

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	Absent	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)	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 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-16-1-2 - White Sand II, LLC

Block 64, Lot 2
507 West 19th Avenue
R-2 Zoning District
Minor subdivision approval w/ "c" Variances & permit construction
on a lot that does not abut a street

White Sand II, LLC doing business at 3846 Kirkwood Drive, Philadelphia, PA has applied to the Board for minor subdivision approval to create two (2) lots from one lot & for a planning variance pursuant to NJSA 40:55D-35 & 36 to permit development on a lot not abutting a street together with variances for lot frontage (0 ft proposed where 60 ft is required) & lot depth (82 ft proposed where 100 ft is required) for property located at Block 64, Lot 2 commonly known as 507 West 19th Avenue, which is located in an R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. Green. 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 majority roll-call vote being affirmative, the Memorialization was approved by the Board. Mr. Greenland abstained. Mr. O'Connell & Mr. Peters did not need vote.

P-16-1-1 - Michael & Terry Shomberg

Block 120.02, Lot 4
1201 Hoffman Canal Avenue
R-2 Zoning District

Michael & Terry Shomberg residing at 1201 Hoffman Canal Avenue, has applied to the Board for variances for frontyard setback (6 ft proposed where 10 ft is required), rear yard setback (0 ft & 5.63 ft proposed where 10 ft is required), sideyard setback (4.9 ft proposed where 6 ft is required), setback for accessory structure (0 & 1.3 ft proposed where 4 ft is required), to permit an accessory structure in a front yard, and to raise & renovate an existing two-story, single-family dwelling located at Block 120.02, Lot 4, commonly known as 1201 Hoffman Canal Avenue, which is located in an R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. DiEduardo & 2nd by Chief Gallagher. 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 majority roll-call vote being affirmative, the Memorialization was approved by the Board. Mr. Greenland abstained. Mr. O'Connell & Mr. Peters did not need vote.

H) NEW BUSINESS:

Board member Ms. DiEduardo recused herself & stepped down from the dais due to her business relationship with the next Applicant's attorney representative.

P-16-2-2 – Robert & Leslie Schumacher

Block 115, Lot 3

335 NW 18th Avenue

R-2 Zoning District

Siteplan approval w/ "c" Variances to elevate existing residence

Robert & Leslie Schumacher residing at 335 West 18th Avenue (335 NW 18th Alley) have applied to the Board for variance relief for building height (26 ft proposed where 24 ft is permitted), lot width (25 ft proposed where 40 ft is required), frontyard setback (5.3 ft proposed where 10 ft is required), number of parking spaces (one (1) proposed where two (2) is required), impervious coverage (92% proposed where 80% is permitted), sideyard setback (3.2 ft proposed where 4 ft is required) & total sideyard setback (8.4 ft proposed where 10 ft is required) to raise & renovate an existing single-family dwelling in the R-2 Zoning District located at Block 115, Lot 3, commonly known as 335 West 18th Avenue.

Alan I. Gould, Esq. appeared on behalf of the Applicants & explained the nature of the application to the Board. Mr. Gould advised that as a result of multiple floods in North Wildwood, specifically, the Superstorm Sandy & Winterstorm Jonas, the Applicants' property was severely flooded & damaged. The Applicants, who are year-round residents, have been displaced. As a result of same, the Applicants are proposing to raise their home above Base Flood Elevation (BFE), relocate the structure on the lot & renovate same as a result of damage. Mr. Gould noted that the existing structure has numerous existing non-conforming conditions, some of which will be eliminated. The proposed development will provide for off-street parking, which currently does not exist, will provide a significant benefit to the Applicants in terms of their flood insurance premiums & will help the city's CRS rating.

Robert Green, a professional engineer with R.D. Green Engineering, appeared, was sworn & testified on behalf of the application from his variance plan that was received by the Board & incorporated as fact. Mr. Green initially testified as to the existing conditions on site & thereafter reviewed the proposed development plans by the Applicants. As a result of the location of the property, its height below BFE & its proximity to the water, the existing single-family structure has been severely damaged by flooding not only as a result of severe storms but also during normal tidal flooding. The Applicants are proposing to raise the existing structure above BFE & renovate same as a result of the damages. The proposed development requires numerous C variances, some of these are existing non-conforming conditions & some will be improved by the proposed development. The Applicants propose to raise the structure above BFE; however, they are lifting it 2 ft higher than permitted in the zone to allow for one (1) parking space under the home. The Applicants are proposing to raise the structure slightly higher than the Ordinance to allow for the development of one (1) off-street parking space underneath the home. The Applicants are also proposing to set back the garage level which may permit for an additional off-street parking space running parallel to the alleyway. The Applicants' development proposal reduces impervious coverage by 8% & increases the sideyard setback on the westerly side of the building. He noted that they are also raising the level of the building to permit Mr. Schumacher who is 6'5" tall to easily navigate in the garage area. Mr. Green noted that they will be raising the structure to 13.75 ft (finished floor) which will allow for parking underneath the house and that he has inset the door to the garage to allow for one (1) parallel parking space in front of the building. Mr. Green who had prepared the plans in this matter testified that the building will be raised

to 13.75 ft to finished floor which is an extreme improvement from the existing condition which is 3.26 ft below BFE. In Mr. Green's opinion, the Applicants required seven (7) variances including building height, lot width, frontyard setback, two (2) sideyard setback variances, a parking variance & a variance for impervious coverage. He noted that the frontyard setback would only be for the 1st floor deck as the remaining portions of the structure (the garage & 3rd floor) are set back from the front property line. Mr. Green further testified that the Applicants are proposing moving the building to the east to increase the sideyard setback to the west & allow for access to the garage on the east side of the building. He further testified that the Applicants are removing some impervious coverage to reduce the impervious coverage from 100% to 92% on the lot. Mr. Green testified that he believes that the variance relief can be granted under the C-1 hardship criteria as a result of the extremely narrow lot, the fact that there is no additional land to purchase and that there is a small lot depth as a result of it fronting on the canal. Mr. Green further testified that he believes that the benefits of the variance relief outweigh any detriment since additional parking is provided, sideyard setbacks have been increased & the building will be raised above the BFE.

Mr. Petrella, Board Engineer, testified as to the application from his review memorandum of April 5, 2016, which was received by the Board & incorporated as fact. Mr. Petrella testified that as a result of an exception within the Ordinance, the Applicants' sideyard is required to be 4 ft with 10 ft of total sideyard setback. Accordingly, the west sideyard setback, while improved, still requires a sideyard setback variance & the development in itself requires a total sideyard setback variance.

Mr. Robert Schumacher appeared, was sworn & testified on behalf of the application. He testified that the parties had purchased the property in 1987 and became full time residents at this location in 2005. Mr. Schumacher testified that during the Superstorm Sandy his property was flooded by 1.5 ft of water & during Winterstorm Jonas the house was flooded with 2 ft of water which damaged the electric. As a result of same, the house is not habitable and he & his wife are now living in a winter rental. Mr. Schumacher testified that access to the home will now be through stairs in the garage and they are proposing to elevate the 1st floor 2 ft higher than permitted to allow for parking under the house & to permit him to access the home through the garage stairs given his height. Upon questioning from the Board, Mr. Schumacher testified that his home received over \$38,000 of damage during Hurricane Sandy & an additional \$38,000.00 during the Winterstorm Jonas. Upon questioning from the Board, Mr. Schumacher also testified that they are finishing up installation of a new bulkhead to the rear of the property since the old bulkhead was approximately 60 years old & deteriorating.

Mr. Petrella, Board Engineer, testified that the height variance is really the key to this application & obtaining the additional off-street parking was important to this neighborhood. He noted that the rest of the variances are generally existing non-conforming conditions. Mr. Murphy, the Board's Planner, testified from his review memorandum of April 4, 2016 which was received by the Board & incorporated as fact. Mr. Murphy had concerns regarding a fence on the east side of the property; however, Mr. Schumacher advised that it would be removed. He also testified that the HVAC system would be contained in the attic.

In response to questions from the Board, Mr. Schumacher advised that he was not inclined to change the pitch of the roof to reduce the height closer to permitted under the Ordinance since said roof was only two (2) years old & it would be expensive to modify the roof at this time given the renovations that he is proposing.

Chairman Davis then opened the application for general public comment. No public members wished to speak on behalf of the application at this time. No comment was offered. Chairman Davis closed the public portion of the application.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the siteplan application. Each Board member gave reasoning for their view of the facts & the application as it relates to 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 BFE & FF of the new structure will be substantially higher than the existing structure. The Board did not hear from members of the public. The Applicants also agreed to other conditions of approval to the satisfaction of the Board. The Board finds that the siteplan is compatible with the 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: Vice-Chairman Flynn & 2nd by Mr. O’Connell. 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 majority roll-call vote being affirmative, the application was approved by the Board.

After the application concluded, Board member Ms. DiEduardo returned to her seat on the dais.

I) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment.

At this time Bonnie McNamara, 608 New York Avenue (Marina Bay Towers), addressed the Board. She summarized the situation of the building known as Marina Bay Towers. She stated the tenants of the building are in litigation with the owner of the building. Judges in the case have visited the building for first-hand experience/visit. The owner of the property is converting the building in his “plan” to turn the building in shared market rate/senior citizen restricted housing. The Essex County Improvement Authority remains as the bondholder of the project & wish to see the removal of the Essex County are removed as the redeveloper entity. No more involvement of Essex County in the project is needed according to Ms. McNamara. The owner of the building has a myriad of holding/capitol companies without any investment in the current repairs of the building. The Board Solicitor stated that the Planning Board has no jurisdiction in removing the Essex County Improvement Authority & efforts to the same should be directed to City Council.

She requested that their attorney be kept in the communication “loop” of the City’s future actions. In answer to her question, the Board Solicitor stated her attorney could contact him at any time in the future for information. The Board Solicitor also stated that the Planning Board meeting is conducted as an open meeting & advertised in accordance with Law.

With no one else wishing to speak, Chairman Davis closed the public portion of the meeting.

J) APPROVAL OF MINUTES: – March 9, 2016 meeting

The Board Solicitor presented to the Board the approval of March 9, 2016 regular meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green pointed out some grammatical errors in the minutes. Vice-Chairman Flynn was clarified that he did not need to vote on the memorialization, which was corrected upon approval of the minutes. The Board proposed no further corrections, additions or comments to the Meeting Minutes. Motioned as proposed by Mr. Green & 2nd by Ms. Di Eduardo. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved. Mr. Greenland abstained on the memorialization vote.

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.

Mr. Green suggested some clarification in grammar in the draft revisions of the Planning Board By-Laws. Mr. Green will work with the Board Solicitor on the Cox Handbook of Land Use Law Administration recent revisions. Mr. Green pointed out some grammatical errors in the proposed by-laws. Also certain numbering outline needs to be corrected. Discussion of property visitation of an application before the Board was also discussed & needs further examination. Also certification of taxes paid was being discussed & when that certification must be submitted by an Applicant. The Board Solicitor also mentions certain minor revisions/grammatical errors are necessary. Chairman Davis suggested that this discussion be carried on to next month's meeting. Discussion on this topic will be picked up at next month's meeting.

Amendment to the Land Development Ordinance:

Chairman Davis expressed a desire to defer future action on modify/amend the Land Development Ordinance (Ordinance) to allow duplexes on 5,000 minimal lots until further notice. The Board Solicitor has advised this might not be prudent to proceed due to the Marina Bay Towers litigation. Chairman Davis commented that the proposal would permit a duplex on a 5,000 sq. ft. lot be permitted as a conditional use standard.

Executive Session/Closed Session

The Board then entered into Executive Session/Closed Session at 7:56pm regarding the pending litigation of Marina Bay Towers. The Board Solicitor called for a motion to enter into Executive Session as discussed. Motioned by: Chief Gallagher & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, motion for the Board to go into Executive Session was approved. The motion was memorialized by Resolution pursuant to NJS. 2:4-12, Open Public Meetings Act - Executive Session, Special Resolution No. PB – 05-2016.

Executive Session was adjourned at 8:31pm, on motioned by Ms. Di Eduardo & 2nd by Vice-Chairman Flynn. Based on the affirmative roll-call vote of the Board members, Executive Session was concluded & the Board re-convened into Open Session of the Regular Meeting.

Amendment to the Land Development Ordinance:

The Board Solicitor then discussed possible changes to the Land Development Ordinance (Ordinance) to which changes to Section 276-20(C)(11) & 276-23(C)(12). There has been discussion due to publication error of outdoor seating in the Dining & Entertainment (D/E) Zoning District. Upon publication, the prohibition was entered that outdoor seating was not permitted, whereby it was the intent to permit outdoor seating in the D/E Zoning District as well as the Central Business District (CBD) Zoning District. Several Board members discussed the existing tavern operation which has outdoor seating areas. The other proposed change would amend the Ordinance to permit an “accessible entrance” for physical disabilities in all residential Zoning Districts. The Chairman suggested the Board Solicitor prepare a Resolution for next month’s meeting for the Board’s approval of the suggested changes.

Housing Planner:

The Board Solicitor then announced the Board to authorize & approve Resolution No. PB-04-2016 for authorizing the Chairman to either negotiate or enter into a contract to select a NJ Professional Planner to prepare a Housing Element & Fair Share Plan by Heyer & Gruel & Associates. A proposal was submitted to the Board for review. The Board has a need to acquire the services of a NJ professional planner to assist the Board in amending the City’s affordable housing plan to ensure same is compliant with its constitutional obligation pursuant to the Mount Laurel Doctrine with said contract negotiated as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5 et seq;

The Board Solicitor called for a motion to approve Resolution No. Resolution No. PB-04-2016 as discussed. Motioned by: Ms. Di Eduardo & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, motion was approved.

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

NJDEP CAFRA Correspondence:

The Board Secretary announced the following correspondence being received;
Notice of NJDEP CAFRA Permit application
Notice of NJDEP Waterfront Development Permit application
Notice of Freshwater Wetlands General Permit # 11 application

City of North Wildwood – 2016 Street & Utility Reconstruction Program
By City of N. Wildwood & Van Note Harvey & Assoc.

M) REPORTS: None presented.

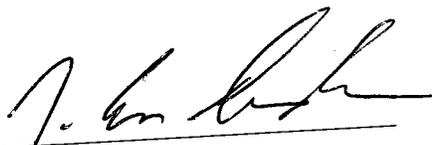
In another matter, Ms. DiEduardo questioned the development of Angelsea & Seaview Court. The Board Secretary remarked that the Construction Office has issued a permit based on review & approval of the Zoning Officer. A new 2nd floor is being added to the existing structure. The Board Secretary remarked his knowledge of the case. Chairman Davis volunteered to contact the Zoning Officer regarding this construction.

Mr. O'Connell remarked various house elevations are occurring. Several houses are within two (2) feet of the sidewalk. The Board Solicitor & the Chairman discussed in several examples of house elevations as it relates to the Governor's Law to allow the house elevations within the existing footprint. The house reconstruction on Atlantic Avenue opposite Henfey Field was used as an example. The Board Engineer also explained certain examples where expansion can occur within four (4) feet of the property line. Mr. O'Connell expressed concern about these house elevations and should be looked into by the City.

N) MEETING ADJOURNED:

Meeting was adjourned at 9:05pm, on motioned by Mr. Greenland & 2nd by Vice-Chairman Flynn. Based on the affirmative roll-call vote of the Board members, motion was approved.

APPROVED: 5/9/14
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.