

North Wildwood Planning Board
Regular Meeting: April 10, 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	Present
Chief Matt Gallagher	Absent	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)	Absent	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.

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

The Chairman announced that the New Business portion of the Agenda will be heard 1st, then return to the regular Agenda items as shown on tonight's agenda.

G) NEW BUSINESS:

P-17-10-1(A) BG Capital, LLC (aka Seaport Pier)

Block 291.01, Lot 1

Block 317.03, Lot 1

2301 Boardwalk

Zoning District OC (Ocean Conservation) &

SPRA (Sea Port Pier Redevelopment Area)

Siteplan Amendment – Swimming Pool Area Expansion

The Board heard & considered the application of BG Capitol, LLC doing business at 9310 Keystone Street, Philadelphia, PA, and the contract-purchaser/tenant of the property located at 2203 Boardwalk, a/k/a Block 219.01, Lot 1 & Block 317.03, Lot 1, aka Seaport Pier, seeking amended siteplan approval in order to construct a 2,700 SF expansion of the existing pier located on site.

Mr. Anthony Monzo, Esq of the Law Offices of Monzo, Catanese & Hillegass appeared on behalf of the Applicant & explained the nature of the application & the relief sought in connection with same to the Board. Mr. Monzo advised the Board that the Applicant is proposing to construct a 2,700 SF expansion of the Seaport Pier project which was previously approved by the Board in 2017. Mr. Monzo indicated that the proposed 2,700 SF pier expansion will increase the size of the existing pool deck & will be utilized to accommodate additional seating for the swimming pool which was previously constructed on site. He indicated that the proposed expansion meets the terms & conditions of the Seaport Pier Redevelopment Plan. Mr. Monzo further confirmed that this expansion was contemplated & incorporated into the Applicant's lease agreement with the City of North Wildwood.

It should be noted that the Board received written confirmation that the Redevelopment Agency, the City of North Wildwood, had reviewed & approved the Applicant's proposed amended site plan.

Mr. Dante Guzzi, P.E., a professional engineer with Dante Guzzi Engineering Associates, LLC, appeared, was sworn & testified from the proposed siteplan submitted to the Board dated March 5, 2019 which was received by the Board & incorporated as fact. Mr. Guzzi provided the Board with an overview of the siteplan & the pier expansion noting that the original pier was previously expanded in order to accommodate the construction of a swimming pool & bar. Mr. Guzzi testified that the proposed 2,700 SF expansion will accommodate additional seating for the pool area, and he indicated that existing emergency access points to the beach will be relocated to ensure that emergency access is maintained. Mr. Guzzi testified that the proposed siteplan is consistent with the terms of the Redevelopment Plan & he advised the Board that no variances are requested and/or required in connection with the proposed pier expansion. Mr. Guzzi advised the Board that the Applicant has already sought and received NJ CAFRA approval from the New Jersey Department of Environmental Protection (NJDEP) in connection with this project.

Joseph Byrne, a member of BG Capitol, LLC, was present at the meeting & he was placed under oath & sworn in to testify before the Board.

In response to questions posed by the Board regarding why the pier expansion wasn't proposed at the time of the original application, Mr. Byrne testified that the plans for the expansion had been completed, but BG Capitol, LLC was awaiting approval from the NJDEP. Mr. Byrne testified that the proposed expansion will be utilized to provide additional seating for members of the swimming pool. He indicated that membership applications have increased substantially from last season which necessitates additional seating. Mr. Byrne

further testified that BG Capitol, LLC intends to immediately begin the construction of the pier expansion if the amended siteplan application is approved by the Board. Mr. Byrne advised the Board that plans depicting the proposed signage for Seaport Pier were also submitted in connection with this Application for an informal review in accordance with paragraph 21 of Resolution P-17-10-1. Mr. Byrne indicated that the signs are identical to what was originally proposed. He further indicated that signage had been installed at the police substation located on the pier. As a condition of approval, the Applicant agreed to provide a photograph of the police substation signs to the Board Secretary for review.

In response to questions posed by members of the Board, Mr. Byrne testified that the pier cannot be expanded any further to the east or the west. He advised the Board that any additional pier expansion would likely require an amendment to the Redevelopment Plan. Additional expansion would also require an amendment to the lease-purchase agreement that the Applicant has entered into with the City.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated April 2, 2019 which was received by the Board & incorporated as fact. Mr. Petrella confirmed that the Redevelopment Agency had approved this expansion.

Chairman Davis then opened the application for general public comment. No 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 application.

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 SPRA. The property is the existing Seaport Pier on the beach & boardwalk and will be expanded in the swimming pool section of the pier. The Applicant is party to a Redevelopment Project Agreement with the City of North Wildwood, as such, has standing to appear before the Board requesting siteplan approval of an amended siteplan. The purposes of the Zoning law would be advanced by the proposed development in approval of the application. The Board finds that the Applicant has satisfied the requirements for amended siteplan 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: Mr. Green & 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 application was approved by the Board.

H) MEMORIALIZATIONS:

Planning Board Resolution P-03-2018

§276-12(G), permitted stair landings, open porches & open-air decks within residential zones

The City of North Wildwood Planning Board (Board) in December, 2018, made revisions to the City's Land Development Ordinance (Ordinance), Chapter §276, based upon findings & recommendations set forth within the 2018 Master Plan Reexamination Report, and said revisions were provided to the Council of the City of North Wildwood for review & adoption. One of the revisions to the City's Ordinance, set forth within §276-12(G), permitted stair landings, open porches & open air decks within all residential zones districts, except that open decks are not permitted in the frontyard in the R-1 Zoning District, to encroach no more than five (5) feet into a properties' frontyard setback provided, however, that said stair landing or open air deck was not located within five (5) feet of any street or property line. The revisions also established definitions for stair landings & open-air decks/porches. The Board proposes to approve same by Resolution for only stair landings to be limited by four (4) foot by five (5) foot & to recommend same to City Council for amendment to the Land Development Ordinance & to be memorialized at the next Board meeting. The Section 276-12(G) will be eliminated and then incorporated into all residential zoning districts (R-1, R-1.5, R-2 & OS Zoning Districts). A detailed discussion ensued regarding whether open air decks & stair landings can encroach in the frontyard setback in residential zoning districts. Stair landings dimensions will be limited in size. In an effort to further clarify the aforementioned revisions, and in order to ensure that these revisions are uniformly applied to all residential properties in all residential zoning districts, the Board voted at its March 13, 2019 meeting to recommend further revisions/clarifications to this specific issue.

Board members discussed various examples of existing home elevations with associated open-air decks with new stairs to access the new 1st floor elevation. The Board Solicitor agreed to revise the Resolution upon adoption to reflect the Board members comments.

The Board Solicitor called for a motion to approve the memorialization of the approval Resolution as discussed. The Resolution is hereby approved for memorialization. On 1st motion by: Ms. Haas & 2nd motion by Mr. Greenland. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no additional corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the memorialization of the Resolution was approved by the Board. Vice Chair DiEduardo abstained on the motion.

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 March 13, 2019 Meeting minutes. The Board Secretary called for any discussion or corrections to the minutes. On 1st motion as proposed by Mr. Harkins & 2nd motion by Vice Chair DiEduardo. Mr. Greenland, Mr. Miller & Mr. Auty 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

Development Ordinance Review Committee discussion regarding possible amendments to the Land Development Ordinance

Mr. Green provided a synopsis of the efforts of the Development Ordinance Review Committee to date. The Committee is working on detailed changes as it relates to the existing Development Ordinance & clarify any discrepancies therein. Several modifications to the Definitions section are proposed. Two (2) hours of discussion of efforts of the Committee. The Board Solicitor also spoke to possible suggested changes to the Pier Zoning District as it relates to the Morey Organization requested for the Ordinance. Suggested changes define restaurants, bars or outdoor eating establishments serving alcoholic beverages. The Board members discussed several existing establishments as it may relate to the suggested changed proposed by the Morey Organization.

L) COMMUNICATION(S): None presented

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 7:45pm, on 1st motion by Mr. Greenland & 2nd motion by Mr. Green. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

7/11/19
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.

