

North Wildwood Planning Board
Re-Organization & Regular Meeting:
January 11, 2017
7:00 p.m.

The Re-Organization & Special Meeting of the North Wildwood Planning Board (Board) was held on the above date & time. Adequate notice of this meeting was submitted to the official newspaper of the City of North Wildwood (AC Press). An Agenda was posted on the main bulletin board at City Hall, on the bulletin board at the Planning/Zoning Office & on the City web site. Notice of same was forwarded to local newspapers for their notice as a “special meeting” as afforded under the Open Public Meeting Act requirements.

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'	Present
Vice Chair James M. Flynn	Present	Chief Matt Gallagher	Present
Mr. William Green	Present	Councilman David Del Conte	Absent
Mr. John Harkins	Present	Mr. George Greenland	Present
Ms. Jodie DiEduardo	Present	Mr. Bill Auty (Alt. 1)	Present
Mr. Bill O'Connell (Alt. 2)	Absent	Mr. Ron Peters (Alt.3)	Present
Ms. Haas (Alt. 4)	Present		

Mr. Dean Marcolongo (Board Solicitor)	Present
Mr. Ralph Petrella (Board Engineer)	Present
Ms. Brian Murphy (Board Planner)	Present
Eric Gundrum, (PB Secretary)	Present

E) SWEARING IN OF PROFESSIONALS:

The Chairman & Board Solicitor did conduct the truth swearing of the professionals of the Board; Mr. Petrella, Board Engineer & Mr. Murphy, Board Planner for it was necessary for tonight.

F) ORGANIZATION MEETING – ANNUAL APPOINTMENTS FOR 2017

Election of Chairman & Vice Chairman

The Board Solicitor announced the selection of Chairman of the Board position.

Board members Mr. Harkins nominated Chairman Davis, with Mr. Greenland with a 2nd nomination for Chairman Davis. No other nominations.

Motion to re-elect Mr. Davis as Chairman: Motioned by Mr. Harkins, 2nd by Mr. Greenland, with no other nominations. To close nominations, Motioned by Mr. Green, 2nd by Mr. Miller. All Board members voted in the affirmative by roll-call vote on the Chairman's nomination.

Chairman Davis thanked the Board members for his nomination.

The Board Solicitor announced the selection of Vice-Chair of the Board position.

Board members Mr. Green nominated Ms. DiEduardo, with Ms. Haas with a 2nd nomination for Ms. DiEduardo. Board members Mr. Greenland nominated current Vice-Chair Flynn, with Mr. Harkins with a 2nd nomination for current Vice-Chair Flynn. No other nominations. To close nominations, Motioned by Mr. Miller, 2nd by Mr. Green.

Board members voted in the following order; Flynn – Mr. Greenland, Vice-Chair Flynn. For Ms. DiEduardo – Mr. Harkins, Mr. Green, Chief Gallagher, Ms. DiEduardo, Mr. Miller, Chairman Davis, Mr. Auty, Mr. Peters, Ms. Haas.

Vice-Chair DiEduardo thanked the Board members for her nomination.

Notice Designation of Official Newspapers

The Board Secretary made announcement that the official newspaper for the City as well as the Board, including notices of public meetings, shall be the Atlantic City Press newspaper. The Cape May County Herald & Wildwood Leader newspapers will serve as special notices of the Board, such as special meetings, cancellations etc. All notices of meetings of the Board shall be posted on the bulletin board in the lobby of City Hall, on the City web site & as filed with the City Clerk.

Notice of Scheduled Meetings for 2017 Calendar Year.

The Board Secretary announced Board Resolution No. PB-09-2016 for the Schedule of Meetings for the 2017 Calendar Year. Meeting times & dates were not changed. Based on the passage of the Resolution by the Board, notice has been sent to area newspapers to reflect the schedule & timing of meetings & will be certified by the Board Secretary.

Resolution No. PB-01-2017 - Resolution appointing Board Secretary

Chairman Davis presented Board Resolution No. PB-01-2017 appointing Eric Gundrum as the Board Secretary for the Board & charged with the responsibility of performing all duties of the Board Secretary to the best of his ability. The anticipated term of this service shall commence January 2, 2017 & end December 31, 2017.

Motion to elect Eric Gundrum as Board Secretary: Motioned by Vice Chair DiEduardo, 2nd by Mr. Miller, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Secretary's nomination.

Board Secretary Eric Gundrum thanked the Board members for his nomination.

The Board then voted to enter into Executive Session to discuss position of Board Professionals; Board Solicitor, Board Engineer & Board Planner, for the Year 2017. Motion to enter Executive Session to discuss Board personnel: Motioned by Vice Chair DiEduardo, 2nd by Ms. Haas, with no further discussion. All Board members voted in the affirmative by roll-call vote to enter Executive Session. The Board entered Executive Session at 6:39pm.

The Board entered Open Session of the meeting at 7:04pm. Motioned by Vice Chair DiEduardo, 2nd by Ms. Haas, with no further discussion. All Board members voted in the affirmative by roll-call vote to enter Open Session.

Resolution No. PB-02-2017 - Appointment of Board Professional(s)

Only one (1) Request for Proposals (RFP) was received by the Board Secretary for the position(s) of; Board Solicitor & Board Engineer. RFP's were only received by the current Board Professionals, no other outside firms submitted RFP's.

As for the RFP received by the Board Secretary for Board Planner, two (2) RFP's were received & evaluated by the Board. Brian Murphy of MV Engineering & Susan Gruel of Heyer & Gruel Assocs submitted the RFP's. Chairman Davis requested that Brian Murphy, potential Board Planner, agree to waive any retainer fee as submitted in his RFP. No retainer fees will be charged as part of his service to the Board. Mr. Murphy agreed.

Based on the receipt of the RFP's, the Board presented Dean Marcolongo as the Board Solicitor nomination for the Board & charged with the responsibility of performing all duties of Board Solicitor to the best of his ability. The anticipated term of this service shall commence January 2, 2017 & end December 31, 2017.

Based on the receipt of the RFP's, the Board presented Ralph Petrella, Van Note Harvey & Assocs., as the Board Engineer nomination for the Board & charged with the responsibility of performing all duties of Board Engineer to the best of his ability. The anticipated term of this service shall commence January 2, 2017 & end December 31, 2017.

Based on the receipt of the RFP's, the Board presented Brian Murphy, MV Engineering, LLC, as the Board Planner nomination for the Board & charged with the responsibility of performing all duties of Board Planner to the best of his ability. The anticipated term of this service shall commence January 2, 2017 & end December 31, 2017.

Motion to elect the above referenced Board professionals: Motioned by Mr. Flynn, 2nd by Vice-Chair DiEduardo, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Professionals nomination(s).

Board Professionals individually thanked the Board members for their nomination.

G) MOTIONS FOR ADJOURNMENTS: – None presented.

H) NEW BUSINESS: –

P-16-11-5 JFM Investments of Wildwood, LLC

Block 6.01, Lot 1

207 West Spruce Avenue

Minor subdivision approval with “c” variances

JFM Investments of Wildwood, LLC, doing business at 5202 Lake Road, Unit A, Wildwood, NJ had applied to the Board for a minor subdivision approval (to create two (2) lots from one (1) lot), together with variances for lot frontage (41 ft. proposed, where 60 ft. required) & lot width (45.24 ft. proposed, where 60 ft. is required) to construct two (2) duplexes on property located at Block 6.01, Lot 1 commonly known as 207 West Spruce Avenue. The property is located in the R-2 Zoning District.

Cory Gilman, Esq. of the Law Offices of Josephson, Wilkinson & Gilman, of Avalon, NJ appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. Gilman testified that the Applicant is the contract purchaser of the subject property which is located in the R-2 Zoning District. The Applicant proposes to subdivide the property, along prior lot lines, and create two (2) lots with the Applicant intending to construct a duplex on each lot. He noted that proposed Lot 1.01 will be fully conforming but variance relief for lot frontage/ width is required for proposed Lot 1.02. Mr. Gilman noted that the subject property had previously been deed restricted for use as a parking lot for an adjacent tavern. The Board had authorized the removal of that deed restriction in 2013. He noted that a Quick Claim Deed releasing that deed restriction had been forwarded to the Board Solicitor, who was satisfied with same & that the Quick Claim Deed would be filed prior to the filing of any approved subdivision plan. The Board was in receipt of a topographical survey of Martinelli Land Surveying, LLC & a plan of minor subdivision of Martinelli Land Surveying, LLC, both of which are incorporated as fact. In addition, the Board is in receipt of a siteplan, architectural elevations & floor plans of the proposed duplexes created by Atlantes Architect, which was incorporated as fact.

Vincent Orlando, a registered engineer, professional planner & professional landscape architect, of Engineering Design Associates, Greenfield, NJ appeared, was sworn & testified on behalf of the application. Mr. Orlando testified that the subject property is currently a vacant lot, fronting on three streets. This vacant lot, used as a parking lot, is located in a residential zone & had 90% lot coverage. He noted that the adjacent development around the lot consists of single-family dwellings & duplexes. Mr. Orlando testified that the Applicant proposes to subdivide the lot along prior lot lines into two (2) residential lots, each of which will be developed with a duplex. He noted that both lots exceed the required lot area of the Zoning District. He testified the proposed Lot 1.02 will require variances for lot frontage/width given its irregular shape. Mr. Orlando testified relief can be granted under both the C-1 & C-2 criteria. As to the C-1 criteria, he testified that the irregular shape of the lot is a hardship to the Applicant justifying the variance relief. As to the C-2 criteria, Mr. Orlando believes that the benefits of the variance outweigh any detriment & that the purposes of Zoning are advanced by same. Specifically, he testified that the proposed development provides for adequate light, air & open space since all coverage requirements are met. He noted that the proposed development provides for appropriate

population densities since duplexes are permitted in the R-2 Zone & the proposed uses are permitted in this zone. Mr. Orlando testified that he believes that the negative criteria are met since the proposed development is a conforming use & almost all bulk requirements are met or exceeded.

The Board was in receipt of a review memorandum of Mr. Petrella, Board Engineer, which was incorporated as fact. Mr. Petrella noted that Lot 1.02 would be a conforming lot if the Applicant was proposing a single-family dwelling. The Board was also in receipt of a review memorandum of Mr. Murphy, Board Planner, which was incorporated as fact.

Upon questioning from the Board, Mr. Orlando acknowledged that an adjacent building on Lot 2 encroached over the property line. Mr. Orlando testified that the Applicant acknowledges the existence of this condition but that condition would not affect the development on site. Solicitor Marcolongo noted that encroachment is an issue to be resolved between the two property owners & should not affect the Board's consideration of this application. Upon questioning from the Board, Mr. Orlando discussed the orientation of the buildings & the proposed parking on site. He noted that the proposed development results in a significant reduction in lot coverage. The Board, regarding the architectural elements of the proposed structure on Lot 1.01, Michael Mitchell, a principal of the Applicant appeared, was sworn & testified that he would create additional architectural elements on the south side of that building to provide for a more desirable visual environment.

Chairman Davis then opened the application for general public comment. No members of the public testified to the application. No further 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 subdivision application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Vice-Chair DiEduardo "volunteered" for the finding of facts. Vice-Chair DiEduardo reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-2. The Applicant is the contract of sale of the subject property, as such, has standing to appear before the Board requesting minor subdivision approval & "c" variance(s) to construct two (2) duplexes on property. The Board finds that proposed Lot 1.01 is fully conforming, with proposed Lot 1.02 requiring variances for lot frontage/width. Lot 1.02 is irregularly shaped which results in a particular hardship to the Applicant justifying the variance relief. The Board finds that the proposed Lot 1.02 would be conforming if the proposed development consisted of a single-family dwelling. The purposes of the zoning law would be advanced by the proposed development in that the nonconforming parking lot will be converted into duplexes which are permitted uses in the Zoning District. The Board finds that except for the variance relief request, the Applicant has satisfied the requirements for minor subdivision approval. 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: Mr. Harkins & 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 application was approved by the Board. Mr. Peters & Ms. Haas were not required to vote.

The following Board members had a conflict of interest on the foregoing application and removed themselves from the Board dais & sat in the public section of the meeting room; Chief Gallagher, Vice-Chair DiEduardo, Ms. Haas & Mr. Auty. Ms. Haas left the meeting.

P-16-11-3 Rivero Asset Preservation Trust

Block 278, Lots 5 & 6

310 & 312 East 4th Avenue

Minor subdivision approval with “c” variances

Michael & Victoria Rivero Asset Preservation Trust doing business at 2216 South Juniper Street, Philadelphia, PA has applied to the Board for minor subdivision approval to realign lot lines between two (2) lots, together with variance relief for rearyard setback (9.6 ft. existing, where 10 ft. is required) & rearyard setback to pool equipment (3.8 ft. proposed, where 6 ft. is required), for property located at Block 278, Lots 5 & 6, commonly known as 310 – 312 East 4th Avenue. The property is located in the R-1 Zoning District.

Andrew Catanese, Esq, of the Law Office of Monzo, Catanese & Hillegass, Cape May Court House, NJ, appeared on behalf of the Applicants & explained the nature of the application to the Board. Mr. Catanese advised that the Applicants propose to modify the lot lines between the two (2) properties with the eventual development of a conforming structure on the easterly lot. The Board was in receipt of a minor subdivision plan of Dante Guzzi Engineering Associates, Cape May Court House, NJ, which was incorporated as fact. In addition, the Board was in receipt of the land survey of Dante Guzzi Engineering Associates, which was incorporated as fact.

Dante Guzzi, a licensed engineer, appeared, was sworn & testified on behalf of the Applicants. Mr. Guzzi testified that currently the two (2) lots, which are the subject of this application, are each 75 ft. x 100 ft. lots. The Applicants proposed to realign the lot lines such that proposed Lot 5 would be increased by an additional 25 ft. of frontage and become a 100 ft. x 100 ft. lot. Lot 6 would be reduced by 25 ft. of frontage and would become a 50 ft. x 100 ft. lot which is a fully conforming lot in the R-1 Zoning District. Mr. Guzzi advised that Lot 6 previously had a single-family dwelling on same; however, that structure has been demolished during this application process. Mr. Guzzi testified that no additional development is proposed for Lot 5, however, during the application process it was determined that the building, which was constructed on the lot, had a slight rearyard setback encroachment. Specifically, a 1st & 2nd floor deck was within 9.6 ft. of the rearyard setback where 10 ft. is required. In addition, the existing pool equipment, which is located towards the rear of Lot 5, is within 3.8 ft. of the rearyard setback where 6 ft. is required. The Applicants are requesting variance relief for these existing nonconforming conditions. Testifying as to variance relief, Mr. Guzzi, testified that absent variance relief, it would be a hardship to the Applicants to remove a portion of these decks to avoid the rearyard setback encroachment. In addition, the same hardship would exist if the pool equipment would be required to be relocated. Mr. Guzzi stated that the variance relief is de minimis and that the proposed development provides for adequate light, air & open space. He noted that impervious coverage is currently exceeded on Lot 5 & that the increased square footage for Lot 5 will cure that nonconforming condition.

The Board was in receipt of a review memorandum of Mr. Petrella, Board Engineer, which is incorporated as fact. The Board was in receipt of a review memorandum of Mr. Murphy, Board Planner, which is incorporated as fact.

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

1. Lucille DeHorsey, of 314 East 4th Avenue, appeared, was sworn & testified in opposition to the application. Ms. DeHorsey testified that she does not believe that the structure on Lot 5 is a single-family dwelling but is more akin to a resort house which has caused difficulties in the neighborhood in terms of noise & parking problems. She had concerns that the additional 25 ft. of property, which was proposed to be added to Lot 5, would be paved, increasing impervious coverage & flooding difficulties which currently plague her property. In response to same, Mr. Catanese advised that there are currently no plans to pave this area & he advised that he would notify his clients of the stormwater run-off problems which are affecting the DeHorsey property.
2. William Auty, of 321 East 5th Avenue, appeared, was sworn & testified in opposition to the proposal. He testified that his property is directly behind the Applicants & he confirmed stormwater run-off problems on to his property. He is concerned that if the additional 25 ft. of land added to Lot 5 is paved that these stormwater run-off problems will increase.

No further members of the public testified to the application. No further 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 subdivision application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Flynn "volunteered" for the finding of facts. Mr. Flynn reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1. The Board finds that the plan of minor subdivision meets all the requirements of the Land Development Ordinance (Ordinance) and, as such, the application for minor subdivision should be approved. Specifically, the lot line would be moved 25 ft. to the east increasing the square footage of Lot 5 by 2,500 sq. ft. & resulting in a 100 ft. x 100 ft. lot. Proposed Lot 6 would be reduced by 25 ft. of frontage & would result in the creation of a 50 ft. x 100 ft. lot which would be fully conforming in the R-1 Zone. In addition, the applicants are requesting variance relief for rearyard setback (9.6 ft. existing, where 10 ft. is required) & rearyard setback to pool equipment (3.8 ft. existing, where 6 ft. is required). These are existing nonconforming conditions which were not previously noticed during the construction of the dwelling on Lot 5. The Board finds that as a result of the existing nonconforming conditions & the de minimis nature of the variance relief, the Board finds that it would be a hardship to the Applicants to remedy the existing nonconforming conditions. The Board finds that the special reasons proposed development results in a decreased in density in this area since there is the potential of subdividing these two (2) lots into three (3) lots for the development of single-family dwellings. The Board acknowledges the concerns from neighboring property owners as a result of stormwater run-off from the subject properties but finds that these issues are not applicable to the application currently before the Board & that the neighboring property owners should pursue same through its normal legal remedies. The Board finds that except for the variance relief request, the

Applicant has satisfied the requirements for minor subdivision approval. 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: Mr. Miller & 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 application was approved by the Board.

Upon conclusion of the application, Board members Chief Gallagher & Mr. Auty returned to the Board dais to participate in the rest of the meeting.

The Board then took a five (5) minute recess from the meeting & resumed the meeting after recess.

Vice-Chair DiEduardo has a conflict of interest on the foregoing application & removed herself from the Board dais & sat in the public section of the meeting room.

Z-16-11-4 Richard Gilson

Block 116, Lot 8

320 West 16th Avenue

Use (Height) Variance approval - new home construction

Richard Gilson, residing at 320 West 16th Avenue, has applied to the Board for a D-6 height variance (29.1 ft. proposed, where 24 ft. is permitted) a total sideyard setback variance (8 ft. proposed, where 10 ft. is required) to demolish an existing single-family dwelling & construct a new single-family dwelling at Block 116, Lot 8, commonly known as 320 West 16th Avenue. The subject property is located in an R-2 Zoning District.

Andrew Catanese, Esq, of the Law Offices of Monzo, Catanese & Hillegass, Cape May Court House, NJ appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. Catanese advised that the subject property is a 25 ft. wide undersized lot containing a single-family dwelling. Mr. Catanese specially stated the Applicant is a new owner, buying the property from foreclosure. The Applicant was not the cause of past police calls to the property. The Applicant proposes to demolish the single-family dwelling & construct a new single family dwelling on the lot. Mr. Catanese advised since the subject property is an undersized lot, pursuant to Section 276-34 of the Ordinance, the height of the building is limited to 24 ft. from Base Flood Elevation (BFE). The Applicant is proposing to construct a structure at 29.1 ft. from BFE necessitating a D-6 variance.

Matthew Sprague, a registered architect with Design, LLC, Wildwood, NJ appeared, was sworn & testified on behalf of the Applicant & from his plans, were received by the Board & incorporated as fact. Mr. Sprague advised that when he had originally been hired by the owners; they intended to raise the existing home & add a 2nd floor to same. However, during the raising of the structure, the front porch collapsed & further inspection evidenced severe structural difficulties with the foundation which made the renovation of that structure impractical. Therefore, plans were then made to construct a new home. Mr. Sprague testified that the existing structure encroached into the front & sideyard setbacks and no off street parking existed. He testified that the proposed development will increase both

sideyard setbacks, eliminate the frontyard setback encroachment & provide two (2) off-street parking spaces. Mr. Sprague testified that an existing shed on the lot encroaches into the rear yard setback & that the shed will be removed. He further testified that the proposed development will raise the structure above BFE. Testifying as to the proposed home, Mr. Sprague testified that the ground level of the building will be a garage with two (2) stories above that. The home will be developed with four (4) bedrooms. He testified that there will be at least 20 ft. of space in front of the garage to the property line. Mr. Sprague testified that the home will be centered on the lot so that there is a 4 ft. sideyard setback on each side of the building. The 4 ft. setback allows for the development of windows on each side of the building & the wall will be constructed with fire-rated materials. Mr. Sprague testified that the home will be constructed 3.5 ft. above the minimum BFE to provide for off street parking in the garage. He noted that while the plans evidence two (2) parking spaces, one (1) in the garage & one (1) in front of the garage, the garage is long enough to contain two (2) motor vehicles. Addressing the D-6 height variance request, Mr. Sprague testified that the two (2) habitable floors will have 8 ft. ceilings & he is proposing 8 ft. 8 in. of height in the garage to allow for the HVAC system to be contained therein and to allow sufficient space for the motor vehicles. He noted that he could lower the height of the building by 3.5 ft. by removing the garage but that would result in a loss to two (2) off street parking spaces. He further testified that he has proposed an 8 ft. x 12 ft. roof pitch for aesthetic purposes. He could redesign the house with a 4 ft. x 12 ft. roof pitch, which would lower the building by 3 ft. at the expense of the buildings aesthetics. He noted that development on either side of this lot could result in buildings as high as 36 ft. above BFE and, as such, he did not believe that the height of this building would affect the integrity of the neighborhood. Upon questioning from the Board, Mr. Sprague testified that he has designed the building with a vaulted ceiling in the front of the structure which will result in a very small attic which cannot be used for additional living area. Mr. Sprague testified that he believes that special reasons exist for the granting of the D-6 variance in that the new development will provide for the public health, safety & welfare, will result in the construction of a building above BFE which will protect same from flooding, will provide for adequate light, air & open space, a desirable visual environment & additional off street parking. He further 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.

The Board was in receipt of a review memorandum of Mr. Petrella, Board Engineer, dated January 4, 2017 which was incorporated as fact. Mr. Petrella noted that the Residential Site Improvement Standards (RSIS) permit the Board to disregard fractional portions of required parking spaces at the Board's discretion. The Board was in receipt of a review memorandum of Mr. Murphy, Board Planner, dated January 5, 2017 which was incorporated as fact. Mr. Murphy noted that a hydrant exists in front of the structure which will need to be relocated.

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

1. Paul DeFilipio of 14th Avenue, appeared, was sworn & testified in favor of the application. He testified that he believes that the Applicant has met their burden of proof.
2. William Egenlauf of 331 West 16th Avenue, appeared, was sworn & testified in favor of the application. He testified that the existing home is an eyesore & that any development on the lot would be an enhancement to the neighborhood.

3. Bill Lamb of 327 West 16th Avenue, appeared, was sworn & testified in favor of the application. He advised that he resides directly across the street & is in favor of removing the existing home which is a detriment to the neighborhood.
4. Diane Busham of 14th Avenue, appeared was sworn & testified in favor of the application.

No further members of the public testified to the application. No further 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. Flynn “volunteered” for the finding of facts. Mr. Flynn reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-2. The Applicant is the owner of the subject property and, as such, has standing & has come before the Board requesting a D-6 height variance together with a variance for total sideyard setback to demolish an existing single-family dwelling & construct a new single-family dwelling on the subject property. The subject property is an isolated, undersized lot with only 25 ft. of frontage. The Ordinance reduces the permitted height of structures on undersized lots. While this Zoning District normally permits building heights of 36 ft., as a result of the reduced height limitations on undersized lot, the total permitted height for this lot is only 24 ft. from BFE. The Applicant is proposing a structure of 29.1 ft. from BFE. In addition, the Applicant is requesting variance relief for total sideyard setback. The Ordinance requires 10 ft. of total sideyard setback, where 8 ft. is proposed by the Applicant. The Board notes that the two (2) sideyard setbacks of 4 ft. are larger than the existing sideyards for the current structure. The Board finds that the proposed development eliminates several existing nonconforming conditions, including frontyard setback, rear & sideyard setbacks to an existing accessory shed & provides two (2) off street parking spaces where no off street parking is currently provided. Four (4) members of the public spoke in favor of the application. The Board finds that the Applicant has sustained its burden of proof in evidencing special reasons for the granting of the D-6 height variance. Specifically, the Board finds that the proposed development would result in a building above BFE which protects the structure & the neighborhood from flooding damage, provides for adequate light, air & open space & provides for a desirable visual environment. The Board finds that except for the variance relief request, the Applicant has satisfied the requirements for siteplan approval. 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. 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 majority roll-call vote being affirmative, the application was approved by the Board. Mr. Miller & Mr. Peters did not need to vote.

Upon conclusion of the application, Vice-Chair DiEduardo returned to the Board dais to participate in the rest of the meeting.

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: – December 14, 2016.

The Board Solicitor presented to the Board the approval of December 14, 2016 regular meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green requested correction to the minutes on a statement by Mr. Green, which was subsequently deleted for clarification. Motioned as proposed by Mr. Harkins & 2nd by Mr. Greenland. Vice Chair DiEduardo abstained due to absence from last month's meeting. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved.

K) MEMORIALIZATIONS: –

P-16-11-1 Robert Finn
427 W. Oak Avenue
Block 105, Lot 5
Siteplan Approval – Home Occupation

Robert G. Finn, residing at 427 West Oak Avenue, had applied to the Board for final minor site plan approval & variance relief for a number of parking spaces (two proposed, where three are required) to conduct a home occupation (certified public accountant/financial advisor), a property located at Block 105, Lot 5, commonly known as 427 West Oak Avenue, North Wildwood, New Jersey.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Chief Gallagher & 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. Vice Chair DiEduardo abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

Z-16-8-3 Surf 16, LLC
Block 266, Lot 11
1600 Surf Avenue
MC Zoning District
Use Variance, demolishing existing motel, constructing 3 duplexes on one lot

Surf 16 LLC doing business at 1600 Surf Avenue, has applied to the Board for preliminary siteplan approval & a "D-1" Use Variance for a use not permitted in a zone (three (3) residential duplexes to be constructed in the Motel Commercial (MC) Zone), together with bulk variances for distance between buildings (18.68 ft. proposed, where 20 ft. is required) & distance between buildings where area is used for vehicular traffic (22 ft. proposed, where 50 ft. is required) to demolish an existing

motel & construct three (3) residential duplexes on property located at Block 266, Lot 11, commonly known as 1600 Surf Avenue. The application was disapproved by the Board.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Mr. Green & 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. Vice Chair DiEduardo abstained from the vote. Based on the majority roll-call vote of Mr. Harkins, Mr. Greenland & Mr. Flynn being affirmative, the memorialization was approved by the Board.

L) UNFINISHED BUSINESS: – None presented.

Board Secretary reminded the Board of the annual holiday dinner at the North Wildwood Elks Lodge.

M) COMMUNICATION(S):


Board Secretary announced that the Mr. Booy, Zoning Officer, requested any amendments to the Land Development Ordinance. Any recommendations of the Board members will be appreciated. Mr. Green suggested signage requirements for Home Occupations for siteplan applications.

N) REPORTS: - None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 9:33pm, on motion by Vice Chair DiEduardo, & 2nd by Mr. Greenland, with all present members voting in the affirmative.

APPROVED: 2/21/17
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.