

North Wildwood Planning Board
Regular Meeting: February 13, 2019
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	Absent
Chief Matt Gallagher	Present	Mr. William Green	Present
Mr. John Harkins	Present	Councilman David Del Conte	Absent
Mr. George Greenland	Present	Mr. James M. Flynn	Absent
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

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:

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; and

The Board Solicitor called for a motion to approve the memorialization of the approval Resolution as discussed. The minor subdivision approval of David Vitarelli is hereby approved for memorialized subject to the Resolution. Motioned by: Mr. Green & 2nd by Mr. Harkins. The Board Solicitor called for any discussion or corrections to the motion. The Board corrected the application number on the Meeting Agenda. The Board proposed no additional corrections, additions or comments to the motion. 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:

Application Number: P-18-12-1 - JFM of Wildwood, LLC

121 E. 23rd Avenue
Block 198, Lot 17
R-1.5 Zoning District
D3 Conditional Use Variance approval

The Board heard & considered the application of JFM of Wildwood, LLC ("Applicant"), doing business at 5202 Lake Road, Suite A, Wildwood, NJ, who is the contract purchase of the property located at 121 E. 23rd Avenue, Block 198, Lot 17, seeking a D(3) Conditional Use Variance & 'C' Variance relief in connection with the minimum sideyard setback (10 foot sideyard setbacks are required whereas eight (8) foot sideyard setbacks are proposed), in order to construct a two-family semi-detached dwelling (duplex) on the existing vacant 60' x 100' lot.

Cory J. Gilman, Esq., of the Law Offices of Josephson Wilkinson & Gilman, P.A. located in Avalon, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same to the Board. Mr. Gilman informed the Board that the Applicant is the contract purchaser of the Subject Property which is located in the City's R-1.5 Zoning District which is currently vacant undeveloped land. Mr. Gilman indicated that the Applicant is proposing to construct a two-family semi-detached structure (duplex) which will be constructed to appear as if it were a single-family structure as part of the conditional use requirements.

Mr. Gilman indicated that two-family semi-detached structures are permitted as a conditional use within the R-1.5 Zoning District provided they comply with the R-2 bulk & area requirements governing the development of same. Mr. Gilman stated that a Variance pertaining to the minimum sideyard setback is being requested as the minimum sideyard setbacks must be 10 feet whereas the Applicant is proposing sideyard setbacks of eight (8) feet. In light of this variance the Applicant is also requesting a D(3) Conditional Use Variance as the conditions associated with two-family, semi-detached construction within the R-2 bulk requirements are not met.

Brian Newswanger, RA, of Atlantes Architects located at 237 Mountain Street, Philadelphia, PA, appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Newswanger was placed under oath & he testified from the siteplan & floorplans submitted to the Board, which were received by the Board & incorporated as fact. Mr. Newswanger testified that the property consists of 60' x 100' vacant undeveloped lot. He indicated that the Applicant is proposing to construct a two-family, semi-detached structure on site which will be constructed so as to appear as if it were a single-family home. Mr. Newswanger indicated that the proposed structure complies with all of the area & bulk requirements, with the exception of the minimum sideyard setback, associated with the development of a two-family, semi-detached structure pursuant to the R-2 Zoning standards which are the standards that an Applicant must adhere to in order to construct this type of structure within the R-1.5 Zoning District.

Mr. Newswanger testified that each unit will provide three (3) bedrooms. He noted that based upon comments & concerns received from the Board Engineer, the Applicant attempted to redesign the floor plans in order to modify a proposed 2nd floor den located within each unit. Mr. Newswanger advised the Board that the Applicant will remove the proposed closet & door to the den. As a condition of approval, the Applicant has agreed to formally submit revised plans, known as Exhibit A-1, depicting the removal of the door & the closet from the proposed 2nd floor dens. The Applicant further agreed that the proposed 2nd floor dens will not be utilized as an additional bedroom. Mr. Newswanger opined that the proposed modification to the 2nd-floor dens will ensure that the space is not utilized as an additional bedroom. He also noted that in light of the proposed modifications the Applicant is fully compliant with required off-street parking.

Mr. Newswanger testified that two (2) entrances are located on-site, one to each unit; however, the entrance to the 2nd unit is recessed within the garage space in order to maintain the appearance that the structure is a single-family home. Mr. Newswanger further testified that outdoor showers are proposed in the rear yard which will be tied into a french drain & will not affect the sanitary system & will not encroach into the rear yard setback. He further indicated that HVAC units will be located within the sideyards & will comply with the required setbacks. Mr. Newswanger testified that the minimum sideyard setback variance is requested in order to accommodate the proposed dimensions of the units.

Mr. Newswanger opined that relief sought by the Applicant can be granted by the Board as there is no substantial detriment to the Land Development Ordinance (Ordinance), Zoning Map or the public good. He noted that if the lot in question provided 50ft. of frontage, the required minimum side yard setbacks would be only six (6) feet. Mr. Newswanger testified that in his professional opinion the benefits of approving this application substantially outweigh any potential detriments. Mr. Newswanger further testified that the proposed conditional use is appropriate given the size, site & location of the Property. He indicated that the Property can accommodate the proposed use & there is no negative detriment in permitting the construction of the proposed structure within the R-1.5 Zoning District. Mr. Newswanger opined that several of the purposes of zoning outlined within N.J.S.A. 40:55D-2 are advanced in connection with this application, namely:

- a. 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 as the proposed construction conforms to the surrounding neighborhood;
- b. Secures safety from fire, flood, panic & other natural & man-made disasters as the living space is constructed above the base flood elevation (BFE); and
- i. The newly constructed structure will promote a desirable visual environment through creative development techniques & good civic design & arrangement.

In response to questions raised by the Board relative to potential flooding, Mr. Newswanger reiterated that the livable space is located above BFE. He confirmed that the vestibules to the units are located at ground level & may be impacted in the event of a flood; however, he confirmed that the livable space should not be affected. In light of the flood concerns raised by the Board, the Applicant agreed, as a condition of approval, to ensure that the floor of the proposed vestibules will be constructed at an elevation of nine (9) feet in an effort to ensure that they are not impacted by flooding.

The Board was in receipt of a review memorandum prepared by Board Engineer, Ralph Petrella of Van Note-Harvey Associates, Inc. dated February 1, 2019 which was received by the Board & incorporated as fact. Mr. Petrella advised the Board that the Applicant's testimony had addressed the concerns noted within his report, and he confirmed the variance relief sought by the Applicant. Mr. Petrella advised the Applicant that a detailed lot grading plan must be submitted for review. The Applicant agreed, as a condition of approval, to submit a detailed lot grading plan to the Board Engineer for his review & approval.

Chairman Davis then opened the application for general public comment. No further public members wished to speak on behalf of the application or to the Board at this time. No comment was offered. Chairman Davis 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 application. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. Greenland "volunteered" for the finding of facts. Mr. Greenland reiterated to the address and Block & Lot of the property as stated in the application. The Zoning District is R-1.5. The property is vacant and is 60x100 feet, which will be constructed so as to appear as if it were a single-family home. The Applicant is the contract purchaser of the subject property, as such, has standing to appear before the Board requesting siteplan approval of a Conditional Use application, with variance relief. The Board finds that the Applicant further seeks variances for sideyard setback 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 application. The Board finds that except for the variance relief request, the Applicant has satisfied the requirements for Conditional Use application approval. The Board further finds that the proposal is compatible with the surrounding neighborhood & that the requested relief can be granted without substantial detriment to the public good & without substantially impairing the intent & purpose of the Ordinance & Zoning Map. Furthermore, the Board finds that the purposes of the Municipal Land Use Law will be advanced by the Application & the benefits of granting same substantially outweigh any potential detriments. No additions or correction to the finding of facts. No discussion on the facts. The Board accepted the findings of fact.

The Board Solicitor called for a motion to approve the application as discussed. Motioned by: Ms. Haas & 2nd by Chief Gallagher. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

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 Secretary presented to the Board the approval of January 9, 2019 Re-Organization Meeting minutes. The Board Secretary called for any discussion or corrections to the minutes. The Board Secretary & Mr. Green pointed out minor edits in the minutes. No further discussion to the minutes. Correction made upon adoption. Motioned as proposed by Mr. Harkins & 2nd by Mr. Greenland. 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): None presented

M) REPORTS: None presented.

N) MEETING ADJOURNED:

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

APPROVED: 3/19/19
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.