

North Wildwood Planning Board  
Regular Meeting: June 13, 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	Present	Mr. William Green	Present
Mr. John Harkins	Absent	Councilman David Del Conte	Present
Mr. George Greenland	Present	Mr. James M. Flynn	Present
Mr. Bill Auty (Alt. 1)	Present	Mr. Bill O'Connell (Alt. 2)	Present
Mr. Ron Peters (Alt.3)	Present	Ms. Haas (Alt. 4)	Absent
		Mr. Robert L. Belasco (Board Solicitor)	Absent
		Mr. Ralph Petrella (Board Engineer)	Present
		Eric Gundrum, (PB Secretary)	Present

David Stefankiewicz, Esq. appeared in the absence of Robert L. Belasco, Esq. for the meeting.

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.

G)

MEMORIALIZATIONS:

**P-18-3-1 Argus Property Group LP**

Block 174, Lot 3 & 3.01  
128 W. 16<sup>th</sup> Avenue  
R-2 Zoning District  
Minor Subdivision approval

The Board heard & considered the application of Argus Property Group LP doing business at 606 Gordon Drive, Exton, PA, owner of the property located at 128 W. 16<sup>th</sup> Avenue, a/k/a Block 173, Lots 3 & 3.01, seeking minor subdivision approval in order to subdivide the existing lots to create a 40' x 100' lot intended for the development of a detached single-family dwelling unit, & a 60' x 100' lot intended for the development of a semidetached/duplex dwelling unit.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. The minor subdivision approval application of Argus Property Group, LP is hereby approved for memorialized subject to the following terms & conditions of the Resolution of Approval. Motioned by: Mr. Harkins & 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. Chief Gallagher, Mr. Greenland, Mr. Flynn, Councilman DelConte & Vice Chair DiEduardo abstained on the vote to memorialize the Resolution. Based on the majority roll-call vote being affirmative, the memorialization of the Resolution was approved by the Board.

**P-18-2-1 Jim Heuser**

127 West 4<sup>th</sup> Avenue,  
Block 186, Lot 1  
R-2 Zoning District  
Minor siteplan approval, w/ "c" variances for frontyard & sideyard setback(s)

The Board heard & considered the application of Jim Heuser, owner of the property, residing at 127 W. 4<sup>th</sup> Avenue, a/k/a Block 186, Lot 1, seeking 'C' variance relief for required lot frontage (60ft. is required whereas 50ft. is existing & proposed), lot width (60ft. is required whereas 50ft. is existing & proposed), lot area (6,000 SF is required whereas 5,000 SF is existing & proposed), frontyard setback (10ft. is required whereas 0ft. is proposed to 4<sup>th</sup> Avenue & 6.7ft. is proposed to New York Avenue), sideyard setback (10ft. is required whereas 1.7ft. is existing & 3ft. is proposed), rearyard setback to the accessory garage (4ft. is required whereas 1.8ft. is existing & proposed), rearyard & sideyard setback to the existing pool (whereas 6ft. is required & 1.3ft. and 4ft. are existing & proposed, respectively), and a curbcut length waiver (whereas a maximum curb cut of 20ft. is permitted whereas 32ft. is proposed), in order to demolish & replace the existing structure with a single-family semi-detached/duplex dwelling unit.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. The minor siteplan/variance application of Mr. Hueser is hereby approved for memorialized subject to the following terms & conditions of the Resolution of Approval. Motioned by: Mr. Harkins & 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. Chief Gallagher, Mr. Greenland, Mr. Flynn, Councilman DelConte & Vice Chair DiEduardo abstained on the vote to memorialize the Resolution. Based on the majority roll-call vote being affirmative, the memorialization of the Resolution was approved by the Board.

H) NEW BUSINESS:

**Z-18-4-2 Jerry Rosenberg**

Block 274, Lot 9  
320 E. 8th Avenue  
R-1 Zoning District  
Use Variance – expansion of non-conforming use

The Board heard & considered the application of Jerry Rosenberg, Applicant/contractor for the owner of the property. The property, residing at 320 East 8<sup>th</sup> Avenue, a/k/a Block 274, Lot 9, seeking a “d” - Use Variance for two (2) structures on one (1) lot as well as a Use-Height variance as an expansion of non-conforming use, & ‘c’ variance relief for sideyard setback.

The Applicant, Jerry Rosenberg, was self-represented in connection with this application. Mr. Rosenberg was placed under oath & was sworn in to testify. Mr. Rosenberg testified that he is the contractor of the renovation of the subject property. The Applicant presented his application. After much discussion & public discussion, the Applicant wished to confer with his client/owner of the property. The Board proposed a 15-minute recess while the Applicant conferred with his client. After the 15-minute recess the Applicant requested the Board’s approval to table the application to the next available Board meeting.

This application was announced by the Board Secretary upon request of the Applicant, for adjournments to the August Board meeting. The Board Solicitor made the announcement that no further public notices(s) was required to notice this application for the August meeting. The application will be adjourned for the Board’s August 8, 2018 meeting.

**Z-18-4-1 White Sands II**

Block 191, Lot 1  
130 West Spruce Avenue  
D & E Zoning District  
Major Subdivision approval  
Use Variance – Mixed Use Commercial & Residential

The Applicant, White Sands, II, LLC is the owner of real property located at 130 West Spruce Avenue, also known as Lot 1 in Block 191. The Property is located in the Dining & Entertainment (D&E) Zoning District. The Applicant now seeks Major Subdivision Approval to subdivide the existing property into five (5) lots, four (4) of which will be utilized for residential development & one (1) of which will be utilized for commercial development. The Applicant proposes to construct a duplex(es) on each of the proposed residential lots & a two (2) story commercial building with parking on the proposed commercial lot. The Applicant now seeks Preliminary & Final siteplan approval with variances & waivers relating to the proposed project. The proposed project will require a Use Variance for the four (4) residential lots which will be utilized for the proposed duplexes.

Cory J. Gillman, Esq. appeared on behalf of Applicant. Michael Mitchell, a principal of Applicant was sworn & testified. Two (2) professionals, namely Vincent L. Orlando, PE, PP, LLA & Brian Newswanger, PA appeared on behalf of Applicant, were recognized as experts in their respective fields, and testified in support of the project. The Applicant sought Major Subdivision Approval to subdivide the existing parcel into five (5) lots

in the D/E Zoning District. The Applicant also sought to construct residential duplexes on four (4) of the proposed lots, and a 2-story commercial building with a parking lot on the remaining proposed lot. The project requires a Use variance for the residential duplexes, while the proposed commercial use is permitted in the D/E Zoning District. The Applicant sought variances as to the residential lots to permit stacked parking in the garages of each duplex (2-spaces inside & 1-space outside each unit); a fence height variance as to the residential lots; a fence height variance as to the commercial lot whereas a four (4) feet front yard & five (5) feet side yard fence is permitted & six (6) feet is proposed along the interior & rear yard lot lines; and for minimum lot coverage as to the commercial lot. The Applicant sought a design waiver for continuous raised curb from 32.5 feet required to 20 feet as to proposed lots 1.02, 1.03 & 1.04.

Mr. Newswanger described the proposed structures & parking areas in substantial detail. With respect to the proposed commercial space, both he & Mr. Mitchell explained that the actual building may deviate somewhat from the proposed elevations & cautioned to Board to recognize that there may be some slight changes to the dimensions & aesthetics of the building. They further explained that the Applicant was actively seeking a buyer or tenant for the commercial use & said that the actual building would be constructed to the specifications of the buyer/tenant. They agreed that to the extent the actual commercial building deviates from that which was approved in any material way the Applicant or other person/entity with standing may have to return to the Board for approval. He testified that the project would be built in phases.

Mr. Orlando testified in great detail concerning the project as it related to the criteria set forth in the NJ Municipal Land Use Law ("MLUL"). He indicates that all requests for variances & design waivers amply satisfied the requirements for same as set forth in the MLUL, specifically N.J.S.A. 40: 55D-70(c)(2), and also that the project met the objectives of the North Wildwood Master Plan & Land Development Ordinance. He opined that the project presented no detriments under the MLUL or North Wildwood's Zone Plan & that the developmental objectives far outweighed any detriments. He testified that the request for the design waiver was reasonable. Applicant referred to several Exhibits during the course of the hearing including a colorized rendition of the siteplan. As these Exhibits were submitted with the application they were not separately marked & admitted but were incorporated into the record by reference. However, one packet of colored elevations & a 3-D rendering was admitted as Exhibit A-1.

The comments of the Board Engineer, Mr. Petrella were reviewed & considered. Mr. Petrella submitted a Review Memorandum dated June 6, 2018 that is incorporated herein by reference. Subject to the comments & conditions set forth in the Review Memorandum, the Engineer generally recommended Applicant's request for all variances & waivers. He further recommended that as a condition of approval the Applicant grade & seed the lot(s) prior to the construction of the 1st building with the exception of the construction staging area on the proposed commercial parking lot. He further recommended that prior to the issuance of any certificate of occupancy(s) (C/O) that the proposed commercial also be graded & seeded as well as maintained. Applicant agreed to comply with all of the comments & conditions set forth in the Mr. Petrella's Review Memorandum & in connection with his testimony including the recommended conditions concerning grading & seeding.

Chairman Davis then opened the application for public comment. Mr. John Yerkov, was sworn & testified, resides at 4 North New York Avenue. His testimony was mostly positive, as he welcomed residential uses for the property. However, he did express off-site traffic concerns in the event the commercial space was built & occupied. The Board Chairman indicated that off-site traffic conditions were beyond the purview of the Board's discretion. As to no other public 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 Major Subdivision approval & Variance/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 D/E. 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 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 Applicant presented adequate & convincing proof that its request for Major Subdivision Approval be granted. The Applicant presented adequate & convincing proof that the Preliminary & Final Major siteplan along with the requested variances be granted. The Applicant presented adequate & convincing proof that a Use Variance for the construction of duplexes on the four (4) residential lots be granted. Applicant agreed to & shall comply with the conditions & comments set forth in the Engineer’s Review Memorandums dated June 6, 2017. All development shall be in accordance with the proposed siteplan, architectural floor plans & elevations. The Board has determined that 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 major subdivision & siteplan application of White Sands II, LLC. is hereby granted & approved subject to the following terms & conditions of the Resolution of Approval. Motioned by: Vice-Chair DiEduardo & 2nd by Mr. O’Connell. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Mr. Miller & Councilman DelConte was not required to vote on the application. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

I) 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.

J) APPROVAL OF MINUTES: –

The Board Solicitor presented to the Board the approval of May 9, 2018 Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Green pointed out some minor errors, which were corrected upon adoption. No further discussion to the minutes. Motioned as proposed by Mr. Green & 2<sup>nd</sup> by Mr. Miller. Chief Gallagher, Mr. Greenland, Mr. Flynn, Councilman DelConte & Vice Chair DiEduardo abstained on the vote to memorialize the meeting minutes. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved.

K) UNFINISHED BUSINESS: None presented.

L) COMMUNICATION(S):

DRAFT Master Plan Re-Examination document as prepared by consultant  
Mayor's comments regarding same above  
*For information only, no Board action required*

Chairman Davis gave a brief update on the status of the Master Plan Re-Examination. A meeting with the Administrative Committee of the City was held with the Master Plan Planning Consultant who was given an opportunity to complete the contracted task. The Planning Consultant will envision on delivering the Master Plan document in early July, 2018.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 9:08pm, 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: 6/17/18  
Date

  
Eric Gundrum  
Board Secretary

*This is an interpretation of the action taken at the meeting by the Secretary, and not a verbatim transcript.*