**Planning/Zoning Board of Adjustment Meeting**

February 5, 2018

4400 New Jersey Avenue

Wildwood, NJ 08260

The meeting of the Wildwood Panning/Zoning Board of Adjustment was called to order on February 5, 2018 by Chairman Porch at 6:00 PM at Wildwood City Hall, 4400 New Jersey Avenue, Wildwood, NJ.

Chairman Porch led the Pledge of Allegiance.

Chairman Porch read the Open Public Meetings Act.

***Roll Call***:

***Present***: Timothy Blute, Todd Kieninger, Anthony Leonetti, Daniel Dunn, Jason Hesley, Joseph Spuhler, Carol Bannon

***Absent***: Denise Magilton, Dorothy Gannon, Anthony Pantalone, Michael Porch

***Also present***: Mrs. Kate Dunn (board secretary), Mr. Robert Belasco of Stefankiewicz & Belasco, LLC and Mr. Raymond Roberts of Remington and Vernick.

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**New Business:**

The City of Wildwood Ordinance 1101-18, Amending Land Use Development Ordinance 728-08 to Prohibit Marijuana Dispensaries in the City of Wildwood was discussed by the Planning/Zoning Board.

The Board voted in the favor the ordinance with 6 Yes votes and 1 No vote.

**Applicant: Stewart’s At the Beach, LLC 01-18P**

**Attorney: Andrew Catanese of Monzo, Catanese & Hillegass, PC**

**Architect: Joseph Lombardi**

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Andrew Catanese represents the applicant Stewart’s at the Beach, LLC. The property is located at 2901 Boardwalk, Block 258, Lot 1 in the BA, Boardwalk Amusement Zoning District.

The applicant seeks to enclose a 2nd floor, uncovered dining area. There will be no change to the building footprint or site.

All variances that are being sought are existing non-conforming and the applicant is seeking a waiver of site plan approval.

Andrew Catanese states that the property is located at 2901 Boardwalk and is an existing restaurant called Stewart’s.

Sean Dougherty is a principle of Stewarts and was sworn in.

Mr. Catanese stated that the applicant intends to enclose the 2nd floor dining area. He stated that the applicant is applying for a site plan waiver since they will not be altering the site.

There was a discrepancy on the zoning boundaries, whereas the zoning map showed the property in the B-Beach Zone and the tax records show the property in the BA-Boardwalk Amusement zone. The property has previously been treated by the board as in being in the BA zone. If the board believes it is in the B Zone, then the application would require a variance to expand a non-conforming use. However, if the board believes it is in the BA zone, then the restaurant is a permitted use.

Stuart Wiser from Remington and Vernick spoke a little regarding each zone stating that the BA zone is the West Side of the Boardwalk and the B zone is the East side of the boardwalk.

Mr. Catanese noted that what currently is there is consistent with the BA zone. He also noted that there is no liquor license at Stewarts.

Raymond Roberts noted that the tax map shows the property outside the boardwalk right-away and the zoning map shows it in the right-away.

The board voted and it was determined that the property will be treated as it is in the BA zone going forward.

Sean Dougherty stated that Stewarts has been a eatin/take out restaurant on the boardwalk for about 10 years. The 1st floor has 15-20 seats and the 2nd floor has about 40-50 seats. Mr. Dougherty stated that the weather is always a factor on the 2nd floor and that is the reason they would like to enclose it. The enclosure will keep the hot sun or rain out and they will be able to use the 2nd floor more often in the season.

Mr. Lombardi, a licensed architect in the state of New Jersey, referred to exhibit A-2 & A-3 which show the building elevations and floor plans. Mr. Lombardi explains that the enclosure will go to the roof line and no higher. He also states that they stairway will remain and that there will be no increase in seating and there will be no alteration to the existing foot print. Therefore, since there are no site changes they are requesting a waiver for site plan approval.

Raymond Roberts reviewed the engineer’s report including the height of the sign. He stated he had no objection to a waiver for site plan approval as there are no changes to the site plan.

There were no members of the public that spoke on the application.

Jason Hesley made a motion to move forward with the vote. Daniel Dunn second the motion.

The application was approved with 7 Yes votes.

**Master Plan Reexamination:**

Stuart Wiser, a Professional Planner from Remington Vernick introduced the proposed changes to the City’s Master Plan. He noted that the Master Plan is reexamined every 10 years. Some of the major issues that are addressed in the reexamined master plan are as follows: post Sandy issue, redevelopment policies, housing policy, revised vision statement, flood plain management and the CRS program, Land use plan element including changes to lot lines layouts, moved zoning lines around and beach uses.

Member of the Public:

Andrew Catanese suggested that the boardwalk right-away be in a zoning district as the boardwalk right-away currently is un zoned.

Todd Kieninger made a motion to move forward with the vote. Joseph Spuhler second the motion.

The changes to the reexamination was approved with 7 Yes votes.

**Memorializing Resolutions:**

The resolution for Capt’n Jacks Island Grill, LLC 18-17Z Amended was approved with 4 Yes votes. Daniel Dunn, Todd Kieninger & Commissioner Leonetti abstained from the vote.

The resolution for Wildwood Retail, LLC 21-17P was approved with 4 Yes votes. Jason Hesley, Joseph Spuhler and Carol Bannon abstained from the vote.

**Approval of Minutes:** The minutes from the January 8, 2018 meeting were approved. All were in favor.

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**MEETING ADJOURNED AT 6:45PM**

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The preceding minutes are a summary of events that occurred during this meeting on the above mentioned date in compliance with New Jersey State Statute 40:55D, 2-7-6. These minutes are not nor are they intended or represented to be a verbatim transcription taken.