

The regular meeting of the North Wildwood Planning 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 and 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.

PLEDGE OF ALLEGIANCE

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

Mr. Green requested a moment of silence for Kevin Young, RA & local resident. The Board conducted a moment of silence.

The Board Secretary announce to the Board & present public to turn off cellphones during the Board meeting.

C) ROLL CALL

Chairman Robert Davis	Present	Mayor's Designee, Mr. McCullion	Present
Vice Chair Jay Coleman	Present	Mr. Ed Einhaus	Present
Dep. Chief Matt Gallagher	Present	Mr. William Green (Alternate 1)	Present
Councilman David DelConte	Present	Mr. Bill Auty (Alternate 2)	Present
Mr. John Harkins	Present		

Mr. Dean Marcolongo (Board Solicitor)	Present
Mr. Ralph Petrella (City Engineer)	Present
Ms. Elizabeth Terenik (Board Planner)	Present
Eric Gundrum, (PB Secretary)	Present

The Board Solicitor announced the Board quorum was established.

Mr. McCullion appeared approximately 7:11pm of the meeting.

C) SWEARING IN OF PROFESSIONALS:

The Board Solicitor announced the truth swearing was necessary & conducted same of the professionals of the Board.

D) MOTIONS FOR ADJOURNMENTS: None presented

E) NEW BUSINESS:

P-13-5-1 – North Wildwood School District (aka Margret Mace School)

1201 Atlantic Avenue
Block 270, Lot 1
Informal review of new security entrance

The North Wildwood School District doing business at 1201 Atlantic Avenue, has presented an application to the Board for an informal review & recommendation pursuant to NJSA 40:55D-31 & NJAC 6A:26-3.2(c) has submitted a plan for a small addition/enclosure of a 235 sq. ft. vestibule to the Margaret Mace School for review & recommendation in conjunction with the Master Plan located at Block 270, Lot 1, commonly known as 1201 Atlantic Avenue. The subject property is located in the ROSE District & is a permitted use. Pursuant to NJSA 40:55D-31, before any public entity expends public funds for a capital project, they are to refer the action & project to the Board for review & recommendation in conjunction with the Master Plan.

John Hanson, of the School District appeared, was sworn & testified before the Board & explained the nature of the application to the Board. Robert Garrison of Garrison Architects appeared, was sworn & testified as to the proposed development from his siteplan. Testimony presented evidences that the School District intends to enclose an entrance way into the southeast portion of the existing school, adjacent to 12th Avenue, for weather & safety purposes. The enclosed area will equal 235 sq. ft. & will benefit the school children & all members of the public entering the structure.

The Board is in receipt of the Annex Entry Vestibule Addition plans consisting of one (1) sheet created by Robert Garrison of Garrison Architects dated February 18, 2013 and labeled Sheet A-1 which is incorporated as fact. Testimony received by the Board evidences that the proposed addition is deminimis & extension to the existing permitted structure & necessary, will have no detrimental impact upon the public and, in fact, is to the benefit of the public and the City's school children & required to provide for student safety and has the additional benefit of providing for protection from the elements. A review of the application & Master Plan evidences that the proposed addition is consistent with the North Wildwood Master Plan, promotes the more efficient coordination of school construction with the development efforts of the City & is to the public benefit. With regard to the proposed development, the Planning Board made no specific recommendation.

Mr. Green provided praise for the application & commended the school's direction & priority to the security of the Margret Mace students.

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. No comments from the members of the Board. No comment from the Board Engineer. Board Planner Terenik confirmed the proposal was consistent with the City's Master Plan.

Board Solicitor Marcolongo prepared a Resolution for the Board to provide consistency determination with the Master Plan to which the Board reviewed & discussed concurrent with the proposal. The Board then voted on the proposal.

Motioned by: Mr. Einhaus, and seconded by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Based on the affirmative roll-call vote of the Board members. Mr. Green & Mr. Auty as alternates, were not required to vote.

P-10-8-4(A) - 101 West Walnut Avenue (aka Westy's Restaurant)

101 E. Walnut Avenue
Block 222, Lot 1 & 20
Siteplan approval of as-built plans

101 East Walnut Avenue, LLC & Margaret West doing business at 101 East Walnut Avenue, has made application to the Board for amended preliminary & final site plan approval to permit as-built construction conditions which were not in compliance with a prior site plan approval for property located at Block 222, Lots 1 & 20, commonly known as 101 East Walnut Avenue, and to remove a condition from a prior approval requiring a remote parking lot for Westy's Tavern located at Block 6.01, Lot 1, commonly known as 207 West Spruce Avenue.

Cory J. Gilman, Esq. of the law office of Josephson, Wilkinson & Gilman, PA appeared on behalf of the Applicants & explained the nature of the application to the Board. Mr. Gilman advised that the Applicants had received amended preliminary & final site plan approval in 2011 pursuant to Resolution P-10-8-4 to increase outdoor seating at Westy's Tavern, construct a stage, new kitchen, new restrooms & develop a parking lot on a recently acquired adjacent property. After development was completed, it was clear that numerous discrepancies existed between the approved plans & the final construction. The Applicants were now appearing before the Board requesting amended preliminary & final siteplan approval to legitimize the as-built conditions.

In addition Mr. Gilman advised that, pursuant to Resolution P-00-3-1 decided by the Board in 2000, the Applicants were required to maintain Block 6.01, Lot 1 (207 West Spruce Avenue) as a remote parking lot for the tavern. The Applicants are now requesting that the condition be removed together with the deed restriction.

Carmen LaRosa, a Registered Architect & Professional Planner, appeared, was sworn & testified from his amended siteplan consisting of three sheets last revised May 17, 2013 which were received by the Board & incorporated as fact. Mr. LaRosa testified that he had prepared the original plans for the renovations of Westy's Irish Pub and has now prepared these new plans evidencing the as-built conditions. Sheet ASB-1 lists the ten plan changes for the as-built siteplan. Mr. LaRosa testified that the deck was built to 7.7 ft. from the property line rather than the originally approved 10 ft. He noted, however, that the front yard setback at this area would be 0 feet. Mr. LaRosa noted that the new additional building height was higher than originally approved since the trusses were set too high. It

was constructed at 30.69 ft. but the structure is permitted under Ordinance to go to 35 ft., however the approved siteplan indicated only 26 feet. Mr. LaRosa testified that the handicap spaces had been moved from the original plans and that only two (2) handicap spaces were developed rather than the required three (3). The Applicants agreed to revise its plans to evidence the three (3) handicap parking spaces & restripe the parking lot so that all parking spaces were on site. Mr. LaRosa noted that the curbcuts on Spruce Avenue had been reduced from 26 ft. to 24 ft. however, even though this was a change from the approval, was still sufficient under the zoning ordinance. Mr. LaRosa noted that the Applicants did not install the two (2) lighting poles on the east side of the parking lot because the owner believed that the street lighting was sufficient. The Applicants were willing to install those poles if required by the Board. Mr. LaRosa noted that the Applicants had failed to construct the wall around the proposed storage/trash area but that the Applicants were willing to do so if required by the Board.

As to the issue of parking & the remote parking lot, Mr. LaRosa noted that the parking requirements for restaurants/taverns in North Wildwood had changed significantly. Given the new parking lot, the credit that the Applicants would receive for on-street parking and the three (3) parking spaces that the Applicants had previously contributed to the municipal parking fund, they met the Ordinance parking requirements. Mr. LaRosa testified that only 172 seats existed within the building with the remainder of the seats being outside seating which does not increase the parking requirements. Mr. LaRosa testified that based upon the fact that the parking requirements are met under the new Ordinance, the satellite parking area was unnecessary and the Board could, in its discretion, remove the condition of the satellite parking lot and any deed restriction associated with same. Upon questioning from the Board, it was noted that the satellite parking lot is rarely used except during festival events and is, in Mr. LaRosa's opinion, unnecessary. As to the removal of the condition of having the remote parking lot by a 4-3 vote, the Board agreed to remove the condition of the deed restriction to the remote parking lot. Mr. Einhaus, Mr. McCullion & Mr. Coleman voted against the removal of this condition. Solicitor Marcolongo advised the Applicants that they would have to go to City Council to remove the deed restriction.

Upon questioning from the Board, Mr. LaRosa noted that the Applicants have installed metal poles to support an awning running the length of Spruce Avenue at a width of 10 ft. It is the Applicants' intention to install a canvas awning to provide shade for patrons sitting at this location.

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.

Chairman Davis of the Board then had the Board members discuss each individual inconsistency together with the issue of the new proposed awning & the remote parking lot. The Board approved several of the modifications to the plans as deminimis changes, however, required that the Applicants comply with other conditions of the 2011 approval as set forth below. The Board specifically finds that the Applicants have had a history of failing to complete construction or renovations in compliance with Planning Board Resolutions and the decision to violate siteplan approvals is unacceptable to the Board. The Applicants & the contractor are hereby placed on notice that further deviations may result in drastic action by the Board. Except for the variance relief previously granted, the application as revised herein, meets the standards of the ordinance and the applicants are entitled to preliminary & final siteplan

approval together with a removal of the 2000 Planning Board condition regarding the satellite parking lot.

The Board members then discussed & summarized the application & discussion points as requested by the Applicant as presented. The Board then discussed the finding of facts on 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 Dining & Entertainment (D&E). The Applicant has agreed to conditions of approval as set forth below. Revised plans are necessary. The Board did not heard from any members 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.

The Board Solicitor called for a motion to remove the condition of a remote parking lot as a prior condition of approval. Motioned by: Mr. Harkins, and seconded by Councilman DelConte. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Mr. Einhaus, Mr. McCullion & Vice-Chairman Coleman voted no on the motion. Based on the affirmative remaining roll-call vote of the Board members.

The Board Solicitor called for a motion to approve the as-built condition of the site. Motioned by: Vice-Chairman Coleman, and seconded by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Based on the affirmative remaining roll-call vote of the Board members.

F) 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.

G) APPROVAL OF MINUTES: - Regular Meeting: May 8, 2013

The Board Solicitor presented the approval of May 8, 2013 regular meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board proposed no corrections, additions or comments to the minutes. Motioned by: Vice-Chairman Coleman, seconded by Chief Auty. The Board members present voted & carried the minutes on an affirmative roll-call vote.

Mr. Green complimented the Board Secretary on the meeting minutes content.

H) MEMORIALIZATIONS: None presented.

I) UNFINISHED BUSINESS: None presented.

J) COMMUNICATION(S):

Board Secretary provided a newspaper copy & update of the release of FEMA ABFE maps.

Board Secretary provided an information update that Dazar, LLC vs. Zoning Board of North Wildwood decision to prohibit body piercing uses in the existing tattoo shop on 23rd Avenue & Boardwalk store location was upheld by the NJ Appellate court.

Chairman Davis provided notification of the pending resignation of Vice-Chairman Coleman. With deep regret the Board accepted the notification of Vice-Chairman Coleman.

K) REPORTS:

Mr. McCullion expressed concern that the 23th to 24th Avenue condominiums are rented the little houses in the rear of the property despite the Board's remembrance of the application.

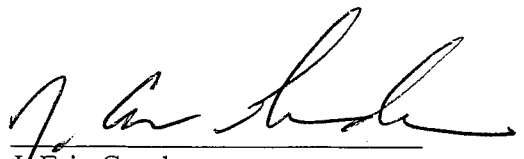
Chairman Davis reiterated that the new condominium at East Walnut Avenue have a new bedroom in the garage despite development regulations preventing same.

Chairman Davis requested the Board's discussion to prepare a Land Development Ordinance (Ordinance) amendment to permit residential use as a conditional use, within the entire Central Business District (CBD). Chairman Davis described his reasoning of this possible amendment to allow/permit single family and/or duplex residences within the CBD District as a conditional use. Various Board members express their concern(s) regarding the proposal. Ms. Terenik initially discussed her proposal. The concern of the Board was to reduce the amount of potential future business uses losses within this Zoning District. The amendment would possibly use the R-2 Zoning District bulk requirements as a possible guide. There would also be a possible study of the CBD District of the impact of residential uses within the District.

L) MEETING ADJOURNED:

Meeting was adjourned at 9:00pm, on motioned by Vice-Chairman Coleman & seconded by Mr. Harkins. Based on the affirmative roll-call vote of the Board members.

APPROVED: 7/30/13
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.