

Zoning Board of Adjustment Minutes
Regular Meeting:
May 13, 2013
6:30 p.m.

The Regular Meeting of the North Wildwood Zoning 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 website.

A) CALL TO ORDER & OPEN PUBLIC MEETING STATEMENT

Chairman Flynn called the meeting to Order & read the Open Public Meeting Statement to the Board & members of the public.

After the Pledge of Allegiance, Chairman Flynn made an announcement to turn off all cell phones for all Board members & members of the public.

B) PLEDGE OF ALLEGIANCE

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

C) ROLL CALL

Roll call of the Board members then commenced.

CHAIRMAN JAMES M. FLYNN	PRESENT	MR. JOE RULLO	ABSENT
V. CHAIR. JODIE DIEDUARDO	PRESENT	MR. JOHN T. DAVIS	ABSENT
MR. GEORGE GREENLAND	PRESENT	MR. GERALD BOYLE	ABSENT
MS. BARBARA HAAS	PRESENT	MS. SHARON CANNON (II)	PRESENT
MR. ROBERT BERARDO (I)	PRESENT	MR. TIMOTHY BARRY (III)	PRESENT
MR. DOUG HALEY (IV)	PRESENT		

MR. DEAN MARCOLONGO (ATTORNEY)	PRESENT
MR. RALPH PETRELLA (ENGINEER)	PRESENT
MS. ELIZABETH TERENIK (PLANNER)	PRESENT
MR. J. ERIC GUNDRUM, (BOARD SECY.)	PRESENT

D) SWEARING IN OF PROFESSIONALS:

The Board Solicitor conducted the truth swearing of the professionals of the Board necessary for tonight's meeting & application.

E) MOTIONS FOR ADJOURNMENTS: None presented.

F) NEW BUSINESS APPLICATIONS:

Application No. Z-13-3-1

Norman & Victoria Coltri

BLOCK: 250, LOT NO: 1

Location: 109-111 Central Avenue

“d” Use & “c” Bulk variance(s) – R-1 Zoning District

Due to a satisfactory number of Board members being present, Mr. Haley as an alternate Board member will not be voting on this application.

The Applicant, Norman & Victoria Coltri was sworn & testified on behalf of the application. Joe Garramone, a registered Architect appeared, was sworn & testified on behalf of the application.

The Board Solicitor preface the application in whether this application, with a “widow’s watch roof structure, would require a “d6” Use/Height variance for exceeding the permitted height of 35 feet versus 42 feet as requested from Base Flood Elevation (BFE). The roof structure is to be used to access a rooftop deck as well as HVAC equipment located in the attic which is accessed thru an interior stairway. The requested height was in conformance of the Ordinance whereby it did not exceed the 20% of the permitted height maximum. Ms. Cannon requested a clarification of the actual height of the home to which Mr. Garramone answered completely. The Board discussed this scenario quite in depth with a motion vote of the Board members after testimony by the Applicant & experts.

Motioned by: Ms. Haas, seconded by Mr. Greenland. The Chairman called for any discussion or corrections to the Motion. The Board proposed no corrections, additions or comments to the Motion. Based on an affirmative roll-call vote of the Board members that were present at the meeting, with Chairman Flynn & Vice-Chairperson Di Eduardo voting no on the motion. The application was not subject to a “d6” Use/Height variance and would only need siteplan approval with a “c” lot depth variance.

The Applicant is proposing to construct a single-family home on the property at 109-111 Central Avenue. The property is 70 feet of frontage by 75 feet of lot depth. The Ordinance requires 50 feet by 100 feet, therefore a lot depth variance is required by the Board. The lot area at 5,221 square feet is conforming. The lot is currently vacant. The property is currently zoned R-1. The proposed single family home is well designed for the lot configuration, and is consistent with the character of the neighborhood. The property is conforming for use & all bulk requirements with the exception of lot depth, and is oversized for lot width, frontage & lot area. In addition, the two (2) front, rear & sideyards are also oversized. The building & lot coverage is well below the maximum. In addition, the parking requirements exceed the minimum by two (2) spaces. Mr. Garramone described his architectural plans to the Board.

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. The Chairman then closed the public portion of the meeting.

Board Planner Terenik, testified as to the application & from her review memorandum of May 6, 2013 which was received by the Board & incorporated as fact. The Applicant is the owner of the subject property & has standing to come before the Board requesting final siteplan approval. Board Engineer

Petrella spoke to the proposed application, specifically referencing his review memorandum of dated May 7, 2013 which was received by the Board & incorporated as fact. With the conclusion of the Board professionals' testimony, Mr. Coltri summarized his application to the Board.

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. Each Board member reiterated their reasoning of positive & negative reasons for each variance(s) as requested by the application. Ms. Haas "volunteered" for the finding of facts. Ms. Haas reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1. The Board did not hear from members of the public. The Board has determined that the Applicant has demonstrated special reasons for the granting of a lot depth variance for the development of a single family home. The Board finds that the Applicant has sustained its burden of proof in evidencing special reasons by showing that the purposes of zoning would be advanced by the granting of the variance requested by the Applicant. No additions or correction to the finding of facts. The Board accepted the finding of facts, as motioned by: Vice-Chairperson DiEduardo, seconded by Mr. Greenland. No discussion on the facts. Carried by an affirmative roll-call vote by the Board members.

The application was subject to a variance approval for lot depth. Motioned by: Ms. Haas, seconded by Mr. Berardo. The Chairman called for any discussion or corrections to the Resolution. The Board proposed no corrections, additions or comments to the Resolution. Based on an affirmative roll-call vote of the Board members that were present at the meeting. Mr. Haley as an alternate did not vote on this application due to quorum being met by present Board members.

G) 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.

H) APPROVAL OF MINUTES:

Approval of February 25, 2013 special meeting minutes & March 11, 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: Mr. Berardo, seconded by Mr. Greenland. The Board members present voted & carried the minutes on an affirmative roll-call vote, Vice-Chairperson DiEduardo, Mr. Haley & Ms. Cannon abstained due to absence at last month's meeting.

Approval of March 11, 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: Mr. Berardo, seconded by Ms. Haas. Mr. Barry & Mr. Haley abstained due to last month meeting absence. The Board members present voted & carried the minutes on an affirmative roll-call vote.

I) MEMORIALIZATIONS: None presented

J) UNFINISHED BUSINESS: None presented

The Board Secretary announced a request by the Board Solicitor to re-schedule the regular meeting of the Zoning Board scheduled from June 10, 2013 at 6:30pm to June 3, 2013 at 6:30pm. The Board members present voted & carried the change in schedule on an affirmative roll-call vote.

K) COMMUNICATIONS:

Dazar (AKA Love Rock Tattoo) vs. City of North Wildwood Zoning Board
(Information only, No formal action required)

The Board Solicitor announced Court positive judgment on the Dazar (AKA Love Rock Tattoo) vs. City of North Wildwood Zoning Board by the Appellate Division of the Superior Court of NJ. The original application proposed a Use Variance application (Z-11-3-1) to allow body piercing on the Boardwalk in the Amusement Zoning District. The address of the property is 2301 Boardwalk (Block 290.01, Lot 1). Information only, no formal action was required by the Board.

Proposed Ordinance No. 1625
Land Development Ordinance Amendments
(Information only, No formal action required)

The Board Secretary announced the adoption of Proposed Ordinance No. 1625, amendments to the Land Development Ordinance (Chap. 276-1 et. seq.) Copies of the Ordinance were delivered to Board members. A full complete copy of the Ordinance will be delivered to the Board members at a later date upon adoption of additional amendments to the Ordinance by City Council. The item was for general discussion only & no formal action was required of the Board.

L) REPORTS:

Ms. Cannon questioned the need for an amendment for the 20% height limitation exception discussed tonight with tonight's application. Discussion of the Board regarding the height of roof top access in light of the application. The issue of whether the intent of the Ordinance is to permit rooftop access or a "habitable area." Discussion of the members whether to recommend a percentage or maximum square footage to limit the amount of "roof area" should be permissible. Discussion also centered upon how to transmit this request to City Council or the Planning Board. Both Ms. Terenik & Mr. Petrella weighed in on their opinions.


Problem was announced that in the codification/logistics of the Land Development Ordinance, the R-1 Zoning District section was not changed, however, the inconsistency was noted by the Board Secretary and brought to the attention of City Administration. The Board chooses not to take action on the recommendation.

The Board Solicitor commended the Board on its deliberations of each application. Well done to all the Board members.

M) MEETING ADJOURNED:

Meeting was adjourned at 7:38pm, on motion by Vice-Chairperson DiEduardo & seconded by Mr. Berardo and carried on an affirmative vote by the Board members.

APPROVED: 6/4/13
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.