

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	Present
Chief Matt Gallagher	Present	Mr. William Green	Present
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)	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:

**P-16-11-1 Robert Finn**

427 W. Oak Avenue

Block 105, Lot 5

Siteplan Approval – Home Occupation

Robert G. Finn, residing at 427 West Oak Avenue, had applied to the Board for final minor siteplan approval & variance relief for a number of parking spaces (two (2) proposed, where three (3) are required) to conduct a home occupation (certified public accounts/financial advisor), a property located at Block 105, Lot 5, commonly known as 427 West Oak Avenue.

The Applicant, Robert Finn, appeared pro se & explained the nature of the application to the Board. Mr. Finn advised that he is a retired certified public accountant & has a single-family dwelling which is located in the R-1 Zoning District. Mr. Finn desires to conduct a home occupation from the subject property. He proposed to convert one (1) bedroom in the home into a business office. Mr. Finn testified that he has approximately one dozen clients who he continues to serve as their account & financial advisors and occasionally these clients desire to meet with him face-to-face. Mr. Finn testified that all business operations will be done within one-bedroom in his house which will be converted into an office & he will have no employees. Mr. Finn testified that he lives alone & he has one (1) motor vehicle. He had two (2) off-street parking spaces & he believes that this is more than sufficient parking for his small business operation. However, since he is required to have two (2) parking spaces for his residence & one (1) for the home occupation, he is requesting variance relief for the one (1) parking space. Mr. Finn testified that there is substantial on-street parking around his property and this area is not subject to parking difficulties, even during the summer months. Mr. Finn submitted a survey and photographs of his property in support of his application.

Mr. Petrella, Board Engineer, testified to the application, concurring that the Land Development Ordinance (Ordinance) requires that the Applicant obtain minor siteplan approval to operate his business & that there is a need for a parking variance. Mr. Murphy, Board Planner, testified from his Review Memorandum of December 9, 2016, which was received by the Board & incorporated as fact. He also concurred that siteplan approval & a parking variance was necessary.

Chairman Davis then opened the application for general public comment. No members of the public testified to the application. No further 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-1. The Applicant is the owner of the subject property, as such, has standing to appear before the Board requesting minor siteplan approval & a parking variance to operate a home occupation within his single-family dwelling. Home occupations are permitted in the R-1 Zoning District, so long as the Applicant appears before the Board for siteplan approval. The Applicant proposes a modest 18 in. x 18 in. unlighted sign to be attached to his building which will set

forth his name, address & professional licenses. The Board finds that except for the variance relief request, the Applicant has satisfied the requirements for minor site plan approval. 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: Vice-Chairman Flynn & 2nd by Mr. Green. 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. Mr. O'Connell, Mr. Peters & Ms. Haas were not required to vote.

**Board Resolution PB-09-2016**  
2017 Meeting Dates of the Planning Board

The Board Secretary provided the Board in their meeting packets Resolution PB-09-2016, for meeting dates of the Board for Year 2017, this Resolution is submitted for approval.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by: Mr. Harkins & 2nd by Mr. Greenland. 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, the Resolution for the meeting dates was approved.

**Z-16-8-3 Surf 16, LLC**  
Block 266, Lot 11  
1600 Surf Avenue  
M/C Zoning District  
Use Variance, demolishing existing motel, constructing 3 duplexes on one lot

The matter was originally commenced at the Board's regular meeting of November 9, 2016. Nathan Van Embden, Esq. acted as substitute Solicitor for Mr. Marcolongo for the November 9, 2016 meeting. Ms. DiEduardo, Board member, excused herself from participation & deliberation on this matter as a result of a conflict of interest for the November 9, 2016 meeting. This application was heard by the Board at its regular meeting(s) of November 9, 2016 & continued for the December 14, 2016. Mr. Catanese Esq., attorney for the Applicant, requested the application be adjourned at the November 9, 2016 meeting. Mr. Catanese requested that the matter be tabled to the Board's December meeting to permit a revision of the plans which would more closely compliant with the City's R-1.5 Zoning requirements. The Board members concurred to the adjournment. Chairman Davis requested all Board members to hold their application documents & plans. No further public notice is needed. Time & place of the December 14, 2016 meeting was announced at this meeting of the Board. At the December 14<sup>th</sup> Board meeting, the application was resumed.

Surf 16 LLC doing business at 1600 Surf Avenue, has applied to the North Wildwood combined Planning Board for preliminary siteplan approval & a "d-1" Use Variance for a use not permitted in a Motel Commercial (M/C) Zoning District, (three (3) residential duplexes to be constructed on the property, together with bulk variances for distance between buildings (18.68 ft. proposed, where 20 ft. is required) & distance between buildings where area is used for vehicular traffic (22 ft. proposed,

where 50 ft. is required) to demolish an existing motel & construct three (3) residential duplexes on property located at Block 266, Lot 11, commonly known as 1600 Surf Avenue.

At the November 9, 2016 meeting the Board was in receipt of a survey of Stephen C. Martinelli, dated August 10, 2011 & last revised June 15, 2016. A variance plan of Engineering Design & Associates dated September 22, 2016 & last revised October 20, 2016 was submitted to the Board. Finally, architectural plans of Fine Architecture, dated May 19, 2016 & last revised October 13, 2016 were received by the Board & incorporated as fact.

Mr. Catanese advised that the subject property is located in the City's M/C Zoning District & is currently improved with an older motel. The Applicant proposed to demolish the existing 30-unit motel & construct three (3) residential duplexes on the site. He noted the Applicants are requesting preliminary siteplan approval only, a Use Variance for a use not permitted in a zone & several bulk variances.

During the November 9, 2016 meeting, Richard Geers, the managing partner of the Applicant, appeared, was sworn & testified on behalf of the application. Mr. Geers testified that he & his wife currently own the property which was purchased by their father in 1983 & operated until he became ill. Mr. Geers testified since his ownership of the motel he & his wife have invested substantial sums into this 70-year motel in an attempt to rehabilitate same & make it marketable in today's economy. Mr. Geers testified, however, that the property is "functionally obsolete" and the expenditure of additional monies on the property would be ineffective to bring the property up to current market quality where it can function profitably. He noted that he is currently involved in tax appeals with both the City & the County.

Mr. Catanese marked as Exhibit A-1, an appraisal report prepared by Mark J. Hanson, MAI of the Hansen organization, dated December 10, 2010. It was noted that Mr. Hanson was not present to testify as to this report. Several Board members objected to the admission of the report since it had not been provided to the Board & available to the public at least 10-days prior to the meeting. The Board members noted that it has been the practice of the Board not to accept new evidence on the evening of a hearing. At this meeting Mr. Catanese made no further reference to this report.

Mr. Geers continued to testify as to the extensive repairs & renovations made to the motel between 2011 & 2015 which averaged more than \$75,000.00 per year. He further testified as to his advertising campaign to increase his occupancy rate which was not successful. He noted that guests commented that the motel was "dated," not ADA accommodating, the electrical systems tended to fail & there was inadequate parking. Mr. Geers testified that he had considered demolition of the existing motel & the reconstruction of a new one on the site, however, he was convinced that the financial industry would not lend the necessary funds to reconstruct the motel at its present location & even if he did find financing, the anticipated revenues from the motel would not permit him to pay his mortgage. Mr. Geers testified that he cannot operate an economically viable motel at this location given its current condition, the amenities demanded by today's customers & the property's location, a distance from the beach. He noted that the short summer season limits his ability to successfully operate the business & the City's Convention Center has not benefited the hotel/motel community.

At the November 9, 2016 meeting, Chairman Davis suggested that the subject property is immediately adjacent to the City's R-1.5 Zoning District & that the development of the structures

should be in compliance with those regulations, rather than standard duplexes, which may be beneficial to the application. The Applicant & Mr. Catanese agreed that the plans could be revised to propose to the development that would be more consistent with the R-1.5 Zoning District.

A continuation hearing for the application occurred before the Board on December 14, 2016. Solicitor Marcolongo was in attendance. Prior to commencement of the meeting Mr. Catanese marked as Exhibit A-2 a decision of the Tax Court in the matter of Surf Corporation v. City of North Wildwood, dated January 24, 2014, submitted in a timely manner for review by the Board. The Board was in receipt of a new variance plan under Engineering Design & Associates, dated September 22, 2016, now last revised December 1, 2016. The Board was also in receipt of the Fine Architecture plans, dated May 19, 2016 & now last revised November 29, 2016. The documents were incorporated as fact to the Board.

Don Martin, a licensed real estate agent & licensed real estate broker, doing business at 602 New Jersey Avenue, appeared, was sworn in & testified on behalf of the application. Mr. Martin advised that he is familiar with the North Wildwood real estate market & is a property manager for several "condotels" in the Wildwoods. Mr. Martin testified that in 2014 he was asked by the Applicant to review the property in terms of demolition of the existing motel & constructing a four-story 36 unit & 50 parking space motel on the site. Based upon an average of \$190 per sq. ft. construction cost, he estimated that the building would cost approximately \$9,000,000.00 to construct. Mr. Martin testified that based upon the proposed number of units in the North Wildwood area, that the owner could anticipate gross receipts of approximately \$720,000.00 per year which after payment of operating cost & taxes, would barely cover an anticipated mortgage, let alone result in a profit to the owner. As a result of same, Mr. Martin testified that he advised the Applicant not to construct a new motel & further opined that he did not believe that financing would be available for this type of project. Upon questioning from the Board, Mr. Martin testified that he has had no discussions with the Applicant regarding a sale of the property & that in his opinion a "condotel" would not be practical. Upon questioning from Mr. Catanese, Mr. Martin testified that he believes that use of the adjacent R-1.5 Zoning requirements would be the best plan for this property & development of duplexes on the site. He believes that three (3) duplexes could be built adjacent to Surf Avenue with a fourth in the rear resulting in eight (8) available units.

Pamela Fine, a licensed architect, appeared, was sworn & testified on behalf of the application & from the plans that were submitted to the Board & incorporated in fact. Ms. Fine testified as to the floor plans of each duplex & noted that she had revised the plans to meet with the R-1.5 Zoning requirements. Ms. Fine testified as to the architectural features on the exterior to the building, noting that the 2-units were not mirror images of one another. She testified as to the differences between the 2-units, specifically, with regard to the entrances. Upon questioning from the Board regarding an "office" on the floor plans, Ms. Fine testified that since there was no closet & no bedroom associated with this planned office, she believes it should be considered as an office rather than a bedroom. In addition, she believes that the room is too small to accommodate a bedroom. There was concern by the Board that the office could be converted into a bedroom at a later date, thus requiring additional parking. Ms. Fine objectively confirmed her plans were intended to be an office.

Vincent Orlando, a licensed engineer, professional planner & professional landscape architect, with Engineering Design & Associates appeared, was sworn & testified on behalf of the application & from his revised plans as set forth above. Mr. Orlando testified as to the current development on the

site, the zoning district requirements & development in the neighborhood. Mr. Orlando further testified as to the new plan which proposed duplexes that could appear to some as being single-family dwellings & most importantly have the garages in the rear of the building. Mr. Orlando testified that the proposed development with the rear garages provides a more aesthetically pleasing exterior appearance & removes all curbcuts on Surf Avenue thus providing more on-street parking. Mr. Orlando testified that even if these units were considered to be five (5) bedroom units, sufficient parking was provided onsite when one considers the on-street parking. Mr. Orlando testified that he believes that this is an appropriate plan since the proposed development is well below coverage requirements particularly since this is an oversized lot. He further noted that the proposed development eliminates many existing nonconforming conditions. Mr. Orlando testified that given that fact that this is an oversized lot, the density is proposed at one (1) unit for 3,622 sq. ft. which is much less dense than adjacent residential construction. Upon questioning from Mr. Catanese, Mr. Orlando testified that he believes that special reasons exist for granting of the Use Variance request, specifically, that the proposed development provides for a desirable visual environment, it provides sufficient space in an appropriate location for a variety of uses & lessens the cost of development. Mr. Orlando further testified that he believes that the negative criteria is met by the proposed development in that there is a removal of a functionally obsolete motel which is an eyesore with insufficient parking. He notes that the proposed development meets the bulk standards of the adjacent R-1.5 Zoning District & it encourages the renovation of obsolete structures. He further noted that the proposed development is a less intense development than what could be constructed on the lot. Upon questioning from the Board, Mr. Orlando testified the Applicant proposes demolition of the structure in the winter of 2017 & would be proposing a phased development at final siteplan approval. At that time a more developed landscaping plan will be presented.

In addition, the Board was in receipt of a Review Memorandum of Mr. Peterella, Board Engineer, dated November 1, 2016. The Board was in receipt of a Review Memorandum from Mr. Murphy, Board Planner, initially dated September 31, 2016, & last revised December 5, 2016 which was incorporated as fact. Mr. Murphy commented from his review memorandum which was submitted to the Board. He questioned why the Applicant had not considered development of other permitted uses in this Zoning District. He further testified that if this application was ultimately approved, the Board should consider eliminating this small portion of the M/C Zoning District.

Upon questioning from the Board regarding the number of handi-cap parking for the disabled, Mr. Orlando testified that the Applicant could revise his plans to evidence one (1) handicap parking space near the pool. It was agreed that this issue should be addressed at final siteplan approval.

Chairman Davis then opened the application for general public comment. The matter was opened to the public at which time Jason Hesley, the North Wildwood Tax Assessor, appeared, was sworn & testified as to the application. He advised that he was at the meeting to simply answer any questions of the Board members regarding the tax appeal involving the subject property & the City, which continues to date. Mr. Hesley's only comment was that the plans be revised to add the appropriate addresses at the time of final siteplan approval. There were no members of the public to testify to the application. No further public members wished to speak on behalf of the meeting at this time. No further comment was offered. Chairman Davis closed the public portion of the application.

Mr. Catanese provided a closing summary to his testimony in support of the application.

The Board then took a five (5) minute break in the application. Upon conclusion of the break, the Chairman called the Board & meeting back in session.

The Board Solicitor then stated the City is currently involved in an affordable housing development/"Builder's Remedy" lawsuit pending in Superior Court. The Court has placed an order on the prohibition of approval of major subdivision/major siteplan under the Court's scarce resources restraint. Any approval of the Board would be recommended as a conditional approval subject to the Court's approval of the Board's approval. The Board Solicitor conferred with the Applicant's attorney on this matter. The Chairman stated his displeasure that this application should not be subject to the Court's order.

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 M/C. The Applicant is the owner of the subject property, as such, has standing to appear before the Board requesting major siteplan approval & Use Variance as well as other bulk variances in order to demolish an existing 30-unit motel & construct three (3) duplex structures. Two (2) hearings occurred before the Board. The 1st occurring on November 9, 2016 & 2nd occurring on December 14, 2106 which permitted the Applicant to amend its plans in accordance with certain comments by the Board. The Board received testimony from Richard Geers, the managing partner of the Applicant, testified as to the existing conditions on site & the significant cost of renovations that have been made to the motel since his ownership. He testified however, that even with the renovations his occupancy rate has not increased & the motel is becoming less & less economically feasible as time goes on. The Board received testimony from Don Martin, a real estate broker and agent, who testified as to the fact that the existing motel is not economically feasible and the development on the lot of a new hotel is unlikely to receive sufficient financing. The Board received testimony from Pamela Fine, a registered architect, who testified from her revised plans. She testified that the duplexes have been revised to give the appearance of being a single-family dwellings in accordance with the R-1.5 Zoning District requirements which is adjacent to the subject property. Ms. Fine further testified as to the existing site & the floor plans for the proposed structures. The Board received testimony from Vincent Orlando, licensed engineer & professional planner, who testified as to the existing lot & the development on same, the zoning district requirements & the variance relief requested by the Applicant. Mr. Orlando believed that there were special reasons for the granting for the Use Variance, including providing for a desirable visual environment, providing appropriate locations for a variety of uses & lessening the cost of development. He further testified that the proposed development is less dense than what could be developed on the lot & he opined that the relief requested could be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Land Development Ordinance (Ordinance).

While the Board finds that the subject property is an older motel, which may not be meeting the demands of the current seashore tourist consumer, the Board must focus its deliberations on the Zoning Map & Ordinance. The existing use is a permitted use in the M/C Zone & was rezoned as such in 2011 based upon its existing usage. The purpose of the M/C Zone is to revitalize the City's lodging industry by protecting existing motel facilities from demolition and/or conversion of non-transient use by encouraging the renovation of existing motels to modern standards, there by supporting the City's

tourist-oriented economy as well as supporting the Wildwood Convention Center having both as an amenity in & of itself & as an economic generator for the region. Given the clear & unambiguous intent & purpose of the zoning district, as set forth in the Ordinance & Master Plan, approval of the Use Variance relief would constitute a significance detriment to the intent & purpose of the Zoning Map & Ordinance. Developers should be encouraged to renovate & rehabilitate these motels which constitutes lifeblood of the City's & region's tourist industry. The Board has determined that the Applicant may have demonstrated special reasons for the granting of a Use Variance with respect to the development of a use that is not permitted. However, the Board has determined that the Applicant has not demonstrated that the relief requested can be granted without a substantial detriment to the public good & without substantially impairing the intent & purpose of the Zoning Map & Ordinance

The Board Solicitor called for a motion to accept the finding of facts of the application as discussed. 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 findings of facts were approved by the Board. Mr. Miller (as the Mayor's designee), Councilman DelConte, Mr. Peters & Ms. Haas were not required to vote.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Mr. Green & 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 roll-call vote, Mr. Green, Chief Gallagher, Chairman Davis & Mr. O'Connell voted yes, while Mr. Harkins, Mr. Greenland & Vice-Chairman Flynn voted no, the application was disapproved by the Board. Mr. Miller (as the Mayor's designee), Councilman DelConte, Mr. Auty, Mr. Peters & Ms. Haas were not required to vote.

I) PUBLIC PORTION:

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

J) APPROVAL OF MINUTES: – December 14, 2016 meeting

The Board Solicitor presented to the Board the approval of December 14, 2016 regular meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green requested correction to the minutes on a statement by Mr. Green, which was subsequently deleted for clarification. Motioned as proposed by Ms. Haas & 2<sup>nd</sup> by Mr. Harkins. Mr. Miller, Councilman DelConte, Mr. Auty & Mr. Peters 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:

Chairman Davis mentioned that the Board Professional RFP's were received & if any Board member wished to review them, to see the Board Secretary.



**Discussion: Board Holiday Party**

The Board decided to hold its Holiday Party after the New Year. Possible dates were mentioned subject to the available restaurant schedules. The Board Secretary mentioned the difficulty in finding an establishment opens during the winter season. The selection of restaurant outside of the City limits was to be considered.

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 changes/developments as it relates to changes to the M/C Zoning District per the discussions of the application tonight. Mr. Green also suggested changes to the Home Occupancy standards as it relates to signs & definitions. Vice-Chairman Flynn also suggested sign changes to Home Occupancy standards. Chairman Davis stated that it is time to consider changes to the Master Plan of the city.

Mr. Green commended the Board members for voting on their principles as it related to the Master Plan.

Mr. Greenland commented on the Greater Wildwood Tourist Improvement Development Authority (GWTIDA) initiatives to attract motels/hotels to the activities of GWTIDA.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 9:46pm, on motioned by Ms. Haas & 2nd by Mr. Harkins. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

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

1/13/17  
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.***