

North Wildwood Planning Board  
Regular Meeting: October 13, 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       | Absent  | 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, (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.

Chairman Davis moved the next Development Application from New Business – due to a Board member quorum question:

H) NEW BUSINESS:

**Application No.: P-21-8-2 408 Virginia, LLC**

408 Virginia Avenue

Block 74, Lot 9

R-2 Zoning District

Minor subdivision approval, with “c” Lot Depth variance

The Board heard & considered the Application submitted by 408 Virginia, LLC seeking minor subdivision approval in order to create a 52’x 85’ lot & a 48’x85’ lot(s) proposed for the development of single-family dwellings. The property is located at 408 Virginia Avenue, a/k/a Block: 74, Lot 9 in the City’s R-2 Zoning District. In connection with the proposed minor subdivision application, the Applicant requires ‘C’ variance relief in relation to the minimum lot depth.

Anthony Monzo, Esq., of Monzo, Catanese & Hillegass, PC of Cape May Court House, NJ appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Monzo informed the Board that the Property measures 52’x 85’ lot & a 48’x85’ lot(s) proposed for the development of single-family dwellings & is located within the City’s R-2 Zoning District. Mr. Monzo advised the Board that the Property is occupied by a duplex residential structure, which will be demolished if the Application is approved. Mr. Monzo outlined the history of the Property. The Applicant provided that the Applicant will construct a single-family dwelling(s). Mr. Monzo indicated that the Applicant’s redesigned the single-family dwelling(s) to compliment the unique shape of the lot & to ensure the construction of a more aesthetically pleasing structure. Mr. Monzo advised the Board that the Applicant is seeking ‘C’ variance relief in relation to the minimum lot depth.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated October 5, 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. Four (4) members of the public had concerns/questions regarding parking, traffic & density regarding the application. No further public members wished to speak on behalf of the application or to the Board at this time. No further comment was offered. Chairman Davis closed the public portion of the meeting.

The Board had many questions regard design of the future single-family homes. Due to the brevity of questions, Mr. Monzo conferred with his client/Applicant. Based on the testimony, Mr. Monzo requested adjournment of the application until the next Board meeting in order to provide architectural detail of the single-family home proposed on the lots. Based on the myriad of issues & substantial changes that are expected to the application as discussed with the Board, Applicant & attorney of the Applicant, that all parties decided that more time is necessary to properly submit the requested/required documentation & plans.

Mr. Monzo requested adjournment of the application due to the fact the Applicant was not prepared to continue with the application based on the myriad of issues concerning the construction of the site & how it relates to the Board’s prior approval.

The Board Solicitor announced adjournment of the above referenced application by request of the Applicant’s attorney/agent. The request for adjournment also provided for time limit wavier under the NJ

which the Applicant intends to demolish. He indicated that the proposed subdivision would create two (2) conforming 50ft. x 100ft. lots. Mr. Newswanger reviewed the proposed site plan for the benefit of the Board. He testified that the proposed duplexes will front onto 15<sup>th</sup> Avenue. Mr. Newswanger distributed the following exhibits:

- a. A photograph depicting the existing commercial structure which was received by the Board & marked as **Exhibit A-1**.
- b. A photograph depicting a view of the Property down New York Avenue looking east which was received by the Board & marked as **Exhibit A-2**.
- c. A photograph depicting a view of the Property down New York Avenue looking west which was received by the Board & marked as **Exhibit A-3**.

Mr. Newswanger testified that the existing site contains 100% lot coverage & 90% of the curb is depressed preventing any on-street parking. He indicated that raised curbing will replace the existing depressed curb & approximately five (5) on-street parking spaces will be created along New York Avenue & 1 additional space along 15<sup>th</sup> Avenue. Mr. Newswanger reviewed the proposed siteplan for the benefit of the Board. He testified that the proposed duplexes will comply with all conditions governing the development of duplexes on 50ft. x 100ft. lots within the R-2 Zoning District with the exception of the frontyard setback along New York Avenue associated with proposed Lot 1. Mr. Newswanger testified that a 10ft. frontyard setback is required; however, in light of the fact that Lot 1 is a corner lot, in order to make the proposed duplex functional, a frontyard setback of 4.6ft. is proposed along New York Avenue. Mr. Newswanger further testified that the façade of the structure facing New York Avenue will contain projecting bays which will be brought down to grade & landscaping will be incorporated in order to give the structure the appearance of having two (2) fronts. As a condition of approval, the Applicant will submit revised copies of the siteplan addressing the comments within the Board Engineer's October 5, 2021 Review Memorandum & depicting compliant, water-resistant landscaping. Mr. Newswanger reviewed the conditions associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. He testified that the proposed duplexes are limited to two (2) habitable floors, they have one (1) visible entrance & the 2nd entrance is recessed within the garage area, the duplexes provide a 5/12 roof pitch, asymmetrical façades, and they are designed in a traditional seashore style. Mr. Newswanger reviewed the proposed floor plans & building elevations for the benefit of the Board. He advised the Board that each unit will contain a total of four (4) bedrooms & decks are proposed along the front of the structures. In response to a question posed by the Board, Mr. Newswanger testified that the proposed structures do not exceed maximum building height & they are below maximum permitted lot & building coverage.

Tiffany Morrissey, P.P., a professional planner, appeared before the Board on behalf of the Applicant. Ms. Morrissey was accepted by the Board as an expert in the field of land planning, & she was placed under oath & sworn in to testify. Ms. Morrissey reviewed the relief sought in connection with the Application for the benefit of the Board. She reiterated the required conditions associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. Ms. Morrissey testified that all required conditions are met with the exception of the frontyard setback along New York Avenue for the proposed corner lot, necessitating a D(3) Conditional Use Variance. Ms. Morrissey opined that the corner lot can accommodate the proposed duplex even with the deficient frontyard setback. Ms. Morrissey testified that the corner lot can accommodate the proposed duplex despite the fact that not all conditions are met. Ms. Morrissey testified that the Property is located in a residential zone & it is currently developed with a non-conforming commercial use. Ms. Morrissey further testified that the proposed duplexes are consistent with the zone & the surrounding neighborhood. She indicated that the proposed duplexes will contain compliant lot & building coverage, large curbcuts will be eliminated creating more on-street parking, and a non-conforming commercial use will be eliminated. Ms. Morrissey opined that the relief sought by the Applicant can be granted by the Board as the proposed development advances several of the special purposes of zoning as set forth within N.J.S.A. 40:55D-2, as it:

**Application No.: Z-21-6-2 Star Property Group, LLC**

721-723 Spruce Avenue

Block 28, Lots 7.01 & 7.02

R-2 Zoning District

Minor Subdivision approval

Conditional Use siteplan approval with Conditional Use Variance – new duplexes on 50x100 lots

The Board heard & considered the application of Star Property Group, LLC (Applicant), the owner of the property located at 721-723 Spruce Avenue, a/k/a Block 28, Lots 7.01 & 7.02 (Property), seeking minor subdivision approval, a D(3) Conditional Use variance/Use Variance for proposed Lot A in connection with minimum lot area (5,000SF is required whereas 4,866SF is proposed) & minimum lot depth (100ft. is required whereas 97.12ft. is proposed), and a design waiver associated with a proposed curb cut (a maximum curb cut of 20ft. is permitted whereas 28.5ft. is proposed), in order to create three (3) lots measuring 50ft. x 97.12ft, 40ft. x 100ft. & 60ft. x 104.43ft. suitable for the construction of two (2) duplexes & one (1) single-family dwelling;

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 reviewed the history of the Property, noting that this is the 5th application associated with same that has been filed over the years. Mr. Barnes indicated that most recently the Property, which has a total lot area of 15,136SF, was subdivided into two (2) lots suitable for the development of duplexes. Mr. Barnes informed the Board that in 1989, a former owner conveyed a small portion of the land to the New Jersey Department of Transportation (NJDOT) in relation to improvements made to Spruce Avenue, and four (4) years thereafter additional land was conveyed to the NJDOT for the widening of Spruce Avenue. Mr. Barnes advised the Board that the transfer of land to the NJDOT created a lot depth issue due to the curvature of Spruce Avenue. Mr. Barnes indicated that subsequent to the approval of the most recent minor subdivision, the City changed the Ordinance to allow duplexes to be constructed on lots measuring 50ft. x 100ft as conditional uses. Mr. Barnes advised the Board that the Applicant is now proposing another minor subdivision in order to create a 50ft. x 97.12ft lot for the development of a conditional use duplex, a 40ft. x 100ft. lot for the development of a conforming single-family dwelling & a 60ft. x 104.43ft. lot suitable for the development of a traditional duplex. Mr. Barnes stated that a D(3) Conditional Use Variance is required for the development of the proposed conditional use duplex on the 50ft. x 97.12ft. lot in light of the fact that the lot area & lot depth do not conform to the required conditions outlined within the Ordinance.

Brian Newswanger, RA of Atlantes Architects 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 proposed site & architectural plans, revised dated April 14, 2021 & August 18, 2021, which were received by the Board & which are incorporated herein as fact. The Board is also in receipt of a proposed plan of minor subdivision and a plot & grading plan, prepared by Dante Guzzi Engineering Associates, dated June 23, 2021. Mr. Newswanger testified that the single-family dwelling proposed to be constructed on Lot B & the duplex proposed to be constructed on Lot C, both fully conform with all applicable area & bulk requirements governing same, and no variance relief is required in connection with either structure. Mr. Newswanger testified that proposed Lot A is slightly undersized, measuring 50ft. x 97.12ft. He indicated that the Applicant is proposing to construct a conditional duplex on this lot, but due to the non-conforming lot area & lot depth, a D(3) Conditional Use Variance/Use Variance is required. Mr. Newswanger reviewed the proposed siteplan for the benefit of the Board. He distributed a color rendering depicting the three (3) proposed structures which was received by the Board & which was marked as **Exhibit A-1**. Mr. Newswanger reviewed the conditions associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District. Mr. Newswanger confirmed that the proposed duplex is limited to two (2) habitable floors, has one (1) visible entrance & the 2nd

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. O'Connell & 2nd by Mr. Green. 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.

I) ZONING OFFICER REPORT:

Dan Spiegel, 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 September 8, 2021 Meeting minutes. The Board Solicitor called for any discussion or corrections to the minutes. The Board Secretary corrected typos meeting end time at last month's meeting. No further discussion to the minutes. Motioned as proposed by Vice Chair DiEduardo & 2nd by Ms. DeJoseph. Mr. O'Connell abstained from the vote on 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.

Model Statewide Municipal Electric Vehicles (EV) Ordinance & associated State Law concerning same

The Board Solicitor informed the Board of a new State Law regarding electric charging stations & parking spaces designated for EV's. The law is effectively immediately & is considered an inherently beneficial use. There are several municipal concerns regarding the mandated Ordinance requirements that are imposed upon municipal zoning enforcement. A parking space requirement is beneficial advantage for the charging stations whereby the actual parking space does not have to exist. A 10% cap of the total parking space requirement is imposed by the Law. EV parking supersedes over conventional powered vehicles. The Law does not take in account Base Flood Elevation (BFE) requirements.

Mr. O'Connell proposed discussion on frontyard parking parallel parking to the right-of-way. This will be a topic for the Land Development Ordinance amendments.

Definition of Hotel/Motel – City administration requested the Board provide recommendations to City Council as to what revisions to the Land Development Ordinance it believes are appropriate, or the City can draft an Ordinance amending the sections in question as it sees fit & then provide that Ordinance to the Board for review/comment prior to final adoption. The Board Land Development Ordinance Amendment Sub-Committee can take the lead on this & work with the Board to develop proposed revisions to the definition of Hotel/Motel & to develop potential conditions associated with multi-family dwellings (residential apartments)