

The regular meeting of the North Wildwood Planning Board was held on the above date & time. Adequate notice of this regular meeting was submitted to the official newspaper of the City of North Wildwood (AC Press) & local newspapers. An Agenda was posted on the main bulletin board at City Hall, on the bulletin board at the Planning/Zoning Office, posted on the front entrance of the Meeting Room well in advance of the meeting date & 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.

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	Absent
Vice Chair Ed Einhaus	Absent	Chief Matt Gallagher	Present
Mr. William Green	Present	Councilman David DelConte	Absent
Mr. Bill Auty (Alternate 1)	Present	Mr. John Harkins	Present
Mr. Sevick (Alternate 2)	Absent		
		Mr. Dean Marcolongo (Board Solicitor)	Present
		Mr. Ralph Petrella (Board Engineer)	Present
		Mr. Brian Murphy (Board Planner)	Present
		Eric Gundrum, (PB Secretary)	Present

The Board Solicitor announced the Board quorum was established.

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

E) SWEARING IN OF PROFESSIONALS:

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

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) NEW BUSINESS:

P-09-4-1(A) – Walnut Avenue LLC

Block 190.01, Lot 2
120 West Walnut Avenue
CBD Zoning District
Repeal of Planning Board condition of approval

Walnut New Jersey, LLC doing business at 1519 Spruce Street, Philadelphia, Pennsylvania has applied to the North Wildwood Planning Board for an excision of a prior condition regarding hours of operations for a commercial enterprise located at Block 190.01, Lot 2 on the Municipal Tax Map of the City of North Wildwood, State of New Jersey, commonly known as Walnut and New Jersey Avenues, North Wildwood, New Jersey

Rocco Tedesco, Esq., of the law firm of Tedesco, Gruccio & Reuss appeared on behalf of the current Applicant/Owner & explained the nature of the application to the Board. Mr. Tedesco advised that the Applicant/Owner is the landowner of the subject property & had previously leased the property to a Michael Mitchell, who developed the property on behalf of the Owner and as Applicant at the time, presented the application. On May 13, 2009, Mr. Mitchell appeared before the Planning Board with an application to convert a vacant gas station into a pizzeria sub shop. During the hearing Mr. Mitchell, as the original tenant/Applicant, agreed to a condition of approval limiting his hours of operations to 11:00 a.m. to 3:00 a.m. That approval was memorialized in Resolution P-09-4-1.

Solicitor Marcolongo noted that the prior 2009 approval by Resolution P-09-4-1 granted the Applicant preliminary & final siteplan approval together with variances for lot depth, rearyard setback, lot coverage, width of curb cut & impervious coverage and that the hours of operation condition may have been related to those variances. Mr. Tedesco argued that there was no nexus between the conditions & the variance relief requested.

Mr. Tedesco advised that since then that tenant has vacated the property for some time & the business has been vacant since 2013. The Applicant believes that the condition associated with that business is placing the Applicant/owner at a commercial disadvantage to lease the property. Mr. Tedesco marked as Exhibit A-1, an aerial photograph of a portion of the City evidencing other dining facilities & Exhibit A-2, an aerial photograph of other businesses of the Dining & Entertainment (D&E Zoning District in & around the City. These photographs were received by the Board & incorporated as fact. Mr. Tedesco argued that the Master Plan encourages more restaurant & eating facilities in the D&E Zoning District and that there is no provision in the Land Development Ordinance (Ordinance) which limits the hours of operations for dining establishments.

A dialog took place between Board Members & Mr. Tedesco regarding the subject property and the prior application. Chairman Davis noted that the prior Applicant offered the condition regarding hours of operation & it was not imposed upon the Applicant by the Board. Chief Gallagher noted that the subject property is substantially different than the nearby McDonalds restaurant or the present site Wawa convenience store down the street in that those establishments are located on larger lots. The subject property is located on an undersized lot immediately adjacent to a major highway/County Route arterial highway with a dangerous curve. Board Members noted the mass exodus of patrons from the

bar area at 3:00 a.m. & their concerns for the patrons' safety if large numbers of people are congregating on the subject property immediately adjacent to the highway. Chairman Davis noted that many business establishments in this area have had to make certain business decisions given the particular & unusual problems associated with the stampede of patrons from the bar area at 3:00 a.m. when the bars close. He noted that the old Wawa, at 4th & New Jersey Avenue(s), would have a security guard at the door & limit the number of patrons inside in the morning hours or during City festivals would, in fact, close their business. Mr. Tedesco, noting the Board's public safety concerns, and discussed alternate hours of operation with his client/Applicant. Mr. Tedesco advised the Board that his client/Applicant would be agreeable to modifying the hours of operation so that the business would be closed from 3:00 a.m. to 5:00 a.m. for public safety purposes to facilitate the exodus of patrons from the bar area.

David Lerman, a principal with the Applicant appeared, was sworn & testified on behalf of the application. Mr. Lerman upon questioning from the Board noted that he has three (3) picnic tables & that during the hours of operation of the business he would run a full service facility including providing access to rest rooms & not to be used as a walkup business.

Chairman Davis then opened the application for general public comment. No members of the public wished to speak to the application at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

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 Central Business District (CBD) Zoning District. The Applicant has agreed to conditions of approval as referenced herein. The Board did not hear from any members of the public. Board Planner & Board Engineer reported on the application. The Planning Board has determined that the Applicant has met its burden with regard to a modification of a previously issued condition regarding the hours of operation for the subject property and that the proposed amendments by the Applicant sufficiently satisfies the public health, safety & welfare concerns of the Board. The hours of operation shall be modified so that the business in question on the subject property shall be closed from 3:00 a.m. to 5:00 a.m. with the understanding that the business operation would be physically closed by 3:00 a.m. with no public patrons inside although employees could be on site after 3:00 a.m. for cleaning & restocking operations. At all times when the business is operating, the business will be conducted as a full service restaurant including the availability of public restrooms & not used as a walkup food service facility. Any & all conditions of Resolution P-09-4-1 not modified herein shall remain in full force & effect. No additions or correction to the finding of facts. The Board accepted the finding of facts.

The Board Solicitor called for a motion to approve the application & Resolution as discussed. Motioned by: Mr. Green & 2nd 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.

H) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment. One member of the public was in attendance.

Kathleen Hartner Hall of 303 Central Avenue, spoke to the Board. As a concerned homeowner & resident, she heard of a future application for a minor subdivision to the Board. She inquired as to how this application would be handled, processed & approved by the Board. She was against the subdivision of land for development as she understood the proposal. Chairman Davis announced the public noticing requirements for any application before the Board. Board Solicitor explained that the Board could not discuss an application without notice to the public or being appeared on the Agenda of the Board. It was inappropriate to discuss the matter at this time. Ms. Hartner Hall was informed upon getting notice, she could come back to the Board upon its review by the Board. No other members of the public were in attendance at this time. No further comment was offered. Chairman Davis then closed the public portion of the meeting.

I) APPROVAL OF MINUTES: – July 8, 2015 meeting

The Board Solicitor presented the approval of July 8, 2015 meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green pointed out grammatical error, which was corrected upon discussion. Language within the minutes were clarified & corrected under the Communications portion of the minutes. Clarification was made regarding the “affordable housing” topic. Upon recommendations of the Board members & Board Solicitor, clarifying language as an amendment(s) was incorporated into the Meeting Minutes. The Board proposed no further corrections, additions or comments to the Meeting Minutes. Motioned by Chief Gallagher, & 2nd by Mr. Harkins. All Board members voted in an affirmative roll-call vote.

J) MEMORIALIZATIONS:

P-15-5-1 – BCF Building & Project Mgt., LLC
Block 114, Lot 9 thru 11
301 & 305 West 19th Avenue
R-2 Zoning District
Minor Subdivision, with “c” variances
2 residential lots

BCF Building & Project Management, LLC doing business at 3413 Pacific Avenue, Wildwood, NJ has applied to the Board for minor subdivision approval to create two (2) lots from three (3) existing lots together with variances for lot area (3,600 sq. ft. proposed where 4,000 sq. ft. is required) as to the development of a single family dwelling & lot area (5,400 sq. ft. proposed where 6,000 sq. ft. is required) to create two (2) buildable lots for the development of a single-family & duplex residential dwelling(s) for property located at Block 114, Lots 9, thru 11, commonly known as 301-305 19th Avenue.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. Green & 2nd 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. Mr. Harkins abstained.

K) UNFINISHED BUSINESS: None presented.

L) COMMUNICATION(S):

Board member Mr. Green spoke to the City's announcement of a meeting of public information regarding "Flood Hazard Prevention" as a "Floodplain Management Event." The City has a sub-committee for public information. This sub-committee is endorsing this seminar. The City will be hosting presentations at the North Wildwood Recreation Center on August 13th. Various industry representatives will host a seminar to inform the public on flood prevention; obtain & reducing flood insurance costs. This event will also provide credit to the City's Community Rating System public awareness requirement under the City's participation in the FEMA flood insurance program. This seminar is part of the City's plan to reduce flood insurance premiums for City residents by obtaining discounts from FEMA.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 7:47pm, on motioned by Mr. Green & 2nd by Mr. Auty. Based on the affirmative roll-call vote of the Board members.

APPROVED: _____

9/16/15
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.