

North Wildwood Planning Board
Regular Meeting: September 8, 2021
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 Valerie DeJoseph	Present
Chief John Stevenson	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)	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, (Board 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 presented.

The Board Solicitor made a "reminder" announced that the application as referenced below will be heard at the October 13, 2021 Board meeting. Apparently, an incorrect public notice was mailed out by the Applicant's attorney by mistake to neighbors within 200 feet of the property.

Application No.: Z-14-8-1(A) 421 W. Spruce Avenue, LLC & DWM RE Holdings, LLC

(adjourned from last month's meeting)

421 & 429 West Spruce Avenue

Block 102, Lots 19.01 & 19.02

R-2 Zoning District

Preliminary & Final siteplan approval to address unapproved modification/construction

- For prior issued of D(1) Use Variance & w/ "c" variances siteplan approval

G) **MEMORIALIZATIONS:**

Application No.: P-21-6-1 Dennis Newcomb

110 Delaware Avenue

Block 126, Lot 1

R-2 Zoning

Siteplan approval, w/ "c" variances for Lot Depth & rearyard setback

The Board heard & considered the application of Dennis & Jill Newcomb (Applicant), owners of the property located at 110 Delaware Avenue, a/k/a Block 126, Lot 1 (Property), seeking 'C' variance relief in relation to minimum lot depth (100ft. is required whereas 53ft. is existing & proposed) and minimum rearyard setback (10ft. is required whereas 3.17ft. is proposed), in order to construct a single-family dwelling on a non-conforming irregular lot located in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. Greenland & 2nd by Vice Chair DiEduardo. 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. Mr. Green, Ms. DeJoseph, Mr. Peters & Ms. Haas abstained on the vote.

Application No: Z-2021-1-1 Sunshine Shore Properties, LLC

511 East 11th Avenue

Block 416, Lot 6

OS Zoning District

D(1) Use Variance, a D(5) Density Variance siteplan approval, w/ "c" variances & Final siteplan approval

The Board Solicitor gave a brief summary of the application that has been continuation of the March 10, 2021 meeting. The Board Solicitor reiterated that this is a new application for approval of the Board. All present Board members will be eligible to vote on the application.

The Board heard and considered the application of Sunshine Shore Properties, LLC (the "Applicant"), owner of the property located at 511 East 11th Avenue, a/k/a Block 416, Lot 6 (the "Property"), seeking preliminary siteplan approval, a d(1) Use Variance to permit residential apartments in the Oceanside (OS) Zoning District, a d(5) Use density variance, and 'c' variance relief in relation to parking (25 off-street parking spaces are required whereas 12 parking spaces are proposed), in order to convert an existing 24 unit motel to 10 residential apartments/condominium units. The Zoning District is Oceanside (OS).

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. Harkins & 2nd by Vice Chair DiEduardo. 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. Chief Stevenson, Mr. Green, Ms. DeJoseph, Mr. Peters & Ms. Haas abstained on the vote.

H) NEW BUSINESS:

Application No.: P-21-7-1 Michael Kane

410 W. Pine Avenue

Block 102, Lot 10

R-2 Zoning District

“c” variance siteplan approval – 2nd story storage area on garage

The Board heard & considered the application of Michael & Sharon Kane (Applicant), owners of the property located at 410 West Pine Avenue, a/k/a Block 102, Lot 10 (Subject Property), seeking ‘C’ variance relief related to maximum building height for an accessory garage (15ft. is permitted whereas 24.5ft. is proposed), in order to construct a 2nd-floor addition to an existing garage for storage purposes.

Michael Kane, the owner of the property, appeared, he was placed under oath & he was sworn in to testify before the Board. Mr. Kane outlined the nature of the application & the relief sought in connection with same. Mr. Kane testified that he & his wife recently inherited a substantial amount of furniture, paintings & valuable goods that need to be stored & maintained in a secure, controlled environment. Mr. Kane indicated that the property is developed with a smaller home that contains limited storage areas. Mr. Kane testified that he evaluated several options to create storage space, and ultimately determined that constructing a 2nd floor above the existing garage is the best option. He indicated that he considered renovating the crawlspace to facilitate storage but was concerned about potential flooding. He further indicated that he considered expanding the attic, but he had concerns in regards to the impact that this would have on the aesthetics of the existing single-family dwelling. Mr. Kane testified that the existing garage is detached from the residence. He advised the Board that his proposal will not expand the existing footprint of the garage. Mr. Kane informed the Board that he is proposing a vertical expansion of the garage which necessitates an accessory use height variance as 15ft. is permitted whereas he is proposing a building height of 24.5ft from grade.

In response to a question posed by the Board, Mr. Kane testified that the proposed 2nd-floor will contain heat & air conditioning in order to ensure that the storage area is climate controlled.

Mr. Kane assured the Board that the 2nd floor will not be used as livable space & there will be no water or utilities provided, aside from heat & air conditioning. Mr. Kane opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application & support the relief sought by the Applicant as it:

- a) Secures safety from fire, flood, panic & other natural & man-made disasters;
- b) Provides adequate light, air & open space; and
- c) Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Kane further opined that the application can be granted as there is no substantial detriment to the public good & the application does not substantially impair the intent or purpose of the Zoning Map & Land Development Ordinance as the proposed 2nd floor addition to the detached garage will improve the aesthetic appearance of the property, and same is consistent with the surrounding residential neighborhood.

In response to a question posed by the Board, Mr. Kane testified that he attempted to locate a storage unit in the Cape May County area; however, his efforts were unsuccessful. Mr. Kane further testified that he called numerous storage unit businesses & was advised that no units were available, and he learned that the majority of these businesses do not provide climate-controlled units which is a necessity to safeguard & protect the paintings & antique furniture he intends to store.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated August 31, 2021, which was received by the Board & which is incorporated herein as fact. Mr. Petrella reviewed & confirmed the relief sought by the Applicant for the benefit of the Board.

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. Ms. Haas “volunteered” for the finding of facts. Ms. Haas 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 property & has standing to come before the Board to request preliminary & final siteplan approval requesting Variance approval. The Board found Mr. Kane testimony to be credible & persuasive. With respect to the Application for variance siteplan approval, the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to variance approval for the proposed development. The purposes of zoning law would be advanced by the proposed development in approval of the application. 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 NJ-MLUL 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 Mr. Greenland. 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 with Mr. Green & Mr. Peters voting no on the application.

I) ZONING OFFICER REPORT:

Dan Speigel, Zoning Officer/Construction Official, did not have any items to report to the Board.

J) 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 August 11, 2021 Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board Secretary corrected typos to the Board members presence at last month's meeting. No further discussion to the minutes. Motioned as proposed by Mr. Harkins & 2nd by Ms. Haas. 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:

Motion against Pileggi v. Zoning Brd of Adjustment, North Wildwood
Filed by Anthony Harvatt, Esq. on behalf city resident/neighbor Mr. Cassidy
Correspondence from Board Solicitor R. Belasco to Judge Julio Mendez, AJSC
Correspondence only, No formal Board action

The Board Solicitor gave an update on the above court motion. The Board Solicitor announced that intervenor/neighbor Mr. Cassidy is now appealing to the Appellate Division of Court to continue the lawsuit. No Board formal action was required.

In a separate matter, Mr. Green questioned status of Marina Bay Towers project. Mr. Spiegel, Zoning Officer/Construction Official, announced that the "bait shack" building has received construction permits. Landscaping is also being performed on the property. Mark Gibson, of Gibson Associates, who is acting as a receiver/monitor of the Court, is "watching" the project. The bait shack is needed for storage, as per Mr. Spiegel, upon negotiations of all parties (including the City) involved in the Marina Bay Towers project. Mr. Green requested a project report be submitted to the Board for review. Several Board members announced they have seen improvements to the property. The Board Solicitor reminded the Board that the Court/Re-Structuring Plan must be followed by the Marina Bay Towers. The Board Engineer clarified what renovations can be made without a State CAFRA permit.

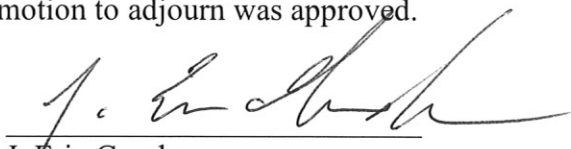
Mr. Spiegel announced that Ron Simone, City Administrator/Community Resource System (CRS) representative, has met with FEMA representatives, that a proposal for new Finished Floor Elevation (FFE) will be increased to Base Flood Elevation (BFE) + five (5) feet from BFE + 2 feet standard. With this new standard house electric service meter locations will have to be raised with reading elevated platforms.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:11pm, on motioned by Ms. Haas & 2nd by Vice Chair DiEduardo. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

10/22/21
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.

