

North Wildwood Planning Board
Regular Meeting: December 13, 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	Absent
Chief John Stevenson	Present	Bill Auty	Present
John Harkins	Present	Councilman James Kane	Absent
George Greenland	Present	Bill O'Connell	Present
Ron Peters (Alt. 1)	Present	Sharon Cannon (Alt. 3)	Absent
Valerie DeJoseph (Alt. 2)	Present	Scott McCracken (Alt. 4)	Absent

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: P-23-9-2 Joseph Pace

224 West 10th Avenue

Block 148; Lot 5

R-2 Zoning District

Minor Subdivision approval, two (2) new lots with existing Single-family home to remain

The Board heard & considered the application of Joseph Pace (Applicant), owner of the property located at 224 West 10th Avenue, a/k/a Block: 148, Lot: 5 (Property), seeking minor subdivision approval, & 'C' variance relief in relation to minimum lot depth – lot 5.01 (100ft. is required whereas 65ft. is proposed), minimum lot area – lot 5.01 (4,000SF is required whereas 2,600SF is proposed), minimum lot frontage – lot 5.02 (40ft. is required whereas 35ft. is proposed), minimum lot width – lot 5.02 (40ft. is required whereas 35ft. is proposed), minimum lot area – lot 5.02 (4,000SF is required whereas 3,500SF is proposed), and minimum sideyard setback – lot 5.02 (6ft. is required whereas 3ft. & 3.6ft. are proposed), in order to subdivide the existing parcel to create a 35ft. x 100ft. lot & a 40ft. x 65ft. lot. The property is located in the R-2 Zoning District. Based on the majority roll-call vote at the December meeting, being negative, the application was disapproved by the Board.

The Board Solicitor called for a motion to memorialize the Resolution to approve the application as discussed. Motioned by Mr. Greenland & 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 Resolution was approved by the Board, with Mr. O'Connell & Ms. DeJoseph abstaining on the memorialization.

Application: P-23-10-1 Albert & Valerie DeJoseph

219 West 3rd Avenue

Block 156; Lot 21

R-2 Zoning District

Conditional Use/siteplan approval in order to construct a duplex on a 50ft. x 100ft. lot

The Board heard & considered the application of Albert & Valerie DeJoseph (Applicant), owners of the property located at 219 West 3rd Avenue, a/k/a Block 156, Lot 21 (Property), seeking Conditional Use approval & a design waiver for continuous raised curb (25ft. is required whereas 15ft. is proposed), 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 memorialize the Resolution to approve the application as discussed. Motioned by Mr. Harkins & 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, with Mr. O'Connell & Ms. DeJoseph abstaining on the memorialization.

Application: Z-23-9-1 Donald & Denise Petersen

308 East 18th Avenue

Block 264; Lot 3

R-1 Zoning District

Use Variance approval – raising two (2) principal structures on one lot

The Board heard & considered the application of Donald & Denise Petersen (Applicant), owners of the property located at 308 East 18th Avenue, a/k/a Block 264, Lot 13 (Property), seeking a D(2) expansion of a non-conforming Use Variance, ‘C’ variance relief in relation to minimum lot area (5,000SF is required whereas 4,600SF is existing & proposed), minimum lot frontage/width (50ft. is required whereas 46ft. is existing & proposed), minimum sideyard setback – rear building (8ft. is required whereas 4.17ft & 5ft. are proposed), minimum sideyard setback – front building (8ft. is required whereas 3ft. is existing & proposed), minimum total sideyard setback (20ft. is required whereas 18.67ft. is existing & proposed), minimum frontyard setback (10ft. is required whereas 7.37ft. is existing & proposed), minimum rearyard setback – rear building (10ft. is required whereas 1.37ft. is proposed), minimum distance between structures (8ft. is required whereas 7.83ft. is proposed), and a design waiver for continuous raised curb (23ft. is required whereas 7ft. is proposed), in order to raise & renovate the existing two (2) residential dwelling units located on site while reducing the total number of residential units from three (3) to two (2). The property is located in the R-1 single-family Zoning District.

The Board Solicitor called for a motion to memorialize the Resolution to approve the application as discussed. Motioned by Mr. Greenland & 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 Resolution was approved by the Board, with Mr. O’Connell & Ms. DeJoseph abstaining on the memorialization.

H) NEW BUSINESS:

Application: Z-23-10-3 Christopher & Margaret Bristow

321 East 19th Avenue

Block 264; Lot 12

R-1 Zoning District

minor siteplan approval, a D(1) Use Variance & ‘C’ variance relief in order to demolish the existing multifamily (3-unit) dwelling & construct new single-family dwelling & make renovations & alterations to the existing cottage (rear building) and install new inground swimming pool

The Board heard & considered the application of Christopher & Margaret Bristow (Applicant), owners of the property located at 321 East 19th Avenue, a/k/a Block 264, Lot 12 (Property), seeking a D(1) Use variance, ‘C’ variance relief in relation to minimum sideyard setback (8ft. is required whereas 1.4ft. is existing & proposed), and minimum rearyard setback (10ft. is required whereas 1ft. is existing & proposed), and design waivers for continuous raised curb with landscaping (28ft. is required whereas 22ft. is proposed), and maximum curb cut width (20ft. is permitted whereas 22ft. is proposed), in order to demolish an existing three (3) unit multi-family dwelling located on site to construct a new single-family dwelling while also maintaining an existing rearyard cottage. The property is located in the R-1 single-family Zoning District & is consider pre-existing nonconforming use.

Jeffrey Barnes, Esq., appeared on behalf of the Applicant & he outlined the nature of the application & the relief sought in connection with same. The Property is located at 321 East 19th Avenue, a/k/a Block 264, Lot 12, in the City's R-1 Zoning District. The Property is currently developed with a three (3) unit multi-family dwelling & a rearward cottage that contains one (1) residential unit. The Applicant is proposing to demolish the existing multi-family dwelling in order to construct a new single-family dwelling on site. The existing rearward cottage will be maintained in connection with this proposal. Mr. Barnes advised the Board that the Property measures 56ft. x 100ft. (5,600SF) & the structures currently located on site were originally built in 1935. Mr. Barnes informed the Board that the Applicant's proposal to demolish the existing multi-family dwelling on site in order to construct a new single-family dwelling will result in a significant reduction in the overall density of the site. There are currently a total of four (4) residential units on site & the Applicant is proposing to eliminate two (2) of these residential units in connection with this application. Mr. Barnes advised the Board that the requested 'C' variances are related to pre-existing non-conforming conditions associated with the rearward cottage which are not being exacerbated in connection with this proposal. Mr. Barnes indicated that the Applicant revised the proposed plans upon receipt of the Board Engineer's December 5, 2023 review memorandum to address comments/issues set forth therein. He distributed a revised siteplan which was received by the Board & which was marked as Exhibit A-1. More specifically, Mr. Barnes advised the Board that the Applicant reduced the number of proposed curb cuts from three (3) to two (2) which will maintain one (1) on-street parking space which was previously proposed to be eliminated. He noted that a total of five (5) off-street parking spaces are proposed on site whereas only four (4) are required. He indicated that the Applicant will also relocate HVAC mechanicals & pool equipment to ensure that same do not encroach within the first 50% of the sideyard.

Jack S. Smith, R.A. of Bishop & Smith Registered Architects appeared on behalf of the Applicant & he was recognized as an expert in the field of architecture. Mr. Smith was placed under oath & he testified from the proposed Site & Architectural Plans, dated November 19, 2023 & revised December 11, 2023, which were received by the Board & which are incorporated herein as fact. Mr. Smith reviewed the existing & proposed site conditions for the benefit of the Board. Mr. Smith testified that the existing site is developed with a three (3) unit multi-family dwelling & a one (1) unit rearward cottage which are in need of significant repairs/renovations. Mr. Smith testified that the Applicant's proposal to eliminate the existing multi-family dwelling & to replace same with a single-family dwelling will bring the site into closer conformity with what is permitted in the R-1 Zoning District. Mr. Smith advised the Board that the existing multi-family dwelling contains a total of twelve (12) bedrooms whereas the proposed single-family dwelling will contain five (5). He also noted that the rearward cottage currently contains two (2) bedrooms & same will be reduced to one (1) bedroom in connection with proposed renovations. Mr. Smith testified that the proposed single-family dwelling will consist of 2.5-stories & it will meet all applicable bulk regulations within the R-1 Zoning District whereas the existing multi-family dwelling does not. A pool is proposed to be constructed in the rearward & same will comply with all applicable bulk requirements. Mr. Smith reviewed the proposed architectural elevations for the benefit of the Board. Mr. Smith testified that the proposed single-family dwelling was designed consistent with a "Nantucket Architecture Style," and the structure will contain a number architectural elements/features resulting in the creation of a desirable visual environment. Mr. Smith further testified that the proposed single-family dwelling is consistent with the design of existing residential properties within the surrounding neighborhood. In response to a question posed by the Board, Mr. Smith testified that the Applicant is proposing to renovate the rear cottage in its existing footprint, and there are no plans to raise same at this time. Mr. Smith acknowledged that if the costs associated with renovations to the rear cottage exceed 50% of the assessed value of the structure, the structure would need to be raised to comply with current flood regulations.

John Halbruner, P.E., R.A., of the Hyland Design Group, appeared on behalf of the Applicant & he was recognized as an expert in the fields of architecture & engineering. Mr. Halbruner was placed under oath & he testified to the requested variance relief and the justification which he contends supports granting same. Mr. Halbruner confirmed the variance relief & waivers sought in connection with this Application. Mr. Halbruner advised the Board that a D(1) Use variance is required in order to permit two (2) principal structures at the Property. Mr. Halbruner testified that the Property is particularly suited to accommodate two (2) principal structures as two (2) principal structures currently exist on site with a density that is significantly higher than what is proposed by the Applicant. Mr. Halbruner further testified that the Applicant's proposal will improve a number of non-conforming conditions currently impacting the site. The density of the site will be reduced from four (4) residential units to two (2) residential units, the proposed single-family dwelling will comply with all applicable bulk requirements of the R-1 Zoning District, and compliant off-street parking is provided on site. He indicated that the Applicant's proposal will result in a reduction in overall lot & building coverage, and the setbacks associated with the proposed single-family dwelling will comply with the Ordinance whereas the setbacks associated with the existing multi-family dwelling do not. Mr. Halbruner opined that the Applicant's proposal will bring the site into closer compliance with what's permitted in the R-1 Zoning District. With respect to parking, Mr. Halbruner testified that a total of six (6) non-compliant parking spaces are currently provided on site for a total of four (4) units which does not comply with applicable minimum off-street parking requirements. Mr. Halbruner testified that the Applicant's proposal will result in the creation of five (5) legal, conforming parking spaces on-site whereas only four (4) off-street parking spaces are required. Mr. Halbruner advised the Board that the Applicant also elected to reduce the number of proposed curb cuts from three (3) to two (2). He indicated that maintaining two (2) curb cuts will allow the Applicant to maintain one (1) on-street parking spaces which was originally identified to be eliminated. Mr. Halbruner opined that the Application advances purposes of Zoning, outlined within N.J.S.A. 40:55D-2, which supports 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, and general welfare;
- c. Provides adequate light, air and open space;
- e. Promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- h. Encourages the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight; and
- i. Promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

Mr. Halbruner further opined that the application can be granted as there are no substantial detriments to the public good & the application does not impair the intent or purpose of the Zoning Map & Ordinance.

The Board was in receipt of a review memorandum prepared by Board Engineer Mr. Petrella, dated December 5, 2023 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 further 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 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-1 Zoning District. The Property is currently developed with a three (3) unit multi-family dwelling & a rearyard cottage that contains one (1) residential unit. The Applicant is proposing to demolish the existing multi-family dwelling in order to construct a new single-family dwelling on site. The existing rearyard cottage will be maintained in connection with this proposal. Jack S. Smith, R.A. appeared on behalf of the Applicant & reviewed & discussed the variance relief sought by the Applicant in connection with the proposed development. Mr. Smith reviewed the existing & proposed site conditions for the benefit of the Board, and he reviewed the design of the proposed single-family dwelling. John Halbruner, P.E., R.A., testified to the requested variance relief & the justification which he contends supports granting same. Mr. Halbruner reviewed the existing & proposed site conditions for the benefit of the Board. The Applicant’s proposal will result in the overall reduction of the density of the site. Compliant off-street parking will be provided on site. Mr. Halbruner testified to the positive criteria which supports the relief sought by the Applicant & he identified several purposes of Zoning which he contends are advanced in connection with the Applicant’s proposal. Mr. Halbruner testified that in his expert opinion the Applicant’s proposal presents no substantial detriments to the public good nor will it impair the intent or purpose of the Zoning Map Ordinance. The Board found Mr. Smith’s & Mr. Halbruner’s testimony to be credible & persuasive. With respect to the requested D(2) Use variance, the Board finds that the Applicant has presented special reasons which advance the purposes of Zoning & which justify the granting of the requested variances. Moreover, the Board determined that the Property can accommodate the expansion of the existing non-conforming use as the Applicant is proposing to reduce the overall density of the site through the elimination of one (1) residential unit. The Board finds that the re-development is simply tied to the Applicant’s proposed renovations & the intention to maintain two (2) principal structures on site. No persons provided public comment was received, in the positive. 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 Use/“C” variance/siteplan approval, as well as minor subdivision approval. The Board found that the Applicant did establish that granting the siteplan & variance 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 Use 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 Board Resolution as discussed. Motioned by Mr. O’Connell & 2nd by Mr. Auty. 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 have to vote on the application.

Year 2024 Meeting Dates – Resolution No. PB-11-2023

The Board Secretary presented to the Board the approval the PB-11-2023, establishing the Board meeting dates for Year 2024 and establishing official newspapers of record. The Board Solicitor called for any discussion or corrections to the minutes. No further discussion or corrections proposed. Motioned as proposed by Vice Chair DiEduardo & 2nd by Mr. Harkins. Based on the affirmative majority roll-call vote of the Board members to approve the Resolution.

I) ZONING OFFICER REPORT:

Based on the early dismissal request, Dan Speigel, Zoning Officer/Construction Official, did not have anything to report tonight.

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 November 15, 2023 Board regular Meeting Minutes. The Board Solicitor called for any discussion or corrections to the minutes. Mr. Greenland mention incorrect date on the minutes, to be corrected upon adoption. No further discussion or corrections proposed. Motioned as proposed by Mr. Harkins & 2nd by Ms. DeJoseph. Based on the affirmative majority roll-call vote of the Board members to memorialize the Meeting Minutes. Board members Mr. O'Connell & Ms. DeJoseph abstained from the vote.

L) UNFINISHED BUSINESS: None presented.

M) COMMUNICATION(S):

The Board Secretary updated the Board on passage of several Ordinance by City Council as recommended by the Board thru Board Resolution adoption(s);

City Ordinance adoption – City Ordinance No. 1921 – amendments of the Land Development Ordinance – Chapter 33 (Landscaping) & Chapter 35 (Parking) requirements, adopted November 21, 2023, effective November 29, 2023

No Board action required

N) REPORTS: None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 7:05pm, on motioned by Ms. DeJoseph & 2nd by Vice Chair DiEduardo. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

1/11/24
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.

