

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	Present	Mr. William Green	Present
Mr. John Harkins	Present	Mr. George Greenland	Absent
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:

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.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. Miller. 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 memorialization was approved by the Board. Vice-Chairman Flynn & Mr. Peters did not need to vote. Mr. Green & Chief Gallagher abstained on the memorialization vote.

H) NEW BUSINESS:

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

P-16-1-2 - White Sand II, LLC

Block 64, Lot 2

507 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 19th Avenue.

Cory J. Gilman, Esq. of the law office of Josephson, Wilkinson & Gilman, P.A. appeared on behalf of the Applicant & explained the nature of the application to the Board.

Mr. Gilman advised that the Applicant is the contract purchaser of the subject property which is located in an R-2 Zoning District. The property is currently developed with a single-family dwelling that the Applicant proposes to remove. He advised that the Applicant proposes to subdivide the property into two (2) buildable lots. Mr. Gilman advised that proposed Lot 2.01 will front on West 19th Avenue & will have a 12 ft wide “driveway” easement on its easterly property line to provide access to proposed Lot 2.02 which will be the interior lot adjacent to Ottens Canal/Beach Creek Waterway.

Vincent C. Orlando, a professional planner & licensed engineer with Engineering Design Associates, appeared, was sworn & testified as to the application & from the plan of minor subdivision of Stephen C. Martinelli Land Surveying, LLC, which was received by the Board & incorporated as fact. Mr. Orlando testified that the existing site is a rather large lot consisting of 16,638 square feet. He noted that a 12 ft wide public alleyway, north of West 19th Avenue, bisects that property. Mr. Orlando testified that there is an existing two-story structure on the property which the Applicant proposes to demolish & remove. The Applicant will then subdivide the property from east to west with the intent that each of the two (2) lots will have duplexes developed on same. Mr. Orlando advised that the Applicant proposes a 12 ft wide access/ingress “driveway” easement over Lot 2.01 to the benefit of Lot 2.02 to provide access to that landlocked property. Mr. Orlando advised that in addition to the minor subdivision approval, the Applicant is requesting planning variance relief pursuant to NJSA 40:55D-35-36 which is also mimicked in Section 276-32(b) of the North Wildwood Land Development Ordinance (Ordinance). Mr. Orlando testified that in addition to the planning variance, the Applicant is requesting two (2) “c” variances. As to the proposed Lot 2.01, the Applicant is requesting a variance for lot depth at 82 ft where 100 ft is required. As to the proposed Lot 2.02, the Applicant is requesting variance relief for lot frontage & lot width with 0 ft proposed where 60 ft is required. Mr. Orlando testified that he believes that the variance relief requested can be granted under the C2 criteria for various reasons. First, he noted that the public health, safety & welfare will be advanced in that there will no longer be use of the alleyway to access the properties. He also noted that the development of two (2) duplexes above base flood elevation will help to protect the public from fire & flood. He noted that the proposed development provides for adequate light, air & open space since all setbacks will be met. He further testified that since each lot will exceed lot area for the proposed development, it provides for appropriate development in appropriate locations and the new buildings will provide for a desirable & visual environment. Mr. Orlando opined that the variance relief might also be granted under the C1 criteria since this is a very unique lot being exceptionally large for lots in the City & confined by the bay on one side & access via the alleyway. Upon questioning from Mr. Gilman, Mr. Orlando noted that the planning variance relief requires that the Applicant evidence that it can provide adequate access for fire equipment, ambulances & other emergency vehicles necessary for the protection of health & safety and will protect any future street layout for the general circulation plan of the City. Mr. Orlando advised that the Applicant had obtained a letter from Dominick McClain, Deputy Fire Chief of the North Wildwood Fire Department, who advised that the proposed access easement will provide a satisfactory access for fire, emergency & safety concerns. Finally, Mr. Orlando testified that he believes that the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance.

Mr. Gilman marked as Exhibit A-1, a sheet labeled SP-1, architectural & floorplans, evidencing the maximum footprint allowed on the two (2) lots pursuant to the existing Ordinance. The lot depth of both lots was discussed based upon questioning from the Board.

A five (5) minute recess was requested by the Board to receive the Applicant's architectural plans as distributed to the Board. Upon the conclusion of the recess, the Board was again in open session.

Mr. Petrella, Board Engineer, testified as to application from his review memorandum of March 1, 2016 which was received by the Board & incorporated as fact. Mr. Petrella opined that he believed that access to both properties was best obtained off West 19th Avenue for public safety. Mr. Murphy, Board Planner, had a professional conflict with the previous owner of the property, did not prepare a report to the application.

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

A. David Prickril of 505 West 19th Avenue, appeared, was sworn & testified that he is the neighbor to the subject property & questioned whether the access easement could be placed on the west side of the property. Mr. Orlando advised that it could, however, better access was provided via the easement on the east side of the property.

B. Gina Prickril of 505 West 19th Avenue, appeared, was sworn & expressed her objection to the access easement on the east side of the property expressing concern for drainage & trespass by passerby's. Mr. Orlando testified in answer to Ms. Prickril's questions that for purposes of the placement of the duplexes, it was important to have the access easement on the side of the lot with a longer property line. He also testified that once grading is completed on the property, drainage will be better & should not affect the neighboring property owner.

No further public members wished to speak on behalf of the application at this time. Chairman Davis then 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 minor subdivision application. Each Board member gave reasoning for their view of the facts & the application as it relates to 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. The Board did hear from members of the public. The Board finds that the subdivision is compatible with the Ordinance. The Board finds 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: 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 affirmative majority roll-call vote of the Board members, the application was approved by the Board. Mr. Peters did not need vote.

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

A two (2) minute recess was requested by the Board for the Applicant's to clear the speaking podium area of the plans presented to the Board. Upon the conclusion of the recess, the Board was again in open session.

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), rearyard 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 frontyard, and to raise & renovate an existing two-story, single-family dwelling located at Block 120.02, Lot4, commonly known as 1201 Hoffman Canal Avenue, which is located in an R-2 Zoning District.

Jeffrey P. Barnes, Esq. of the law office of the Barnes Law Group, LLC appeared on behalf of the applicants & explained the nature of the application to the Board. The Applicants are the owners of the subject property which is a 50 ft x 88 ft lot in an R-2 Zone. He advised that the Applicants propose to raise & renovate the existing single family dwelling, which has five (5) bedrooms, to 10 ft, 11 inches & add an additional 440 sq ft of living space to the 2nd floor & 66 sq ft of additional deck space. For clarification purposes, Mr. Barnes advised that the Applicants are proposing a sideyard setback of 4.9 ft, a frontyard setback of 6 ft, a rearyard setback of 0 ft to the proposed deck & setbacks for an existing accessory structure of 0 ft & 1.3 feet.

Pamela M. Fine, a registered architect of Fine Architecture, Cape May Court House, NJ appeared, was sworn & testified on behalf of the application & from her architectural plans which were received by the Board & incorporated as fact. Ms. Fine testified that she had been charged with creating the floor plans for the renovated single-family home which will be raised above base flood elevation (BFE) & provide for parking underneath. She testified that the roof to the existing structure will be removed & additional living space will be added to the 2nd floor. Ms. Fine testified that the plans propose to develop a spiral staircase to access the 2nd floor. Upon questioning from the Board she testified that currently the home has 2,001 sq ft of living space & they are proposing to increase the living space to 2,450 square feet. The Applicants are proposing two (2) new decks each with a total of 279 square feet. Ms. Fine testified that the Applicants are proposing a garage at grade which will permit two (2) cars to be parked inside together with two (2) parking spaces outside of the garage. The proposed development will include five (5) bedrooms & this parking is sufficient to meet the RSIS requirements. After reviewing the interior floor plan of the proposed structure, Ms. Fine testified from Exhibit A-2 which is a color rendering of the proposed new home. Ms. Fine testified that the front entrance for the home will be off of the easterly alleyway.

Vincent C. Orlando, a professional planner & licensed engineer of Engineering Design Associates, appeared, was sworn & testified on behalf of the application and from his variance plan which were received by the Board & incorporated as fact. Mr. Orlando testified that the most important portion of this proposed development is to raise the existing structure above BFE in order to protect same from future flooding. By raising the home, an additional benefit is that two (2) parking spaces

will be created underneath the home although he acknowledged that only one parking space is considered valid for calculation of parking requirements. Mr. Orlando testified that the proposed development will result in a slight decrease in building coverage & an increase of the frontyard setback adjacent to 12th Avenue. Upon questioning from Mr. Barnes, Mr. Orlando testified that he believes that the relief requested can be granted under the C2 criteria & that the purposes of Zoning are advanced in raising the structure above BFE to protect the structure & the public from damages from flood and that the new home will be more aesthetically pleasing which will provide for a more desirable & visual environment. Mr. Orlando testified that he believes that the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Land Development Ordinance.

During the hearing the Board questioned the desirability and/or need for the existing shed which currently exists in the frontyard. The Applicants agreed to remove the shed before the completion of construction, thus the variance relief for sideyard & rearyard setback for that accessory structure is no longer required. The Applicants also agreed to other conditions of approval which are set forth below; such as, the Applicants have agreed that the 1st floor deck on the bay side of the structure will not be enclosed & converted into habitable living space; the Applicants shall obtain certification from a licensed engineer that the bulkhead adjacent to the bay is in good condition & submit same to the Board Engineer for his review & approval; All development shall ensure that the roof pitch for the structure shall be at a 4-12 pitch minimum.

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. 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. The Board did not hear from members of the public. The Applicants agreed to remove the shed before the completion of construction, thus the variance relief for sideyard & rearyard setback for that accessory structure is no longer required. 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: Ms. DiEduardo & 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 majority roll-call vote of the Board members, the application was approved by the Board. Mr. Peters & Mr. O'Connell did not need vote.

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: – February 10, 2016 meeting

The Board Solicitor presented to the Board the approval of February 10, 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 Mr. Harkins & 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. Green & Chief Gallagher 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 gave a synopsis of the original creation of the By-Laws by the Board. Mr. Green & Board Solicitor will work on further revision as maybe suggested in the Cox Handbook of “Land Use Law Administration.” Chairman Davis recommended that publication of decisions of the Board remain with the responsibility of the Board Secretary, rather than with the applicant as proposed. Also certification of taxes paid was being discussed and when that certification must be submitted by an Applicant.

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.

Chairman Davis remarked that he is reviewing invoices of Board Professionals being charged to Applicant’s development plans. Chairman Davis also re-affirmed the efforts of the Review Committee in deeming application completeness before the application comes to the Board.

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 previous application for a duplex on a 5,000 sq. ft. lot be permitted as a conditional use standard. 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. The area in question of the aforementioned application was

opinioned that 5,000 sq. ft. lots existed in the majority. One of the conditional uses standards will be that the property has to be an existing 5,000 sq. ft. lot, a lot cannot be created or subdivided to create a 5,000 sq. ft. lot. Setbacks must be 10' from property lines. Height of the structure will be limited. The Board Solicitor will be drafting this proposed Ordinance for review of the Board at the next meeting. The City's Administrative Committee has discussed the proposed Ordinance in a conceptual nature & seemed to be in favor of reviewing any such Ordinance as proposed by the Board. The R-2 Zoning District is the only District proposed to be amended in the Ordinance. Vice-Chairman Flynn questioned one parcel at 19th & Delaware Avenue and how the Ordinance would affect the property.

Chairman Davis remarked that this Ordinance proposal will generate some development & economic incentives in west side of the City. Vice-Chairman Flynn remarked that single-family homes in the R-2 Zoning District on lots less than 6,000 sq. ft. are a better use for the City in this area. Council DelConte also remarked that duplexes on 6,000 sq. ft. lots are a better fit. The Board collectively thought that a field trip in the area maybe warranted. Several Board members voiced their opinion that the concept might not be warranted. Board Solicitor remarked he will prepare a preliminary draft of the proposed ordinance. Mr. O'Connell remarked that the increased density of allowing duplexes in an "already congested area" might be unwise. The Board seemed split on the opinion & value of the concept of the proposed ordinance. Duplexes maybe too much density for the area as currently permitted in the Ordinance, was debated by the Board members. Mr. Petrella gave explanation of existing sized lots for the area in question. Mr. Green stressed there has to be more discussion on the subject before a formal presentation is presented to the Board.

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

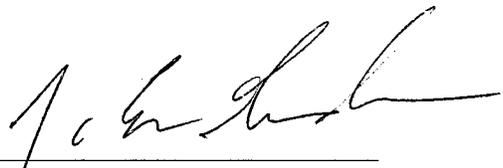
In another matter, Ms. DiEduardo questioned the development of Angelsea & Seaview Court. The Board Secretary remarked that the Construction Office has issued a permit based on review & approval of the Zoning Officer. A new 2nd floor is being added to the existing structure. The Board Secretary remarked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

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 9:05pm, on motioned by Ms. Di Eduardo & 2nd by Councilman Delconte. Based on the affirmative roll-call vote of the Board members, motion was approved.

APPROVED: 4/10/16
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.