

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 | Absent |
| 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) | 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 did not conduct the truth swearing of the Board's professionals as it was not necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) MEMORIALIZATIONS:

Z-15-4-3(A) - Bo Max LLC

Block 605, Lot 4

6 Weeks Avenue

R-2 Zoning District

Amended siteplan approval – new garage doors approval

Bo Max, LLC doing business at 234 West Oak Avenue, Wildwood, NJ has applied to the Board for amended siteplan approval to add garage doors to four (4) residential units on the subject property to be developed within two (2) duplexes, and add two (2) additional off-street parking spaces to the property located at Block 605, Lot 4, commonly known as 6 Weeks Avenue, which is located in the R-2 Zoning District.

Mr. Green & Chief Gallagher noted they were absent for this hearing on this application & Resolution. Correction made to the Resolution made upon adoption.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Vice-Chairman Flynn & 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 majority roll-call vote being affirmative, the Memorialization was approved by the Board members. Mr. Green, Chief Gallagher, Mr. Greenland, Ms. DiEduardo & Mr. Peters abstained on the Memorialization.

P-12-8-1(A) - Hawaiian Beach Resort, LLC

Block 258, Lot 6.02

320 East 24th Avenue

Former OB-2 Zoning District (*Permit Extension Act determination*)

Minor Subdivision approval/Amended siteplan Approval

Hawaiian Beach Resort, LLC doing business at 101 East 7th Avenue, has applied to the Board for amended major siteplan approval & minor subdivision approval to create three (3) lots from one lot located at Block 258, Lot 6.02, commonly known as 320 East 24th Avenue, which is currently located in an MC Zoning District (formerly located in an OB-2 Zoning District).

The Board Solicitor noted the number of lots is incorrect. Correction made to the Resolution made upon adoption.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. Harkins & 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 Memorialization was approved by the Board members. Mr. Green, Chief Gallagher, Ms. DiEduardo & Mr. Peters abstained on the Memorialization.

H) NEW BUSINESS: None presented.

I) PUBLIC PORTION:

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

J) APPROVAL OF MINUTES: – May 11, 2016 meeting

The Board Solicitor presented to the Board the approval of May 11, 2016 regular meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green noted several small grammatical corrections. The Board proposed no further corrections, additions or comments to the Meeting Minutes. Motioned as proposed by Mr. Harkins & 2nd by Ms. Haas. 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, Ms. DiEduardo & Mr. Peters abstained on the Memorialization vote.

K) 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.

The Board Solicitor presented Planning Board Resolution No. PB-05-2016 which proposed amendments to the City's Land Development Ordinance (Ordinance) regarding outdoor dining & accessibility to residential structures for persons with physical disabilities. On June 8, 2016, the Planning Board reviewed & considered the proposed amendments to the Ordinance, accepted public comment regarding same, and found that the proposed amendments were generally satisfactory to the Planning Board & that said amendments were substantially consistent with the North Wildwood Master Plan. Several Board members made recommendation(s) of the outlining or placement of the section relating to the proposed Ordinance amendment & clarification of persons with disabilities. The Board Secretary will make recommendations to City Council on the placement of accessibility to residential structures for persons with physical disabilities.

The Board Solicitor presented to the Board the Resolution No. PB-05-2016. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no further corrections, additions or comments to the Resolution. Motioned as proposed by Mr. Green & 2nd by Ms. DiEduardo. Based on the affirmative majority roll-call vote of the Board members to adopt the Resolution, the Resolution was approved.

In another matter, Chairman Davis mentioned to the Board that Paradise Cove, LLC, a major subdivision & siteplan approval application was approved by the Board back in May 13, 2015. The application also required a NJDEP CAFRA permit for construction. In particular, the Board approved the application with a bulkhead running the entire frontage of Beach Creek waterway bordering the

property. In the review & pending issuance of the NJDEP CAFRA permit, it is anticipated that the requirement of a "Living Shoreline" (a rock-rip-rap wall, terraced) would be required rather than the approved bulkhead. This change in plans may require the application to be re-reviewed & approved by the Board as a "substantial change." Upon submittal of the revised plans, the application will be reviewed by the Review Committee upon receipt & determination whether the plans to merit a substantial change determination.

L) 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.

The Board Secretary submitted latest draft of Planning By-Laws with changes as suggested by the Board from last month, including some revision as recommended by the Cox Land Use Administration by the Cox Handbook. Both Mr. Green & the Board Solicitor have numerous comments & editorial revisions. Mr. Green also suggested some clarification in grammar in the draft revisions of the Board's By-Laws. Also certifications of taxes paid were being discussed & when certification must be submitted by an Applicant in light of the requirement contained in the Land Development Ordinance.

As an additional topic, the Board discussed when an application can be formally withdrawn at the Board hearing after testimony. In several cases, the Board spent several hours of presentation by the an applicant & the Board opened into findings of fact to which the Board may have felt the application did not meet the merits of "hardship," the applicant then requested to formally withdraw the application. The question standing whether the situation is best addressed in the By-Laws or on the application form/instruction document. The Board felt it did have merit to have a section pertaining to this situation in the By-Laws.

As an additional topic, the Board discussed whether "standing committee(s)" are warranted. Mr. Green suggested that the Board members should have a list of the regular committee(s) that is established on an annual basis upon re-organization. The Board member discussion basically decided that "special committee(s)" would be established on an "as needed" basis as directed by the Chairman.

In another matter under "Unfinished Business," Ms. Haas mentioned a previous application, the Jade East Motel & associated single-family residential construction which was approved originally by the Zoning Board. This application was heard by the Zoning Board at its regular meeting of December 14, 2009 (application No. Z-09-9-2). The Board was originally concerned that the single-family home would not rent out units as part of the motel (Jade East Motel) operation at the Board hearing. The application was originally for improvements to be made at the Jade East Motel property & new construction of a single-family home for the motel owners. The improvements to the motel were never done. Recently, a local newspaper had a profile article in which it was stated there were units in the single-family home that can be rented as a stay with the motel. Both Ms. Haas & Ms. DiEduardo brought this concern up as they remembered the application. Chairman Davis requested a letter be drafted requesting City Administration to investigate why this change of "use" occurred for the single-family home & what can be done to mitigate the circumstances. The Board reiterated that this is

occurring more frequently & should not occur. Mr. Greenland stated the Zoning Officer should be at the Board meetings to explain these situations. The Board was emphatic that the Zoning Officer needs to attend the Board meetings. Mr. O'Connell stated that the Wawa condition for installation of a bike rack has not been complied with at this time. The Board will request the Zoning Officer to address these issues. The construction of the HVAC on a rooftop construction on Seaview Court was also brought up as an example of construction that needs to be addressed. Mr. Green brought up the ethical considerations of the Board members' standing that must be taken in account as part of any investigation of these examples of construction which the Board may have a concern.

M) REPORTS: Affordable Housing update

Executive Session/Closed Session

The Board entered into Executive Session/Closed Session with an Affordable Housing Update as it pertains to active litigation of Angelsea Properties/Marina Bay Towers. The Board went into the Executive Session/Closed Session to review the Update as briefed verbally by the Board Solicitor. Time was 7:25pm. Motioned by: Ms. DiEduardo & 2nd by Ms. Haas. Based on the affirmative roll-call vote of the Board members, motion was approved to enter into Executive Session/Closed Session.

Upon conclusion of the Update, the Board Solicitor called for a motion to conclude Executive Session/Closed Session Meeting minutes as reviewed, and have the meeting go back into Open Session/Regular Meeting. Time was 8:39pm. Motioned by: Mr. Harkins & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, motion was approved to go back to Open Session/Regular Meeting.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:40pm, on motioned by Mr. Greenland & 2nd by Ms. DiEduardo. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 7/21/16
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.

