

North Wildwood Planning Board
Regular Meeting: February 9, 2022
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 Di Eduardo	Present	Mayor's Designee Mr. Doug Miller	Present
Chief John Stevenson	Present	Mr. William Green	Present
Mr. John Harkins	Present	Councilman David Del Conte	Absent
Mr. George Greenland	Present	Mr. Bill O'Connell	Present
Mr. Bill Auty (Alt. 1)	Absent	Ms. Barbara Hass (Alt. 3)	Present
Mr. Ron Peters (Alt.2)	Present	Ms. Valeria DeJoseph (Alt. 4)	Present
		Mr. Robert 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.

G) MEMORIALIZATIONS:

Application No.: Z-21-11-1 White Sands, II, LLC

Walnut & North New York Avenues
Block 191 Lot 1.05
D&E Zoning District
Minor Subdivision approval

The Board heard & considered the application of White Sands II, LLC (Applicant), doing business at 3846 Kirkwood Road, Philadelphia, PA, owner of the property located at 141 West Walnut Avenue, a/k/a Block 191, Lot 1.05 (Property), seeking minor subdivision approval seeking to subdivide an existing 135ft. x 100ft. lot in order to create two (2) conforming lots measuring 70ft. x 100ft. & 65ft. x 100ft. The property is located in the Dining & Entertainment (D/E) Zoning District.

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

Application No.: Z-21-11-2 North Shore Bricks, LLC

301 New York Avenue
Block 186, Lot 2
R-2 Zoning District
Use Variance/Preliminary & Final siteplan approval – expansion of non-conforming use (restaurant)

The Board heard & considered the application of North Shore Bricks, LLC (Applicant), owner of the property located at 301 New York Avenue, a/k/a Block 186, Lot 2 (Property), seeking a D(2) Use variance for the expansion of a non-conforming use, and 'c' variance relief in relation to minimum sideyard setback (10ft. is required whereas 1.7ft. is proposed), minimum frontyard setback (10ft. is required whereas 0ft. & 1.6ft. are existing & proposed), minimum rearward setback (10ft. is required whereas 1.7ft. is proposed), maximum building coverage (70% is permitted whereas 89% is existing & 86.23% is proposed), maximum lot coverage (80% is permitted whereas 100% is existing & proposed), and off-street parking for six (6) spaces, in order to renovate the existing bar/restaurant located on site & construct 2nd-floor deck containing sixty-four (64) seats. The property is 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 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 memorialization was approved by the Board. Board members Chief Stevenson, Mr. Miller, Ms. Haas & Ms. DeJoseph abstained from the vote.

Planning Board Resolution No. PB-02-2022 - Board Professionals for Year 2022

For memorialization only

The Board Solicitor called for a motion to approve the memorialization of the Resolution for the selection of Board Professionals for the Year 2022 as discussed. Motioned by Mr. O'Connell & 2nd by Ms. Haas. 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.

The following Board member(s) was excused from the vote or participating in the application due to identified conflict with the application; Board Member(s); Chief Stevenson & Mr. O'Connell

H) NEW BUSINESS:

Application No.: P-21-12-1 Largy Road, LLC (aka Angelsea Pub restaurant)

116 West 1st Avenue

Block 188.02; Lot 9

CBD Zoning District

Preliminary & Final siteplan approval & 'c' variance relief in order to expand outdoor dining via the construction of a covered deck at the property

The Board heard & considered the application of Largy Road, LLC (Applicant), owner of the property located at 116 West 1st Avenue, a/k/a Block 188.02, Lot 9 (Property), seeking preliminary & final siteplan approval, & 'C' variance relief in relation to off-street parking for two (2) parking spaces, minimum parking stall length (18ft. is required whereas 16.5ft. is proposed), minimum drive aisle width (24ft. is required whereas 21.7ft. is proposed), maximum lot coverage (80% is permitted whereas 100% is existing & proposed), minimum sideyard setback to existing accessory structures (four (4)ft. is required whereas 0.2ft. is existing & proposed), and required buffer to an adjoining property, in order to construct an elevated wooden deck in the area of existing parking lot adjacent to New Jersey Avenue to provide a total of fifty (50) outdoor seats. The property is located in the Central Business District (CBD) Zoning District.

Cory Gilman, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Gilman informed the Board that the Property is developed with a bar/restaurant known as the Anglesea Pub & it is located in the City's CBD Zoning District. The Applicant is seeking preliminary & final siteplan approval in order to construct an elevated wooden deck adjacent to New Jersey Avenue in the area of an existing three (3) car parking lot to provide a total of fifty (50) outdoor seats. Modifications are also proposed to an existing rearyard parking lot consisting of additional parking spaces & restriping in order to eliminate angled parking to improve functionality & safety. Mr. Gilman advised the Board that the Applicant has been utilizing the existing parking area located adjacent to New Jersey Avenue for outdoor seating for the past two (2) years under the City's temporary Covid-19 site plan exemption. The Applicant's proposal would eliminate said temporary approvals & allow for the construction of a permanent outdoor seating area consisting of a raised deck covered by a hard roof & awnings. Mr. Gilman indicated that the awning located above the main entrance to the pub will also be replaced with a permanent roof in connection with this project.

Joseph Garramone, R.A., a registered architect with Garramone Architects, LLC, appeared before the Board on behalf of the Applicant. Mr. Garramone was placed under oath & he testified from the proposed floor & architectural elevations, dated January 18, 2022, which were received by the Board & which are incorporated herein as fact. Mr. Garramone was accepted by the Board as an expert in the field of architecture. Mr. Garramone reviewed the existing & proposed architectural elevations for the benefit of the Board. Mr. Garramone testified that the floor of the proposed raised deck will be constructed to the same height as the existing restaurant. He indicated that a chairlift will be installed in order to ensure that the deck is compliant with ADA standards. Mr. Garramone informed the Board that the proposed deck will be constructed using trex boards & a 3.5ft. privacy wall will be erected along the perimeter. A fixed roof will be constructed above the deck & the main entrance to the pub & awnings will be incorporated as well. Mr. Garramone advised the Board

that access to the deck will be provided by a set of stairs located along the façade of the building or from inside the pub itself. He indicated that a refrigeration/walk-in box, an HVAC unit & restrooms will also be incorporated on the deck. Mr. Garramone testified that the existing parking lot located adjacent to New Jersey Avenue encroaches into the City right-of-way; however, the proposed deck provides a 2.5ft. buffer & he indicated that the Applicant is proposing to further reduce the size of the deck by an additional 2.5ft. in order to provide a five (5) foot buffer to New Jersey Avenue despite the fact that a 0ft. buffer is permitted. As a condition of approval, the Applicant will submit revised plans depicting a five (5) foot buffer between the deck & the public right-of-way.

A discussion ensued in relation to proposed landscaping within the buffer area. As a condition of approval, the Applicant will submit a landscaping plan to be reviewed & approved by the Board Engineer. In response to a question posed by the Board, Mr. Garramone testified that a total of 50 seats will be located on the deck, consisting of seven (7) tables containing a total of 28 seats & 22 additional seats at a proposed bar. Mr. Garramone opined that the proposed construction will promote a desirable visual environment which will be aesthetically pleasing & compliment the main thoroughfare leading into the City of North Wildwood.

Andrew Schaeffer, P.E., P.P. with Schaeffer Nassar Scheidegg Consulting Engineers, LLC (SNS) appeared before the Board on behalf of the Applicant. Mr. Schaeffer was accepted as an expert in the field of engineering & planning, and he was placed under oath & testified from the proposed siteplan, dated September 20, 2021 & revised January 18, 2022, which was received by the Board & which is incorporated herein as fact. Mr. Schaeffer reviewed the existing & proposed site conditions for the benefit of the Board. He advised the Board that the site contains a total of 11,000SF & it is currently developed with a bar/restaurant known as the Anglesea Pub. Mr. Schaeffer noted that the site contains a number of pre-existing non-conforming conditions which are not being increased or exacerbated in connection with the Applicant's proposal. He noted that the site currently contains 100% lot coverage; however, lot coverage will be reduced slightly due to the buffer & landscaping proposed along New Jersey Avenue. Mr. Schaeffer reviewed the existing off-street parking provided on site. He advised the Board that the existing rear parking lot consists of angled parking spaces which require individuals to back out onto to 1st Avenue. Additional parking spaces are located in a small three (3) space parking lot adjacent to New Jersey Avenue which also necessitates that individual back out onto New Jersey Avenue. Mr. Schaeffer testified that the rear parking lot will be redesigned to provide a total of 11 head-in off-street parking spaces. He indicated that the parking spaces are slightly undersized & the drive aisle does not meet minimum requirements; however, given the existing site conditions, he opined that the Applicant's proposal is the best option to improve safety & provide functional off-street parking. As a condition of approval, a four (4) foot fence will be installed along the western property line to provide an additional buffer to the neighboring residential property. Mr. Schaeffer further testified that the three (3) off-street parking spaces adjacent to New Jersey Avenue will be eliminated in connection with the construction of the proposed outdoor deck. He advised the Board that the business has not used these spaces in the past two (2) years in light of the outdoor seating permitted under the temporary Covid-19 siteplan exemption rules enacted by the City. Mr. Schaeffer informed the Board that an ADA parking space is proposed on the corner of 1st Avenue in the public right-of-way. He indicated that there are no other locations on site which can meet ADA requirements aside from this location. As a condition of approval, the Applicant will petition City Council for approval in order to locate the ADA parking space in the public right-of-way. Mr. Schaeffer testified that depressed curbing located along New Jersey Avenue will be eliminated in connection with this project, and curbing will also be replaced along New Jersey Avenue. Mr. Schaeffer reviewed the proposed lighting plan associated with the deck & front entranceway. He confirmed that proposed lights will be appropriately shielded and will not spill on to neighboring properties. Mr. Schaeffer 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. 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;
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses & open space, both public & private, according to their respective environmental requirements in order to meet the needs of all NJ citizens; and
- i. Promotes a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Schaeffer further opined that the application can be granted as there are no substantial detriments to the public good & the application does not substantially impair the intent or purpose of the Zoning Map & Land development Ordinance. The application improves safety, reduces lot coverage & establishes a more efficient layout for an existing developed site. Mr. Schaefer argued that the benefits associated with this application far outweigh any potential detriments. In addition to the C(2) criteria, Mr. Schaeffer testified that the Applicant is experiencing a hardship in relation to the fact that the lot itself is irregularly shaped, it is already developed, and there are a number of existing non-conformities which limit the Applicant's ability to comply with the area & bulk requirements of the Zoning District

Board members inquired if bollards are proposed along New Jersey Avenue in order to protect patrons & the proposed deck. Mr. Garramone advised the Board that bollards are not proposed along New Jersey Avenue; however, he indicated that the deck piers can be reinforced to act as "bollards" to provide additional security & safety. As a condition of approval, the deck piers will be reinforced in order to act as bollards for safety purposes & a note will be added to revised plans reflecting same.

Sean McMullan, the Applicant & an owner of the Property, appeared & he was placed under oath to testify before the Board. Mr. McMullan reviewed the history of the Property & the operation of the business for the benefit of the Board. He advised the Board that he purchased the Property with his brother & his sister-in-law in 2020; however, he has served as the general manager to the Anglesea Pub since approximately 1990. Mr. McMullan testified that outdoor dining was not provided on site until the Covid-19 pandemic arose. He indicated that the site is currently approved to provide a total of 100 outdoor seats in an area adjacent to New Jersey Avenue. Mr. McMullan testified that he is proposing to reduce the number of outdoor seats from 100 to a total of 50 in connection with this Application. He indicated that there have been no parking or service issues with the addition of 100 outdoor seats & reducing that number to 50 should only further improve the operation. Mr. McMullan advised the Board that the Covid-19 pandemic has created a high demand for outdoor seating & he indicated that outdoor seating is now a necessity to operate a successful restaurant.

Board members raised issues associated with noise & outdoor entertainment that have arisen in connection with the existing temporary outdoor seating area. Mr. McMullan testified that the 'beer garden' is generally closed by 10pm and DJ's & bands performing outdoors are also usually shutdown by 10pm. Board members questioned whether or not the Applicant intended to close the proposed deck by 10pm. Mr. McMullan testified that he would prefer to maintain the option to operate the deck until normal closing time. As a condition of approval, the deck will be closed by 12am. Board members expressed concerns about the impact that bands performing on the proposed deck would have on the surrounding residential neighborhoods. As a condition of approval, no amplified DJ or live music will be permitted on the outside deck & no music will be permitted after 10pm. Mr. McMullan indicated that any house music or sound would be controlled on site & would be contained on site so as to not impact the surrounding neighborhood.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 1, 2022, 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 members of the public spoke out in favor or against the application. 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 variance approval. 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 CBD. The Applicant is the owner of the Property, as such, has standing to appear before the Board requesting variance/siteplan approval. Mr. McMullan addressed several concerns raised by the Board in relation to outdoor music/noise & the need for outdoor seating. The Board found Mr. Garramone, Mr. Schaffer & Mr. McMullen testimony to be credible & persuasive. With respect to the “C” variance relief sought by the Applicant, the Board finds that the Applicant has presented special reasons which advance the purposes of zoning which justify the granting of the variance relief associated with this application. The Board finds that the benefits of granting the relief sought by the Applicant outweighs any potential detriment to the public, and that there are no substantial detriments to the intent or purpose of the Ordinance & Zoning Map. With respect to the Application for variance approval, the Board finds that the application meets the standards of the Ordinance & the Applicant is entitled to approval for the proposed development. The purposes of 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 variance/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. Motioned by Mr. Green & 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.

Board member(s) Chief Stevenson & Mr. O’Connell returned to the Board dais at the conclusion of the previous application.

Planning Board Resolution No. PB-03-2022 – Deletion of Residential Flats as a permitted use in the Dining & Entertainment (D/E) Zoning District

The Board Solicitor presented Planning Board Resolution No. PB-03-2022 which on January 18, 2022, the City of North Wildwood’s governing body introduced Ordinance 1864, entitled “An Ordinance Amending Ordinance 1177 As Amended” which proposes to prohibit residential flats, as conditional uses, located above ground-floor permitted principal uses within the City’s Dining & entertainment (D&E) zoning district.

Pursuant to N.J.S.A. 40:55D-26 & N.J.S.A. 40:55D-64, prior to the adoption of a development regulation, revision, or amendment thereto, the governing body is required to refer said regulation to the Planning Board for its review & comment in order to ensure that the proposed regulation, revision or amendment is consistent with the municipality’s current Master Plan, and the Planning Board is required to prepare a report, to be submitted to the governing body, outlining the Board’s findings in relation to the consistency of said regulation to the municipality’s Master Plan.

The Board Solicitor called for a motion to approve the Resolution as discussed. Motioned by Vice Chair DiEduardo & 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 application was approved by the Board. Mr. Miller abstained from the application as Mayor's designee position.

I) ZONING OFFICER REPORT:

Dan Spiegel, Zoning Officer/Construction Official, had nothing 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 the January 12, 2022 Board Re-Organization Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. No discussion or corrections proposed. Motioned as proposed by Mr. Green & 2nd by Mr. Harkins. 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.

The Board Secretary brought the following "informational" items to the Board attention. No formal Board action was required;

Correspondence received from City resident regarding development of Harbor Mist Motel, 511 East 11th Avenue, Block 416, Lot 6, regarding Planning Board Resolution of Approval Z-2021-1-1, approval date of August 11, 2021.

Correspondence received from City resident regarding potential development of new duplex structure on 1303 Hoffman Canal, Block 119.02, Lot 4, in response to filing a State - NJDEP Waterfront Development permit.

M) REPORTS: None presented.

N) MEETING ADJOURNED:

Meeting was adjourned at 8:54pm, on motioned by Mr. Green & 2nd Ms. Haas. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: 3/10/22
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.