

North Wildwood Planning Board
Re-Organization & Regular Meeting:
January 9, 2019, 6:30 p.m.

The Re-Organization & Meeting of the North Wildwood Planning Board (Board) was held on the above date & time. Adequate notice of this meeting was submitted to the official newspaper of the City of North Wildwood (AC Press). An Agenda was posted on the main bulletin board at City Hall, on the bulletin board at the Planning/Zoning Office & on the City web site. Notice of same was forwarded to local newspapers for their notice as a as afforded under the Open Public Meeting Act requirements.

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, Mr. Miller	Present
Chief Matt Gallagher	Present	Mr. William Green	Present
Councilman David Del Conte	Present	Mr. John Harkins	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)	Present
		Mr. Robert L. Belasco (Board Solicitor)	Present
		Mr. Ralph Petrella (Board Engineer)	Present
		Eric Gundrum, (PB Secretary)	Present

E) SWEARING IN OF PROFESSIONALS:

The Chairman & Board Solicitor did conduct the truth swearing of the professionals of the Board; Mr. Petrella, Board Engineer for it was necessary for tonight.

F) ORGANIZATION MEETING – ANNUAL APPOINTMENTS FOR 2019

Election of Chairman & Vice Chairman

The Board Solicitor announced the selection of Chairman of the Board position.

Board member Mr. O'Connell nominated Chairman Davis, with Mr. Greenland with a 2nd nomination for Chairman Davis. No other nominations. Motion to re-elect Mr. Davis as Chairman: Motioned by Mr. Harkins, 2nd by Mr. Green. All Board members voted in the affirmative by roll-call vote on the Chairman's nomination, with Mr. Davis abstaining on the nomination. Upon conclusion of voting, Chairman Davis thanked the Board members for his nomination.

The Board Secretary announced the selection of Vice-Chair of the Board position.

Board member Mr. Green nominated Vice Chair DiEduardo, with Mr. Harkins with a 2nd nomination for Vice Chair DiEduardo. No other nominations. All Board members voted in the affirmative by roll-call vote on the Vice Chair's nomination, with Ms. DiEduardo abstaining on the nomination. Upon conclusion of voting, Vice Chair DiEduardo thanked the Board members for his nomination.

Notice Designation of Official Newspapers

The Board Secretary made announcement that the official newspaper for the City as well as the Board, including notices of public meetings, shall be the Atlantic City Press newspaper. The Cape May County Herald & Wildwood Leader newspapers will supplement & serve as special notices of the Board, such as special meetings, cancellations etc. All notices of meetings of the Board shall be posted on the bulletin board in the lobby of City Hall, on the City website & as filed with the City Clerk.

Notice of Scheduled Meetings for 2019 Calendar Year.

The Board Secretary announced Board Resolution No. PB-07-2018 for the Schedule of Meetings for the 2019 Calendar Year. Meeting times & dates were not changed. Based on the passage of the Resolution by the Board, notice has been sent to area newspapers to reflect the schedule & timing of meetings & will be certified by the Board Secretary.

Resolution No. PB-01-2019 - Resolution Appointing Board Secretary

Chairman Davis presented Board Resolution No. PB-01-2019 appointing Eric Gundrum as the Board Secretary for the Board & charged with the responsibility of performing all duties of the Board Secretary to the best of his ability. The anticipated term of this service shall commence January 2, 2019 & end December 31, 2019.

Motion to elect Eric Gundrum as Board Secretary: Motioned by Vice Chair DiEduardo, 2nd by Mr. Greenland, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Secretary's nomination. Board Secretary Eric Gundrum thanked the Board members for his nomination.

Resolution No. PB-02-2019 - Appointment of Board Professional(s) for Year 2019

As for the Board Professional Request for Proposals (RFP'S) as issued & advertised by the City Clerk's office, RFP's received by the Board Secretary for Board Solicitor, only one (1) RFP's were received & evaluated by the Board. Robert J. Belasco of Stefankiewicz & Belasco, LLC submitted the RFP's. RFP's were only received by the current Board Professionals, no other outside firms submitted RFP's.

The Board Solicitor nomination for the Board will be charged with the responsibility of performing all duties of Board Solicitor to the best of his ability. The anticipated term of this service shall commence January 2, 2019 & end December 31, 2019.

Motion to elect Robert Belasco as Board Solicitor. Motioned by Chief Gallagher, 2nd by Mr. O'Connell, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Professionals nomination(s).

Mr. Belasco thanked the Board for his nomination as new Board Solicitor.

As for the Board Professional Request for Proposals (RFP'S) as issued & advertised by the City Clerk's office, RFP's received by the Board Secretary for Board Engineer, only one (1) RFP's were received & evaluated by the Board. Ralph Petrella, Van Note Harvey & Assocs., submitted the RFP's. RFP's were only received by the current Board Professionals, no other outside firms submitted RFP's. The Board Engineer nomination for the Board will be charged with the responsibility of performing all duties of Board Engineer to the best of his ability. The anticipated term of this service shall commence January 2, 2019 & end December 31, 2019.

Motion to elect Ralph Petrella, Van Note Harvey & Assocs., as Board Engineer. Motioned by Mr. Green, 2nd by Ms. Haas, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Professionals nomination(s).

Mr. Petrella thanked the Board for his nomination as new Board Solicitor.

As for the Board Professional Request for Proposals (RFP'S) as issued & advertised by the City Clerk's office, RFP's received by the Board Secretary for Board Planner, only one (1) RFP's were received & evaluated by the Board. Heyer & Gruel & Assocs., submitted the RFP's. The Board Planner nomination for the Board will be charged with the responsibility of performing all duties of Board Planner to the best of their ability. The anticipated term of this service shall commence January 2, 2019 & end December 31, 2019.

Chairman Davis introduced comment whether a Board Planner is warranted by the Board. The Board receives reports by the Board Engineer which are very thorough and comprehensive. As Applicants for development would be charged escrow fees on both Board Engineer & Board Planner reports, Chairman Davis did not see the need for this endeavor. Chairman Davis requested comment from the rest of the Board. Most Board members agreed with Chairman's Davis explanation that a Board Planner would not be needed unless a special project or special planning exercise would be need and the Board then could go out and advertise for proposals. Nominations for Board Planner then commenced. Chairman Davis requested the Board consensus on rejecting the RFP's as submitted. Motioned by Mr. Green, 2nd by Mr. Harkins, with no other nominations. All Board members voted in the affirmative by roll-call vote on the Board Planner RFP to be rejected.

G) MOTIONS FOR ADJOURNMENTS: – None presented.

H) MEMORIALIZATIONS: –

P-18-10-1 Michael Seidenberg

750 W. Oak Avenue, North Wildwood, NJ

Block 29, Lot 22.01

R-2 Zoning District

Variance approval for Finished Floor Elevation (FFE)

The Board heard & considered the memorialization of the Resolution of Approval of Michael Seidenberg (Applicant), residing at 520 Anglesea Drive, the former owner of the property located at 750 West Oak Avenue, a/k/a Block 29, Lot 22.01, filing on behalf of, and with the consent of, the current owners, Brian & Janet Hall (Current Owners), residing at 750 West Oak Avenue, seeking a waiver of site plan review & approval and variance relief from the City's Land Development Ordinance (Ordinance) §276-51, the City of North Wildwood's Flood Damage Prevention Ordinance (requiring the finished floor of a structure to be constructed at elevation 11' whereas 9.28' is existing & proposed), in order to maintain a detached apartment on site, which was originally a detached garage which was converted without permits, which does not comply with the City's Flood Damage Prevention Ordinance.

The Board Solicitor called for a motion to approve the memorialization as discussed. 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. Green, Mr. Flynn, Mr. Miller, Councilman DelConte, Mr. Auty & Mr. O'Connell abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

I) **NEW BUSINESS:** –

Board member Mr. Peters announce a conflict of interest on the next application. He took leave of his seat on the dais & took a seat in the public section. He did not participate on the discussion of the application.

Application Number: P-18-11-1 - David Vitarelli

432 W. 16th Avenue

Block 81; Lot 2

R-2 Zoning District

Minor Subdivision approval

The Board heard & considered the application of David Vitarelli residing at 100 East Tampa Avenue, Cherry Hill, NJ, owner of the property located at 432 W. 16th Avenue, a/k/a Block 91, Lot 2, seeking minor subdivision approval in order to subdivide the existing lot into two (2) separate & distinct lots, with proposed Lot 2 measuring 100ft. x 80.9ft. with 54.5ft. of frontage & proposed lot 2.02 measuring 71.6ft. x 100ft. with 35ft. of frontage, and 'c' variance relief with respect to minimum lot frontage (40ft. is required whereas 35ft. is proposed), with the intentions of constructing a single-family home in the near future.

Andrew D. Catanese, Esq., of the law offices of Monzo, Catanese, Hillegass, P.C. located in Cape May Court House, NJ appeared on behalf of the Applicant & explained the basis of the application to the Board.

Mr. Catanese informed the board that the property is owned by David Vitarelli, the Applicant, & Catherine Binowski. He advised the Board that the property is located within the R-2 Zoning District, and the Applicant is seeking minor subdivision approval in order to create proposed Lots 2 & 2.01, and 'c' Variance

relief related to lot frontage for proposed lot 2.02 as 35ft. of frontage is proposed whereas 40ft. is required. Mr. Catanese indicated that the property is an oversized irregularly shaped lot which provides nearly 4-times the required lot area, 16,898SF, within the R-2 Zoning District. He noted that the lot itself is irregularly shaped & is located in a unique waterfront location.

At this point of the meeting Vice Chair DiEduardo excuses herself from the meeting due to illness. She left the meeting & did not return.

Mr. Catanese argued that the requested variance could be considered by the Board under both the “c-1” & “c-2” Variance criteria as the proposed variance is sought on the basis of hardship & it also advances several purposes of Zoning. Mr. Catanese advised the Board that the Applicant’s intentions are to construct a single-family home on the newly proposed lot in the near future. He further advised the Board that the Applicant has already sought & received NJ-CAFRA approval from the New Jersey Department of Environmental Protection (NJDEP).

Mark J. Gibson, PLS, a licensed professional land surveyor, with Gibson Associates, P.A., appeared before the Board & was accepted as an expert in the field of land surveying. Mr. Gibson was placed under oath & he testified from the proposed minor subdivision plan submitted to the Board, consisting of one (1) sheet, dated October 29, 2018, which was received by the Board & incorporated as fact. Mr. Gibson testified that the property is identified as Block 91, Lot 2 & it is located at the terminus of 16th Avenue. He stated that the property consists of 16,898 square feet & is currently developed with a single-family home. The proposed lot containing the single-family home will be identified as Lot 2 & the home will conform to all area & bulk requirements within the R-2 Zoning District. Mr. Gibson testified that the Applicant is proposing to subdivide the existing lot in order to create two (2) completely conforming lots with the exception of the proposed lot frontage associated with the bayfront lot, proposed lot 2.02, which will provide 35ft. of frontage whereas 40ft. is required. Mr. Gibson further testified that the newly proposed lot, Lot 2.02, will be irregularly shaped, & will provide limited direct access given the street vacation of 16th Avenue; however, he indicated that adequate access will be provided. Mr. Gibson opined that that the proposed subdivision supports good zoning & proposes no substantial detriment to the City’s Zoning Map or Land Development Ordinance. He noted that the minimum required lot area within the R-2 Zoning District is 4,000 SF whereas the existing lot provides nearly 4-times that amount of lot area. He testified that this amounts to a substantial underutilization of land within the City.

In response to questions posed by members of the Board, Mr. Gibson testified that lot frontage for proposed Lot 2.02 is deficient due to the vacating of a portion of 16th Avenue. He also confirmed that both proposed lots will have their own water & sewer connections. Mr. Gibson opined that the requested lot frontage variance is appropriate given the hardship that the Applicant is facing due to the irregular shape of the property. He further indicated that the vacating of 16th Avenue also created a hardship on the Applicant which reduced the amount of lot frontage available to the property.

Mr. Gibson further testified that the project advances several special reasons of zoning as outlined within N.J.S.A. 40:55D-2 as it:

- c) Provides adequate light, air and open space as the property contains over 16,000 SF and could be developed with a larger structure, but the proposed single-family use maintains light, air and open space;

- e) Promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment as it creates a desirable oversized Bayfront lot which results in no environmental impact; and
- g) 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.

Mr. Gibson testified that the project does not pose a substantial detriment to the City's Zoning Map & Land Development Ordinance or to the public good given the fact that the lot in question is significantly oversized.

In response to questions posed by the Board, Mr. Gibson confirmed that the proposed subdivision & future single-family development will have no environmental impact on the surrounding wetlands, and he confirmed that the newly proposed lot can be accessed without the need for an easement as a curb cut will be constructed at the street end of 16th Avenue in order to provide direct access to the newly created lot. He also informed the Board that the portion of 16th Avenue that was vacated measured approximately 63ft. x 70ft. Mr. Gibson further testified that half of the vacated portion of the street became part of existing Lot 2, and he indicated that the lot line between proposed Lots 2 & 2.02 will be drawn so as to ensure that sufficient access is provided to Lot 2.02. He confirmed that no on-street parking will be lost in connection with the project.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated January 2, 2019 which was received by the Board & incorporated as fact. Mr. Petrella confirmed that the only variance required in connection with this Application is a lot frontage variance for proposed Lot 2.02, and he also confirmed that all other bulk requirements within the R-2 Zoning District for single-family construction are met. As a condition of approval, the Applicant agreed that the construction associated with Lot 2.02 will be limited to single-family development.

Chairman Davis then opened the application for general public comment. Two (2) members of the public approached the Board in connection with this application, namely:

1. John Geist, owner of the property located at 437 W 16th Avenue, Unit 8, was placed under oath & testified before the Board. Mr. Geist raised concerns relative to the installation of pilings & potential damage to his property at the time that the proposed Lot 2.02 is developed. He indicated that his concerns about parking & access to his property were addressed in connection with the Applicant's testimony.
2. Janet Strabone, owner of the property located at 437 W. 16th Avenue, Unit 2, was placed under oath & testified before the Board. Ms. Strabone expressed concerns relative to the construction of docks within the waterway, and the potential expansion of same. She too raised concerns related to the installation of pilings & possible damage to neighboring properties.

No further members of the public testified to the application. No further comment was offered. Chairman Davis then closed the public portion of the meeting.

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. Mr. Greenland "volunteered" for the

finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-2. The property is part and parcel to a larger single-family lot adjacent to the Beach Creek waterway. The Applicant is the owner of the subject property, as such, has standing to appear before the Board requesting minor subdivision approval with variance relief. The Board finds that the Applicant further seeks variances for lot frontage, width, all which are existing non-conforming conditions which are not exacerbated by the proposed development. The purposes of the Zoning law would be advanced by the proposed development in approval of the minor subdivision. The Board finds that except for the variance relief request, the Applicant has satisfied the requirements for subdivision 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 minor subdivision application of David Vitarelli is hereby granted & approved subject to the following terms & conditions of the resolution of Approval. Motioned by: Mr. Miller & 2nd by Mr. O'Connell. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the minor subdivision application was approved by the Board.

On the conclusion of the previous application, Board member Mr. Peters regained his seat on the Board dais. He participated in the rest of the meeting.

J) PUBLIC PORTION:

Chairman Davis then opened the meeting for general public comment. No members of the public were in attendance at this time. No comment was offered. Chairman Davis closed the public portion of the meeting.

K) APPROVAL OF MINUTES: – December 12, 2018

The Board Solicitor presented to the Board the approval the December 12, 2018 regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. No discussion or corrections proposed. Motioned as proposed by Mr. Harkins & 2nd by Mr. Peters. Chief Gallagher, Mr. Green, Mr. Flynn, Mr. Miller, Councilman DelConte, Mr. Auty & Mr. O'Connell abstained from the vote. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes, the Meeting Minutes were approved.

L) UNFINISHED BUSINESS: –

The Board Secretary announced the Land Development Ordinance amendments as recommended by the 2018 Master Plan Re-Examination was adopted by City Council on December 26, 2018 as Ordinance No. 1770 (Ordinance). Any Board member wishing for a copy of the revised Land development Ordinance could request same from the Board Secretary. The Board Secretary did mention that several errors were found in the Ordinance document & mention several items could be better clarified in the Ordinance.

With that said, Chairman Davis proposed a sub-committee to review the Ordinance for clarity & revision. Chairman Davis requested volunteers from the Board to assist on the sub-committee. The following Board members volunteered; Mr. Green, Chairman Davis, Mr. Auty & Mr. O'Connell. Board Solicitor

Belasco & Board Secretary Gundrum will also serve on the sub-committee. The Review Sub-Committee will meet in the near future to discuss any amendment to the adopted Ordinance.

M) COMMUNICATION(S):

Announcement from Cape May County Emergency Management – new On-line County Flood Risk Mapping System

The Board Secretary presented an email announcement regarding the County’s new Flood Risk Mapping System that can be seen on the computer/internet. No formal Board action was required.

The Board Secretary also announced the Board X-Mas Dinner will be held at the Elks Lodge on January 23, 2019 starting at 6:30pm.

N) REPORTS: - None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 8:09pm, on motion by Mr. Greenland, & 2nd by Mr. O’Connell, with all present members voting in the affirmative.

APPROVED: _____
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.