

North Wildwood Planning Board
Regular Meeting: March 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	Vacant	
Mr. John Harkins	Present	Councilman James Kane	Present
Mr. George Greenland	Absent	Mr. Bill O'Connell	Present
Mr. Bill Auty (Alt. 1)	Absent	Ms. Valeria DeJoseph (Alt. 3)	Present
Mr. Ron Peters (Alt. 2)	Absent	Sharon Cannon (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:

Application No: Z-23-1-1 802 NY Ave LLC

204 West 8th Avenue

Block 150, Lot 8

R-2 Zoning District

Use/Height Variance approval for construction of Single-family home on undersized lot

(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 April 12, 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-22-12-2 Paula Jean & Joanne DiGiuseppe

324 E. 15th Avenue

Block 267; Lot 11

R-1 Zoning District

Use Variance approval for construction of duplex in R-1 single-family Zoning District

(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 April 12, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

Application No.: P-23-1-2 Margaret Dempsey Mathis

223 West Chestnut Avenue

Block 159; Lot 17

R-2 Zoning District

'c' variance relief in order to raise & expand an existing single-family dwelling

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 May 17, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

Application No.: P-17-10-1(c) BG Capital, LLC

2300 Boardwalk

Block 291.01; Lot 1

SPRA Zoning District

Amended siteplan approval – new bar on pier deck footprint

The Board Secretary announced receiving several emails “from several attorney’s representing Applicant’s for tonight’s meeting.” For this application, an email from the Applicant’s attorney requesting the adjournment of the above referenced application. The Applicant requested a postponement due to a failure of the Atlantic City Press newspaper to timely publish the public notice, despite the fact that the request for public notice was provided to the Atlantic City Press almost a week ahead of time. In fact, the Press has still not responded to any attorney request(s) for confirmation of publication despite numerous communications from the attorney’s office(s). Allegedly, the Atlantic City Press had a complete breakdown in processing legal/classified advertisements.

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 April 12, 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 several emails “from several attorney’s representing Applicant’s for tonight’s meeting.” For this application, an email from the Applicant’s attorney requesting the adjournment of the above referenced application. The Applicant requested a postponement due to a failure of the Atlantic City Press newspaper to timely publish the public notice, despite the fact that the request for public notice was provided to the Atlantic City Press almost a week ahead of time. In fact, the Press has still not responded to any attorney request(s) for confirmation of publication despite numerous communications from the attorney’s office(s). Allegedly, the Atlantic City Press had a complete breakdown in processing legal/classified advertisements.

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 April 12, 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-22-11-1 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

The Board Secretary announced receiving several emails “from several attorney’s representing Applicant’s for tonight’s meeting.” For this application, an email from the Applicant’s attorney requesting the adjournment of the above referenced application. The Applicant requested a postponement due to a failure of

the Atlantic City Press newspaper to timely publish the public notice, despite the fact that the request for public notice was provided to the Atlantic City Press almost a week ahead of time. In fact, the Press has still not responded to any attorney request(s) for confirmation of publication despite numerous communications from the attorney's office(s). Allegedly, the Atlantic City Press had a complete breakdown in processing legal/classified advertisements.

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 waiver 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 April 12, 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-22-12-2 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.

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 Ms. DeJoseph abstained from the vote.

H) NEW BUSINESS:

Board member Mr. Miller identified he had a conflict with the application & took a seat in the public seating area.

Application No.: P-23-1-3 Jersey Development Group, LLC

228 West 14th Avenue

Block 144; Lot 8

R-2 Zoning District

Conditional Use/Siteplan approval in order to construct duplex dwelling

The Board heard & considered the application of Jersey Development Group (Applicant), owner of the property located at 228 West 14th Avenue, a/k/a Block 144; Lot 8 (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.

Scott Peter, Owner & Applicant appeared on behalf of the application. Mr. Peter was placed under oath & he testified from the proposed site/architectural plans, prepared by Ronald D. Franke, R.A. with Architectural Management Inc., consisting of two (2) pages, dated December 20, 2022, which are incorporated herein as fact. Mr. Peter presented a color rendering of the proposed single-family semi-detached dwelling which was received by the Board and which was marked as Exhibit A-1. As a condition of approval, the Applicant will construct the proposed single-family dwelling consistent with the structure depicted in the rendering received by the Board & marked as Exhibit A-1. Mr. Peters 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. Peter 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). Mr. Peter opined that the design of the structure is unique & is unlike any conditional duplex which has been proposed or constructed within the City.

Mr. Barnes advised the Board that the proposed units will contain a total of four (4) bedrooms, & compliant off-street parking is provided on site. With respect to off-street parking, Mr. Barnes informed the Board that the original plans proposed three (3) stacked parking spaces for each unit, one (1) in front of the garage and two (2) stacked spaces within the garage itself. Mr. Barnes indicated that the Applicant is proposing to modify the off-street parking arrangement to provide side-by-side parking spaces within the garage & one (1) parking space within the driveway. As a condition of approval, the Applicant will submit revised plans depicting side-by-side off-street parking spaces within the proposed garages. Mr. Barnes indicated that a waiver is also requested in relation to required continuous raised curbing as 25ft. is required whereas 16.6ft. was originally proposed. He indicated that the Applicant will modify the proposed driveways to increase the amount of continuous raised curbing to 20ft; however, a waiver is still required.

Board Engineer Petrella raised a concern about the location of proposed HVAC units within the garage & the impact that same would have on the ability to provide two (2) functional side-by-side parking spaces within the garage. Mr. Petrella indicated that proposed stairs located within the garage would also have an impact on the ability to access the proposed side-by-side parking spaces within the garage. Mr. Peter testified that he would relocate the HVAC units to the rearyard of the Property in an effort to eliminate the proposed indentation in the side of the building to provide additional space in the garage to ensure that the proposed side-by-side parking spaces were both accessible & functional.

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 the architectural firm retained by Mr. Peter. 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.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated February 21, 2023 which was received by the Board & which is incorporated herein as fact. As a condition of approval, the Applicant will submit a detailed lot grading plan to be reviewed & approved by the Board Engineer. Mr. Petrella reviewed & confirmed the relief sought by the Applicant. He confirmed that the Applicant has met all of the conditions associated with the development of a Conditional Use Duplex in the R-2 Zoning District. He advised the Board that it needs to determine whether or not the proposed dwelling was designed to appear as if it were a single-family dwelling, and, in the event the Board finds that it does, the Applicant is entitled to Conditional Use approval.

In response to a question posed by the Board, Mr. Peter testified that the unit addresses would likely be installed above the garage doors, and the individual mailboxes would be located within the porte-cochere where they would not be visible from the street.

Chairman Davis then opened the application for general public comment. No 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 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. Peter 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. Peter provided testimony in regards to the parking requirements. Mr. Peter 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. 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.

At the conclusion of the application, Mr. Miller returned to the Board meeting as a voting member.

Application No.: P-23-1-4 Joseph & Susan Surina

213 East 14th Avenue

Block 238; Lot 21

R-1 Zoning District

'c' variance relief for frontyard in order to construct a new front porch

The Application submitted by Joseph & Susan Surina seeks 'c' variance relief in order to construct an addition & a new front porch at the property located at 213 East 14th Avenue, North Wildwood, NJ, a/k/a Block 238, Lot 21. The property is located in the R-1 Zoning District. The application seeks a frontyard setback variance for the frontyard porch.

The City Construction Office has issued a Construction Permit for the property in order for the project to commence (especially the sideyard addition portion of the project), with the sideyard addition & compliant front porch based on the existing footprint. The application before the Board proposes a bigger & expanded front porch, thus necessitating a frontyard setback variance & application before the Board.

Since commencement of the project, the existing residence was mistakenly demolished/torn down by a sub-contractor. The house was completely razed, due to "mis-communication" with sub-contractor. A new foundation has been constructed in lieu of obtaining permits for same. The Construction/Zoning Official has issued a Notice of Violation/Stop Work order in regards to same.

John Amenhauser, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. Mr. Amenhauser advised the Board that the Applicant is proposing re-build the property as designed/currently proposed under the Construction Permit that has been issued to the property owner for the addition/front porch. Mr. Amenhauser wished to proceed with the submitted variance request for a frontyard setback with the understanding that the house will be reconstructed, however the house placement on the lot was already an existing non-conformity.

The Board debated the application of granting a frontyard setback variance to a residence/property that did not exist. Several Board members had severe reservations in going forward & proceeding with the application considering the circumstances. No residence/home exists so how can a variance be issued? Board members had several questions regarding the project. There were some inconsistencies discovered by the Board members & the Applicant's experts. After seeking a five-minute recess, Mr. Amenhauser requested tabling the application till next month's meeting.

Applicant & his attorney, the Applicant requested tabling the application till the April meeting to work out details regarding same. Board members were almost united that the non-conforming foundation location was problematic & was not the aesthetic vista thought to be harmonic to the neighborhood. It was desirable to the most of the Board that a conforming/"fresh start" of new construction would be beneficial. The property has plenty of room to accommodate the new residence.

Mr. Amenhauser discussed the myriad of issues & substantial changes that were expected to the siteplan as discussed with the Board & Applicant & Mr. Amenhauser, that all parties decided that more time is necessary to properly submit the requested/required documentation & plans. Mr. Amenhauser 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 possible

review & interpretation of the siteplan. Mr. Amenhauser requested time until the April meeting to submit revised documentation, which was granted.

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 April 12, 2023 meeting & no further public notice will be or is required to be provided. With that being said, the application was adjourned.

Chairman Davis explained the order of the Agenda for presumably lengthy Agenda for the April 12th Board meeting, with the various adjournments referenced above. The Board discussed the end of time for this lengthy Agenda for the April meeting. The Board is flexible with the time constraints for the duration of the meeting, as a majority. This circumstance is unique with the AC Press situation.

I) ZONING OFFICER REPORT:

The Board discussed enforcement measures/notifications that should be in the Board's packet so the Board is aware which application is subject of an enforcement action by the Zoning/Construction Official.

The Board also discussed the number of adjournments that the Board "should" grant at the Applicant's/attorney's request. Many persons do come great distances to attend the Board meetings. There are certain genuine circumstances whereby the Applicant is not ready to go forward with an application before the Board. After three (3) adjournments, the Board will require re-advertised any application is adjourned. It will be the Board's discretion when to require re-notice.

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 February 8, 2023 Board regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. No discussion or corrections proposed. Motioned as proposed by Mr. Harkins & 2nd by Mr. O'Connell. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes.

L) UNFINISHED BUSINESS:

RESOLUTION 03-2023 – Designation of City Newspapers for public notice as required by NJ Municipal Land Use Law (NJ-MLUL) & City Land Development Ordinance

The Board has become aware of certain difficulties of the Atlantic City Press newspaper by several attorneys of development application(s)/Applicants before the Board that public/legal advertisement were not being processed by the AC Press upon submittal of same. In fact, the adjournments referenced above, are due to the AC Press not publishing public notices in a timely manner as required by the NJ-MLUL & Ordinance.

Several Applicants had to requests postponements due to a failure of the Atlantic City Press newspaper to timely publish the public notice, despite the fact that the request for public notice were provided to the Atlantic City Press almost a week ahead of time. In fact, the Press has still not responded to any attorney request(s) for confirmation of publication despite numerous communications from the attorney's office(s). Allegedly, the Atlantic City Press had a complete breakdown in processing legal/classified advertisements. Based upon the above uncertainty, the Board proposed adding the Cape May County Herald newspaper as an additional newspaper for the purpose of development application public notices in accordance with the NJ-MLUL requirements. The official newspaper(s) for the Board, including, but not limited to; Notices of Decisions of the Board, notices of public meetings & public notices required for development applications to be reviewed & approved by the Board as required by the NJ Municipal Land Use Law {NJSA 40:55D-1 et. seq.} & City Ordinance {Chap. 276-1 et. seq.}, shall be the Atlantic City Press and/or Cape May County Herald newspaper(s). The Board will amend previously approved Resolution No. 09-2022 with the hereto mentioned Resolution to add an additional newspaper to serve public noticing requirements.

The Board Solicitor presented to the Board the approval of Resolution 03-2023. The Board Solicitor called for any discussion or corrections to the minutes. No discussion or corrections proposed. Motioned as proposed by Mr. Miller & 2nd by Mr. O'Connell. Based on the affirmative majority roll-call vote of the Board members to approve Resolution 03-2023.

M) COMMUNICATION(S): None presented

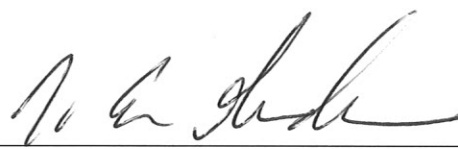
N) REPORTS: None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 8:15pm, on motioned by Mr. Harkins & 2nd by Mr. O'Connell. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

4/14/23
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.

