

North Wildwood Planning Board
Regular Meeting: June 12, 2024
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 (Cape May County Herald) & 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 DiEduardo	Present	Mayor's Designee Mr. Doug Miller	Absent
Chief Katherine Madden	Present	Bill Auty	Absent
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 professional as it was necessary for tonight's meeting.

F) MOTIONS FOR ADJOURNMENTS: None presented.

G) MEMORIALIZATIONS:

Application: Z-23-11-1(A) 2100 NJ Ave, LLC

101 W. 21st Avenue & 2100 New Jersey Avenue

Block 168, Lots: 11 & 12

CBD Zoning District

Extension to preliminary & final approvals in connection with the properties located at 2100 New Jersey Avenue (aka Bank of America bank property). A D(1) Use Variance was approved to permit the development of a single-family residential dwelling on the new proposed 50ft. x 100ft. lots. The property is exclusively located in the Central Business District (CBD) Zoning District.

The Board heard & considered the application of 2100 NJ Ave, LLC (Applicant), owner of the properties located at 101 West 21st Avenue & 2100 New Jersey Avenue, a/k/a Block 168, Lots 11 & 12 (Property), seeking a 95-day extension of the deadline associated with recording major subdivision approvals pursuant to the NJ Municipal Land Use Law [NJ-MLUL]{N.J.S.A. 40:55D-54}. The property is located in the Central Business District (CBD) Zoning District.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. O'Connell & 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 member Mr. Peters & Ms. DeJoseph abstained on the vote.

Application No: P-24-3-2 Michael & Theresa Sothern

1011 Delaware Avenue

Block 148, Lot 1

R-2 Zoning District

Preliminary & final siteplan & 'C' variance relief approval to raise an existing single-family dwelling & construct a deck

The Board heard & considered the application of Michael & Theresa Sothern (Applicant), owners of the property located at 1011 Delaware Avenue, a/k/a Block 148, Lot 1 (Property), seeking 'C' variance relief in relation to minimum frontyard setback – Delaware Avenue (10ft. is required whereas 5.17ft. is proposed), minimum frontyard setback – 11th Avenue (10ft. is required whereas 5.08ft. is proposed), and minimum sideyard setback to the existing structure (6ft. is required whereas 4.5ft. is existing & proposed), in order to raise an existing single-family dwelling, construct an addition to the rear of said dwelling, and to construct new decks along Delaware & 11th Avenues. The property is located in the R-2 Zoning District.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Greenland & 2nd by Mr. DeJoseph. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the Resolution was approved by the Board. Board member Mr. Peters abstained on the vote.

Application No: Z-24-3-4 700 New Jersey Avenue, LLC

700 New Jersey Avenue

Block 182, Lot 9

CBD Zoning District

Preliminary & final siteplan approval & D(1) Use Variance approval to construct a seven (7) seat inside bar to serve alcoholic beverages in the CBD Zoning District in an existing commercial restaurant

The Board heard & considered the application of 700 New Jersey Ave, LLC (Applicant), owner of the property located at 700 East New Jersey Avenue, a/k/a Block 182, Lot 9 (Property), seeking preliminary & final siteplan approval & a D(1) Use variance in order to permit the sale of alcohol at an existing restaurant located in the Central Business District (CBD) Zoning District.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. O'Connell & 2nd by Chief Madden. 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 member(s) Mr. Peters & Ms. DeJoseph abstained on the vote.

Application No: Z-24-2-6 Edward Fahey

318 West 16th Avenue

Block 116; Lot 9

R-2 Zoning District

D(6) Use/Maximum Building Height variance & 'c' variance relief in connection with the development of a single-family dwelling on an undersized 25x100 lot

The Board heard & considered the application of Edward Fahey (Applicant), owner of the property located at 318 West 16th Avenue, a/k/a Block 116, Lot 9 (Property), seeking a D(6) maximum building height/Use variance (24ft. is permitted whereas 28ft. is proposed), & 'C' variance relief in relation to minimum lot area (4,000SF is required whereas 2,500SF is existing & proposed), minimum lot frontage/width (40ft. is required whereas 25ft. is existing & proposed), minimum sideyard setbacks (4ft. is required whereas 3ft. are proposed), minimum total sideyard setback (10ft. is required whereas 6ft. is proposed), and a design waiver for continuous raised curb (12.5ft. is required whereas 8ft. is proposed), in order to construct a single-family dwelling on an existing undersized lot.

The Board Solicitor called for a motion to approve the memorialization Board Resolution as discussed. Motioned by Mr. Greenland & 2nd by 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 member(s) Mr. Peters & Ms. DeJoseph abstained on the vote.

H) NEW BUSINESS:

Application No: P-23-5-1 Jason Straub

404 West 18th Avenue

Block 89, Lot 10; part of Lot 1

R-2 Zoning District

involves a proposed 3rd floor addition to an existing single-family dwelling & construction of exterior decks along the 2nd & 3rd floors. 'c' variance relief is requested. This identical Application was previously heard & approved by the Planning Board at its September 11, 2019 meeting. The Applicant failed to act on the approvals, & the siteplan approval/variance relief that was previously granted expired.

The Board heard & considered the application of Jason Straub (Applicant), owner of the property located at 404 West 18th Avenue, a/k/a Block 89, Lot 10 & part of Lot 1 (Property), seeking 'C' variance relief in relation to minimum lot frontage/width (40ft. is required whereas 12ft. is existing & proposed), minimum frontyard setback (10ft. is required whereas 7.6ft. is existing & proposed), maximum impervious coverage (80% is permitted whereas 85.9% is existing & proposed), and parking (three {3} off-street parking spaces are required whereas zero (0) off-street parking are existing & proposed) minimum sideyard setback (six {6}ft. is required whereas 4.1ft. & 2.9ft. are proposed), in order to construct a 2nd & 3rd-floor addition, and a four (4)ft. wide 2nd floor deck on the existing single family home

Andrew D. Catanese, Esq., appeared on behalf of the Applicant & outlined the nature of the application & the relief sought in connection with same. The Property is located at 404 West 18th Avenue, a/k/a Block 89, Lot 10 & part of Lot 1. The Property is an oversized irregularly shaped property located in the City's R-2 Zoning District which is currently developed with a single-family home. The Applicant received approvals in 2019 in order to construct a 2nd & 3rd-floor addition to the existing structure & a four (4) ft. wide 2nd floor deck oriented towards Ottens Canal. With the exception of the proposed 2nd floor deck, the entire addition was located within the building's existing footprint. Mr. Catanese advised the Board that the Applicant obtained 'C' variance relief in connection with the previously approved project. He reminded the Board that, with the exception of the variances associated with the minimum sideyard setback & off-street parking, the remaining variances were associated with pre-existing non-conforming conditions that were not increased or exacerbated in connection with the Applicant's proposal. Mr. Catanese informed the Board that the Applicant did not act upon the prior approvals, and they have since expired.

Per Mr. Catanese, the Applicant is now before the Board presenting the same application that was approved in 2019 & is seeking the reapproval of the variance relief granted at that time. He noted that the Applicant's project engineer, Dante Guzzi, P.E., has since retired & was unable to appear before the Board in order to re-present the application. Mr. Catanese advised the Board that the plans before the Board are identical to what was submitted & approved back in 2019. Mr. Catanese distributed an aerial photograph depicting the property as it existed in 2019 & today, which was received by the Board, and which was marked as Exhibit A-1. He indicated that there has been no change to the surrounding neighborhood & that the conditions that existed at the time of the prior approval still exist today. Mr. Catanese stated that in 2019 the Board determined that the Applicant was experiencing a hardship associated with the irregular shape of the lot which presented exceptional practical difficulties, and which impacted the Applicant's ability to comply with the area & bulk requirements of the R-2 Zoning District.

The Board also found that several purposes of Zoning outlined within N.J.S.A. 40:55D-2 were advanced in connection with this application, namely:

- a. It encouraged municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals & general welfare;
- c. It provided adequate light, air & open space;
- g. It provided sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial & industrial uses & open space, both public & private, according to their respective environmental requirements in order to meet the needs of all NJ citizens; and
- i. It promoted a desirable visual environment through creative development techniques & good civic design & arrangement.

Mr. Catanese further indicated that the Board previously determined that the Applicant presented no substantial detriment to the Land Development/Zoning Ordinance, Zoning Map or the public good. Mr. Catanese opined that these findings remain valid today.

In light of the fact that the Application is identical to what was submitted & approved in 2019, the Board Engineer, Mr. Petrella, did not submit a review memorandum & simply referenced the prior Review Memorandum dated September 4, 2019.

Chairman Davis then opened the application 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.

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 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 an existing lot. The Applicant is the owner of the Property & requesting re-approval of previously issued preliminary & final siteplan approval & "c" variances to build a rear addition to existing single-family residence with new outside decks on conforming lot. The Property is currently developed with an existing single-family dwelling. The Applicant is seeking 'C' variance relief in relation to minimum lot frontage (40ft. is required whereas 12ft. is existing & proposed), minimum frontyard setback (10ft. is required whereas 7.6ft. is existing and proposed), maximum impervious coverage (80% is permitted whereas 85.9% is existing & proposed), and parking (3 off-street parking spaces are required whereas zero (0) off-street parking are existing & proposed) minimum sideyard setback (6ft. is required whereas 4.1ft. and 2.9ft. are proposed), in order to construct a 2nd & 3rd-floor addition, & a four (4)ft. wide 2nd floor deck on the existing single family home. The Property is an irregularly shaped oversized lot located in the R-2 Zoning District. The Board finds that the Applicant requires 'C' variance relief in order to address pre-existing non-conforming conditions which the Applicant is not proposing to increase or exacerbate in connection with this Application. The Applicant also requires 'C' variance relief in relation to the minimum sideyard setback in connection with the proposed 2nd floor deck, and a parking variance in relation to Applicant's proposal to increase the number of bedrooms from four (4) to six (6). The Board finds that a hardship continues to exist with respect to this Applicant due to the fact that the existing structure is located on an irregularly shaped oversized lot which impacts the Applicant's ability to comply with the area & bulk requirements within the R-2 Zoning District. Furthermore, the purpose of the NJ Municipal Land Use Law that were found in 2019 continue to be advanced by the Application & the benefits of granting same substantially outweigh any potential detriments. There was no public comment received. With respect to the requested 'C' variance relief, and the application to "re-approve" the previously issued siteplan approval, the Board finds that the Applicant has

presented special reasons which justify the granting of the requested variances. Accordingly, the Board finds that the proposed development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good without substantially impairing the intent & purpose of the Zoning Map & Ordinance. 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 does meet the continuing criteria for variance relief for granting the requested variance/siteplan approval. The Board found that the Applicant did establish that granting the variance/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 variance 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 for the application as discussed. Motioned by Mr. O'Connell & 2nd by Ms. DeJoseph. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board.

Application No: Z-24-4-1 Timothy Daley

405 East 7th Avenue

Block 307; Lot 21

R-1.5 Zoning District

D(2) Use variance in connection with the expansion of a pre-existing non-conforming use of an existing tri-plex property, & 'c' variance relief in order to expand/reconstruct a deck on one of the structures

The Board heard & considered the application of Timothy Daly (Applicant), owner of the property located at 405 East 7th Avenue, a/k/a Block 307, Lot 21 (Property), seeking a D(2) expansion of a non-conforming Use variance, and 'C' variance relief in relation to the minimum sideyard setback (six {6}ft. is required whereas four {4}ft. is proposed) & minimum total sideyard setback (16ft. is required whereas 12ft. is proposed, in order to replace & increase the size of an existing 2nd-floor deck.

The Applicant, Timothy Daly, was self-represented in connection with this Application. Mr. Daly was placed under oath & proceeded to testify before the Board. The Property is located in the City's R-1.5 Zoning District. The Property is currently developed with two (2) single-family dwellings. The Applicant is seeking approval in order to replace an existing 2nd-floor, concrete deck that is in a state of disrepair. In light of the fact that two (2) principal structures exist on site, a D(2) Use Variance is required for the expansion of a non-conforming use. Mr. Daly testified that the single-family dwelling located in the front portion of the lot was originally constructed in the 1960s. He indicated that the existing 2nd-floor deck is unsafe as its beginning to "sag," & it needs to be replaced for safety reasons. Mr. Daly testified that the new deck will not encroach any further into the sideyard setbacks than what currently exists. He acknowledged the need for a sideyard setback variance in light of the fact that the existing deck is being replaced with a new code-compliant, safer deck. Mr. Daly advised the Board that the original plans that were submitted were revised in order to eliminate an encroachment into an existing parking area which would have eliminated the sole legal off-street parking space on site. Mr. Daly testified that the site can accommodate a total of three (3) off-street parking spaces; however, the spaces are stacked which results in only one (1) legal parking space that is able to be counted. Mr. Daly advised the Board that the proposed plans were also revised to correct an error associated with the sideyard setbacks. He indicated that the proposed sideyard setback to the south is eight (8)ft., and the proposed sideyard setback to the north is four (4) feet. These setbacks are consistent with what currently exists at the property. Mr. Daly discussed the structures that exist in the surrounding neighborhood, noting that many neighbors have existing decks which project into the frontyards that are consistent with what is being proposed.

In response to a question posed by the Board, Mr. Daly testified that the 2nd-floor deck will be cantilevered over the ground-floor. He advised the Board that he intends to reconstruct the deck in essentially the same footprint it currently exists; however, the deck will project further into the frontyard but it will not encroach into the minimum frontyard setback. Mr. Daly testified 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 & general welfare
- b. Secures safety from fire, flood, panic & other natural & man-made disasters
- c. Provides adequate light, air & open space.

Mr. Daly further testified that he believes 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 June 5, 2024 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 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 approval. Each Board member gave reasoning for 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-1.5 Zoning District on an existing lot.

The Applicant is the owner of the Property & has standing to come before the Board in order to request a D(2) Use Variance & 'C' variance relief. The Applicant, Timothy Daly, was self-represented in connection with this Application. The Property is currently developed with two (2) single-family dwellings. The Applicant is seeking approval to replace an existing 2nd-floor, concrete deck that is in a state of disrepair. A D(2) Use Variance is required for the expansion of a non-conforming use as two (2) principal structures exist on site. The Applicant is also seeking 'C' variance relief in connection with the reconstruction of the existing 2nd-floor deck. The Applicant discussed the history of the Property & the condition of the current 2nd-floor deck. The existing 2nd-floor deck was constructed using concrete & it needs to be replaced. The deck itself is sagging & is unsafe for use. The Applicant is proposing to remove the existing deck & replace same with a larger deck that projects further into the frontyard. The deck will not encroach within the minimum frontyard setback. The proposed deck will maintain the sideyard setbacks associated with the existing 2nd-floor deck. Mr. Daly 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. Neighboring properties are developed with decks that are similar to what the Applicant is proposing. The Board found Mr. Daly's testimony to be credible & persuasive. There was no public comment received. With respect to the requested D(2) Use Variance & 'C' variance relief, 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 proposed expansion of the existing non-conforming use as the proposal does not exacerbate any existing non-conforming conditions & seeks to replace an existing deck that has fallen into a state of disrepair. Accordingly, the Board finds that the proposed

development is compatible with the neighborhood, the relief requested can be granted without substantial detriment to the public good without substantially impairing the intent & purpose of the Zoning Map & Ordinance. 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 does meet the continuing criteria for variance relief for granting the requested variance/siteplan approval. The Board found that the Applicant did establish that granting the variance/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 variance 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 for the application as discussed. Motioned by Mr. Harkins & 2nd by Chief Madden. The Board Solicitor called for any discussion or corrections to the motion. The Board proposed no corrections, additions or comments to the motion. Based on the majority roll-call vote being affirmative, the application was approved by the Board. Board member Ms. DeJoseph did not need to vote.

I) ZONING OFFICER REPORT:

Mr. Speigel, Zoning/Construction Official, had nothing to report this month.

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 Chairman presented to the Board the approval the May 15, 2024 Board Regular Meeting Minutes. The Board Chairman called for any discussion or corrections to the minutes. Correction made to delete Chief Stevenson to Chief Madden. Correction made on 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 member Mr. Peters abstained on the motion to approve.

L) UNFINISHED BUSINESS: None presented

M) COMMUNICATION(S): None presented

N) REPORTS: None presented

O) MEETING ADJOURNED:

Meeting was adjourned at 6:56pm, on motioned by Ms. DeJoseph & 2nd by Mr. Harkins. Based on the affirmative roll-call vote of the Board members, the motion to adjourn was approved.

APPROVED: _____

7/11/24
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.

