durham Road, Newtown, PA applied to the Board for minor subdivision approval to create two (2) lots from one (1) lot together with variances for frontyard setback

Mr. Petrella, testified as to the application from his review memorandum of January 5, 2016 which was received by the Board & incorporated as fact. Mr. Petrella advised that except for the variance relief requested, the subdivision meets all of the requirements of the Ordinance. Mr. Murphy, testified as to the application from his review memorandum of January 4, 2016, which was incorporated as fact.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance(s) application. Each Board member gave reasoning for their view of the facts & the application as it relates to each variance(s). Each Board member reiterated their reasoning of positive & negative reasons for each variance(s) as requested by the application. Mr. Greenland "volunteered" for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1. The Board did hear from members of the public. The Board has determined that the Applicant has demonstrated special reasons for the granting of the requested variance(s). The existing lot has a single-family dwelling on same which will remain on proposed Lot 5.01. Said property has non-conforming conditions from frontyard setback & rearyard setback to the main structure which are not exacerbated by the proposed subdivision and, as such, the Board finds that the variance relief for frontyard setback & sideyard setback to the main structure can be granted based upon a hardship to the Applicant. The Board finds that this variance relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance particularly given the fact that single-family houses will eventually exist on both lots which are permitted within the R-1 Zone. The Applicant, through his attorney representation, has agreed as a condition of approval to reduce the size of a recently constructed deck on the rear of the house. Specifically, a portion of the deck toward the westerly property line will be removed so that the deck is flush with the existing house and will maintain a 7.4 ft side yard setback. The Applicant has also agreed to relocate an accessory shed in the rear of proposed Lot 5.01 so that the shed maintains a 4 ft sideyard & rearyard setback in accordance with the Ordinance thus removing the variance relief associated with the accessory structure. The Board finds that the shed & deck were constructed without appropriate inspections & the Applicant has agreed to modify the conditions as set forth above and have same fully inspected by the North Wildwood Construction Office. Except for the variance relief requested, the proposed subdivision meets the standards of the Ordinance. As such, the Applicant is entitled to minor subdivision approval. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the finding of facts.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the affirmative roll-call vote of the Board members, the application was approved. Mr. Peters & Ms. Haas did not need to vote on the application.

After the application concluded, Board member Mr. O'Connell returned to his seat on the dais.

At this time, Chairman Davis requested alteration of the Agenda outline to include the Board other business items so that the Mayor's Designee & Councilman positions (Class I & Class II Board members) be included in any further discussions of the Board. The next application under "*New Business – Applications*" requires a "Use" Variances (D Variances), the Class I & Class III Board

With the Board's "Other Business" concluded, the Chairman opened the meeting back to the "New Business-Applications" portion of the Agenda.

The following application requires a "Use" Variances (D Variances), the Class I & Class III Board members do not participate or vote on the application, per the NJ Municipal Land Use Law (NJ-MLUL NJSA 40:55D-1 et. seq.) & City Ordinance No. 1690. As to the Class I member, it does not matter if it is the Mayor or his designee, they must recuse themselves on the application. With that said, the Mayor's designee, Mr. Miller & Councilman DelConte recused themselves & left the dais for the remainder of the meeting.

**Z-15-10-1 - 415 East 4<sup>th</sup> Avenue Condominium Assoc.**

Block 323, Lot 11

415 East 4<sup>th</sup> Avenue

Oceanside (OS) Zoning District

"D2" Use & "c" Variances for front & sideyard setbacks

415 East 4<sup>th</sup> Avenue Condominium Association doing business at 415 East 4<sup>th</sup> Avenue, to the Board for a "D2" Use Variance for the expansion of a non-conforming use together with variances for frontyard setback (4.5 ft proposed where 10 ft is required) & sideyard setback (6.5 ft proposed where 10 ft is required) to add an additional stairway with an outdoor handicap stairlift seat to an existing multi-unit condominium complex located at Block 323, Lot 11, commonly known as 415 East 4<sup>th</sup> Avenue.

Jeffrey P. Barnes, Esq of the law offices of Stefankiewicz & Barnes, LLC appeared on behalf of the Applicant & explained the nature of the application to the Board.

Mr. Barnes presented to the Board a copy of a Condominium Association Resolution authorizing the submission of this application to the Board for a Use Variance application for a non-conforming use and frontyard & sideyard setback variances to construct a handicap stairlift on the westerly side of the property. Mr. Barnes advised that a review of the history of this condominium complex could not provide an answer to whether the building was constructed with prior variance relief, however, it is noted that this type of facility would not be permitted in the zone currently and, as such, The Applicant has requested the "D2" Use Variance for the expansion of a non-conforming use. Mr. Barnes advised that Donald Staffieri, unit owners at this location, has recently lost a portion of his leg making access to his 2nd floor unit very difficult. His unit is also on the westerly side of the condominium complex. The application before the Board is to allow the construction of handicap stairs on the westerly side of the building from grade to the 2nd floor with the addition of a chairlift to assist him in accessing his unit. This stairway will encroach into both the frontyard & sideyard setback. Mr. Barnes directed the Board's attention to photographs that were submitted with the application and pointed to Mr. Staffieri's apartment on the far left of the 2nd floor. Upon questioning from the Board it was noted that the chairlift could not be placed on the existing stairs.

The Board was in receipt of a condominium survey of Stephen C. Martinelli Land Surveying, LLC, which evidences the location of the proposed stairway. The Board was also in receipt of architectural drawings of an outdoor stairlift by Key of B Architecture, Inc. Both of these documents were incorporated as fact.

Chairman Davis expresses his gratitude to the Board members on the conduct & professionalism of the Board tonight. The Board was complimented on "being strong" tonight.

The Board Solicitor complimented the Board on its collective strong input on the Findings of Fact for each application.

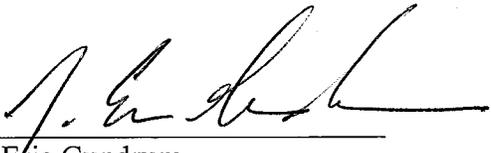
Board member Mr. O'Connell stated there is a lot of dilapidated sheds in town. He questioned how it would be beneficial to replaced dilapidated sheds.

Chairman Davis offered possible comment to all the Board members on any topic. Several Board members suggested several "kudos" to the conduct of the Board.

N) MEETING ADJOURNED:

Meeting was adjourned at 9:29pm, on motioned by Vice-Chairman Flynn & 2nd by Ms. DiEduardo. Based on the affirmative roll-call vote of the Board members, motion was approved.

APPROVED: 2/18/16  
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.*