

Zoning Board of Adjustment Minutes  
Re-Organization and Regular Meeting:  
January 14, 2013  
6:30 p.m.

The Re-Organization & Regular Meeting of the North Wildwood Zoning Board was held on the above date and 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 and on the City web site.

A) CALL TO ORDER & OPEN PUBLIC MEETING STATEMENT

B) PLEDGE OF ALLEGIANCE

Chairman Flynn led the audience in reciting the pledge of Allegiance to the Flag.

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

C) ROLL CALL

Roll call of the Board members then commenced.

CHAIRMAN JAMES M. FLYNN	PRESENT	MR. JOE RULLO	PRESENT
V. CHAIR. JODIE DIEDUARDO	PRESENT	MR. JOHN T. DAVIS	ABSENT
MR. GEORGE GREENLAND	PRESENT	MR. GERALD BOYLE	PRESENT
MS. BARBARA HAAS	PRESENT	MS. SHARON CANNON (II)	ABSENT
MR. ROBERT BERARDO (I)	PRESENT	MR. TIMOTHY BARRY (III)	ABSENT
MR. DOUG HALEY (IV)	PRESENT		
		MR. DEAN MARCOLONGO (ATTY.)	PRESENT
		MR. RALPH PETRELLA (ENG.)	PRESENT
		J. ERIC GUNDRUM, (BOARD SECY/ ZONING OFFICER)	PRESENT

D) RE-ORGANIZATION MEETING – ANNUAL APPOINTMENTS FOR 2013

Election of Chairman & Vice-Chairperson

Motion to elect Mr. Flynn as Chairman: Motioned by Mr. Rullo, 2<sup>nd</sup> by Mr. Boyle. No other nominations. Motions to close nomination for Chairman, by Mr. Greenland, 2<sup>nd</sup> by Ms. Haas. All other present members voted in the affirmative on roll call vote. Chairman Flynn thanked the members of the Board for his nomination.

Motion to elect Ms. DiEduardo as Vice Chairperson: Motioned by Mr. Boyle, 2<sup>nd</sup> by Mr. Greenland. No other nominations. Motions to close nomination for Vice-Chairperson, by Mr. Boyle, 2<sup>nd</sup> by Mr. Greenland. All other present Board members voted in the affirmative on roll call vote. Vice-Chairperson DiEduardo thanked the members of the Board for her nomination.

Notice Designation of Official Newspapers

The Board Secretary made announcement that the official newspaper for the City as well as the Zoning Board, including notices of public meetings, shall be the Atlantic City Press. All notices of meetings of the North Wildwood Zoning Board shall be posted on the Bulletin Board of the lobby of City Hall, on the Bulletin Board at the Planning/Zoning Office, on the City web site and filed with the City Clerk. No formal action was required by the Board.

Notice of Scheduled Meetings for 2013 Calendar Year.

The Board Secretary made announcement that the Zoning Board passed Resolution No. ZB-05-2012 on December 12, 2012 setting the 2013 Year Zoning Board meeting dates. Based on the passage of the Resolution, notice was sent to area newspapers to reflect the schedule of meetings and have been certified by the Zoning Board Secretary. No formal action was required by the Board.

Resolution No. ZB-01-2013 - Resolution appointing Board Secretary

The Board Solicitor presented Zoning Board Resolution No. ZB-01-2013 appointing Eric Gundrum as the Zoning Board Secretary for the City of North Wildwood and charged with the responsibility of performing all duties of Board Secretary to the best of his ability. The anticipated term of this service shall commence January 2, 2013 and end December 31, 2013.

The Board proposed no corrections, additions or comments to the Resolution. Motion to adopt Resolution No. ZB-01-2013. Motioned by Mr. Rullo & 2<sup>nd</sup> by Mr. Greenland. All present members voted in the affirmative.

E) RE-ORGANIZATION MEETING – ANNUAL APPOINTMENTS FOR 2013  
BOARD PROFESSIONAL(S) CANDIDATES

Appointment of Board Professionals – Board Solicitor

Chairman Flynn presented Dean Marcolongo as the Board Solicitor nomination for the Zoning Board of the City of North Wildwood and charged with the responsibility of performing all duties of the Board Solicitor to the best of his ability. The anticipated term of this service shall commence January 2, 2013 & end December 31, 2013.

Motion to designate the Dean Marcolongo as the Planning Board Solicitor for the Board: Motioned by Chairman Flynn, & 2<sup>nd</sup> by Ms. Haas. All other present members voted in the affirmative by roll-call vote on the Board Solicitor nomination.

The Board then convened into Executive Session – a discussion of personnel matters of all Board professionals. The Board Solicitor called for Executive Session. Motioned by Ms. Haas & 2<sup>nd</sup> by Vice-Chairperson Di Eduardo. All other present members voted in the affirmative by roll-call vote. The Board went into Executive Session at 6:40pm.

The Board returned to Open Session at 6:44pm. Motioned by Vice-Chairperson Di Eduardo & 2<sup>nd</sup> by Mr. Boyle. All other present members voted in the affirmative by roll-call vote.

Appointment of Board Professionals – Board Engineer & Planner

Pursuant to the New Jersey Land Use Law, specifically NJSA 40:55D-24 and 40: 55D-69, a Municipality’s Zoning Board is granted the power to employ, contract for, and fix the compensation for professionals, experts and other service providers as it deems necessary for the effective completion of their appointed duties. The Zoning Board has determined that the effective completion of their appointed duties requires that they retain the services of administrative personnel, experts, planners, engineers and legal counsel to assist the Board as needed during the forthcoming year. The anticipated term of this service shall commence January 2, 2013 & end December 31, 2013. The following persons were recommended for the following positions:

Ralph Petrella, Jr., Board Engineer

Motion to designate the Ralph Petrella, Jr. as the Board Engineer for the Board: Motioned by Mr. Boyle & 2<sup>nd</sup> by Mr. Rullo. Motions to close nomination for Board Engineer, by Mr. Boyle, 2<sup>nd</sup> by Mr. Greenland. All other present members voted in the affirmative on roll call vote.

Elizabeth Terenik, Board Planner

Motion to designate the Elizabeth Terenik as the Board Engineer for the Board: Motioned by Ms. Haas, 2<sup>nd</sup> by Mr. Haley. Motions to close nomination for Board Engineer, by Ms. Haas, 2<sup>nd</sup> by Mr. Haley. All other present members voted in the affirmative on roll call vote.

SWEARING IN OF PROFESSIONALS:

The Board Solicitor conducted the truth swearing of the professionals of the Board, Ralph Petrella, Board Engineer and Elizabeth Terenik, Board Planner; were sworn to the truth.

F) MOTIONS FOR ADJOURNMENTS: - None Presented

G) NEW BUSINESS                      APPLICATIONS

**Application No. Z-12-11-2**

Michael & Michelle Gaffney

BLOCK: 413, LOT NO: 3

LOC. 504 East 13<sup>th</sup> Avenue

“d” Use Variance w/ “c” Variance relief

Due to conflict of interest on this application, Vice-Chairperson DiEduardo removed herself from the Board dais and was excused from the rest of the meeting. The Board Solicitor announced that a quorum still exist for the Board to hear the application.

Tom Hillegass, Esq. of the law office of Monzo & Catanese, LLC appeared on behalf of the applicants & explained the nature of the application to the Board. Michael & Michelle Gaffney of

504 East 13<sup>th</sup> Avenue, have applied to the Board for a Use variance for a two (2) principal structures on one lot and Use variance for residential expansion of a non-conforming use. Ms. Gaffney was sworn to the truth by the Board Solicitor. Ms. Gaffney described the history of the property and family use of the property. The intent is to expand the rear cottage with a 1-1/2 story addition. Michael Gaffney was sworn to the truth by the Board Solicitor. Mr. Gaffney described the process to date in order to go to the Board. Mr. Gaffney described the lay-out of the structures. Mr. Gaffney described the number of cars on the lots. This will be the primary residence.

The Board described the quandary of the new FEMA Advisory Flood Maps requirements as it relates to this project and the applicant stated he fully understood the situation. Mr. Greenland requested that the parking arrangements be further described.

Mr. Joseph Garramone, Register Architect, was sworn & testified on behalf of the application from his plans by the Board Solicitor. Mr. Garramone described his architectural plans to the Board. Mr. Greenland questioned where the HVAC equipment would be located which was answered in detailed by Mr. Garramone.

Mr. Vincent Orlando, PP, PE, CLA was sworn & testified on behalf of the application from his plans by the Board Solicitor. Mr. Orlando described his siteplans to the Board. Mr. Orlando described the existing site survey. He also described the variance request(s) and reasons under the Municipal Land Use Law (MLUL) for the variances. At the conclusion of Mr. Orlando's testimony, Mr. Hillegass concluded his testimony and description of the application.

Chairman Flynn then open the application to the public for comment at which time Sarah Rutherford, 304 West 17<sup>th</sup> Avenue, North Wildwood, New Jersey appeared, was sworn & testified on behalf of the application. Ms. Rutherford was positive about the application. At the conclusion of Ms. Rutherford testimony, no other member of the public was to testify on the application, and then Chairman Flynn closed the public comment on the application.

The Board was also received testimony from Ms. Terenik, Board Planner, who confirmed that the subject property is a non-conforming use and that the proposed renovations are aesthetically pleasing. The "Time of Decision" rule overrides the new Zoning Ordinance recently passed by City Council, as mentioned by Ms. Terenik. She summarized her written & provided report to the Board members. The Board received testimony from Mr. Petrella, who testified that his report is as stated. Mr. Berardo had a question of the HVAC equipment to which Mr. Petrella stated the HVAC equipment is in the building footprint.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the Variance(s) application. Each Board member gave reasoning for their view of the facts and the application as it relates to each variance. Ms. Haas had several objections to the application. Each Board member reiterated their reasoning of positive & negative reasons for each variance(s) as requested by the application. Mr. Greenland "volunteered" for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is OB-2. The Board takes into consideration the significant renovations proposed by the applicants and the fact that the renovations constitute a significant aesthetic improvement at the property. The Board did hear from one (1) any member of

the public. Board professionals reported on the application. No additions or correction to the finding of facts. The Board accepted the finding of facts, as motioned by: Mr. Boyle, seconded by Mr. Berardo. No discussion on the motion. Carried by an affirmative roll-call vote by the Board members. Mr. Haley did not need to vote on the finding of facts.

Motioned by: Mr. Greenland, seconded by Mr. Rullo. The Chairman called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Ms. Haas voted no on the application. Based on the roll-call vote of the Board members that were present at the meeting. Mr. Haley did not participate in the voting due to a full quorum of the Board.

I) PUBLIC PORTION:

The Chairman then opened the meeting for general public comment; no other members of the public were in attendance at this time. The Chairman offered any comment from the Board members. None was offered. The Chairman then closed the public portion of the meeting.

J) APPROVAL OF MINUTES:

Approval of December 10, 2012 regular meeting minutes. The Chairman called for any discussion or corrections to the minutes. The Board proposed no corrections, additions or comments to the minutes. Motioned by: Mr. Rullo, seconded by Mr. Haley. Vice-Chairperson DiEduardo was excused. Mr. Berardo & Mr. Boyle abstained due to absence at last month's meeting. All other present members voted in the affirmative on roll call vote.

K) MEMORIALIZATIONS:

**Application No. Z-12-10-3**

David B. & Kathryn W. Conway

BLOCK 294, LOT 7

LOCATION: 426 East 19<sup>th</sup> Avenue

"Use" variance – single family home requested

David & Kathryn Conway of 426 East 19<sup>th</sup> Avenue, have applied to the Board for a "Use" variance for a use not permitted in a zone (a single family dwelling in an OB-2 Zone) to demolish an existing duplex & construct a single family dwelling at Block 294, Lot 7, commonly known as 426 East 19<sup>th</sup> Avenue.

Motioned by: Mr. Rullo, seconded by Ms. Haas. The Chairman called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Vice-Chairperson DiEduardo was excused, Mr. Berardo & Mr. Boyle abstained due to absence at last month's meeting. All other present members voted in the affirmative on roll call vote. Mr. Haley abstained on the application due to being designated as an alternate Board Member.

**Application No. Z-12-10-2**

Luis Guevara  
BLOCK 209, LOT 11  
LOCATION: 1100 Central Avenue  
“c” variance – frontyard setback requirement

Luis & Maria Guevara residing at 1100 Central Avenue, have applied to the Board for a frontyard setback to a set of stairs (0.8 ft. proposed where 10 ft. is required) associated with a single family dwelling located at Block 209, Lot 11, commonly known as 1100 Central Avenue.

Motioned by: Mr. Rullo, seconded by Ms. Haas. The Chairman called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Vice-Chairperson DiEduardo was excused, Mr. Berardo & Mr. Boyle abstained due to absence at last month’s meeting. All other present members voted in the affirmative on roll call vote. Mr. Haley abstained on the application due to being designated as an alternate Board Member.

M) UNFINISHED BUSINESS: None presented.

N) COMMUNICATIONS:

The Board Secretary distributed an article(s) describing Gov. Christie approval of A-1338/S-743 further extending Permit Extension Act. Board information discussion only. No formal action was required of the Board.

The Board Secretary announced the availability of FEMA Advisory Flood Maps. The maps were on display in the Construction Office. Mr. Boyle requested the website address which was given by Ms. Terenik. Mr. Petrella also provided a summary of the different zones on the FEMA maps and how the classification was made of each zone by FEMA. Final regulatory maps should be distributed in six (6) months. Board information discussion only. No formal action was required of the Board.

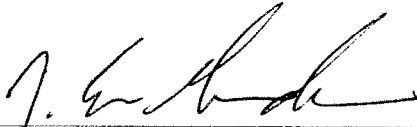
The Board Secretary distributed Notice of CAFRA Permit application for Paradise Cove, LLC (aka Coconut Cove Restaurant). Board information discussion only. No formal action was required of the Board.

O) REPORTS: – None Presented.

P) MEETING ADJOURNED:

Meeting was adjourned at 8:26pm. on motion by Mr. Boyle and seconded by Mr. Berardo and carried on an affirmative vote by the Board members.

APPROVED: 2/13/13  
Date

  
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J. Eric Gundrum  
Board Secretary

*This is an interpretation of the action taken at the meeting by the Secretary, and not a verbatim transcript.*