

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	Present	Mr. William Green	Absent
Mr. John Harkins	Present	Mr. George Greenland	Present
Ms. Jodie DiEduardo	Present	Councilman David DelConte	Absent
Mr. Bill Auty (Alternate 1)	Absent	Mr. William O'Connell (Alternate 2)	Present
Mr. Ron Peters (Alternate 3)	Present	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 did conduct the truth swearing of the Board's professionals as it was necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) MEMORIALIZATIONS: None presented.

H)

NEW BUSINESS:

Chairman Davis disqualified himself from the next proceedings due to owning property within 200 feet of the following application for development. Chairman Davis passed the gavel to Vice-Chairman Flynn, who led the proceedings & the meeting from this point forward. Chairman Davis then steps down from the dais & took a seat in the public gallery.

**P-16-6-1 – Debra Fynes**

Block 156, Lot 13

212 New York Avenue

R-2 Zoning District

Variance siteplan approval – new home construction

Ms. Debra Fynes residing at 212 New York Avenue, has applied to the Board for variances for lot area (1,750 sq. ft. existing where 4,000 sq. ft. is required), lot frontage (35 ft. proposed where 40 ft. is existing), lot depth (50 ft. existing where 100 ft. is required), rear yard setback (3 ft. proposed where 10 ft. is required), front yard setback (7 ft. 6 in. proposed where 10 ft. is required), side yard setback (2 ft. proposed where 4 ft. is required), total side yard setback (7 ft. proposed where 10 ft. is required) & building height (29 ft. 6 in. proposed where 27 ft. is required), from the requirements of Section 276-34(B)(9) of the Land Development Ordinance (Ordinance), to demolish an existing single-family dwelling & construct a new single-family dwelling at Block 156, Lot 13, commonly known as 212 New York Avenue. The subject property is located in the R-2 Zoning District.

Cory J. Gilman, Esq. of the law office of Josephson, Wilkinson & Gilman, PA, appeared on behalf of the Applicant & explained the nature of the application to the Board. Mr. Gilman advised that the subject property is an existing undersized lot with no additional land for purchase. The Applicant proposes to demolish the existing single-family dwelling & construct a new single-family dwelling which will be the primary residence of the Applicant. Mr. Gilman marked as Exhibits A-1 & A-2, two photographs of the subject property.

Stanley W. Tasey, a registered architect in Oceanview, NJ appeared, was sworn & testified on behalf of the application & from his plans which were received by the Board & incorporated as fact. Mr. Tasey testified that the subject property is a small 30 ft. x 50 ft. lot which has been developed with a 1-story single-family dwelling. The property is surrounded by residences, many of which are 2-story dwellings. Mr. Tasey testified that in addition to being an undersized lot, there exist several non-conforming conditions on site. Specifically, it is currently developed at 2.51 in. from the rear property line & only 1.2 ft. from the left side yard. The Applicant's proposed development will improve both of these conditions. In addition, Mr. Tasey testified that the current home has been constructed 2 ft. below base flood elevation (BFE). The Applicant proposes to raise the finished 1st floor to 13.2 ft. which will protect same from flooding & provide for parking underneath the structure. He noted that this building was constructed circa 1929 & does not meet current plumbing, electric or construction code requirements. Testifying from his development plans, Mr. Tasey stated that the grade level of the building will have a 2-car garage & storage. The curb cut will not be changed. The 1st habitable story of the building will contain three (3) bedrooms & two (2) baths & the 2nd habitable story will have a great room & a half bath. Mr. Tasey testified that the original development plans had called for a building at a height of 30 feet from BFE. This would have required a D-6 variance. The Applicant

proposes to reduce the building at 29 ft. 6 in. and, therefore, the height variance is only a C variance. He testified that the height could be reduced more; however, they prefer to have it higher to provide for a greater pitch which is more aesthetically pleasing & provides for additional storage in the attic. Mr. Tasey testified that while the Applicant is requesting a frontyard setback variance only the front porch protrudes into the setback & the building proper maintains a full required setback. Mr. Tasey testified that in his opinion the relief requested can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance. Mr. Tasey further testified that he believes that the positive criteria for the variance relief requested can be granted since the Applicant is improving numerous non-conforming conditions, will construct a new building up to current construction codes, the proposed development will be above BFE, will be within the character of the neighborhood and will provide for a desirable & visual environment. In Mr. Tasey's opinion, the benefits of the variance relief outweigh any detriment such that the variance relief can be granted under the C-2 criteria. In addition, Mr. Tasey testified that he believes that the fact that this is a developed undersized lot constitutes a hardship permitting the Board to grant the variance under the C-1 criteria. Upon questioning from the Board, Mr. Tasey testified that the house itself as it currently sits is "cockeyed" on the lot. That will be corrected & the fireplace on the 1st habitable floor will be within one (1) ft. of the property line.

The Applicant, Debra Fynes appeared, was sworn & testified on behalf of the application. She advised that she had previously used this as a summer home but in 2012 retired to North Wildwood with her two (2) young boys. She desires to make this her primary home but needs some additional room as her boys get bigger. In her opinion, the house is not overbuilt for the lot. Ms. Fynes further testified that the additional height is needed in order to provide for additional attic space so that she can store those items in her attic & get them out of a storage unit. Upon questioning from the Board, she testified that the curb cut will remain in its present location. She further testified that her house was flooded during Hurricane Sandy & she lost her car during the Winterstorm Jonas.

Mr. Petrella, Board Engineer, testified from his review memorandum of August 3, 2016. He relied upon the contents of that report. Board Planner, Mr. Murphy testified from his review memorandum of August 5, 2016. He noted that the proposed porch extends closer to the front property line as currently exists.

During the meeting the Applicant agreed to revise the development plans to inset the garage to provide for a 20 ft. parking space in the front of the garage, to add lattice work around the air conditioning unit for shielding purposes, to have rain gutters on the roof & to reduce the height of the building as set forth above.

Vice-Chairman Flynn 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 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 R-2. The BFE & Finished Floor Elevation (FFE) of the new

structure will be substantially higher than the existing structure. The Board did not hear from members 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: Ms. DiEduardo & 2nd by Ms. Haas.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. Harkins. 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 development application was approved by the Board.

Chairman Davis retook his seat after the application was heard & approved. Chairman Davis then led the meeting from this point forward.

I) PUBLIC PORTION:

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

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

The Board Solicitor presented to the Board the approval of July 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 Ms. DiEduardo & 2<sup>nd</sup> by Ms. Haas. Mr. Harkins abstained due to absence from last month's meeting. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved.

K) UNFINISHED BUSINESS:

Mr. Greenland question whether Hawaiian Beach Resort (P-12-8-1(A)) started construction as per the Planning Board approval/application. The Board approved a minor subdivision at last month's meeting. The Board Secretary informed the Board that the Applicant did submit Construction Permit Applications in a timely fashion, however due to issues with the Construction Office, permits to construct has not been issued.

Ms. DiEduardo brought up the aspect of Jade East Motel/Duplex dwelling application to which the Board talked about at the last month's meeting. The Zoning Officer was to approach the owners of Jade East Motel/Duplex dwelling concerning the approval. Chairman Davis spoke about his discussion with the Zoning Officer, the Resolution of Approval which a duplex structure was approved and there were no conditions imposed that would prevent renting out the duplex units. Some Board members were under the impression the Zoning Board at the time approved a single-family residence. The original siteplan required the Jade East Motel pave the existing grass parking lot.

The Board had a discussion regarding condition of approval regarding the Wawa store while using the gasoline pumps. The Board had concerns regarding missing signage which serve to comply with the Board's condition(s).

The Board had a discussion regarding the subdivision & subsequent development of two (2) single-family dwellings at 14<sup>th</sup> & Surf Avenue as it relates to the Board's condition of approval. Discussion pertained to the existing driveway on Surf Avenue was modified incorrectly with just a new/recently poured raised curb. The Board agreed that the curb/driveway was modified incorrectly & must be fixed. In addition, the modification to the structures was not complied with by the Zoning Officer. The Board discussed on how to prevent these issues in the future.

The discussion also lead to the responsibility of the Zoning Officer & Code Enforcement division as to who has the enforcement authority as it pertains to conditions of approval by the Board.

L) COMMUNICATION(S):

**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.

M) UNFINISHED BUSINESS: None presented.

N) REPORTS: None presented.

**Planning Board By-Laws review:**

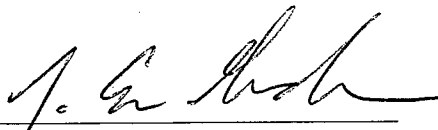
The Board Secretary submitted the final approved Planning By-Laws in the board's packets for distribution. The Board approved of the By-Laws by Planning Board Resolution No. PB-06-2016 at last month's meeting.

O) MEETING ADJOURNED:

Meeting was adjourned at 7:58pm, on motioned by Vice-Chairman Flynn & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: \_\_\_\_\_

9/19/16  
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.*