

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.

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

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	Absent	Mr. William Green	Absent
Mr. John Harkins	Present	Mr. George Greenland	Present
Ms. Jodie DiEduardo	Present	Councilman David DelConte	Present
Mr. Bill Auty (Alternate 1)	Present	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 that the Board quorum has been established.

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.

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) MEMORIALIZATIONS:

P-15-12-1 – Templin/Avastone LLC

Block 133, Lot 12
207 West 26th Avenue
R-2 Zoning District
Preliminary & Final minor subdivision approval

Joseph Templin, individually & doing business as Avastone, LLC located at 272 21st Street, Avalon, NJ has applied to the Board for minor subdivision approval to create two (2) lots from one (1) existing lot for the development of two (2) single-family homes at property located at Block 133, Lot 12, commonly known as 207 West 26th Avenue. The Zoning District is R-2.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. Harkins. 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, with Mr. Auty, Mr. Peters, Mr. O’Connell & Mrs. Haas abstaining.

P-15-11-1 - Linda Karcher

Block 156, Lot 10
216 West 2nd Avenue, North Wildwood
R-2 Zoning District
Preliminary & Final siteplan approval w/ “c” variances

Linda Karcher residing at 216 West 2nd 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) & 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 2nd Avenue. The Zoning District is R-2. The application was denied.

Chairman Davis commented that this was a difficult application. Chairman Davis expresses a desire to modify/amend the Land Development Ordinance (Ordinance) to allow duplexes on 5,000 minimal lots, so that the Board may approve potential future applications. Further discussion will take place on this matter in the Board’s Agenda tonight.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. DiEduardo & 2nd by Vice-Chairman Flynn. 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. Auty, Mr. Peters, Mr. O’Connell & Mrs. Haas abstaining.

P-15-11-2 - Mario Basilico

Block 246, Lot 5
202 East 5th Avenue, North Wildwood
R-1 Zoning District
Preliminary & Final minor subdivision approval w/ “c” variances

Mario Basilico residing at 188 Durham Road, Newtown, PA has applied to the Board for minor subdivision approval to create two (2) lots from one (1) lot together with variances for frontyard setback (2.2 ft proposed where 10 ft is required), sideyard setback (6.21 ft & 7.4 ft proposed where 8 ft is required), sideyard setback for an accessory structure (2 ft proposed where 4 ft is required) & rearyard setback for an accessory structure (1 ft proposed where 4 ft is required) for a property located at Block 246, Lot 5, commonly known as 202 East 5th Avenue. The Zoning District is R-1.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. DiEduardo & 2nd by Vice-Chairman Flynn. 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, with Mr. Auty, Mr. O’Connell, Mr. Peters, & Mrs. Haas abstaining.

Z-15-10-1 - 415 East 4th Avenue Condominium Assoc.

Block 323, Lot 11
415 East 4th Avenue
Oceanside (OS) Zoning District
Use & “c” Variances for front & sideyard setbacks

The 415 East 4th Avenue Condominium Association doing business at 415 East 4th Avenue, has applied 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 4th Avenue. The Zoning District is Oceanside (OS).

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. Greenland. 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, with Mr. Auty, Mr. O’Connell, Mr. Peters & Mrs. Haas, Mr. Miller & Councilman DelConte abstaining.

H) NEW BUSINESS:

Z-11-11-2(A) – Wawa Store #8322

Block 129, Lot 1
330 West Spruce Avenue
CBD/R-2 Zoning District
“C” Variance(s) – siteplan approval to modify gas pumps
to add diesel fuel pumps

Wawa, Inc. doing business at 260 West Baltimore Pike, Wawa, PA has applied to the Board for amended preliminary & final siteplan approval together with a variance for impervious coverage (85.48% proposed where 85% was previously granted by variance) to complete minor site modifications to an existing Super Wawa including, but not limited to, the sale of diesel fuel at property located at Block 129, Lot 1, commonly known as 330 West Spruce Avenue.

Duncan M. Prime, Esquire of Prime Law, Mount Laurel, NJ appeared on behalf of the application & explained the nature of the application to the Board.

Mr. Prime advised that the subject property is split zoned between the Central Business District (CBD) & the R-2 Zoning District and had previously been granted a Use Variance for a use not permitted in a zone, preliminary & final siteplan approval together with technical variances for lot coverage, driveway distance from an intersection, maximum curbcut, maximum fence height, total number of signs, total square footage of signs, sign setback, frontyard setback & a variance to permit a free-standing sign as formally approved by Resolution Z-11-11-2 at the Board meeting of February 13, 2012. Mr. Prime advised that the Applicant now proposes to complete several minor siteplan modifications including converting the standard gas pumps into 3+1 field dispensing pumps to include the sale of clean diesel fuel. Anticipating questions from the Board, Mr. Prime advised that the Applicant has already agreed to prohibit the sale of diesel fuel to tractor trailers particularly given the fact that the site cannot accommodate fuel sales to tractor trailers & the pumps dispense the fuel too slow. Upon questioning from the Board, Mr. Prime advised that the Applicant does intend to sell diesel fuel to buses, RVs, box trucks & step vans but will have a policy prohibiting sales to tractor trailers. Mr. Prime marked as Exhibit A-1, an amended special management plan regarding the existing site which was required by the prior approval.

Mr. Prime also advised that the Applicant intends to change the fascia for the sale of diesel fuel, of the existing free-standing sign although the sign itself including footings, square footage & height will remain the same. In addition, the Applicant needs to install an additional 2-inch diesel vent of the fuel tank to a height of 12 ft on the southwest corner of the property near the underground tanks.

Upon request of the Applicant, the Board Secretary handed out to the Board members a full copy of the current "Special Management Plan" on file at the North Wildwood Wawa & the Board with the current procedures with the new section amendment of the diesel fueling operation added to the document. This document arrived on the day of the meeting & was accepted by the Board & marked as Exhibit A-1 by the Board Solicitor.

Ronald E. Klos, Jr., a professional engineer with Bohler Engineering, Chalfont, PA, appeared, was sworn & testified on behalf of the application. Mr. Klos advised that he had testified on behalf of the application during its original approval in 2012 before the Zoning Board. Mr. Klos advised that the Applicant proposes to replace all fuel dispensing units on site & install new 3+1 dispensers in their stead. This will allow for the sale of clean diesel fuel. Mr. Klos also advised that additionally one (1) existing underground tank will be modified & used for diesel tank. A new vent will be required for the diesel tank which will be no higher in size than the existing vents at the southwest corner of the property. Finally, he testified that the Applicant intends to change the face of the existing free-standing sign although the sign itself will otherwise be unchanged. Mr. Klos testified as to the variance relief for impervious coverage. He advised that during the 2012 Zoning Board approval, the Applicant had

obtained a variance to permit impervious coverage at 85%. Unfortunately, after full development was completed on the property, it appears that an additional 290 sq ft of concrete was installed increasing impervious coverage to 85.48%. The Applicant would prefer to keep the site as is & is requesting variance relief to 85.48%.

Upon questioning from the Board, Mr. Klos testified that in actuality there will be no excavation on site since the tank for diesel fuel is already in the ground & has never been used. Mr. Klos testified that the modifications of the fuel dispensers will take approximately 2-weeks & will be a small inconvenience. However, gas sales will continue at all times since only 1-dispenser will be shut down at a time. All site entrances to the Wawa will remain open during the construction.

Mr. Klos noted that the prior siteplan approval required the Applicant to have two (2) bike racks on site & currently there was only one (1) bike rack at the facility. Significant discussion took place between the Applicant & the Board regarding the best location for the 2nd bike rack.

In support of the application, the Applicant submitted to the Board an amended siteplan of Bohler Engineering dated September 2, 2015 & last revised January 21, 2016 together with a boundary & location survey of Control Point Associates, Inc., dated August 14, 2015 & last revised January 8, 2016, both were received by the Board & incorporated as fact. During the hearing, the Applicant agreed to numerous conditions of approval as set forth in the forthcoming Resolution.

The Board was also in receipt of a review memorandum of Mr. Petrella, dated February 2, 2016 & by Mr. Murphy, dated February 23, 2016, both were received by the Board & incorporated as fact. Testifying from his review memorandum, Mr. Petrella thought it would be appropriate to reduce the height of the curbing in the interior side of the parking lot at the easterly entrance of Spruce Avenue to permit a greater ease of entry & to prohibit, if possible, parking of large vehicles in the drive area behind the Wawa.

Dave Shropshire, a traffic analyst appeared, was sworn & testified on behalf of the application. Mr. Shropshire testified that he completed a traffic study of the neighborhood streets by the Wawa construction in & around the subject property in accordance with the 2012 Zoning Board approval. Said report was based on data collected during an August summer weekend & was submitted to the Board on August 29, 2013. He noted that his study evidenced that traffic patterns were moving appropriately & there was insufficient traffic to warrant a light at Delaware Avenue.

Kristen Ritz, Wawa's Real Estate Engineering Project Manager, appeared, was sworn & testified on behalf of the application. Based upon questions from the Board, Ms. Ritz testified that she is working towards obtaining a full time electrical generator for this location. During Hurricane Sandy, the Wawa store location was closed for quite some time due to flooding & power outages. Currently, the facility has been designed to use a temporary electrical generator in the event of a natural disaster and/or storm that would cause electric outage for a significant period of time.

Chairman Davis then opened the application 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.

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 Central Business District (CBD) & R-2 to which a previous Use variance was granted & approved for the original construction of the Wawa. The Board did not hear from members of the public. One member of the Board found that the Applicant had not sustained its burden of proof purporting the application for amended preliminary & final siteplan approval & the variance relief requested specifically finding that, in his opinion, the relief requested could not be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance. A majority of the Board, however, found that except for the variance relief requested the application meets the standards of the ordinance & the Applicant is entitled to preliminary & final amended siteplan approval. The Board majority has determined that the Applicant has demonstrated special reasons for the granting of the requested variance(s). The Board majority 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. 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 Councilman Delconte. 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 majority roll-call vote of the Board members, the application was approved. Vice-Chairman Flynn voted “no.” Mr. Peters & Ms. Haas did not need to vote on the application.

I) 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.

J) APPROVAL OF MINUTES: – January 6th & January 13, 2016 meeting

The Board Solicitor presented to the Board the approval of January 6, 2016 special meeting minutes & January 13, 2016 regular meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board proposed no further corrections, additions or comments to the Meeting Minutes. Motioned as proposed by Ms. DiEduardo & 2nd by Mr. Harkins. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the minutes passed. Mr. Auty abstained on the voting of the minutes.

K) UNFINISHED BUSINESS: Planning Board By-Laws review

Chairman Davis requested that the Planning Board By-laws be included in the Board packets for next month for the review of the Board members & for possible future discussion.

Chairman Davis suggested that this discussion on this topic be deferred to next month's meeting. Suggested highlights will be provided for the next month's meeting was verbally suggested by the Board Solicitor. Discussion on this topic will be picked up at next month's meeting.

L) **COMMUNICATION(S): Future Master Plan amendments/planning**

Chairman Davis requested a new agenda item be placed on the future agenda that the Board could comment on new Master Plan topics and/or Ordinance amendment suggestions. The Board Secretary would keep a list of Ordinance amendment suggestions.

Chairman Davis commented that the Karcher application for a duplex on a 5,000 sq. ft. lot be permitted (*Memorialized at tonight's meeting*). Chairman Davis expressed a desire to modify/amend the Land Development Ordinance (Ordinance) to allow duplexes on 5,000 minimal lots, so that the Board may approve the potential application. Some Board members suggested an amendment to allow a duplex which would look like a single-family home could be permitted. The area in question of the aforementioned application was opined that 5,000 sq. ft. lots existed in the majority. Some Board members suggested the Zoning District could mimic the R-1.5 Zoning District requirements. Possibly, a conditional use standard for a duplex as looking like a single-family home in designed could be permitted, as discussed. Mr. Greenland suggested that single-family homes should only be permitted on existing undersized lots or top/bottom arrangement of a duplexes could be allowed. Are duplexes too much for the area as currently permitted in the Ordinance, was debated by the Board members.

Several scenarios were discussed & different examples of duplex construction were discussed by the Board. Several conditions, such as parking in garages would not count to the required parking, were discussed. Changing the Zoning District to separate this new concept to a new Zoning District was discussed. The opinion of the required 10 feet frontyard setback whether is necessary or warranted, was discussed. Other applications/examples were discussed as examples as it relates to the concept of duplexes on 5,000 sq. ft.

Chairman Davis recommended that this discussion be left on the Agenda for future discussion of the Board.

The Board Secretary provided a list of possible "other" miscellaneous amendments for the Ordinance as requested by the Chairman for future discussion.

M) **REPORTS:** None presented.

N) **MEETING ADJOURNED:**

Meeting was adjourned at 8:20pm, on motioned by Vice-Chairman Flynn & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, motion was approved.

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.