

North Wildwood Planning Board
Regular Meeting: November 9, 2016
7:00 p.m.

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	Present
Mr. John Harkins	Present	Mr. George Greenland	Present
Ms. Jodie DiEduardo	Present	Councilman David DelConte	Present
Mr. Bill Auty (Alternate 1)	Absent	Mr. William O'Connell (Alternate 2)	Present
Mr. Ron Peters (Alternate 3)	Absent	Ms. Barbara Haas (Alternate 4)	Present

Mr. Dean Marcolongo (Board Solicitor)	Absent
Nathan Van Embden present as Solicitor	
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:

P-16-8-1 Joe Kane

Block 119.03, Lot 2

1308 Delaware Avenue

R-2 Zoning District

“c” variance for Height, other technical variances, raising existing home on undersized lot

Joseph Kane residing at 878 Crescent Avenue, Runnemede, NJ has applied to the Board for variances for frontyard setback (5.6 ft. proposed where 10 ft. is required), sideyard setback (3.5 ft. proposed where 6 ft. is required), rearyard setback (7 ft. proposed where 10 ft. is required), building height (25.8 ft. proposed where 24 ft. is permitted) & a waiver of 50% of contiguous raised curb to demolish an existing single-family dwelling and construct a new single-family dwelling located at Block 119.03, Lot 2, commonly known as 1308 Delaware Avenue. The Applicant is the owner of the subject property which is a 25 ft. x 60 ft. isolated undersized lot in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Ms. DiEduardo & 2nd by Mr. O’Connell. 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.

Z-16-8-2 Richard & Jennifer Romano

Block 177, Lot 17

105 West 13th Avenue

CBD Zoning District

Use Variance, Raising existing home, moving home further back on the lot, adding rear addition & front deck

Richard & Jennifer Romano residing at 105 West 13th Avenue, have applied to the Board for a “d” Use Variance for the expansion of a non-conforming use (an addition to a single-family dwelling in a Central Business District (CBD) Zoning District) the other for variances for lot area (3,000 square feet proposed where 4,000 square feet is required) lot frontage & width (30 ft. proposed where 40 ft. is required) & sideyard setback (4 ft. 4 inches & 1 foot 7 inches where 6 ft. are required, together with a waiver of 50% contiguous raised curb to construct an addition to a single-family dwelling located at Block 177, Lot 17, commonly known as 105 West 13th Avenue.

The Board Solicitor called for a motion to approve the memorialization as discussed. Motioned by: Ms. Haas & 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 memorialization was approved by the Board. Mr. Green & Ms. DiEduardo abstained on the memorialization.

H)

NEW BUSINESS:

Z-16-8-3 Surf 16, LLC

Block 266, Lot 11

1600 Surf Avenue

MC Zoning District

Use Variance, demolishing existing motel, constructing 3 duplexes on one lot

Ms. DiEduardo has a conflict of interest on the foregoing application and removed herself from the Board dais & sat in the public section of the meeting room.

Andrew Catanese, Esq. of the law office of Monzo Catanese Hillegass, P.C., appeared on behalf of the Applicants & explained the application to the Board. Mr. Catanese is requesting Preliminary & Final siteplan approval with a Use Variance approval. Mr. Catanese advised that the Applicants are the owners of the subject property which currently has a motel/business located on same. The property is located in the MC Zoning District. The Applicants propose to demolish the existing motel & develop three (3) townhouse/duplexes residential structures requiring Use Variance relief. Mr. Catanese marked as Exhibit A-1, a photograph of the existing house & existing conditions.

Mr. Catanese requested all eligible Board members were able to vote, with alternate Ms. Haas not voting on the application. Mr. Van Embden confirmed all eligible members of the Board. Mr. Greenland will conduct the finding of facts.

Mr. Catanese introduced Richard Geers, Applicant, appeared was sworn & testified as to the application. Mr. Geers explained that he & his wife own the property and manage the property. He explained that he operates the motel in every regard. He explained that his father formerly owned the property from 1993 who became ill, with Mr. Geers acquiring the property. Mr. Geers explained a substantial amount of money has been invested in the property. \$70,000/year was spent per Mr. Geers. Several refinances were completed to fund renovations. The property is now past its useful life & non-marketable as a motel, per Mr. Geers. The property is "functionally obsolete" per Mr. Geers & his appraisals. The property is now in tax appeal with the City & County. Mr. Catanese introduced property appraisal report prepared by Mark Hanson, certified appraiser, marked as Exhibit A-1. Mr. Hanson was not present.

Several Board members raised the issue with the appraisal report being introduced by Mr. Catanese. This report was not submitted as part of the application, nor was it not on file for the required 10 days before the hearing, despite being made aware by the Completeness Letter issued by the Board in its completeness review. Mr. Van Embden was opined by the Chairman Davis whether it can be accepted by the Board. Mr. Van Embden accepted the report.

Mr. Flynn, Mr. Green & Chairman Davis raised a problem with acceptance of the report. The Board did not want any "surprises" at the Board without opportunity of advance review of the documentation. Mr. Catanese explained he would only reference certain passages in the report. Mr. Van Embden did explain the rationale for accepting the document as an Exhibit. Mr. Catanese tried to explain his rationale of the use of the appraisal. Several Board members had several issues using this

appraisal in the testimony without being able to review & question the author of the appraisal. Several Board members thought the presentation of the report was an unfair “advantage” as it relates to the Use Variance request. Several Board members thought it would be prudent to go forward. Certainly, Mr. Catanese thought the presentation of the report was adequate thru summarization of passages of the report. No further references to the appraisal report were made in testimony of the application from this point.

Mr. Geers then testified to the amount of repairs & expenses he spent in renovations to the property. He went in details of the repairs, expressively highlighting the electrical system inadequacy with typical visitors using computers, hairdryers, etc. overpowering the units/rooms electric service. Mr. Geers testified about his stagnant occupancy rate despite the repairs & his efforts in advertising of the property. Nothing has increased his occupancy rate. Mr. Geers tried to build a new clientele, without any advantage. Comments from his guest(s) were the motel was “dated,” not ADA accommodating, electrical systems failures & inadequate parking. The property is not what people expect of today’s hospitality industry, based on internet comments. Mr. Geer is convinced that the bank/lending industry would not loan or given financial assistance or would the current location of the motel support the mortgage payments of a new motel construction.

Chairman Davis spoke to the design of duplexes relating to the R-1.5 Zoning District is more consistent to the submitted application rather than R-2 Zoning requirements. Chairman Davis question that the duplex plan is better than motel use, to which Mr. Geer & Mr. Catanese agreed. Chairman Davis specified that the MC Zoning District was designed explicit to preserve & enhance motel/commercial use for the tourist based community. Mr. Geer expressed that the motel was non-conforming. Mr. Geer was perplexed why his & only his motel was designated in the MC Zoning District. Mr. Geer stated the Wildwoods Convention Center has done nothing nor provides any incentive to his motel business. The draw of the Convention Center has done nothing for his business. Due to the age/old of the motel, Mr. Geer expressed there cannot be viable motel operation in the location due to the distance from the beach. The insurance on the motel ended the “pet-friendly” atmosphere of the motel operation. Mr. O’Connell questioned whether Mr. Geer has put the motel up for sale, to which Mr. Geer said no with explanation that he has tried heart & soul to make the business viable. The bottom line that Mr. Geer explained the motel structure, the “bones are bad” & the motel is dated beyond it’s useful life. Re-investment is not viable. The “90-day season” does not have the economics payback to today’s tourist season. It’s a Memorial Day to Labor Day season, with a 50-70% occupancy rate. There really no occupancy/reason after that point in the season to justify “keeping the lights on.” The motel is officially closed after Irish Weekend. There is no business/no customer during the week after September 1, with Labor Day being the exception.

At this point in time, Mr. Catanese requested a 3-5 minute break in the testimony to confer with his applicant. The Board took a five (5) minute recess as requested by the Chairman Davis. After the recess concluded, Chairman Davis re-opened the meeting for the record.

Chairman Davis suggested that the R-1.5 Zoning District requirements be examined as it relates to the siteplan. Parking should be looked at in detail to avoid parking on-street. Chairman Davis suggested the front entrance be decorated & landscaped in such as way it looks like a single-family residence along Surf Avenue. The R-1.5 Zoning District allows duplexes as a conditional use application.

Mr. Catanese requested the application be adjourned to next month's meeting. The Board members concurred to the adjournment. Chairman Davis requested all Board members to hold their application document & plans. No further public notice is needed. Time & place of the next meeting was announced. At this time, the application was adjourned.

Upon conclusion of the application, Ms. DiEduardo returned to her Board seat to the conclusion of the Board meeting.

Board Resolution PB-08-2016

Change Order Request for preparation of Affordable Housing Plan
Heyer, Gruel & Associates

The Board had a need to acquire the services of a professional planner to assist the Board in amending the City's Affordable Housing Plan to ensure same is compliant with its constitutional obligation pursuant to the Mount Laurel Doctrine with said contract negotiated as a non-fair & open contract pursuant to the provisions of NJSA 19:44A-20.5 et seq. Heyer, Gruel & Associates (HGA) of Red Bank, NJ submitted a proposal to render professional planning services to the Board in an amount not to exceed \$17,500.00 & on April 14, 2016, by Resolution PB-04-2016, the Board awarded the professional services contract to HGA. In the course of carrying out the scope & intent of its contract, HGA has determined that as a result of the existing builders remedy lawsuit involving the City of North Wildwood & Anglesea Properties, LLC, the scope & extent of the project is beyond that which HGA could have reasonably anticipated & this increase in the scope of the services requires additional funding in the amount of \$6,000.00 which the Board deems appropriate considering the additional work that is to be undertaken under this contract, for a total contractual amount of \$23,500.00, with all remaining terms of the agreement to remain in full force & effect.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Mr. Greenland & 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 vote being affirmative, the Resolution was approved by the Board.

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:** – October 12, 2016 meeting

The Board Solicitor presented to the Board the approval of October 12, 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 & 2nd by Mr. Harkins. Mr. Green 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: None presented.

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.

Chairman Davis discussed possible Master Plan developments as it relates to closures of Grace Oil site, Shell Station gas station, the Triangle/Nino's Restaurant & McDonald's Restaurant. The D/E & CBD Zoning Districts need possible changes to incentives to development in the area of the City's Gateway entrance corridor. The Board also conceptually debated the loss of commercial properties in the City at the "gateway" along New Jersey Avenue. The closing of McDonalds at New Jersey & Walnut Avenues was the catalyst of this discussion. Some planning effort needs to be done to re-develop the area. What kind of business can the City attract. Chairman Davis asked the Board to start thinking about possible changes of merit. Several Board members used example of development/construction restraints in hindering new development. Mr. Green requested that the Board professional to provide suggestions.

Mr. Greenland questioned the status of Coconut Cove/aka Paradise Cove development. The Board Secretary responded the Applicant just recently received his NJDEP CAFRA permit to allow him to construct the development. Paradise Cove, a major subdivision with 10 building lots at the intersection of North Spruce & Maryland Avenue, as a whole, was also discussed as to outstanding conditions of Approval. Duplexes & single-family homes can be developed. As a condition of Board approval, a bulkhead was required. The State NJDEP has mandated a "Living Shoreline" rather than a true bulkhead. The Review Committee was tasked to determine whether this is a "substantial change" under the Land Development Ordinance & caused a re-review of the application by the Board. The Review Committee has reviewed this change & determined that it is not a substantial change unless the Living Shoreline is less than eight (8) feet from mean low water to top of the shoreline/public access walkway. The Board took the recommendation of the Review Committee & agreed.

Discussion: 2017 Board Meeting Dates

The Board Secretary presented to the Board preliminary dates to the Board Meeting Dates for 2017. The Board discussed a conflict for November to which November 15, 2017 was chosen as the alternate date. Board ratified the 2017 Schedule & Board Secretary will present formal Board Resolution for next month's meeting for adoption by the Board.

Discussion: Board Holiday Party

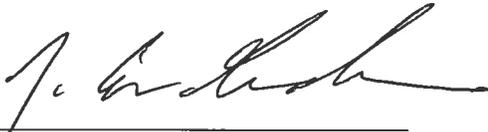
The Board decided to hold its Holiday Party after the New Year.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:07pm, on motioned by Ms. DiEduardo & 2nd by Ms. Haas. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 12/29/16
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.