

North Wildwood Planning Board
Regular Meeting: February 8, 2023
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 James Kane	Present
Mr. George Greenland	Present	Mr. Bill O'Connell	Present
Mr. Bill Auty (Alt. 1)	Absent	Ms. Valeria DeJoseph (Alt. 3)	Absent
Mr. Ron Peters (Alt. 2)	Present	Sharon Cannon (Alt. 4)	Present
		Mr. Robert Belasco (Board Solicitor)	Present
		Mr. Ralph Petrella (Board Engineer)	Absent
		Jim Verna (Substitute 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:

Application No: Z-22-11-1 W & O Associates, LLC

431 E. 25th Avenue

Block 289; Lot 8

OS Zoning District

Use Variance – dormitory housing proposed, with “c” variances for parking

(Adjournment request received prior to application/plan disbursement to Board members)

The Board Secretary announced receiving an email in timely fashion from the Applicant's attorney requesting the adjournment of the above referenced application.

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 Municipal Land Use Law {NJ-MLUL} (NJSA 40:55D-1 et. seq.) & the Ordinance (Chap. 276-1 et. seq.) as announced by the Board Solicitor. The Board Solicitor announced to the public that this application will be adjourned to the March 8, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

Application No.: Z-22-10-2 John Morton

1206 Central Avenue

Block 208; Lot 13

R-1 Zoning District

Use Variance – expansion of non-conforming use, installation of swimming pool & shed
to multi-unit property

The Board Secretary announced receiving an email in timely fashion from the Applicant's attorney requesting the adjournment of the above referenced application.

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 Municipal Land Use Law {NJ-MLUL} (NJSA 40:55D-1 et. seq.) & the Ordinance (Chap. 276-1 et. seq.) as announced by the Board Solicitor. The Board Solicitor announced to the public that this application will be adjourned to the March 8, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

G) **MEMORIALIZATIONS:**

Application No: P-22-10-3 MW of Wildwood, LLC

426 West 19th Avenue

Block 88; Lot 4

R-2 Zoning District

Conditional Use/Siteplan approval for new duplex construction

The Board heard & considered the application of MW of Wildwood, LLC (Applicant), owner of the property located at 426 West 19th Avenue, a/k/a Block 88, Lot 4 (Property), 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.

The Board Solicitor called for a motion to approve the memorialization of the Resolution as discussed. Motioned by Mr. Harkins & 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. Board members Mr. Greenland, Mr. O'Connell, Councilman Kane & Ms. Cannon abstained from the vote.

Application: P-22-10-4 Mark Arabia & Sean Dougherty

203 Delaware Avenue

Block 156; Lot 2

R-2 Zoning District

Variance from NJSA 40:55D-35 which is required for Lot does not abut an improved street

Minor subdivision approval & 'c' variance relief

The Board heard & considered the application of Mark Arabia & Sean Dougherty (Applicant), owners of the property located at 203 Delaware Avenue, a/k/a Block 156, Lot 2 (Property), seeking minor subdivision approval to create one 50ft. x 82ft. lot (Lot 2.02) & one 50ft. x 117ft. lot (Lot 2.01), 'C' variance relief in relation to minimum lot frontage – Lot 2.01 (40ft. is required whereas 0ft. is proposed), minimum sideyard setback – Lot 2.01 (6ft. is required whereas 5ft. is proposed), minimum distance between structures – Lot 2.01 (8ft. is required whereas 5ft. is proposed), minimum lot depth – Lot 2.02 (100ft. is required whereas 50ft. is proposed), minimum frontyard setback – Lot 2.02 (10ft. is required whereas 3ft. is proposed), minimum rear yard setback – Lot 2.02 (10ft. is required whereas 5ft. is proposed), minimum distance between structures – Lot 2.02 (8ft. is required whereas 5ft. is proposed), and a planning variance from N.J.S.A. 40:55D-35 as proposed Lot 2.01 does not abut an improved street, in order develop a single-family dwelling on each of the proposed lots. 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 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 memorialization was approved by the Board. Board members Board members Mr. Greenland, Mr. O'Connell, Councilman Kane & Ms. Cannon abstained from the vote.

H) NEW BUSINESS:

Application No.: P-22-12-2 Argus Property Group, LP

109 West 8th Avenue

Block 182; Lot 15

R-2 Zoning District

Condition Use/Siteplan approval – construction of residential duplex

The Board heard & considered the application of Argus Property Group, LP (Applicant), owner of the property located at 109 West 8th Avenue, a/k/a Block 182, Lot 15 (Property), 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, Esquire 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 is currently developed with a single-family dwelling which the Applicant intends to demolish in order to construct a duplex dwelling. The Property is a 50ft. x 100ft. lot located in the City's R-2 Zoning District. The development of duplex dwellings is permitted on 50ft. x 100ft. lots in the R-2 Zoning District as a Conditional Use approval. Mr. Barnes reviewed the history of the City's decision to permit duplex development on 50ft. x 100ft. lots in the R-2 Zoning District as Conditional Uses provided the Applicant complies with specific conditions set forth within the City's Land Use Ordinance at §276-16(D)(1). Mr. Barnes reviewed the conditional use standards for the benefit of the Board. He indicated that the dwelling proposed by the Applicant meets all required conditions.

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, dated March 2022, & last revised January 2, 2023, which were received by the Board & which are incorporated herein as fact. Mr. Newswanger reviewed the existing & proposed site conditions for the benefit of the Board. He reiterated the Conditional Use standards associated with the development of a duplex on a 50ft. x 100ft. lot in the R-2 Zoning District, and he confirmed that the proposed duplex meets all applicable area & bulk requirements. Mr. Newswanger testified that he designed the structure so as to appear as if it were a single-family dwelling by incorporating an asymmetrical façade, offset decks, and projecting bays & rooflines with a significant amount of fenestration. He indicated that one main entrance is visible from the street whereas the 2nd unit entrance is hidden within a recessed area of the garage. He reviewed the proposed floor plans for the benefit of the Board, and he confirmed that each unit contains a total of three (3) bedrooms. Two (2) off-street parking spaces are provided for each unit which complies with the provisions of the New Jersey Residential Site Improvement Standards (NJ-RSIS).

A question arose from the Board in relation to the number of proposed bedrooms as a den was originally proposed within each unit which contained a full bathroom & a closet, and same appears intended to be used as a 4th bedroom. Mr. Newswanger confirmed that each unit will contain three (3) bedrooms. He testified that the den, which was originally identified on the 1st floor of the structure, has now been identified as a bedroom on the proposed floor plans, and a proposed bedroom on the 2nd floor has been eliminated. Mr. Newswanger indicated that the modified 2nd floor bedroom will now function as a den. He indicated that this room is located at the top of the stairs, it contains no division walls, and there is no bathroom or closet provided in the room. He indicated that the modified room is simply open living space for use by the future owners of each unit.

Mr. Newswanger reviewed the proposed architectural elevations for the benefit of the Board. He advised the Board that the design of the structure was modified in order to create a unique architectural appearance which is different than other conditional use duplexes that have been approved by the Board. Mr. Newswanger testified that that the visible entrance to the structure was designed with a tower entry element & recessed garage areas to ensure that the structure appears as if it's a single-family dwelling.

Board Members expressed concerns about the appearance of the structure & questioned the design of same. Board Members agreed that the structure appears as if it were a single-family dwelling; however, they indicated that the appearance of the structure is similar to a number of other conditional use duplexes that have been designed by Mr. Newswanger. Board Members indicated that the City has expressed concerns in relation to the fact that a number of conditional use duplexes that have been recently approved by the Board are very similar in appearance & do not contain their own unique architectural elements. Mr. Newswanger testified that the design of this structure was modified to give the building a "seashore Victorian" appearance. In response to a question posed by the Board, Mr. Newswanger stated that each unit has its own individual deck space, and same are separated by a partition. Board Member Mr. Green indicated that the inclusion of two (2) separate garage doors & a support beam which separates same gives the structure the appearance as if two (2) units exist within the structure. Mr. Newswanger indicated that the Applicant could evaluate eliminating the column in an effort to address this concern. He noted that the garage doors are recessed approximately 12ft. from the front façade of the structure.

Board Members inquired what controls can be implemented after construction to ensure uniformity between the two (2) units. Mr. Barnes indicated that the Applicant anticipates creating a condominium association which would be governed by a Master Deed & By-laws and which would contain a clause requiring uniformity between both units, specifically in relation to their exterior appearances.

In response to a question posed by the Board Secretary, Mr. Newswanger confirmed that a 16.5ft. frontyard & a 10ft. rearyard setback(s) are proposed. As a condition of approval, the Applicant will revise the zoning table set forth on page 1 of the submitted plans to accurately reflect the proposed setbacks. Mr. Newswanger advised the Board that the Applicant is also requesting a design waiver in relation to continuous raised curb as 25ft. is required whereas 15ft. is proposed. He stated that the Applicant is unable to meet the continuous raised curb requirement due to the geometry of the lot & the need to center the curb cut to provide off-street parking for both units. In response to a question posed by the Board, Mr. Newswanger testified that the proposed curb cut will be centered on the lot which is an improvement to the existing conditions & which will result in the creation of two (2) additional off-street parking spaces.

Mr. Newswanger testified that the proposed development is consistent with the surrounding neighborhood & the proposed duplex satisfies all conditions associated with the permitted conditional use. Accordingly, he opined that the Applicant was entitled to conditional use approval.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated January 27, 2023 which was received by the Board & which is incorporated herein as fact. James Verna, P.E. of Van Note-Harvey Associates, Inc. was present at the meeting in place of Mr. Petrella & he was placed under oath & he reviewed the contents of the aforementioned review memorandum. As a condition of approval, the Applicant will submit a detailed lot grading plan to be reviewed & approved by the Board Engineer.

Chairman Davis then opened the application for general public comment. One (1) member of the public addressed the Board in connection with this Application, namely:

Frederic Spackman, owner of the property located at 108 West 7th Avenue, appeared & he was placed under oath to testify before the Board. Mr. Spackman inquired when construction was anticipated to begin. He questioned whether or not the Applicant intends to drive pilings in connection with the proposed development, and he was advised that pilings are not anticipated at this time.

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/minor subdivision 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 located in the R-2 Zoning District on a conforming 50ft. x 100ft. lot for the R-2 Conditional Use Standard, & it is currently vacant. The Applicant is before the Board requesting Conditional Use/siteplan approval in order to construct a new duplex dwelling which will conform to all of the R-2 Conditional Use requirements governing same. Mr. Newswanger reviewed & confirmed the requirements sought in connection with this Application & he confirmed that the proposed duplex dwelling will conform to all of the R-2 bulk requirements. Mr. Newswanger provided testimony in regards to the parking requirements. Mr. Newsanger's testimony was deemed credible by the Board. The Board finds that the Applicant has presented valid reasons which advance the purposes of Zoning which justify the granting of the aforementioned approval. In addition, the Board finds that the fact that the Property meets all requirements which provides additional justification for granting the requested siteplan approval. The Board found that the Applicant did establish that granting the siteplan approval 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 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 of the Resolution as discussed. Motioned by Ms. Cannon & 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 Resolution was approved by the Board.

I) ZONING OFFICER REPORT:

Dan Speigel, Zoning Officer/Construction Official, explain the situation at 421 East 8th Avenue which has issued Certificate of Occupancy (C/O) for new duplex residential construction project which has been constructed. Representatives from Van Note Harvey & Assocs, as well as Mr. Speigel, also met with the owner of 423 East 8th Avenue, whereby a recommendation to modify the fence to stop stormwater from passing from the swimming pool deck to the neighbor's property of 423 East 8th Avenue. The fence modification was installed. All possible remedies have been done to rectified all issues.

Board member Mr. O'Connell has a question of the shed/application on 10th & Delaware which is apparently up for sale as a property. This property has not been resolved. Mr. Speigel described that all possible contact to the Applicant has been made with no response by the Applicant. Mr. Spiegel did talk to the applicant some time ago, who indicated a crane is needed to move the shed from its location. Upon any sale of property, the Zoning Use Compliance certificate would have to be issued, noting the apparent violation on the property. Mr. Speigel has issued a notice of violation for no action, as well as, Construction Permit application non-compliance. The Applicant has made no effort to conform to the issued Construction Permit and/or Planning Board approval at this time.

Mr. O'Connell requested some "check & balance" when the sell of the property occurs, any outstanding zoning or Planning Board condition would have to abide by in the course of Construction Office monitoring.

The Board thanked Mr. Speigel for his efforts & resolve.

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.

K) APPROVAL OF MINUTES:

The Board Solicitor presented to the Board the approval the January 11, 2023 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.

L) UNFINISHED BUSINESS: None presented

M) COMMUNICATION(S):

Mr. Green resignation letter from the Board – Chairman Davis voiced his admiration for Mr. Green & was congratulated for his tenure with the Board & his dedication was recognized for the value he brought to the

Board. Mr. Green has been on the Board for 18 years. Mr. green voiced his admiration of the positive changes that the City has experienced. Various Board members wished their best wishes to Mr. Green with his future endeavors.

N) REPORTS: None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 7:25pm, on motioned by Vice Chair DiEduardo & 2nd by Mr. Greenland. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

3/9/23

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.

