

North Wildwood Planning Board
Re-Organization & Regular Meeting:
January 8, 2020, 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 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	Absent
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)	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 2020

Election of Chairman & Vice Chairman

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

Board member Mr. Green 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. O'Connell, 2nd by Vice Chair Di Eduardo. All Board members voted in the affirmative by roll-call vote on the Chairman's 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 Chief Gallagher nominated Vice Chair DiEduardo, with Mr. Greenland with a 2nd nomination for Vice Chair DiEduardo. No other nominations. Motion to re-elect Vice Chair DiEduardo as Vice Chair: Motioned by Mr. O'Connell, 2nd by Mr. Miller. All Board members voted in the affirmative by roll-call vote on the Vice Chair's nomination. Upon conclusion of voting, Vice Chair DiEduardo thanked the Board members for her 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 2020 Calendar Year.

The Board Secretary announced Board Resolution No. PB-06-2019 for the Schedule of Meetings for the 2020 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-01-2020 - Resolution Appointing Board Secretary

Chairman Davis presented Board Resolution No. PB-01-2020 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, 2020 & end December 31, 2020.

Motion to elect Eric Gundrum as Board Secretary: Motioned by Mr. Greenland, 2nd by Mr. Harkins, 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-02-2020 - Appointment of Board Professional(s) for Year 2020

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 two (2) RFP's were received & evaluated by the Board. Robert J. Belasco of Stefankiewicz & Belasco, LLC and Evan HC Crook, Esq. of Malamut & Associates submitted the Board Solicitor 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, 2020 & end December 31, 2020.

The Board members considered the RFP's submitted. Motion to nominate Robert Belasco as Board Solicitor. Motioned by Vice Chair DiEduardo, 2nd by Mr. O'Connell, with no other nominations. Motion to approve Robert Belasco as Board Solicitor: Motioned by Mr. Green, 2nd by Mr. Harkins. 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 two (2) RFP's were received & evaluated by the Board. Ralph Petrella, Van Note Harvey & Assocs. and Edward Dennis of Remington & Vernick Engineers & Planners submitted the 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, 2020 & end December 31, 2020.

The Board members considered the RFP's submitted. Motion to nominate Ralph Petrella, Van Note Harvey & Assocs., as Board Engineer. Motioned to nominate by Mr. O'Connell, 2nd by Mr. Miller, with no other nominations. Motion to approve Ralph Petrella as Board Engineer: Motioned by Mr. Green, 2nd by Mr. Greenland. 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 two (2) RFP's were received & evaluated by the Board. Heyer & Gruel & Assocs., and Edward Dennis of Remington & Vernick Engineers & Planners 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, 2020 & end December 31, 2020.

Chairman Davis introduced comment whether a Board Planner is warranted by the Board. The Board receives reports by the Board Engineer which are very through & 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 & advertise for proposals. Nominations for Board Planner then commenced. Chairman Davis requested the Board consensus on rejecting the RFP's as submitted. For RFP's for Board Planner to be rejected: Motioned by Vice Chair DiEduardo, 2nd by Mr. O'Connell, with no other nominations or suggestions. All Board members voted in the affirmative by roll-call vote on the Board Planner RFP's to be rejected.

G) MOTIONS FOR ADJOURNMENTS: –

Application No. P-19-11-6 - John & Lauren Sarge

210 West Chestnut Avenue

Block 158, Lot 9

R-2 Zoning District

‘c’ variance relief/Siteplan in order to raise the existing structure, to construct a 2nd floor addition & new exterior decks

The Board Secretary & the Board Solicitor announced adjournment of the above referenced application by written request of the Applicant’s agent. Notice requesting adjournment was received in a timely manner before the Board hearing. The request for adjournment also provided for time limit waiver under the NJ Municipal Land Use Law {NJ-MLUL}(NJSA 40:55D-1 et. seq.) & the Ordinance (Chap. 276-1 et. seq.). The Board Solicitor announced to the public that this application will be adjourned to the February 12th meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

H) MEMORIALIZATIONS: –

Application No. Z-19-11-2 - Francis & Patricia Lipski

Block 217, Lot 8

300 Central Avenue

R-1 Zoning District

Use Variance/Siteplan amendment - home renovations w/ new front & rear deck expansion(s)

The Board heard & considered the application of Francis & Patricia Lipski, owners of the property located at 300 Central Avenue, a/k/a Block 217, Lot 8 (hereinafter “Subject Property”), seeking a ‘D(1)’ Use Variance to permit two (2) principal uses on one site, and ‘C’ variance relief in relation to the minimum frontyard setback (10ft. is required whereas 6.9ft to 3rd Avenue & 2.6ft. to Central Avenue exist and 6.9ft. & 5.2ft are proposed, respectively), minimum sideyard setback (8ft. is required whereas 6.1ft. & 6ft. are existing & proposed), minimum rearward setback (10ft. is required whereas 4.3ft. is existing & proposed), and parking (five {5} off-street parking spaces are required whereas four {4} off-street parking spaces are existing & proposed), in order to convert one (1) of the existing single-family semi-detached dwellings (the Central Avenue dwelling) located on site to a single-family dwelling.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. Harkins & 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 abstained from the vote. Based on the majority roll-call vote being affirmative, the memorialization was approved by the Board.

I) NEW BUSINESS: –

Application No. Z-17-8-1(A) - Richard Kaye

Block 150, Lot 2
809 Beach Creek
R-2 Zoning District
Extension of preliminary & final approval – 1 year

The Applicant did not appear at the Board hearing as scheduled. The Board Chairman & Board Solicitor suggested that the application defer to the end of the Agenda to see if the Applicant would appear in a timely manner. Based on Board members agreement, the application was deferred to the end of the Agenda.

Application No. P-19-11-3 - Linda Karcher

Block 156, Lot 6
216 West 2nd Avenue
R-2 Zoning District
Condition Use/Siteplan approval – construction of single-family/semi-detached
(duplex) dwelling

The Board heard & considered the application of Linda Karcher (“Applicant”), owner of the property located at 216 West 2nd Avenue, a/k/a Block 156, Lot 6, seeking Conditional Use approval in order to construct a single family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District.

Jeffrey Barnes, Esq., of the Barnes Law Group, LLC located in North Wildwood, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Barnes informed the Board that the property measures 50ft. x 100ft. (5,000SF) & is located within the City’s R-2 Zoning District. He advised the Board that the property is currently developed with a single-family dwelling which the Applicant proposes to demolish in order to construct a new single family semi-detached (duplex) dwelling which will be constructed so as to appear as if it were a single-family home. Mr. Barnes further advised the Board that single family semi-detached dwellings are permitted as conditional uses within the R-2 Zoning District on 50ft. x 100ft. lots provided the Applicant complies with specific conditions set forth within the City’s Ordinance at §276-16(D)(1). Mr. Barnes reviewed the conditional use standards for the benefit of the Board. Mr. Barnes indicated that, in January of 2016, the Applicant appeared before the Board in connection with an application seeking approval to construct a duplex which required ‘c’ variance relief in relation to the minimum lot area, minimum lot frontage/width, and minimum sideyard setback. He noted that the Applicant’s prior application was denied by the Board. Mr. Barnes indicated that subsequent to the denial of the Applicant’s prior application, the City of North Wildwood revised its zoning ordinance in order to permit single family semi-detached dwellings as conditional uses within the R-2 Zoning District on lots measuring 50ft. x 100ft. He advised the Board that the proposed development meets or exceeds all of the conditions set forth within the Ordinance. Mr. Barnes advised the Board that one of the enumerated conditions is a subjective standard which requires that the Board find that the proposed structure is developed so as to appear as if it were a single-family dwelling. He indicated that the Ordinance requires that the structure maintain a traditional seashore style, present only one entrance to the structure on the street side of the building, & present an asymmetrical front façade & off-set decks. Mr. Barnes indicated that if the Board finds that all required conditions have been met, the Applicant is entitled to conditional use approval. Alternatively, if the Board finds

that the structure does not appear as if it were a single-family dwelling, the Applicant is requesting a D(3) Conditional Use Variance in order to permit the proposed development.

Mr. Joseph Garramone, RA, a registered architect with Garramone Architects, LLC, appeared on behalf the Applicant. Mr. Garramone was accepted by the Board as an expert in the field of architecture, & he was placed under oath & testified from the proposed site, floor & elevation plans, consisting of three (3) sheets, dated November 2, 2019, which were received by the Board & which are incorporated herein as fact. Mr. Garramone advised the Board that he was retained by the Applicant in order to design the proposed single-family semi-detached dwelling. He indicated that he was also the architect who designed the prior duplex which was the subject of a January 2016 application which the Board denied. Mr. Garramone reviewed the proposed siteplan for the benefit of the Board. He testified that the Applicant has complied with all required conditions associated with the development of a single-family semi-detached dwelling on a 50ft. x 100ft. lot within the City's R-2 Zoning District. He noted that the Applicant has met and/or exceeds all required area & bulk conditions. Mr. Garramone testified that the structure contains two (2) units, and each proposed unit will contain four (4) bedrooms. He advised the Board that each unit provides two (2) off-street parking spaces which complies with the City's parking requirements. Mr. Garramone further testified that, while Applicant has met all required conditions, the Board must determine whether or not the proposed structure meets the subjective condition which requires the structure to be constructed so as to appear as if it were a single-family dwelling. Mr. Garramone reviewed the proposed floor plans for the benefit of the Board. He noted that the ground floor of the structure will provide garage & storage space for each unit. He noted that there is one (1) proposed entrance from the street side of the structure which leads to a common foyer which will provide access to each individual unit. Mr. Garramone testified that the 2nd floor of each unit will contain a living room, dining room, kitchen, a den, a bathroom, & an exterior deck. The 3rd floor of the units will contain three (3) bedrooms, two (2) bathrooms. Mr. Garramone further testified that if the proposed den were utilized as a bedroom the Applicant would not exceed off-street parking requirements; however, he indicated that the den is intended to be utilized as additional living space & not as a bedroom. Mr. Garramone opined that the proposed structure has been designed in order to meet the single-family dwelling condition. He distributed a color rendering of the structure which was received by the Board and marked as Exhibit A-1. Mr. Garramone opined that the proposed structure is asymmetrical & does not look like a typical side-by-side or stacked duplex. He indicated that the structure was designed to incorporate alternative roof lines, dormers, and a gabled roof to ensure that the structure appears as if it were a single-family dwelling. Mr. Garramone testified that the proposed 2nd floor exterior deck will contain a full railing & a divider between both units which will not exceed the height of the railing itself.

In response to a question posed by the Board related to the fact that the 2nd floor decks did not appear to be off-set, Mr. Garramone opined that off-setting the decks would result in the structure appearing more like a duplex than a single-family dwelling. The Board agreed with Mr. Garramone & unanimously indicated that the proposed structure met the condition requiring that it be designed in order to appear as if it were a single-family dwelling. The Applicant agreed as a condition of approval to ensure that the appearance of the proposed structure is constructed to mirror the rendering set forth within Exhibit A-1, a copy of which is attached hereto & incorporated herein.

The Board was in receipt of a review memorandum prepared by Board Engineer Ralph Petrella, Jr., P.E., P.L.S., P.P. of Van Note-Harvey Associates, Inc. dated December 20, 2019 which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed the conditions associated with the development of a single-family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot within the R-2 Zoning District. He

advised the Board that based upon his review of the Application, the Applicant has met all required conditions set forth within the Ordinance. He indicated that the Board was required to determine whether the appearance of the proposed structure met the condition that it appear as if it were a single-family dwelling.

Chairman Davis then opened the application 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.

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 Applicant is the owner of the subject property, as such, has standing to appear before the Board requesting conditional use siteplan approval. The Board found the proposed development meets or exceeds all of the conditions set forth within the Ordinance. The Board found one of the enumerated conditions is a subjective standard which requires that the Board find that the proposed structure is developed so as to appear as if it were a single-family dwelling. The Ordinance requires that the structure maintain a traditional seashore style, present only one (1) entrance to the structure on the street side of the building, & present an asymmetrical front façade & off-set decks. The Board indicated that if the Board finds that all required conditions have been met, the Applicant is entitled to Conditional Use siteplan approval. The purposes of the Zoning law would be advanced by the proposed development in approval of the Conditional Use. The Board finds that the Applicant has satisfied the requirements for Conditional use siteplan 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 Conditional Use application of Linda Karcher is hereby granted & approved subject to the following terms & conditions of the resolution of Approval. Motioned by: Chief Gallagher & 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 Conditional Use siteplan approval was approved by the Board.

The Board returned to the application which was originally deferred;

Application No. Z-17-8-1(A) - Richard Kaye

Block 150, Lot 2

809 Beach Creek

R-2 Zoning District

Extension of preliminary & final approval – 1 year

The Board discussed the merits of continuing with the application without the presence of the Applicant. After lengthy discussion by the Board members & the explanation of the Board Solicitor whether the absence of the Applicant would preclude the Board from hearing the application, the Board agreeably decided to move forward on the application.

The Board heard & considered the application of Richard Kaye (hereinafter “Applicant”), owner of the property located at 809 Beach Creek - Unit 2B, a/k/a Block 150, Lot 2, seeking a one (1) year extension of prior

approvals, specifically preliminary & final site plan approval, a D-1 Use Variance, 'C' variance relief in relation to the distance between structures, and a waiver to construct a crushed stone parking area, which were granted by the Board on December 13, 2017, & memorialized within Resolution Z-17-8-1(A) on January 17, 2018. The property is located in the R-2 Zoning District.

The Applicant was self-represented in connection with the preparation & filing of this Application; however, the Applicant did not appear at the meeting. The Applicant is the owner of a condominium unit in the 219 West 9th Avenue Condominium Association, which consists of two (2) units. The Applicant submitted a Letter of Authorization from the Condominium Association consenting to the filing of this application. The Board Secretary informed the Board that the Applicant represented that he was unable to proceed with the previously approved development due to family medical issues & financial constraints.

The Board finds that, pursuant to N.J.S.A. 40:55D-52, the Applicant is entitled to apply for three (3) one (1) year extensions of prior approvals which can be granted at the discretion of the Board. This application represents the Applicant's 1st request for a one (1) year extension of the approvals granted pursuant to Resolution Z-17-8-1. In deliberation, Board Members acknowledged the right of an Applicant to request a one (1) year extension of prior approvals set to expire on June 17, 2020. The Board recognizes the financial hardship & medical issues experienced by the Applicant. The Applicant shall comply with & obtain any and all other governmental approvals required in connection with this project including, but not limited to, local, county, state & federal approvals. The Applicant shall comply with all zoning, building, & construction ordinances & codes. All conditions set forth within Resolution Z-17-8-1 remain in full force & effect, and the Applicant must comply with same. In the event the Applicant seeks any additional extensions of the approvals granted pursuant to Resolution Z-17-8-1, the Applicant must appear before the Board at the hearing scheduled in connection with said application. The Board further finds that the Applicant has met the requirements of the Municipal Land Use Law & the City's Ordinance and that it is appropriate to grant the Applicant a one (1) year extension of the prior approvals received pursuant to Resolution Z-17-8-1, commencing January 17, 2020 through January 17, 2021.

No review memorandum was required by Board Engineer Mr. Petrella.

Chairman Davis then opened the application 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.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by: Mr. O'Connell & 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 memorialization was approved by the Board.

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 11, 2019

The Board Solicitor presented to the Board the approval the December 11, 2019 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. O’Connell. Mr. Miller & Councilman DelConte 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 presented no items for discussion.

Mr. Green questioned the aspect of off-set decks requirements in the R-2 Zoning requirements for Conditional Use approval. Mr. Green questioned the merits of this requirement & how the requirement was adopted. Chairman Davis explained the requirement came about that the Master Plan recommended it as part of the new Conditional Use Standard and the requirement provides a “separation” of the twin dwellings & prevents a “condo box.” The Board discussed the aspect on how the Conditional Use standard of a duplex must look like a single-family dwelling. The offset of the decks helps keep this architecturally to keep the look of the single family in perpetuity. The Board debated the aspect of condo documents holding the offset deck requirements in either the by-laws or as a Deed Restriction.

Chairman Davis reminded the Board members of the Holiday Party coming up at the Elks Lodge.

The Board Solicitor gave a quick update on the Marina Bay Towers lawsuit. The Board still awaits a plan to be submitted by the developer. Board Engineer Petrella, Board Solicitor Belasco & Chairman Davis surmised what the siteplan may entail.

Chairman Davis requested an update on the 15th Avenue alley lawsuit. No update was provided. The court is still reviewing the submittals.

M) COMMUNICATION(S): None presented

N) REPORTS: - None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 7:38pm, on motion by Mr. Miller, & 2nd by Mr. Chairman Davis, with all present members voting in the affirmative.

APPROVED: 2/18/2020
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.

