

North Wildwood Planning Board
Regular Meeting: May 18, 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)	Present	Ms. Valeria DeJoseph (Alt. 3)	Present
Mr. Ron Peters (Alt.2)	Absent	Vacant (Alt. 4)	
		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.

structure, to construct a 7ft. x 12ft. frontyard deck, and to install an undersized off-street parking space on site. The application was denied by the Board.

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

Application No.: P-22-2-3 Cedar Oak Development, LLC

431 East 25th Avenue

Block 289; Lot 8

OS Zoning District

Preliminary & Final siteplan approval & 'c' variance relief in order to develop a duplex

The Board heard & considered the application of Cedar Oak Development, LLC (Applicant), owner of the property located at 431 East 25th Avenue, a/k/a Block 829, Lot 8 (Property), seeking 'c' variance relief in relation to minimum lot area (6,000SF is required whereas 5,000SF is existing & proposed), minimum lot frontage (60ft. is required whereas 50ft. is existing & proposed), minimum lot width (60ft. is required whereas 50ft. is existing & proposed), and maximum building height (36ft. is permitted whereas 38ft. is proposed), in order to construct a single-family semi-detached (duplex) dwelling on a 50ft. x 100ft. lot in the City's Oceanside (OS) Zoning District. The application was denied by the Board.

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

H) **NEW BUSINESS:**

Application No.: P-22-3-3 - Joe Kane

1308 Delaware Avenue

Block 119.03; Lot 2

R-2 Zoning District

'c' variance relief in order to construct a deck which encroaches into the front & sideyard setbacks

The Board heard & considered the application of Joseph W. Kane (Applicant), the owner of the property located at 1308 Delaware Avenue, a/k/a Block 119.03, Lot 2 (Property), seeking 'C' variance relief in relation to minimum frontyard setback (10 feet is required whereas 7.1ft. is existing & 1.1ft. is proposed), and minimum sideyard setback (six (6) feet is required whereas 3.5ft. & 3.6ft. are existing & proposed), in order to construct a deck to the 1st living level along Hoffman Canal alley. The property has frontage along Delaware Avenue, but all proposed work shall involve in the rear of the property along Hoffman Canal alley. The Property is located in the R-2 Zoning District & it is currently developed with a single-family dwelling.

Joseph W. Kane, was self-represented in connection with the preparation & filing of this Application. Mr. Kane appeared & he was placed under oath to testify before the Board. Mr. Kane outlined the nature of the application & the relief sought in connection with same. Mr. Kane advised the Board that he is proposing to

need for variance relief. Mr. Kane argued that the undersized lot & the fact that same is already developed with one type of egress presents a hardship which supports the variance relief sought. The Board received no public comment to the variance relief sought by the Applicant. With respect to the “c” variance relief sought by the Applicant, the Board finds that the Applicant has presented sufficient justification to grant the variance relief associated with this application. The Board found the proposed variance/siteplan does meet the requirements set forth within the Ordinance. The Board acknowledged that the property is an undersized lot; however, the Board determined that the Applicant’s proposal presented limited substantial detriments to the public good & would not impair the intent & purpose of the Zoning Map & Ordinance. The Board found that the Applicant did establish that granting the requested variance relief would advance the purposes of Zoning, to the public good, to the City’s municipal land use Ordinances & to the City’s Zoning Map. 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 Resolution 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 Resolution was approved by the Board. Board members Mr. Peters & Ms. DeJoseph did not need to vote on the application.

The following Board member was excused from the vote or participating in the application due to identified conflict with the application; Board Member; Mr. Auty.

Application No.: P-22-3-2 - Shoreline, LLC

404 Surf Avenue

Block 278; Lot 12

R-1.5 Zoning District

Condition Use/siteplan approval – new duplex residential construction.

The Board heard & considered the application of Shoreline, LLC (Applicant), owner of the property located at 404 Surf Avenue, a/k/a Block 278, Lot 12 (Property), seeking minor subdivision approval to create one (1) 60ft. x 106ft. lot & one (1) 50ft. x 106ft. lot & Conditional Use approval in order to construct a single family semi-detached (duplex) dwelling each proposed lot.

Jeffrey Barnes, Esq. appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is an existing 110ft. x 106ft. lot located in the R-1.5 Zoning District. Mr. Barnes advised the Board that the Applicant is proposing to subdivide the existing lot to create two (2) lots suitable for the development of duplexes under the R-2 Conditional Use standards.

The Board is in receipt of a minor subdivision plan, dated February 21, 2022, prepared by James R. Boney, P.L.S., which is incorporated herein as fact. The Board is also in receipt of a site/architectural plan, dated February 20, 2022, prepared by Ronald Franke, R.A., which is incorporated herein as fact. The R-1.5 Zoning District allows for the development of duplexes so long as they are designed to appear as though they were a single-family dwelling & comply with the Conditional Use bulk requirements for duplexes in the R-2 Zoning District. The R-2 Zoning District allows duplexes to be developed on lots measuring 60ft. x 100ft. and duplexes are also permitted as Conditional Uses on lots measuring 50ft. x 100ft.

A discussion ensued in regards to whether the R-1.5 Zoning District allows duplexes to be constructed on 50ft. x 100ft. lots under the Conditional Use standards or whether development is limited to duplexes on

Chairman Davis then opened the application for general public comment & one (1) individual addressed the Board in connection with this application.

- a. George Miller, owner of the property located at 333 E. 5th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Miller expressed concerns in relation to the number of units proposed to be developed on site. He indicated that the Property contains one (1) residential unit, not four (4) units. He expressed additional concerns in relation to noise & the height of a proposed rearyard fence. As a condition of approval, the Applicant will install a six (6) foot solid fence in the rearyard of the Property.

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.

The Board members then discussed & summarized the application as presented. The Board then discussed the finding of facts on the variance/siteplan approval. Each Board member gave reasoning for their view of the facts & the application as it relates to the application. Mr. O'Connell "volunteered" for the finding of facts. Mr. O'Connell reiterated to the address and Block & Lot of the property as stated in the application. The Property is an existing 110ft. x 106ft. lot located in the R-1.5 Zoning District. The property is currently developed with a multi-family dwelling. The Applicant is the owner of the Property, as such, has standing to appear before the Board requesting variance/siteplan approval. Mr. Barnes & Mr. Peter reviewed the nature of the application; he identified the location of the proposed deck & front & sideyard building setbacks. The Applicant is proposing to subdivide the Property to create one (1) 60ft. x 106ft. lot & one (1) 50ft. x 106ft. lot suitable for the development of single family semi-detached (duplex) dwellings by minor subdivision. The Applicant is also requesting Conditional Use approval in connection with the duplex on the 50ft. x 106ft. lot. Duplexes are permitted in the R-1.5 Zoning District subject to the requirements governing the development of same in the R-2 Zoning District. The Board received one (1) public comment to the variance relief sought by the Applicant. The Applicant agreed to the following condition of approval:

- a. The Applicant will submit a revised plan of subdivision reflecting the creation of one (1) 60ft. x 106ft. lot & one (1) 50ft. x 106ft. lot.
- b. The Applicant will ensure that the proposed sideyard setbacks comply with the requirements of the Ordinance.
- c. The Applicant will install a six (6) foot solid fence in the rearyard of the subject property.

With respect to the Conditional Use standard sought by the Applicant, the Board finds that the Applicant has presented sufficient justification to grant the approval associated with this application. The Board found the proposed Conditional Use siteplan does meet the requirements set forth within the Ordinance. The Board finds that the Applicant meets all required conditions governing the construction of a single-family semi-detached dwelling on a 50ft. x 106ft. lot within the City's R-1.5 Zoning District. The Board further finds that the duplex proposed to be constructed on the 60ft. x 106ft. lot complies with all of the area & bulk requirements governing the development same. The Board finds that the Applicant has designed the dwellings so as to appear as if they were single-family dwellings, the minimum roof pitch exceeds that which is required, & the construction complies with the number of permitted habitable floors. Accordingly, the Applicant is entitled to Conditional Use & minor subdivision approval in order to construct the proposed single-family semi-detached (duplex) dwelling. The Board acknowledged that the property is an oversized lot; however, the Board determined that the Applicant's proposal presented limited substantial detriments to the public good & would not impair the intent & purpose of the Zoning Map & Ordinance. The Board found that the Applicant did establish that granting the requested variance relief would advance the purposes of Zoning, to the public good, to the City's municipal land use Ordinances & to the City's Zoning Map. The Board finds that the Applicant has satisfied

With respect to the non-conforming sidewalk slopes, Mr. Martin testified that 120ft. of concrete was replaced from the entrance of the real estate office to the property line adjacent to the Dairy Queen. Mr. Martin further testified that the concrete meets the required 2% slope and same was reviewed & approved by the City Engineer & the City building inspector. With respect to a ramp descending to the Dairy Queen patio area, Mr. Martin testified it was determined that the ramp did not need to be ADA compliant as ADA access to the site is already provided. Mr. Martin indicated that the ramp was originally proposed in order to load & unload deliveries to the Dairy Queen. He stated that an ADA parking space is shared between both the Dairy Queen & the real estate office and a walkway provides direct access to the Dairy Queen thereby rendering the ramp ADA access moot. Mr. Martin stated that there is ample space in front of the Dairy Queen to provide access to same for handicapped individuals. With respect to a required crosswalk, Mr. Martin testified that the crosswalk is not required due to the location of the ADA parking space.

With respect to the stormwater management system, Mr. Martin testified that the system that is currently installed on site is a better alternative to the stormwater management system that was originally approved by the Board. The existing stormwater management system consists of a retention basin which collects stormwater & prevents same from ponding on site. Mr. Martin indicated that a retaining wall was also constructed around the site which prevents stormwater from impacting neighboring properties.

With respect to the existing driveway, Mr. Martin advised the Board that the original siteplan proposed two (2) curb cuts; however, only one curb cut was installed to provide access to the entire site. Mr. Martin testified that the New Jersey Department of Transportation (NJDOT) preferred the construction of a single curb cut rather than two (2) curb cuts. Mr. Martin indicated that the single curb cut allowed for additional off-street parking to be added to the site. The original site plan approved fourteen (14) off-street parking spaces whereas a total of eighteen (18) off-street parking spaces currently exists on site. Mr. Martin testified that the parking spaces are striped & delineated by parking bumpers. He indicated that there are no signs or arrows pertaining to the flow of traffic within the parking area, but argued that same should not be required in light of the parking lot layout. Board Members questioned how the Applicant intends to deal with the issue of parking & access in the event either business is sold. Mr. Martin testified that cross-easements will be recorded which memorialize the right of both businesses to utilize the shared parking lot. As a condition of approval, the Applicant will submit copies of the proposed cross-easements to the Board Solicitor for review & approval prior to recording same.

Mr. Martin indicated that a lighting shield was installed on an existing light pole located in the center of the parking lot in order to address light pollution & the impact that same had on neighboring properties.

In regards to the trash enclosure, Mr. Martin testified that the real estate office's trash is located within a garage. The trash enclosure for the Dairy Queen is in the same location where it has historically been located. He indicated that the trash enclosure is buffered by a six (6) foot fence & the cans are lined & washed regularly in order to address odors & sanitary conditions.

Mr. Martin advised the Board that the fence located along the rear lot line has been replaced with a six (6) foot vinyl fence which is consistent with the original approvals, and the retaining wall along the rear lot line was modified so that it now runs 230ft. along the length of the property line.

With respect to parking lot bollards, Mr. Martin testified that bollards were installed surrounding the patio area in order to safeguard Dairy Queen patrons. He indicated that the retaining wall was also extended in order to safeguard neighboring properties & the general public.

The Board finds that the Applicant has met the requirements of the Ordinance in order to obtain amended preliminary & final siteplan approval. The Applicant provided testimony in relation to the need for variance relief & siteplan approval. The Board received no public comment to the variance relief sought by the Applicant. With respect to the “c” variance relief sought by the Applicant, the Board finds that the Applicant has presented sufficient justification to grant the variance relief associated with this application. The Board found the proposed variance/siteplan does meet the requirements set forth within the Ordinance. The Board acknowledged that the Property is a non-conforming use in the R-2 Zoning District; however, the Board determined that the Applicant’s proposal presented limited substantial detriments to the public good & would not impair the intent & purpose of the Zoning Map & Ordinance. The Board found that the Applicant did establish that granting the requested variance relief would advance the purposes of Zoning, to the public good, to the City’s municipal land use Ordinances & to the City’s Zoning Map. 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 Resolution as discussed. Motioned by Vice Chair DiEduardo & 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 Resolution was approved by the Board.

Planning Board Resolution No. PB-07-2022 – Amendment to Land Development Ordinance – Elimination to the 10% allowance for Mechanical Rooms & other roof structures for housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate & maintain the building

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 City of North Wildwood’s governing body on May 3, 2022, Ordinance 1800, entitled “An Ordinance Amending & Supplementing Ordinance 11777, As Amended” which proposes to eliminate a maximum building height exception which allowed the height of a structure to exceed maximum building height by 10% in order to construct mechanical rooms & other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment including elevator rooms, required to operate & maintain the building;

The Board quantified it is both reasonable & appropriate to ensure that the fee is reasonable for application throughout the City. The Board’s duly-noticed public meeting, reviewed & discussed proposed Ordinance No. 1800 to determine if said Ordinance was consistent with the City’s current Master Plan, and the Board ultimately found that the proposed Ordinance was acceptable & further found that same is consistent with the current City of North Wildwood Master Plan.

The Board Solicitor called for a motion to approve 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 Resolution was approved by the Board.

The Board resolves to recommend that the City Council to adopt the discussed revisions to the City's Ordinance as outlined & reviewed by the Board. The Board vowed to discuss this subject further at a later date.

M) COMMUNICATION(S):

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

City of North Wildwood Ordinance passage – Ordinance No. 1870 – Prohibition of Mechanical Car Lifts - amended

Information only – No formal Board Action expected

City of North Wildwood Ordinance passage – Ordinance No. 1875 – Administrative Tax Map fee for major/minor subdivisions & other land use mapping purposes

Information only – No formal Board Action expected

N) REPORTS: None presented.

O) MEETING ADJOURNED:

Meeting was adjourned at 7:55pm, on motioned by Ms. DeJoseph & 2nd Mr. O'Connell. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

6/30/22
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.