

North Wildwood Planning Board
Special Meeting: November 9, 2017
3:00 p.m.

The regular meeting of the North Wildwood Planning Board was held on the above date & time. Adequate notice of this Special Meeting was submitted to the official newspaper(s) 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'	Present
Vice Chair Jodie DiEduardo	Present	Mayor's Designee Doug Miller	Present/Not Vote
Chief Matt Gallagher	Present	Mr. William Green	Present
Mr. John Harkins	Present	Councilman David Del Conte	Present
Mr. George Greenland	Present	Mr. James M. Flynn	Present
Mr. Bill Auty (Alt. 1)	Absent	Mr. Bill O'Connell (Alt. 2)	Absent
Mr. Ron Peters (Alt.3)	Present	Ms. Haas (Alt. 4)	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 that the Board quorum has been established.

D) 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.

E) MOTIONS FOR ADJOURNMENTS: None presented.

F) MEMORIALIZATIONS: None presented.

G) NEW BUSINESS:

P-17-10-1 BG Capitol, LLC (aka Sea Port Pier)

Block 291.01, Lot 1 & Block 317.03, p/o Lot 1

2203 Beach/Boardwalk

Seaport Pier Redevelopment Area (SPRA) Zoning District

Preliminary & Final Siteplan approval

Formal Board action required

BG Capital, L.L.C. doing business at 9310 Keystone Street, Philadelphia, PA has applied to the Board for preliminary & final major siteplan approval to create an entertainment facility, including a restaurant, tavern, pool, several concert venues & retail space together with waivers for architectural features, percentage of bar seats to restaurant seats, height of building, and lack of sufficient information regarding circulation, parking, loading, landscaping, lighting & signage plans, and number & location of beach access points for a redevelopment project in accordance with the Local Redevelopment & Housing Law (N.J.S.A. 40:40A:12A-1 et. seq.) for property located at Blocks 291.01 Lot 1 & Block 317.03 and Part of Lot 1, commonly known as 2203 Boardwalk, North Wildwood, NJ.

Anthony Monzo, Esq., of the Law Offices of Monzo, Catanese & Hillegass of Cape May Court House, NJ appeared on behalf of the Applicant. Mr. Monzo, provided the Board with a summary of the proposed development, which would include a restaurant, tavern, outdoor pool, several concert venues, which would be developed in two different phases. He further acknowledged the request for waivers on the part of the Applicant.

Before the Applicant further testified, Mr. Marcolongo, Board Solicitor, provided the Board & the public with a summary of the history of the subject property, the applicability of the Local Redevelopment & Housing Law (NJ-LRHL), the scope of the Board's authority, & the procedural elements of the application before the Board. Mr. Marcolongo advised that in 2005, the North Wildwood City Council had asked the Board to review the subject property, which included the existing Seaport Village Pier & a portion of the beach surrounding same to determine if the area was in need of redevelopment. On December 7, 2005, the Board adopted a Resolution recommending that the governing body declare the area in need of redevelopment. Thereafter, the governing body declared the area in need of redevelopment & the NJ Department of Community Affairs concurred & approved the Redevelopment Area. Mr. Marcolongo advised that in the Spring of 2006, with the assistance of Remington, Vernick, & Walberg Engineers, the Board created a Redevelopment Plan for the Seaport Pier Redevelopment Area, which was then amended in 2007. Thereafter, the Land Development Ordinance of the City of North Wildwood was amended to create a new Seaport Pier Redevelopment Area Zoning District. Mr. Marcolongo noted that over the last decade, the City had been unsuccessful in obtaining an independent designated Redeveloper for the subject property. However, recently, the City has entered negotiations with the Applicant, BG Capital, L.L.C., for the redevelopment of the pier & associated beach area for the development of proposed entertainment complex. These negotiations resulted in the City & the Applicant entering into a Redevelopment Agreement on August 15, 2017, which set forth the party's legal & financial obligations regarding the proposed redevelopment with the specific understanding that the Redevelopment Plan required siteplan approval from the Board. The Applicant is now appearing before the Board requesting said siteplan approval. Mr. Marcolongo advised that the Applicant will be requesting several waivers from the Redevelopment Plan requirements. He noted that these waivers are not the same as typical C-1 or C-2 variances pursuant to the NJ Municipal Land Use Law

(NJSA 40:51D-70 et. seq.) & the criteria for the waivers is that the Board must find that the deviation requested by the Applicant is reasonable given the purpose of the NJ LRHL, the adopted Redevelopment Plan & the extent of the deviation.

Joseph Byrne of Philadelphia, PA & a principal of BG Capital, L.L.C. appeared, was sworn, & testified on behalf of the application. Mr. Byrne testified that his vision for the project includes the development of a restaurant/tavern with an associated semi-private pool area with three (3) stages for live entertainment. The complex would include a North Wildwood Police substation on the westerly side of the Pier. He testified that he has secured several tenants at this time, and his goal is to be open by the beginning of the 2018 summer season. Mr. Byrne testified as to beach access for the public & the ADA accessibility elements of same. He testified that he intends to have numerous special events on the Pier & on the associated beach area, but these events must be permitted through the City of North Wildwood. Testifying as to deliveries to the restaurant/tavern facility, he noted that the larger trucks will in all likelihood use the 15th Street Beach Access & travel south along the easterly side of the Boardwalk on the access area that currently exists. These deliveries will occur during off-peak hours. Smaller trucks will simply park at the end of the 22nd Avenue & use hand-trucks to bring supplies to the facility. Speaking as to building mechanicals, it was noted that all mechanicals for the restaurant/tavern will be located on the roof & unseen as they will be hidden by a parapet roof. Mechanicals for the pool will be located at the southwest corner of a proposed extension pier & also will be invisible to the public.

Dante Guzzi, a Professional Engineer with Dante Guzzi Engineering Associates of Cape May Court House, NJ, appeared, was sworn, & testified from his proposed siteplan dated October 20, 2017 & last revised October 30, 2017, which was received by the Board & incorporated as fact. Mr. Guzzi discussed the existing conditions on-site & the proposed development. The Applicant proposes to redevelop the existing Seaport Village Pier with a restaurant, bar, & outdoor recreation areas, including two (2) music stages. In addition, Phase 2 of the project will include a Pier extension to the South, which will be developed with an outdoor pool, lounge areas, small live music stage & exterior bar. Testifying as to the waivers requested, Mr. Guzzi noted that the Redevelopment Plan requires that restaurant seats exceed bar seats by a 10:1 margin. Upon questioning from the Board, Mr. Guzzi testified that the Applicant is proposing 104 indoor bar seats, 375 indoor table seats, 30 outdoor bar seats & 170 outdoor table seats. He noted that the Applicant is requesting this waiver & noted that footnote 54 of the Redevelopment Plan anticipated that the percentages required might be incompatible with the proposed development. Mr. Guzzi testified that the Applicant is also requesting a waiver for the height of the building. He noted that the Redevelopment Plan requires that the height of the building be limited to 36 feet within the first 50 feet of the Pier. He testified that the total height of the building would only be 44 feet, but that it would rise to a level of more than 36 feet within the first 50 feet of the westerly portion of the Pier. He did note, however, that this area will be used for a 2-story police substation. Testifying as to the waiver for lack of a circulation, loading, & parking plan, Mr. Guzzi testified that the Pier is at a unique location & there is simply no available room for parking. He further testified that while no loading zone is available in proposed, that deliveries to the pier of supplies will be completed as set forth by Mr. Byrne's prior testimony. He further testified that the circulation of traffic in & around the Pier will not change from the existing conditions. Mr. Guzzi testified that the Applicant is requesting waivers from providing a plan regarding utility controls at this time; however, these elements will be completed to the satisfaction of the City Construction Office & affiliated agencies.

Peter J. Porretta, a Professional Planner with Lighthouse Architects of Hammonton, NJ, appeared, was sworn, & testified on behalf of the application. Mr. Porretta testified from his Seaport Redevelopment

Plan dated October 30, 2017, which were received by the Board & incorporated as fact. Mr. Porretta testified as to all portions of the proposed redevelopment construction. Mr. Porretta confirmed that the proposed development will occur in two (2) stages. The 1st stage will be the development of the restaurant/tavern & concert venues on the existing pier. The 2nd stage will result in the construction of a pier extension to the south of the existing pier, which will be developed with a pool, bathrooms, outdoor bar, & smaller stage area. This extension will be slightly higher than the existing pier to allow for the development of the pool & bathroom facilities. Significant questioning & testimony took place regarding beach access in & around the existing and pier extension & ADA requirements for ramps & other access structures.

Mr. Petrella, Board Engineer, testified that the Applicant's proposed five (5) foot wide ramp was ADA compliant, but that the waiver required by the Applicant is for the number of emergency accesses to the beach from the existing pier & pier extension. He noted that the Ordinance requires four (4) such emergency exit locations, and the Applicant is only proposing two (2). In response to same, the Applicant agreed to revise its plans to add an additional emergency access exit ramp on the south side of the existing pier.

Mr. Porretta testified as to the Applicant's request for a waiver of a landscaping & hardscaping plan since these items are generally not proposed in the project. He did note, however, that numerous vegetation will exist during the summer seasons but will be in landscaping pots. Speaking regarding the signage package, Mr. Porretta testified that the Applicant is proposing a sign over the entrance to the pier & the entrance of the pier extension, and there will be a larger sign on the northerly wall of the building. The Applicant agreed to return to the Board for an informal review of their signage package on the northerly wall of the building. Mr. Porretta testified that the Applicant is requesting a waiver of the need of certain architectural elements on both the north & west side of the building, but noted that the signage package may provide for the architectural elements that the City desired.

Chairman Davis then opened the application for general public comment, at which time the following members of the public came forward to testify:

- a. Christopher Altimeri of 22nd Avenue, North Wildwood, NJ appeared, was sworn, & testified as to his concerns regarding the application. He expressed concerns that the larger special events would result in loss of beach access to the general public. He further testified that trash pickup has not been appropriately addressed, and he has concerns for a smell associated with trash storage until removal. Joseph Byrne responded to same advising that he intends to have dumpsters with lids under the pier & that there will be daily trash pickup. Mr. Altimeri also expressed concerns as to what the Applicant means by the semi-private pool. Mr. Byrne responded to same saying that he will be selling seasonal passes for use of the pool but did not discount the possibility that daily fee passes would be available. He was specific, however, that this would not be a free public pool.
- b. Rosemary Johansson of 22nd Avenue, North Wildwood, NJ appeared, was sworn, & testified as to her concerns regarding traffic safety along the access roads for deliveries & the noise associated with early morning deliveries.
- c. Joseph Bucco of 22nd Avenue, North Wildwood, NJ appeared, was sworn, & testified as to his concerns regarding traffic & noise and how it will affect the residents of 22nd Avenue.

- d. Terrence Cassidy of 22nd Avenue, North Wildwood, NJ appeared, was sworn, & testified as to his concerns for deliveries to the pier & suggested that all deliveries be made via the beach access pass.
- e. Donald Kingett, Esq., appeared on behalf of an adjacent condominium association and expressed his clients concerns regarding police presence during the summer season associated with this facility. It was noted that the police substation would be located on site.

The Board was in receipt of a Review Memorandum of Mr. Petrella, Board Engineer, dated November 2, 2017, which was incorporated as fact. The Board was in receipt of a Review Memorandum of Mr. Murphy, Board Planner, M V Engineering, L.L.C. dated November 2, 2017, which was incorporated as fact; and

The Board members then discussed & summarized the siteplan application as presented. The Board then discussed the finding of facts on the siteplan. 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 SPRA. The Applicant is the leasee & contracted/designated redeveloper of the subject property, and, as such, has standing to come before the Board requesting preliminary & final siteplan approval & development waivers for the construction of an entertainment complex. The property consists of a vacant pier of the east side of the Boardwalk adjacent to 22nd Avenue & also contains a portion of the Beach surrounding the pier. The pier was previously an ongoing commercial enterprise, which has subsequently fallen into disrepair, disuse, and has been stripped of all above pier structures. As a result of its inutility & underutilization, the pier & the adjacent beach area has been designated as “an area in need of redevelopment” pursuant to the NJ-LHRL. On August 15, 2017, the City entered into a Redevelopment Agreement with the Applicant for the redevelopment of the subject property pursuant to N.J.S.A. 40A:12A-1 et. seq., specifically the NJ-LHRL. Pursuant to the Redevelopment Agreement, all development on the property will be completed in accordance with the Redevelopment Plan for Seaport Pier Redevelopment Area as adopted by the Board. The Board received testimony from five (5) members of the public who, while not opposed to the project, expressed concerns regarding access to the beach, trash, noise & traffic difficulties associated with deliveries to the site & disruption of the beach & the 22nd Avenue neighborhood during special events. The Applicant agreed to numerous conditions of approval. Significant testimony was elicited regarding deliveries to the property, with the Applicant agreeing to schedule most deliveries before 10AM with the deliveries using the beach access road. The Board finds that the proposed development will not significantly impede or modify existing public beach access. The Applicant is proposing that special events will occur during the summer, both on the pier proper & on the beach. The Applicant acknowledges that they will be required to obtain appropriate special events permits through the City pursuant to the Special Events Ordinance. Trash & recycling will be located underneath the pier & daily removal of the trash will occur. The Applicant will post a demolition performance bond in case of default or construction of the project ends for some reason. The Board specifically finds that except for the waiver relief requested that the Applicant meets the standards & requirements for preliminary & final siteplan approval. The Board specifically finds as to the waiver relief requested that the deviations are reasonable given the purpose of the Redevelopment Law & the Redevelopment Plan. The Board finds that except for the waiver relief requested, that the Applicant has met the requirements & standards with respect to preliminary & final site plan approval pursuant to the Redevelopment Plan for Seaport Pier Redevelopment Area so long as the Applicant complies with the terms & conditions set forth in the approving Resolution. The Board does hereby find that the waiver relief requested by the Applicant are reasonable under the circumstances, particularly given the

purpose of the Redevelopment Law & Redevelopment Plan. The Board specifically finds that the development plans to be fully in conformance with current construction codes. Testimony was provided on the area & the size of the subject property. The purposes of the Zoning law would be advanced by the proposed development. The Applicant has satisfied the requirements for siteplan 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 siteplan application as discussed. Motioned by: Chief Gallagher & 2nd by Vice Chair DiEduardo. 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 affirmative votes, the siteplan application was approved by the Board. Mr. Peters was not required to vote on the application.

H) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment. No further 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.

H) APPROVAL OF MINUTES: – None presented

I) UNFINISHED BUSINESS: None presented.

J) COMMUNICATION(S): None presented.

Chairman Davis announced that the Board Solicitor will be an interim basis due to Mr. Marcolongo’s resignation. Nathan Van Embden, Mr. Marcolongo’s law partner, will cover the Board’s November & December meetings as well as the January Re-Organization meeting through the Board Professional selection process.

K) REPORTS: None presented.

L) MEETING ADJOURNED:

Meeting was adjourned at 5:46pm, on motioned by Vice-Chair DiEduardo & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 1/11/18
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.