

North Wildwood Planning Board
Regular Meeting: March 14, 2018
6:30 p.m.

The regular meeting of the North Wildwood Planning Board (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 Jodie DiEduardo	Present	Mayor's Designee Doug Miller	Present
Chief Matt Gallagher	Absent	Mr. William Green	Present
Mr. John Harkins	Present	Councilman David Del Conte	Present
Mr. George Greenland	Absent	Mr. James M. Flynn	Absent
Mr. Bill Auty (Alt. 1)	Present	Mr. Bill O'Connell (Alt. 2)	Absent
Mr. Ron Peters (Alt.3)	Present	Ms. Haas (Alt. 4)	Present
		Mr. Robert L. Belasco (Board Solicitor)	Present
		Mr. Ralph Petrella (Board Engineer)	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:

Z-18-1-2 Wynnefield, LLC

Block 288.01, Lots 3 & 4

410, 412, & 414 East 25th Avenue

RH Zoning District

Use Variance – construction of eight (8) residential townhomes

This application was announced by the Board Secretary upon request of the Applicant, for adjournments to next month's meeting. The Board Solicitor made the announcement that no further public notices(s) was required to notice this application for the March 14, 2018 meeting. The application will be adjourned for next month's meeting for the March 14, 2018 meeting.

F) MEMORIALIZATIONS: None

G) NEW BUSINESS:

P-17-12-1 Michelle Persson

Block 133, Lot 14

213 W. 26th Avenue

R-2 Residential Zoning District

Driveway length variance

The Board heard & considered the application of Michele Persson residing at 37 Ridge Run Road, Sellersville, PA, owner of the property located at 213 W. 26th Avenue, a/k/a Block 133, Lot 14; seeking variance relief in connection with the size of a proposed off-street parking space (9 ft. x 12.5 ft. proposed whereas 9 ft. x 18 ft. is required). The subject property is located in the R-2 Zoning District.

The Applicant, Ms. Persson, was self-represented in connection with this application. Ms. Persson was placed under oath & was sworn in to testify. Ms. Persson testified that she is the owner of the subject property and she is proposing the installation of a driveway to allow for one (1) off-street parking space. Ms. Persson informed the Board that the proposed parking space she is proposing does not comply with the required size of a parking space (9ft. x. 18 ft.). Ms. Persson indicated that she is proposing an off-street parking space which measures 9ft. x. 12.5ft. Ms. Persson testified that many of the neighboring properties have driveways & off-street parking spaces and the property directly to the east of her property has a parking space which is similar in size to that which she is proposing. She indicated that during the summer months she has difficulty locating a parking space near her home. Ms. Persson testified that she is planning to move to North Wildwood full-time in the near future & she would like to have an off-street parking space available to her as she feels it would be more practical to have the use of an off-street parking space. Ms. Persson testified that the parking space will extend from the property line to the covered porch located at the front of the home which measures approximately 12.5 feet long. Submitted along with Ms. Persson's application were photographs of the proposed location of the driveway & off-street parking space and photographs of Ms. Persson's vehicle parked in a similarly sized parking space evidencing that her vehicle will fit in the proposed location & will not encroach beyond the property line. Ms. Persson testified that the subject property does not currently have a driveway & there is no available off-street parking on site.

The Board was in receipt of a review memorandum prepared by Board Engineer, Mr. Petrella of Van Note-Harvey Associates, Inc. dated March 5, 2018 which was received by the Board & incorporated as fact.

Chairman Davis then opened the application for public comment. No members of the public came forward to testify. 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 Variance/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 subject property & many neighboring properties have driveways and off-street parking spaces which impacts the number of available on-street parking spaces in the neighborhood, especially during the summer months. The proposed parking space will measure 9ft. x 12.5ft. which will extend from the property line to the covered porch located at the front of the home. The Applicant presented photographs to the Board showing that her vehicle will fit within the proposed parking space. The Board found that a hardship exists with respect to this Applicant due to the size of the lot & the limited available parking within the neighborhood. The Board further found that the proposed development is compatible with the surrounding neighborhood and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent & purpose of the Zoning Map & Land Development Ordinance. Furthermore, the purpose of the Municipal Land Use Law will be advanced by the Application & that the benefits of granting same substantially outweigh any potential detriment. The Board has determined that the Applicant has met the requirements for Variance Plan approval so long as the Applicant complies with the terms & conditions set forth in the forthcoming Resolution of Approval. No additions or correction to the Finding of Facts. No discussion on the facts. This Finding of Fact is intended to memorialize the foregoing findings & conclusions made by the Board during its March 14, 2018 regularly scheduled meeting for this application.

The Board Solicitor called for a motion to approve the application as discussed. The siteplan application of Ms. Persson. is hereby granted & approved subject to the following terms & conditions of the Resolution of Approval. Motioned by: Vice-Chair 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 minor subdivision application was approved by the Board.

P-18-1-1 West Pine Avenue, Inc.

Block 102, Lot 4

424-426 W. Pine Avenue, North Wildwood, NJ

R-2 Zoning District

Minor Subdivision approval

The Board heard & considered the application of West Pine Avenue, Inc. doing business at 2 Dogwood Drive, Lawrenceville, NJ, owner of the property located at 424-426 West Pine Avenue, a/k/a Block 102, Lot 4, seeking minor subdivision approval in order to relocate the existing northwest property line between Lots 3 & 4 located 30' to the southeast resulting in Lot 4 to be re-configured to 60' x 100' & Lot 3 to be re-configured to 70' x 100'. The property is located in the R-2 Zoning District.

Ronald J. Stagliano, Esq. of The Dewese Law Firm located in Wildwood, NJ appeared on behalf of the Applicant & explained the basis of the application to the Board.

Mr. Stagliano informed the Board that the Applicant is a single-member incorporation, which is the owner of the subject property which is located in the R-2 Zoning district. Mr. Stagliano informed the Board that the subject property consists of 90ft. of lot frontage & has a lot depth of 100ft. Mr. Stagliano noted that the adjacent property, 430 West Pine Avenue, a/k/a Block 102, Lot 3, is the Turner's summer residence & currently measures 40' x 100' in dimension. Mr. Stagliano advised the Board that the Applicant was seeking the Board's approval to relocate the existing property line between Lots 3 & 4 - 30 feet to the southeast which would result in Lot 3 measuring 70' x 100' & Lot 4 measuring 60' x 100'. Mr. Stagliano advised that Lot 3 currently contains a single-family home & Lot 4 is currently under construction & will contain a residential duplex structure containing two (2) units. Mr. Stagliano noted that no variances were sought in connection with this minor subdivision application and that the lots & structures will comply with all Zoning bulk requirements within the R-2 Zoning District. Accordingly, Mr. Stagliano opined that this proposal amounts to a by-right subdivision.

Mr. Stagliano distributed an enlarged subdivision plan depicting the proposed relocation of the existing property line which was accepted by the Board & which were marked as Exhibit A-1 at the Board hearing. This same plan was submitted to the Board members in their packets.

Mr. Stagliano introduced John C. Turner, the single-member & owner of the West Pine Avenue Incorporation & his wife Nancy E. Turner, who is the owner of the adjacent property located at 430 W. Pine Avenue which is associated with this minor subdivision application. Both Mr. & Mrs. Turner were placed under oath & was sworn in to testify. Mr. Turner testified that West Pine Avenue, Inc. currently owns Lot 4 & is currently developing a duplex on site. Mr. Turner advised the Board that the property located at 430 West Pine Avenue is his family's summer residence & it is currently titled in his wife's name. Mr. Turner indicated that he & his wife had discussed subdividing the properties to increase the amount of property for their summer residence as they've historically used the vacant property for their personal use. Mr. Turner testified that he purchased Lot 4 earlier this year with the hope to subdivide 30 feet of the property in order to increase the size of Lot 3 to maintain the look of the neighborhood and the land & to preserve the open space which currently exists. Mrs. Turner testified that as the owner of Lot 3 she is not opposed to the proposed subdivision.

The Board was in receipt of a Review Memorandum prepared by Board Engineer Mr. Petrella of Van Note-Harvey Associates, Inc. dated March 2, 2018 which was received by the Board & incorporated as fact. Mr. Petrella concurred that the application was a by-right subdivision with no variances requested.

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

1. Robert Gallagher a resident of the City of North Wildwood sought clarification regarding the subdivision & he was advised that the Applicant was simply seeking to relocate the existing property line between Lots 3 & 4 in order to increase the size of Lot 3.

No further 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 Minor Subdivision 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 Applicant is the owner of the subject property & has standing to come before the Board requesting minor subdivision approval in order to relocate an existing property line. No variances are sought or required in connection with this application. The proposed subdivision meets the standards of the Ordinance. One member of the public spoke out in during the public portion of the meeting seeking clarification as to what the application was proposing. The Board finds that the proposed subdivision is a by-right subdivision. The Board has determined that that the Applicant has met the requirements for minor subdivision approval so long as the Applicant complies with the terms & conditions set forth in the forthcoming Resolution of Approval. No additions or correction to the Finding of Facts. No discussion on the facts. This Finding of Fact is intended to memorialize the foregoing findings & conclusions made by the Board during its March 14, 2018 regularly scheduled meeting for this application.

The Board Solicitor called for a motion to approve the application as discussed. The minor subdivision application of West Pine Avenue, Inc. is hereby granted & approved subject to the following terms & conditions of the Resolution of Approval. Motioned by: Mr. Green & 2nd by Mr. Miller. 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 minor subdivision application was approved by the Board.

Z-17-7-1 Gerald & Kim Mullen

Block 206, Lot 8

118 E. 14th Avenue

R-2 Zoning District

Use Variance – expansion of non-conforming lot – existing duplex

The Board heard & considered the application of Gerard & Kimberley Mullen residing at 400 Valley Road, Suite 304, Mount Arlington, NJ, owners of the property located at 118 E. 4th Avenue, a/k/a Block 206, Lot 8, seeking a D3-Conditional Use Variance in order to renovate an existing duplex located on an undersized lot in the R-1.5 Zoning District. The proposed structure does not meet the required conditions which permit the construction of a duplex in the Zoning District, and ‘c’ Variance relief with respect to the frontyard setback (1 ft. is proposed whereas 10 ft. is required), sideyard setback (totals) (8 ft. is proposed whereas 16 ft. is required) & sideyard setback (each) (4 ft. is proposed whereas 6ft. is required).

Board Solicitor Mr. Belasco, advised the Board that a Conditional Use Variance was requested due to the fact that the duplex proposed by the Applicant does not comply with the conditions set forth within the R-1.5 Zoning District requirements which permits the construction of a duplex provided it meets all of the bulk requirements of the R-2 Zoning District. Mr. Belasco informed the Board that due to the requested frontyard & sideyard setback variances and the fact that the lot is undersized & is non-conforming for a duplex, the Applicant requires a Conditional Use Variance in order to permit the proposed improvements to the existing duplex.

The Applicants, Gerard & Kimberley Mullen, were self-represented in connection with this application. The Mullens were placed under oath & were both sworn in to testify. Mrs. Mullen provided the Board with an

overview of the application & the proposed project. Mrs. Mullen informed the Board that the property currently contains a duplex which the Mullen's are seeking to renovate & repair.

Mrs. Mullen informed the Board that the steps located in the rear of the sideyard are rotting & are only three (3) feet wide which does not comply with current ADA standards. In response to a question posed by Board Member Green regarding the sideyard setback & proposed steps which extend to the property line, Mrs. Mullen testified that the width of the steps was being increased from 3ft. to 4ft. in order to comply with current ADA standards. Mrs. Mullen testified that there is also an existing deck located in the rear of the property which is in disrepair & needs to be replaced. Mrs. Mullen further testified that they are proposing to expand the rear deck to provide additional space. Mrs. Mullen advised the Board that the extended deck will not impact the rearyard setback. Mrs. Mullen testified that they are also seeking the Board's approval to construct a new 144 SF fiberglass deck along the front of the property as the Mullens would like the ability to sit & enjoy the front of the property and the surrounding neighborhood. Mrs. Mullen informed the Board that there is currently a 1 ft. frontyard setback measured from the property line to the existing front steps. Mrs. Mullen testified that with the inclusion of the proposed deck & steps a zero (0) foot frontyard setback would now exist. Mrs. Mullen testified that the proposed front deck will extend to the property line as per submitted/shown on the plans. Ms. Mullen informed the Board that the existing steps extend to the property line, and that a few feet remain between the property line & the sidewalk.

The Board was in receipt of a review memorandum prepared by Board Engineer, Mr. Petrella of Van Note-Harvey Associates, Inc. dated March 5, 2018 which was received by the Board & incorporated as fact.

Chairman Davis then opened the application for public comment. No members of the public came forward to testify. 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 Use Variance/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-1.5. The Applicant is the owner of the subject property and has standing to come before the Board to request a D-3 Conditional Use Variance & 'c' Variance relief with respect to the proposed frontyard & sideyard setbacks. The Applicant was unrepresented in connection this application. The Applicant is proposing to renovate an existing duplex located onsite in order to renovate & repair existing stairs and decks and to construct a deck along the front of the structure. The Board is in receipt of a site plan prepared by Erica E. Mullen, P.E. of Maser Consulting, P.A. consisting of three (3) sheets which are incorporated as fact. The Applicant will submit revised plans which reflect the Board's approvals & the concessions made on the record with respect to the frontyard & sideyard setbacks. The Applicant proposes to replace existing stairs located in the sideyard of the property which currently measure three (3) foot wide with ADA compliant stairs that measure four (4) foot wide. The Applicant will provide a four (4) foot sideyard setback on each side of the property whereas a six (6) foot sideyard setback is required. The Applicant also proposes to construct a front deck which will span the width of the structure & which provide a one (1) foot frontyard setback whereas 10 feet is required. The Board found that a hardship exists with respect to this Applicant due to the fact that the existing duplex is located on an undersized lot. The Board finds that except for the variance relief request, the Applicant has satisfied the requirements for siteplan application approval. The Board further found that the proposal is compatible with the surrounding neighborhood and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the

Zoning Map & Land Development Ordinance. Furthermore, the purpose of the NJ Municipal Land Use Law will be advanced by the application and that the benefits of granting same substantially outweigh any potential detriment. 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. The siteplan application of Gerard & Kimberley Mullen for a D-3 Conditional Use Variance & 'c' Variance relief/siteplan application for expansion of an existing non-conforming use is hereby granted & approved subject to the following terms & conditions of the Resolution of Approval. Motioned by: Vice Chair 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 siteplan application was approved by the Board. Mr. Miller & Councilman DelConte were not permitted to vote due to the NJ-MLUL.

Z-18-1-3 Hawaiian Beach Resort, LLC

Block: 285, Lots: 6.01

2400 Surf Avenue

MC Zoning District

Use Variance – construction of six (6) residential townhomes, in two (2) separate bldgs., new pool & poolhouse

The Board heard & considered the application of Hawaiian Beach Resort, LLC doing business at 101 E. 7th Avenue, North Wildwood, NJ, owner of the property located at 2400 Surf Avenue, a/k/a Block 258, Lots 6.01, seeking preliminary & final siteplan approval, a D-1 Use Variance, a lot frontage variance (86ft. is existing & proposed whereas 100ft. is required), a variance for the location of a pool & pool house (frontyard is proposed whereas rear & sideyard are permitted), and a parking variance (14 parking spaces proposed whereas 15 parking spaces are required) in order to construct two (2) multi-family structures containing three (3) units each for a total of six (6) units. The property is located in the Motel/Commercial (M/C) Zoning District.

Ms. Doreen Corino, Esq. of the Corino Law Office located in Wildwood Crest, NJ appeared on behalf of the Applicant & explained the basis of the application to the Board. Ms. Corino advised the Board that the Applicant is seeking approval to construct two (2) multi-family structures containing three (3) units each for a total of six (6) units along with a pool & pool house. Ms. Corino advised the Board that a D-1 Use Variance is required as the property is located within the M/C Zoning District which does not permit multi-family residential uses.

Ms. Corino advised the Board that the Applicant previously appeared before the Board & was granted minor subdivision approval and preliminary & final siteplan approval pursuant to Resolution P-12-8-1 to construct 22 dwelling units in six (6) individual buildings. That Approval was granted on October 12, 2012. The Applicant again appeared before the Board on May 11, 2016 & received amended major siteplan approval & minor subdivision approval, memorialized under Resolution P-12-8-1(A), to create three (3) lots from the prior Block 258, Lot 6.02, one of which, Lot 6.01, is the subject of this application. Ms. Corino reviewed the relief sought by the Applicant which includes, preliminary & final siteplan approval, a D-1 Use Variance, a lot frontage variance (86 ft. existing and proposed whereas 100ft. required), a variance for the location of a pool & pool house (frontyard is proposed whereas the ordinance permits pools/pool houses only in the side or rearyard) & a parking variance (14 spaces are proposed whereas 15 are required). Ms. Corino advised the Board that the subject property is contiguous to another parcel developed by Hawaiian Beach Resorts, LLC & that all units in

that development have been sold. Ms. Corino noted that the proposed development will share an access & common drive aisle with the contiguous development. A common Master Association separate & apart from the individual condominium associations will be created to oversee & govern these shared features. Ms. Corino noted that cross-easements had been prepared, reviewed & approved by the Board's previous solicitor, Dean Marcolongo, Esq., and that said cross-easements have been recorded with the Cape May County Clerk's Office. Ms. Corino indicated that the requested Use Variance is appropriate as motel development will not enhance this site as the surrounding properties have been developed with similar multi-family uses. Ms. Corino noted that the previously approved access & drive aisles would conflict with motel development & it would result in significant legal complications due to the 22 property owners who enjoy the rights to utilize said access & drive aisle. Ms. Corino distributed a color rendering depicting the proposed townhouses which was accepted by the Board & which was marked as Exhibit A-1. Ms. Corino also distributed a revised side elevation rendering which was accepted by the Board & which was marked as Exhibit A-2. Ms. Corino noted that the properties will front along Surf Avenue and that the drive aisle will be located in the rear behind the structure.

Joseph Garramone, a registered architect with Garramone Architects, LLC, appeared, was sworn & testified from the proposed floor plans submitted to the Board, dated December 28, 2017 & revised February 9, 2018 which were received by the Board & incorporated as fact. Mr. Garramone testified that the project is proposing the construction of two (2), three (3) unit multi-family townhouses with an access & drive aisle allowing one-way access to the site from 25th Avenue exiting on to 24th Avenue. Garages will be accessed from this access & drive aisle along the rear of the property. Mr. Garramone testified that each unit will provide two (2) off-street parking spaces, one (1) in the garage & one (1) in front of the garage, and two (2) guest parking spaces will be provided on site between the proposed structures for a total of fourteen (14) off-street parking spaces. Upon questioning from Ms. Corino, Mr. Garramone testified that the layout of each unit is nearly identical & the ground floor will contain a garage area, a den & a bathroom. The proposed 2nd floors will contain a bedroom, bathroom, a kitchen area, dining room & living room as well as a deck located in the front. The proposed 3rd floors will contain three (3) bedrooms, two (2) bathrooms, a laundry room & a deck. Mr. Garramone testified as to the proposed elevations noting that the exterior of the structures will match the neighborhood & surrounding properties. Mr. Garramone informed the Board that architectural features & design standards were incorporated in order to improve the aesthetics of the buildings & to provide more curb appeal. In response to a question posed by Board Member Mr. Green, Mr. Garramone indicated that no parking changes are proposed on Surf Avenue & that the metered parking which currently exists along Surf Avenue will remain.

Vincent Orlando, PE, a professional engineer & licensed land planner with Engineering Design Associates, P.A., appeared, was sworn & testified from the proposed major siteplans submitted to the Board, dated January 18, 2018 which were received by the Board & incorporated as fact. Mr. Orlando testified that the proposed development is the same design which the Board previously approved for the neighboring property. Mr. Orlando noted that the existing access & drive aisle will service both sites as set forth within the recorded cross-easement. He indicated that the existing access & drive aisle will remain one-way & the existing curbcut will remain unchanged at 18 ft. wide. Mr. Orlando testified that the access & drive aisle is a common element that was incorporated in the prior approved project with the anticipation that it would be utilized for the benefit of this project as well. Mr. Orlando noted that the drive aisle is essentially a common driveway which limits curbcuts in the neighborhood which provides a benefit to the community. Mr. Orlando testified that the townhouses were designed utilizing the OS Zoning District standards which abuts the M/C Zoning District. Mr. Orlando noted that with the exception of the requested variances the proposed development meets all of the bulk requirements of the M/C and OS Zoning Districts. Mr. Orlando noted that a lot depth variance was

initially requested from Surf Avenue to the rear of the property; however, based upon the Board Engineer's review of the siteplan, the Applicant acknowledges that a lot frontage variance is more appropriate as the Ordinance provides "for a corner lot the lot frontage is considered to be the smallest side distance adjacent a street" which in this case would be 24th & 25th Avenues which provide 86 ft. of lot frontage whereas 100 ft. is required. Mr. Orlando noted that this a pre-existing condition. Mr. Orlando testified that landscaping features will be incorporated along 24th, 25th & Surf Avenues in order to improve the aesthetics of the community & the site itself, and to provide a buffer to neighboring properties. Mr. Orlando informed the Board that the Applicant was proposing to construct a pool & pool house in the frontyard & will provide landscaping around the pool & the pool equipment in order to buffer noise & improve the aesthetics. With respect to the pool, Mr. Orlando testified that the Applicant had considered locating the pool between the proposed buildings, but he noted that this location results in significant shade in the pool area. Locating the pool to the southside of the site allows for more sun for a greater period of the day. Mr. Orlando indicated that the Applicant was conscious that the pool could be accessible from the roadway & the Applicant will include a fence in accordance with Ordinance 276-42 to secure the pool from the public. With respect to parking, Mr. Orlando testified that the site provides two (2) off-street parking spaces per unit & two (2) additional guest parking spaces will be located between the proposed buildings for a total of fourteen (14) off-street parking spaces. Mr. Orlando discussed the Residential Site Improvement Standards (RSIS) with the Board & noted that said standards were adopted in 1987 in order to eliminate different standards in different towns. Mr. Orlando testified that the RSIS requires 2.4 parking spaces for a three-bedroom townhouse, and he noted that there are no standards for four/five-bedroom townhouses. Mr. Orlando noted that single-family standards exist up to five (5) bedrooms. Mr. Orlando opined that in light of the fact that the RSIS fails to discuss four-bedroom townhouses he believes that the three (3) bedroom standard of 2.4 spaces per unit should govern, or that alternatively the Applicant is entitled to a de minimis exception as off-street parking is provided & on-street parking is provided as well.

Based upon the Board's discussion & the position of the Board's Engineer that the Board should utilize the four (4) bedroom standard for single-family residences the Board & the Applicant agreed that a parking variance for one (1) parking space is required. Mr. Orlando testified that there is no room on site for an additional parking space. He noted that the Applicant would need to reconfigure the entire project & reduce the size of the pool deck to possibly incorporate an additional parking space which would result in a significant delay & expense. Chairman Davis indicated that he did not find the parking variance to be objectionable. He noted that the Applicant had reduced the proposed development from four (4) units to three (3) units & inquired whether the on-street parking spaces could be metered. Board Members expressed concerns that the proposed den could be converted into a bedroom thereby exacerbating the potential parking issues. In response, the Applicant noted that the den is designed to be open & could not be utilized as a bedroom. The Applicant agreed that as a condition of approval the den would remain open with an open baluster staircase & that no egress window would be installed.

Board Member Mr. Green inquired about access to the drive aisle, in response, Mr. Orlando noted that anyone can access the drive aisle but it is intended to be utilized by the existing 22 units & the additional six (6) units which are being proposed. Mr. Orlando noted that the drive aisle is designed to be one-way traffic with the entrance located on 25th Avenue & the exit on 24th Avenue. The Applicant agreed that as a condition of approval painted arrows & one-way signs will be painted & installed in the drive aisle to depict the flow of traffic, and a stop sign & do not enter sign will be installed at the exit located on 24th Avenue.

Board Member Mr. Green inquired about the location of the pool & the proposed fence, in response Mr. Orlando stated that the pool would be surrounding with a four (4)-foot high wrought-iron fence which would

maintain light, air & open space while still addressing safety concerns & prevent access by the general public. He noted that the inclusion of landscaping will provide privacy to the site & buffer the community from noise. Mr. Orlando testified that the pool is located off of the property line by approximately four (4) feet & it's approximately eight (8) to ten (10) feet off of the sidewalk line. Mr. Orlando noted that motels located in the M/C Zoning District are permitted to construct pools in the frontyard. However, Board Engineer Ralph Petrella noted that motel pools are required to be buffered with parking.

Upon questioning from Ms. Corino, Mr. Orlando testified that there are several special purposes of Zoning which are advanced by the project & which support the Use Variance. Mr. Orlando identified the following special reasons which justify the approval of the project:

- a) It encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals & general welfare;
- b) It promotes the establishment of appropriate population densities & concentrations that will contribute to the well-being of persons, neighborhoods, communities & regions and preservation of the environment;
- c) It provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses and open space, both public & private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and
- d) It promotes a desirable visual environment through creative development techniques and good civic design & arrangement.

Mr. Orlando testified that there is no substantial detriment to the intent of the Ordinance or the Zoning Map as this project is a good alternative to a motel and the proposed development is in line with similar properties & developments in the surrounding neighborhood. Mr. Orlando indicated that the proposed development is aesthetically pleasing & in will mirror neighboring developments. Mr. Orlando noted that the OS Zoning District, which permits this type of development, abuts the M/C Zoning District. Mr. Orlando further testified that there is no substantial detriment to the public good or the surrounding neighborhood as similar developments are located throughout the area.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella of Van Note-Harvey Associates, Inc. dated March 2, 2018 which was received by the Board & incorporated as fact.

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

- a. Michael Dallal of 328 E. 24th Avenue, Unit 210, North Wildwood, NJ testified that he is the current Home Owner's Association president & his unit is located along the existing drive aisle. Mr. Dallal indicated that he is in favor of the project & he is not in favor of a motel being constructed. Mr. Dallal indicated that he believes the proposed color scheme will complete the block & neighborhood & improve the aesthetics.
- b. Michael Blyzniuk of 328 E. 24th Avenue, Unit 212, North Wildwood, NJ testified that he is not opposed to the project. He indicated that he is opposed to a commercial use & he is also opposed to one-way & do not enter signs along the drive aisle as he feels that there is not a safety issue and common sense should dictate when it's safe to enter the drive aisle.
- c. Bryant Vaders of 309 E. 24th Avenue, Unit 100, North Wildwood, NJ testified that he is not opposed to the project. He expressed concerns about the proposed den conversion and the creation of a 5th bedroom, but he was advised by Chairman Davis that the Applicant had agreed as a condition of

approval that the Den would not be utilized as a bedroom & an egress window would not be installed.

No further 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 Use Variance/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 Applicant is the owner of the subject property & has standing to come before the Board to request preliminary & final siteplan approval, a D-1 Use Variance, a lot frontage variance (86ft. is existing & proposed whereas 100ft. is required), a variance for the location of a pool & pool house, and a parking variance (14 parking spaces proposed whereas 15 parking spaces are required) in order to construct two (2) multi-family structures containing three (3) units each for a total of six (6) units. The application to permit the proposed multi-family residential use as townhouses is not permitted in the M/C Zoning District. The subject property currently contains a vacant lot surrounded by similar developments to that which is proposed in connection with this Application. Mr. Orlando, planner for the Applicant, testified as to the positive criteria which supports the relief sought by the Applicant as several purposes of Zoning are advanced in connection with this Application. Mr. Orlando testified that there is not a substantial detriment to the intent of the Zoning Map or Ordinance nor is there a detriment to the public good or surrounding community. The Board found this testimony to be credible. With regard to the Application for preliminary & final siteplan approval the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to preliminary & final siteplan approval for the proposed development. With respect to the D-1 Use Variance, location of the pool & pool house, lot frontage & parking variances, the Board finds that the Applicant has presented special reasons which advance the purposes of Zoning which justify the granting of the aforementioned variances in that it is an appropriate development of land that will promote the public health, safety, morals & general welfare, and it promotes the establishment of appropriate population densities that will contribute to the surrounding neighborhood as similar developments are located in the surrounding area. The Board further finds special reasons for granting the use, lot frontage & parking variances as the proposed development & use is appropriate in this specific location due to the prior development & approvals received by this Applicant and the architectural features incorporated within the structures promotes creative development techniques, good civic design & arrangement. The Board received testimony from three (3) members of the public of whom resided within 200 ft. of the subject property. All three (3) members of the public were in favor of the proposed development & no major concerns were raised in connection with the project. The purposes of Zoning are advanced for the reasons set forth above as the rationale for granting of the use & parking variances requested by the Applicant. As the Board finds that the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good without substantially impairing the intent & purpose of the Zoning Map or 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. The siteplan application of Hawaiian Beach Resort, LLC for a D-2 Use Variance hereby granted & approved subject to the following terms & conditions of the resolution of Approval. Motioned by: Vice Chair DiEduardo & 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 siteplan

application was approved by the Board. Mr. Miller & Councilman DelConte were not permitted to vote due to the NJ-MLUL.

The Board then took a five (5) minute recess. Upon end of the recess, the Board continued the meeting.

It was acknowledged that Board Member Mr. O'Connell arrived at 8:38pm & will participate on the next application.

Z-18-1-4 Anthony Giacobbe

Block 227, Lot 10

2400 Atlantic Avenue

MC Zoning District

Use Variance – construction of six (6) residential townhomes, in two (2) separate bldgs

The Board heard & considered the application of Anthony Giacobbe residing at 2321 Emerald Street, Philadelphia, PA, the contract-purchaser of the property located at 2400 Atlantic Avenue, a/k/a Block 227, Lots 10 & 11, seeking preliminary & final site plan approval, a D-1 Use Variance & a parking variance (14 parking spaces proposed whereas 15 parking spaces are required) in order to demolish all existing structures located on site & construct two (2) multi-family structures containing three (3) units each for a total of six (6) units

Jeffrey P. Barnes, Esq. of The Barnes Law Group located in North Wildwood, NJ appeared on behalf of the Applicant & explained the basis of the application to the Board. Mr. Barnes advised the Board that the owner of the subject property is 24 Atlantic Holdings, LLC, & that the Applicant, Anthony Giacobbe, is the contract-purchaser of said property pursuant to a December 15, 2017 Agreement of Sale. Mr. Barnes advised that the subject property is a 200 ft. x 100 ft. lot located in the M/C Zoning District. Mr. Barnes advised the Board that Lots 10 and 11 have been previously consolidated; however, the Application & plans submitted depict two (2) separate lots. The current use of the property is commercial and currently it houses a restaurant & mini-golf course and an adjacent parking lot. The Applicant proposes to demolish the existing structure & construct two (2) multi-family buildings, each containing three (3) townhouse style units, each with a two (2) car garage. In total the site will provide fourteen (14) off-street parking spaces whereas fifteen (15) spaces are required pursuant to the NJ-Residential Site Improvement Standards (RSIS). Mr. Barnes reviewed the relief sought by the Applicant which includes preliminary & final siteplan approval, a D-1 Use Variance as multi-family residential uses are not permitted within the M/C Zoning District and a parking variance as the Applicant will provide fourteen (14) off-street parking spaces whereas fifteen (15) are required. Mr. Barnes noted that the proposed multi-family residential use is not permitted within the M/C zone which is the basis for the requested use variance. Mr. Barnes noted that the lot & proposed structures comply with all remaining bulk requirements within the Zoning District.

Ms. Pamela Fine, a registered architect with Fine Architecture, P.C., appeared, was sworn & testified from the proposed floor plans submitted to the Board consisting of two (2) sheets dated January 15, 2018 which were received by the Board & incorporated as fact. Ms. Fine testified as to the design & layout of the proposed floor plan of the units. Ms. Fine indicated that the units all measure 24 ft. x 50 ft. consisting of three (3) habitable floors & a garage. The garage will accommodate two (2) off-street parking spaces & provide a storage area for each unit. The proposed 1st floors will contain a master bedroom, a bathroom, kitchen & open living/dining room area. All units will provide decks, foyers & covered landings. The proposed 2nd floors will

contain two (2) bedrooms, two (2) bathrooms, a laundry room, a family room & an open deck. The proposed 3rd floors will contain an additional bedroom, totaling four (4), and a bathroom & storage area. Ms. Fine testified that all units measure the same size, providing 1,067 SF on the 1st floor, 988 SF on the 2nd floor, 394 SF on the 3rd floor & 1,067 SF for the garage. Ms. Fine reviewed sheet A-2 with the Board noting the proposed front & side elevations along 24th & 25th Avenues & along Atlantic Avenue. Ms. Fine testified that the side elevations incorporate design features to make the sides of the buildings appear as if they are the fronts of the buildings. Ms. Fine indicated that the decks were wrapped around the building on the 1st & 2nd floors for continuity & aesthetic purposes, and gable accents were incorporated.

Vincent Orlando, PE, a professional engineer & licensed land planner with EDA, P.A., appeared, was sworn & testified from the proposed major siteplans submitted to the Board dated January 25, 2018 which were received by the Board & incorporated as fact. Mr. Orlando testified that the garages will accommodate two (2) off-street parking spaces but could fit three (3) & possibly a 4th parking space if the storage room were removed. Mr. Orlando noted that stacked parking spaces are not permitted which is why the plans only take into consideration two (2) off-street parking spaces per unit. Mr. Orlando indicated that there is no access to the garages off of Atlantic Avenue, and they are designed to be accessed from 24th & 25th Avenues by way of a 20ft. wide drive aisle which will utilize a 29.5ft. wide curbcut for access. Mr. Orlando noted that there is no vehicle access to the site off of Atlantic Avenue. Upon questioning from Mr. Barnes, Mr. Orlando noted that an approximate 100 ft. long curbcut along Atlantic Avenue will be replaced with continuous raised curbing creating more public on-street parking along Atlantic Avenue. Mr. Orlando testified that the Applicant is incorporating significant landscaping features along 24th, 25th & Atlantic Avenues to provide a buffer to the surrounding neighborhood & properties. Mr. Orlando testified that the site will accommodate drainage through an on-site storm-water management system. The Applicant has agreed as a condition of approval that drainage calculations for the proposed on-site storm water management system will be provided to the Board Engineer for his review & approval. Mr. Orlando noted that building lights will be incorporated for the garages & traditional residential lighting will be incorporated throughout the site. A six (6) foot high privacy fence is proposed along the rear of the property along with a five (5) foot landscape buffer to neighboring properties.

Upon questioning from Mr. Barnes, Mr. Orlando testified that there are several special purposes of zoning which are advanced by the project and which support the use variance. Mr. Orlando identified the following special reasons which support the project:

- a. It encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. It ensures that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- c. It provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and
- d. It promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

Mr. Orlando testified that there is no substantial detriment to the intent of the Ordinance or the Zoning Map as this project is a better alternative given the proposed development & the surrounding community. Mr.

Orlando indicated that the proposed development is aesthetically pleasing & in-line with construction within the surrounding area. Mr. Orlando noted that the O/S Zoning District, which permits this type of development, abuts the M/C Zoning District. Mr. Orlando further testified that there is no substantial detriment to the public good or the surrounding neighborhood as similar developments are located throughout the area. Upon questioning from Mr. Barnes with respect to parking, Mr. Orlando discussed the RSIS with the Board and he noted that the Applicant is providing fourteen (14) off-street parking spaces whereas fifteen (15) are required. Mr. Orlando discussed a de minimis waiver with the Board, and the Board advised the Applicant that a parking variance was required. Mr. Orlando testified that he believed a parking variance had been justified based upon the number of parking spaces provided on site in addition to the numerous improvements made to the site.

The Board was in receipt of a review memorandum prepared by Board Engineer, Mr. Petrella of Van Note-Harvey Associates, Inc. dated March 2, 2018, which was received by the Board & incorporated as fact.

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

1. Brian Baders, who inquired when the Applicant was proposing to start construction. In response to Mr. Baders question the Applicant indicated that they hoped to demolish the existing structure by Memorial Day & begin construction in September.

No further 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 Use Variance/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 M/C. The Applicant is the owner of the subject property & has standing to come before the Board to request preliminary & final siteplan approval, a D-1 Use Variance & a parking variance (14 parking spaces proposed whereas 15 parking spaces are required) in order to demolish all existing structures located on site and construct two (2) multi-family structures containing three (3) units each for a total of six (6) units. The subject property currently contains Jimbo’s Family Restaurant, a mini golf course & a parking lot which services the commercial uses. The Applicant proposes to demolish the existing structures in order to construct two (2) multi-family structures containing three (3) units each for a total of six (6) units. The Applicant advised the Board that the lots in question, Lots 10 & 11, have been consolidated. Accordingly, the Applicant shall submit revised plans reflecting the existing & proposed conditions located on the consolidated lot. With regard to the Application for preliminary and final site plan approval the Board finds that the application meets the standards of the ordinance and the Applicant is entitled to preliminary and final site plan approval for the proposed development. With respect to the D-1 Use Variance & parking variance, the Board finds that the Applicant has presented special reasons which advance the purposes of Zoning which justify the granting of the aforementioned variances in that it is an appropriate development of land that will promote the public health, safety, morals & general welfare, and it provides for a variety of uses in the area which meets the needs of all citizens. The Board further finds special reasons for granting the use & parking variances as the proposed development promotes a desirable visual environment through creative development techniques & good civic design and arrangement due to the architectural features incorporated within the structures and the beautification which will result to the property with the incorporation of the proposed development &

landscaping features. The Board finds that the benefits of granting the use & parking variances outweigh any potential detriment to the public, and that there is no substantial detriment to the intent of the Land Development Ordinance or Zoning Map. The purposes of Zoning are advanced for the reasons set forth above as the rationale for granting of the use & parking variances requested by the Applicant. As the Board finds that the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good. The Board finds that except for the variance relief request, the Applicant has satisfied the requirements for siteplan application 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. The siteplan application of Anthony Giacobbe for a D-2 Use Variance/siteplan application is hereby granted & approved subject to the following terms & conditions of the resolution of Approval. Motioned by: Vice Chair DiEduardo & 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 siteplan application was approved by the Board. Mr. Miller & Councilman DelConte were not permitted to vote due to the NJ-MLUL.

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: –

The Board Solicitor presented to the Board the approval of February 14, 2018 Regular Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Ms. Haas pointed out that professionals of the Board were sworn in for the meeting. Correction as noted will be made upon adoption. No further discussion to the minutes. Motioned as proposed by Mr. Green & 2nd by Mr. Harkins. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved. Mr. Miller, Mr. Auty & Ms. Haas abstained on the minutes.

I) UNFINISHED BUSINESS: None presented.

The Board Secretary distributed the former Planner Criteria – criteria determination for deferral to Board Planner for review development applications. This was distributed to the Board members via their Board packets for discussion purposes in light of the Board rejecting the Board Planner RFP's last month. The Board & Board Solicitor reviewed the document/matrix whereby the determination will be made. The Planning Board Secretary will do reviews for single-family homes & duplexes. A Request for Proposals (RFP's) will be prepared by the City for Board Planner to complete reviews on major projects only, as determined by the Planner matrix.

J) COMMUNICATION(S):

The Board Secretary presented to the Board the following correspondence;
Future Master Plan amendments/planning

Board Solicitor gave a status update on the Master Plan Re-Examination document. The Board Solicitor left messages for the Master Plan consultant to find out what the status on preparation of the Master Plan. No further information was provided. Several applications seeking a Use Variance have been approved by the Board that should have been incorporated into the Master Plan document.

Discussion of the Board regarding a possible subdivision of the Sea Port Pier project. A request by the Sea Port Pier project attorney for an expedited review period so that the minor subdivision application for the April 11, 2018 meeting. The Board allowed the Review Committee of the Board to decided on the expedited request.

K) REPORTS: None presented.

L) MEETING ADJOURNED:

Meeting was adjourned at 9:40pm, on motioned by Mr. Green & 2nd by Mr. Auty. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 5/18/18
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.