

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, 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 James M. Flynn	Present	Mayor's Designee Doug Miller	Absent
Chief Matt Gallagher	Absent	Mr. William Green	Absent
Mr. John Harkins	Present	Mr. George Greenland	Present
Ms. Jodie DiEduardo	Absent	Councilman David DelConte	Present
Mr. Bill Auty (Alternate 1)	Present	Mr. William O'Connell (Alternate 2)	Present
Mr. Ron Peters (Alternate 3)	Absent	Ms. Barbara Haas (Alternate 4)	Present
		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 that the Board quorum has been established.

E) SWEARING IN OF PROFESSIONALS:

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

F) MOTIONS FOR ADJOURNMENTS:

The Board Secretary announced the application for the Island Rental, LLC (aka Island Breeze Motel, P-16-2-1) was adjourned for the meeting. The application was not listed on the Agenda for

tonight, but the Board Secretary announced the matter for the large public crowd that attended the meeting. The Board Secretary was aware that required public notices were mailed out by the Applicant and did not want any members of the public needlessly attending the meeting.

G) MEMORIALIZATIONS:

P-16-2-2 – Robert & Leslie Schumacher

Block 115, Lot 3
335 NW 18th Avenue
R-2 Zoning District
Siteplan approval w/ “c” Variances to elevate existing residence

Robert & Leslie Schumacher residing at 335 West 18th Avenue (335 NW 18th Alley) have applied to the Board for variance relief for building height (26 ft proposed where 24 ft is permitted), lot width (25 ft proposed where 40 ft is required), frontyard setback (5.3 ft proposed where 10 ft is required), number of parking spaces (one (1) proposed where two (2) is required), impervious coverage (92% proposed where 80% is permitted), sideyard setback (3.2 ft proposed where 4 ft is required) & total sideyard setback (8.4 ft proposed where 10 ft is required) to raise & renovate an existing single-family dwelling in the R-2 Zoning District located at Block 115, Lot 3, commonly known as 335 West 18th Avenue.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. Greenland & 2nd by Vice-Chairman Flynn. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Memorialization was approved by the Board members. Mr. Harkins, Councilman DelConte & Ms. Haas abstained.

H) NEW BUSINESS:

Board member Mr. Greenland recused himself & stepped down from the dais due to a conflict interest with the next Applicant/application.

Z-15-4-3(A) - Bo Max LLC

Block 605, Lot 4
6 Weeks Avenue
R-2 Zoning District
Amended siteplan approval – new garage doors approval

Bo Max, LLC doing business at 234 West Oak Avenue, Wildwood, NJ has applied to the Board for amended siteplan approval to add garage doors to four (4) residential units on the subject property to be developed within two (2) duplexes, and add two (2) additional off-street parking spaces to the property located at Block 605, Lot 4, commonly known as 6 Weeks Avenue, which is located in an R-2 Zoning District.

Robert T. Belasco, Esq. appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. Belasco advised the Board that the Applicant is the owner of the subject

property & by Resolution Z-15-4-3 was approved for the development of two (2) duplexes on the subject property at a meeting of June 8, 2015. He noted that the original approvals called for the development of four (4) carports rather than garages. Mr. Belasco advised that the duplexes are currently very close to completion & the Applicant now proposes to place garage doors on each unit to enclose same rather than develop carports. The Applicant is also proposing to develop two (2) additional off-street parking spaces on the site.

Vincent C. Orlando, PE, PP with Engineering Design Associates (EDA), P.A., appeared, was sworn & testified from his siteplan dated December 21, 2015, & last revised April 18, 2016, which were received by the Board & incorporated as fact. The Board was also in receipt of an overall plan of the subject property created by EDA dated December 21, 2015 & last revised December 31, 2015 which was executed by the Planning Board Chairman on January 19, 2016. This was also incorporated as fact. Mr. Orlando testified that the two (2) duplexes & two (2) originally approved off-street parking spaces are nearing completion at this time. However, the Applicant is requesting an amended siteplan approval to place garage doors on each of the unit's carports & create two (2) additional off-street parking spaces adjacent to the existing ones. Mr. Orlando testified that there will be 20 feet between the garage door & the property line for the duplexes on Weeks Avenue & 18' 3" from the garage doors to the property line for the duplexes on St. Demetrius Avenue. He noted that the Residential Site Improvement Standards (RSIS) requires only an 18 foot parking space. Mr. Orlando noted that our ordinance requires 20 feet between a garage door & the property line and that variance relief might be required. However, he noted that the Applicant is providing 10 fully conforming parking spaces on site and that there is an additional six (6) on-street parking spaces available such that he does not believe that variance relief is required. The Board Solicitor concurred. The two (2) parking spaces in front of the duplexes on St. Demetrius Avenue, while meeting the RSIS, do not meet the requirement of 20 feet in length from the garage door to the property line. However, since the Applicant is now providing 10 fully compliant off-street parking spaces on site, no variance relief is required. Mr. Orlando testified that he did not believe that there was any negative impact upon the neighborhood as a result of the amended siteplan and, in fact, the parking situation was improved by this proposed amendment.

Robert T. Belasco, Sr., a principal of BoMax LLC, appeared, was sworn & testified on behalf of the application. Mr. Belasco testified that the originally approved carports became problematic since they create a wind tunnel, are quite dark & have created safety concerns. Mr. Belasco further testified as to the adequacy of the parking spaces in front of the garage adjacent to St. Demetrius Avenue that he has parked his Ford F-250 pick-up truck in front of the garage & it easily fits in this area.

The Board was in receipt of review memorandums of Mr. Petrella, Board Engineer, dated May 3, 2016 & from Mr. Murphy, Board Planner, dated May 2, 2016, both of which were incorporated as fact with both professionals relying upon their report.

At this time, Mayor Rosenello arrived at 6:46pm & took his seat at the dias.

Chairman Davis then opened the application for general public comment.

James Hogarty of 301 East 5th Avenue, North Wildwood appeared, was sworn & testified that he had purchased one of the units adjacent to Weeks Avenue, that he is in favor of the proposal & believes that the additional off-street parking is beneficial to the neighborhood.

No other public members wished to speak on behalf of the application at this time. No comment was offered from Board members. Chairman Davis then closed the public portion of the application.

After the public portion of the meeting was closed, Mr. Orlando testified as to the landscaping surrounding the off-street parking spaces & noted that there was no change from the original approval. The Board questioned Robert T. Belasco, Sr. about the four (4) off-street parking spaces & it was agreed that each unit would be assigned one of the off-street parking spaces.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the siteplan application. Each Board member gave reasoning for their view of the facts & the application as it relates to 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-2. The proposed modifications to the siteplan approval are de minimis and, in fact, are beneficial to the neighborhood such that the application for amended siteplan approval can be granted. All prior conditions of Resolution Z-15-4-3 shall remain in full force & effect except as modified herein. The Board did hear from one (1) member of the public. The Applicants also agreed to other conditions of approval to the satisfaction of the Board. The Board finds that the siteplan is compatible with the Ordinance. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Mr. Auty & 2nd by Councilman DelConte. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board. Mayor Roselleno did not vote on the application, due to he did not hear the testimony of the entire application.

After the application concluded, Board member Mr. Greenland returned to his seat on the dais.

P-12-8-1(A) - Hawaiian Beach Resort, LLC

Block 258, Lot 6.02

320 East 24th Avenue

Former OB-2 Zoning District (*Permit Extension Act determination*)

Minor Subdivision approval/Amended siteplan Approval

Hawaiian Beach Resort, LLC doing business at 101 East 7th Avenue, North Wildwood, NJ has applied to the Board for amended major siteplan approval & minor subdivision approval to create two (2) lots from one (1) lot located at Block 258, Lot 6, commonly known as 320 East 24th Avenue, which is currently located in an Motel/Commercial (M/C) Zoning District (previously located in an OB-2 Zone).

Doreen Corino, Esq. of the Corino Law Office, Wildwood Crest, NJ appeared on behalf of the Applicant & explained the nature of the application to the Board.

Ms. Corino advised the Board that by Resolution P-12-8-1, the Board had previously granted a minor subdivision approval and preliminary & final siteplan approval to construct 22 dwelling units in six (6) individual buildings on the subject property. That approval was granted on October 12, 2012.

She further advised that at the time of that approval, the property was located in the OB-2 Zone where residential units are permitted. Ms. Corino noted that the property is now located in the MC Zone which does not permit residential units however, in her opinion, the prior approval is still in effect & provides protection to the project via the Permit Extension Act (PEA). Currently, one (1) structure has been constructed on Lot A, and the foundation of the 2nd building on Lot A has been installed. The Board Solicitor concurred.

Ms. Corino advised the Board that the Applicant still proposes to develop the 22 residential units in the exact same location & project features but desires to phase the project for financing purposes. To that end, the Applicant is proposing to subdivide the property into three (3) lots with proposed Lot A containing two (2) buildings with a total of eight (8) units, proposed Lot B fronting on 24th Avenue containing two (2) structures & eight (8) residential units and proposed Lot C fronting on both 24th & 25th Avenues containing two (2) buildings with six (6) residential units, a pool & a pool house. Ms. Corino advised the Board that each lot will develop its own condominium association for the units on each site and there will be an umbrella association over all three smaller associations to handle issues regarding the pool, pool house and easements necessary for the use of the property. Ms. Corino also advised that the Applicant will immediately complete the requirement of Condition 3 of the prior approval by placing a restriction in the Master Deed restricting use of the first floor area of each unit as a separate residential unit. The element regarding the public offering will not be included.

Vincent C. Orlando, a PE & PP with Engineering Design Associates (EDA), P.A., appeared, was sworn & testified from his siteplans which were received by the Board & incorporated as fact. The Board was also in receipt of a major siteplan of Stephen C. Martinelli Land Surveying, LLC which was incorporated as fact. Mr. Orlando testified that he believes that this is a very simple application since there are no changes to the prior approval except for drawing lines on a piece of paper & subdividing a lot into three (3) lots. He testified that all of the buildings from the prior approval will be constructed as planned, in their exact locations & configurations, including the driveways, pool & pool house. Mr. Orlando testified that proposed Lot A, which fronts on 25th Avenue, will be a 134 ft x 100 ft lot, and will have two (2) buildings with eight (8) units. Lot B, fronting on 24th Avenue, will also be a 134 ft x 100 ft lot containing two (2) buildings & eight (8) units and Lot C, which will run from 25th Avenue to 24th Avenue, will be an 86 ft x 200 ft lot and will be developed with two (2) buildings, six (6) units, a pool & a pool house.

Joseph Mahoney, the sole owner of the limited liability company, who is the Applicant in this matter, appeared, was sworn & testified on behalf of the application. Mr. Mahoney testified that he is subdividing the lot in three (3) to allow for the phasing of the project which will facilitate his financing to complete the project. He noted that the driveways, which will service the entire project, have already been completed.

Mr. Petrella, Board Engineer, appeared, was sworn & testified as to the application & from his review memorandum which was received by the Board. and incorporated as fact. Mr. Petrella opined that this application was for a simple subdivision which was previously approved & the Board should not be concerned with the form of ownership. Mr. Murphy, Board Planner, appeared, was sworn & testified as to the application from his review memorandum. Mr. Murphy testified that, in his opinion, now that this property is located in the M/C Zoning District, the uses are not permitted & a "d" variance

is required. Solicitor Marcolongo opined that he could understand Mr. Murphy's position; however, he believed that the Permit Extension Act did protect this project.

Upon questioning from the Board, Mr. Orlando testified that all of the gray areas on the siteplan & the subdivision plan were easement areas except for the pool & pool house which will be common areas for the entire project.

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

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the subdivision & siteplan application. Each Board member gave reasoning for their view of the facts & the application as it relates to 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 currently M/C, with the PEA in effect for the use of the property of the former Zoning District of OB-2 & prior approval is protected as extended by the PEA. The Board finds that the prior approval granted the Applicant preliminary & final siteplan approval to construct 22 dwelling units in six (6) individual buildings together with the development of a pool & pool house on the property which was then located in the OB-2 Zoning District. Since that time the subject property has been rezoned into the M/C Zoning District which does not permit residential units, however, the Applicant's prior approval is protected as extended by the PEA. All conditions associated with this project & incorporated into Resolution P-12-8-1 shall remain in full force & effect except as modified herein. The Board accepts the testimony & representations that nothing on this project will change from the prior approval except for the subdivision of the lot & the creation of four (4) condominium associations to oversee the project. The Applicant has agreed to numerous conditions of approval which are incorporated herein to the pending Resolution of Approval. The Board finds that the subdivision & siteplan is compatible with the Ordinance. No additions or correction to the finding of facts. No discussion on the facts.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Mr. Harkins & 2nd by Ms. Haas. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call of the Board members, the vote being affirmative, the application was approved by the Board.

D) PUBLIC PORTION:

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

J) APPROVAL OF MINUTES: – April 13, 2016 meeting

The Board Solicitor presented to the Board the approval of April 13, 2016 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 as proposed by Mr. O’Connell & 2nd by Mr. Greenland. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved. Mr. Harkins, Mayor Rosenello, Councilman DelConte & Ms. Haas abstained on the memorialization vote.

K) UNFINISHED BUSINESS:

Planning Board By-Laws review:

With the absence of Mr. Green, discussion of the Planning Board By-laws will be deferred to next month’s meeting.

Future Master Plan amendments/planning:

Chairman Davis requested a new agenda item be placed on the future agenda that the Board could comment on new Master Plan topics and/or Ordinance amendment suggestions. The Board Secretary would keep a list of Ordinance amendment suggestions. Chairman Davis recommended that this discussion be left on the Agenda for future discussion of the Board.

L) COMMUNICATION(S):

M) REPORTS:

Executive Session/Closed Session

The Board members who participated last month’s Executive Session/Closed Session then reviewed the Meeting minutes memorialization regarding the pending litigation of Marina Bay Towers. The Board Solicitor passed out copies of the Executive Session/Closed Session Meeting minutes only to those Board members. The Board went into the recess to review the minutes. Upon conclusion of the recess, the Board Solicitor called for a motion to approve Executive Session/Closed Session Meeting minutes as reviewed. Motioned by: Mr. O’Connell & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, motion was approved to approve the memorialization of the Meeting minutes. Mr. Harkins, Mayor Rosenello, Councilman DelConte & Ms. Haas abstained on the memorialization vote. The Meeting minutes were then collected from the Board members, as they were considered confidential until conclusion of the Marina Bay Towers litigation.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:21pm, on motioned by Mr. O’Connell & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, motion was approved.

APPROVED: _____
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.