

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.

C) ROLL CALL

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

C) SWEARING IN OF PROFESSIONALS:

The Board Solicitor announced the truth swearing of the professionals of the Board, Ralph Petrella, Board Engineer & Elizabeth Terenik, Board Planner.

D) MOTIONS FOR ADJOURNMENTS: None presented

E) NEW BUSINESS:

P-13-2-1 Muccie-Jacobs Holdings, LLC (aka Jimbo's Family Restaurant)
2410 Atlantic Avenue
Block 227, Lot 10 & 11
Siteplan Approval w/ "c" bulk variances

Ronald Gelzunas, Esq., presented the application of Muccie-Jacobs Holdings, LLC (aka Jimbo's Family Restaurant), with Jim Muccie, the Applicant. He stated that North Wildwood has lost many miniature golf courses recently & the Applicant desires to reverse this trend and add this additional family attraction to his current business operation. Mr. Gelzunas described the application. William P. Gilmore, P.E., a professional engineer, appeared, was sworn & testified as to the proposed development from his siteplan consisting of plans dated February 9, 2013 & last revised March 14, 2013 which was received by the Board & incorporated as fact. The application requires minor variances. Muccie-Jacobs Holdings, LLC is doing business at 2400 Atlantic Avenue, has applied to the Board for preliminary & final siteplan approval together with variances for number of parking spaces (28 proposed where 33 is required), lot coverage (95% & 100% proposed where 80% is permitted), width of curb cuts (60 ft. & 24 ft. proposed where 20 ft. is permitted) and size of parking spaces (9 ft. x 16 ft. & 12 ft. x 13 ft. proposed where 9 ft. x 18 ft. is required) to construct a miniature golf course adjacent to an existing restaurant located at Block 227, Lots 10 & 11, commonly known as 2400/2410 Atlantic Avenue.

Mr. Gilmore testified that the subject property has three front (3) yards as a result of its location on Atlantic Avenue between 24th & 25th Avenues. The property is 200 ft. wide & 100 ft. deep. The property currently contains a 1-story restaurant with an associated parking lot. Mr. Gilmore testified that the Applicant proposes to develop a 5,000 sq. ft. miniature golf course immediately adjacent to the restaurant & modify & reshape the parking lot. Mr. Gilmore further testified that the new parking configuration will result in 28 on-site parking spaces although eight (8) of the parking spaces will encroach over the property line but will not block the sidewalk. Mr. Gilmore further testified that while a parking variance is necessary both for number of parking spaces & the size of the parking spaces, since a large percentage of the Applicant's business are pedestrians, they do not believe that the number of parking spaces will affect the public good.

Speaking to the variance for width of curb cuts, Mr. Gilmore testified that the property currently contains two (2) curb cuts, however, the size of the curb cuts are being increased in size to accommodate the new parking configuration and maximize the number of available parking spaces. He further noted that there are eight to nine (8-9) on-street parking spaces immediately adjacent to the property.

Mr. Gilmore further testified that the Applicant is requesting a variance for lot coverage, however, the lot coverage is an existing non-conforming condition which will not be exacerbated by the proposed development. Mr. Gilmore testified that no portion of the miniature golf course or parking lot will be higher than the 1-story existing structure. Mr. Gilmore testified that he believes that the benefits of the variances outweigh any detriment, that the development of a miniature golf course at this location will be aesthetically pleasing and provide for public recreation and will provide for adequate light, air & open space. He further testified that the site itself can accommodate all of the uses proposed.

Jim Muccie, a principal of the limited liability company appeared, was sworn & testified on behalf of the application. Mr. Muccie stated that his family has owned the business for five (5) years and he is the active manager of the restaurant. Mr. Muccie testified that 80% of his business occurs at breakfast. He has a very small lunch crowd & approximately 18% of his business occurs at dinner. He testified that his parking lot is rarely more than half full and most of his business results from pedestrians walking to the property. Mr. Muccie testified that since he runs a family restaurant, and miniature golf courses are family friendly, he hopes that the existence of the miniature golf will increase his business during the dinner hours. Mr. Muccie testified that he does not anticipate having a specific employee for the golf course but that his restaurant staff will run same & his bus boy will maintain the property. Upon questioning from the Board regarding landscaping, Mr. Muccie testified that he proposes a container garden with small tropical shrubs less than 6 ft. high on the westerly side of the property between the golf course and the adjacent residential units. In addition, artificial palm trees will be planted within the golf course. He further testified that there will be a fence behind the restaurant near the 14th hole to keep miniature golf patrons away from his trash area. The Board received testimony from Mr. Gilmore & Mr. Muccie regarding the landscaping associated with the miniature golf course and is satisfied with same

Ms. Terenik then discussed her report on the request of Chairman Davis. Ms. Terenik, Board Planner, appeared, was sworn & testified as to the application from her report dated April 1, 2013 which was received by the Board and incorporated as fact. Ms. Terenik testified that both the restaurant & miniature golf courses are permitted uses within the zone and in her opinion the proposed development promotes the intent & purpose set forth in the Master Plan for this zone. She noted that condominium development has resulted in a loss of miniature golf courses and, in her opinion, the benefits of this development and the required variances outweigh any detriment. Board Engineer, Ralph Petrella, submitted a review memorandum dated April 2, 2013 that was received by the Board & 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:

Scott Chambers residing in the 200 block of 24th Avenue, appeared, was sworn & testified as to his concerns for parking, lighting & trash difficulties which would affect neighboring residential properties.

Michael Collins of 212 East 24th Avenue appeared, was sworn & testified that parking is at a premium in & around this property during the summer and that the proposed development would increase the parking difficulties of the residential neighborhood.

Michele Rutkowski of 223 East 25th Avenue, appeared, was sworn & testified that her property is located directly behind the restaurant and near the proposed trash area. She wished to ensure that there is an appropriate buffer & fencing around the trash area to limit the effects of same.

Michele Chambers of 24th Avenue appeared, was sworn & testified as to her concerns regarding security for the miniature golf course. She believed that they should have a kiosk outside staffed by an employee to monitor activities when the miniature golf course is operating.

Marianne Swety of 24th Avenue appeared, was sworn & testified that she believed that having two (2) golf holes behind the building is a bad idea and would encourage unlawful activity behind the building. In response to same, Mr. Muccie testified that he will have 24-hour surveillance cameras constructed on the property and will monitor the rear of the building.

With no further public comment, Chairman Davis closed the public portion of the meeting.

During the course of the hearing, the Applicant consented to numerous conditions of approval which are set forth below. The Applicant shall prepare a deed of consolidation for the two (2) lots & submit same to the Board Solicitor for his review & approval and, thereafter, file same with the Clerk of the County of Cape May. The Applicant shall revise its plans to evidence that there will be no miniature golf kiosk with the testimony provided that the employee/cashier of the restaurant will be responsible for the administration of the golf course. The Applicant shall revise its plans to evidence the required bike rack within the property boundary near the building adjacent to 25th Avenue. All lighting associated with the miniature golf course & reconfigured parking lot shall be shielded and in compliance with the Ordinance. The Applicant shall revise its plans to evidence the correct zone district line, specifically, that the entire westerly portion of the block is zoned R-1. The Applicant shall develop a 6 ft. high fence along the entire westerly property line which will reduce in height to 4 ft. at 10 ft. from both the north & south property line. The miniature golf course will not be operated later than 11:00 p.m. The Applicant shall revise its plans to evidence a trash corral in the southwest portion of the lot, behind the restaurant, which is large enough to enclose all trash cans, dumpsters & grease barrels with this trash enclosure constructed immediately next to the building.

The Board members then discussed & summarized the application 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 Motel Commercial (M/C). The Applicant has agreed to conditions of approval as set forth below. Revised plans are necessary. Those conditions further protect the public welfare & public good thus ensuring that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent & purpose of the Zoning Plan & Land Development Ordinance. The Board has determined that the purposes of zoning are advanced by the proposed development & benefits of the variances outweigh any detriments such that the application for variance relief can be granted. The Board heard from various 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 based on the affirmative roll-call vote of the Board members.

Motioned by: Mr. Harkins, and seconded by Mr. Auty. 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.

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: January 9, 2013.

The Board Solicitor presented the approval of January 9, 2013 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 by Mr. Harkins, with Dep. Chief Gallagher seconding the motion. All other present members voted in an affirmative roll-call vote.

H) MEMORIALIZATIONS: None Presented.

I) UNFINISHED BUSINESS:

Public Hearing & potential Resolution of Approval (***PB-03-2013***)
for recommended Master Plan Re-examination Amendments of the
March 28, 2013 Special Board Meeting

The Board Solicitor described the Master Plan process and the purpose of a Master Plan Re-Examination. The Board Solicitor also described the purposes of the Master Plan Re-Examination document and the purpose of the discussion of the meeting tonight.

Pursuant to the New Jersey Municipal Land Use Law (NJMLUL), specifically NJSA 40:55D-64 et. seq., the Board is given the responsibility & authority to hold public hearings regarding amendments to a municipality's Land Development Ordinance (Ordinance) or development regulations and report its findings & recommendations to the governing body of the municipality. The Board has retained Terenik Land Use Consulting (hereinafter "Terenik") to assist the Board in the preparation of all documents related to the Master Plan Re-Examination. Ms. Terenik, presented her Master Plan Re-Examination document with the Board. The Board scheduled & duly advertised public hearings regarding the draft Master Plan Re-Examination prepared by Terenik with those public hearings occurring on March 28, 2013 whereby the Board accepted discussion, public input & comment on the draft Master Plan Re-Examination Report with said notice provided as required pursuant to NJSA 40:55D-13. The Board has reviewed & considered the proposed Master Plan Re-Examination document & proposed amendments to the municipality's Ordinance and found that the proposed amendments are satisfactory and are substantially consistent with the City of North Wildwood's Master Plan. At the public hearing noticed & advertised as aforesaid, presentation was made to the Board and with members of the public & interested parties having commented hereon. The Board conducted a discussion & review of the existing Master Plan, the Board has determined that the Master Plan Re-Examination Report should be adopted to provide for appropriate goals & objectives for the future development within the City of North Wildwood.

Chairman Davis & several of the Board members discussed different scenarios of the new Zoning Map and amendments. Ms. Terenik explained as conditional use, residential uses would have to meet the "conditions" in place whereby become "secondary" versus a permitted use "by right." Chairman Davis stated the D&E Zoning District always should have included residential uses (residential flats above commercial use). The Board's discussion only reflects concurrence that the Master Plan Re-Examination document is in substantial format & conforms to the Land Use Element of the City's Master Plan. Several Board members had reserved feelings on the draft Ordinance document submitted to the Board for review.

The Board has recently determined that based upon inadvertent omissions to the existing 2010 Comprehensive Master Plan (Master Plan); policy changes as a result of recent economic development within the community including, but not limited to, efforts to support the city's commercial base; and inconsistent language within the body of the original Master Plan document, it would be appropriate for the Planning Board to conduct a Master Plan Re-Examination at this time. The following recommendations were considered at the meeting:

- 1) The Board discussed an amendment proposed in the Master Plan Re-Examination Report by the Board regarding to Block 244, Lot 1 commonly known as 701 Central Avenue, recommending a change in Zoning District from Recreation, Open Space & Education (ROSE) to Single-Family Residential 1 (R-1) Zoning District and applicable/associated requirements. Ralph Petrella, Board Engineer, presented an updated proposed Land Development "Zoning Map" to reflect the recommendation of change in Zoning District from Recreation, Open Space & Education (ROSE) to Single-Family Residential 1 (R-1) Zoning District at the March 28, 2013 meeting of the Board.
- 2) The Board discussed a recommendation of amendment to Dining & Entertainment (D&E) Zoning District to include/permit residential flats over commercial uses as permitted conditional uses and applicable/associated bulk zoning requirements to the Ordinance.
- 3) The Board discussed a recommendation of miscellaneous corrections list to the Ordinance.

Chairman Davis then opened the meeting for general public comment.

Ed Dean 415 East 13th Avenue, appeared, was sworn & testified questioned the amendment allowing residential in the CBD Zoning District. He reiterated the advantages of single-family & duplex residential units being permitted in the CBD district and the fact of various commercial units being currently vacant with residential flats units. Allowing the residential uses would be beneficial to the City. He proposes that residential uses would be very beneficial to the area.

No further comment was offered by the public. Chairman Davis then closed the public portion of the meeting.

The Board found that the proposed amendments to the City's Land Development Ordinance (Ch. 276) prepared by Terenik regarding development regulations & the amendments hereby are satisfactory to the Board, substantially consistent with the Master Plan and, as such, the Board would recommend that the North Wildwood City Council approve & adopt said amendments into law after appropriate public hearings.

The Board Solicitor presented the approval of Resolution of Approval (PB-03-2013) for recommended Master Plan Re-examination Amendments. 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 by Mr. Auty, with Mr. Harkins seconding the motion. All other present members voted in an affirmative roll-call vote.

J) COMMUNICATION(S):

The following was presented to the Board members as information only. No formal action of the Board was required.

The Board Secretary announced that The following Board appointments were made at the City Council meeting of January 2, 2013

Re-appointments to the Board

Mayor William Henfey, Class I -	12/31/2013
- Mayor's Designee – Robert McCullion	
Matthew Gallagher, Class II -	12/31/2016
David Del Conte, Class III -	12/31/2016
John Harkins, Class IV -	12/31/2016
William Auty, (Alternate No. 2) -	12/31/2014

The Board Secretary announced receipt of the following NJDEP Coastal Permit Amended Application(s) for: Engineering Design Associates, 235 East 1st Avenue; and Thomas Amey Shaw, 410 West Illinois Avenue.


K) REPORTS: None Presented.

L) MEETING ADJOURNED:

Meeting was adjourned at 8:47pm, on motioned by Deputy Chief Gallagher and seconded by Mr. Harkins. All other present members voted in an affirmative vote.

APPROVED: _____

5/14/13
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.