**Planning/Zoning Board of Adjustment Meeting**

September 9, 2019

4400 New Jersey Avenue

Wildwood, NJ 08260

The meeting of the Wildwood Panning/Zoning Board of Adjustment was called to order on September 9, 2019 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, Michael Porch, Carol Bannon, Scott Schmidt, Jason Hesley, Todd Kieninger, Joseph Spuhler

***Absent***: Daniel Dunn, Anthony Leonetti, Denise Magilton

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

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**New Business:**

**Applicant: 3800 Boardwalk, LLC 13-19Z**

**Attorney: Jeffrey Barnes, Esq.**

**Engineer: Vince Orlando, Engineering Design Assoc.**

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Jeffrey Barnes, Esq represents the applicant of 3800 Boardwalk, LLC. The property is located at 3800 Boardwalk, Block 158 Lot 4 in BA-Boardwalk Amusement and T/E, Tourist Entertainment Zoning Districts.

The applicant proposes to convert a portion of the Boardwalk Mall into a 172-seat restaurant with a 24-seat bar area on the 2nd floor and four seat bar on the boardwalk level. Total number of seats is 200. All proposed renovations are within the BA portion of the lot. The existing structure occupies the entire site and is located in a Beach Block Safety Buffer Zone.

The applicant is seeking a use variance to transfer a liquor license to the property, when only 3 liquor licenses are permitted in the BA and P Zones. They are also seeking a use variance to allow the serving of alcoholic beverages at a bar, waiting area or counter in the BA Zoning District.

Jeffrey Barnes stated the property is located at 3800 Boardwalk in the BA & TE Zones. The property occupies the entire site. He stated that the applicant is looking to transfer an existing liquor licensed to the property. Alcohol is permitted on the boardwalk but only 3 licenses are permitted per the Ordinance and there are already 3 licenses on the boardwalk. He stated the applicant is also seeking a use variance for the bar itself.

The applicant is proposing to renovate the existing building to a restaurant/bar names Capt’n Jacks South. On the bottom north side of the building where there is approximately 1290sq ft., the applicant is proposing to have 30 table seats and small bar with 4 seats. On the 2nd floor where there is approximately 4200 sq. ft., the applicant is proposing to have 142 tables seats and 24 bar seats.

Mr. Barnes stated that there are 2 pre existing non-conformities for principle building coverage and lot coverage. Those variances will remain the same.

Pacifico Agneilli is the owner of the property and is sworn in. Mr. Barnes hands out an exhibit packet containing exhibits A-K.

Mr. Agenilli stated he purchased the property in November of 2017. He discussed the condition of the property and noted that it was in bad shape. Since he has owned it he has done some work to it including interior work, fixing the code violations and put on a new roof. He refers to exhibit B which is an OPRA request with a list of all construction permits that were issued to the property.

He noted that the north side ramp was closed for safety reasons, however, with the help of the City the ramp has been fixed. Mr. Agenelli discusses the layout of the boardwalk mall. He also owns other commercial property such as the Strand Theatre in Ocean City, NJ where they converted part of the building to a pizza restaurant. He refers to exhibit K which is before and after pictures of the project in Ocean City. He noted that his intent there was to put in an anchor business and then have smaller tenants. His intent is to do the same with the boardwalk mall. He noted that the remodeling of the building also helped the surrounding area.

Mr. Agenelli stated he thinks Capt’n Jacks would be a great partnership and the other tenants are excited about it as well. Right now, there is not 100% occupancy in the building and he believes getting an anchor tenant will help him get more tenants to occupy the entire building.

Edward Dougherty is sworn in. He is a principle of Capt’N Jacks. He noted that he has been in the amusement business for 26-27 yrs. and the restaurant business since 2008. He has owned Capt’N Jacks on the north end of the boardwalk since 2010. He also is a principle for the Harbor Burger Bar in Stone Harbor.

Mr. Dougherty noted that Capt’N Jacks is a family restaurant with a high level of service. At the current Capt’n Jacks they have about 500 seats between the tables and bars. He believes that Capt’n Jacks would not exist without the sale of alcohol. The hours are 11am to 12am and they just renovated the current Capt’n Jacks about 18 months ago.

Mr. Dougherty stated that they about 80 employees and cater to mainly families. He discussed the importance of alcohol in the business. He referred to exhibit D which is their Alcoholic Beverage Management Plan. He stated that Capt’n Jacks is a high-quality resort where people can enjoy a drink with dinner. He noted that many parks have brought in alcohol even places like Disney. He stated that this allows to them to reinvest in the business and they do that every year.

Mr. Dougherty explains that their plan is to rent space at the boardwalk mall and renovate the area that they plan to occupy. He stated this is at the southern end of the boardwalk where that part of the boardwalk is in need a restaurant. He stated that on the 1st floor there will be a small seating area. There will be an interior stair case leading to the majority of the seating upstairs. The area is about 5500sq ft. in total.

Mr. Dougherty said the plan to redo a top portion of the exterior signage and would agree that if there is any additional signage that they would come back to the board for approval.

Vince Orlando, Professional Engineer form Engineering Design Associates is sworn in.

Mr. Orlando stated that this property is a unique property and a unique building that is located in an area of the boardwalk that needs a little help. It’s unique in the sense that it is located in 2 different zones. If the entire building was in T/E Zone, no variances would be needed.

Mr. Orlando stated there is no site plan approval required because is there will no expansion of the building. All pre-existing non-conformities will not be exacerbated. The restaurant is permitted as a conditional use but the proposal does not meet all the conditions so the restaurant will require a D-1 use variance.

Mr. Orlando stated that the property will promote the general welfare because of its unique character and location and is appropriate for the area. He referred to exhibit J, page 70 which is an aerial of the other liquor licenses on the boardwalk. He believes the Boardwalk Mall provides a good location for this use. He believes the proposal advance the purposes of zoning including, G, I & N. He doesn’t believe there are any determents to the zone plan or public good.

He noted that they would need a waiver for parking as 53 spaces are required. He also referred to Exhibit E which shows a small encroachment that will be discussed with the governing body.

Raymond Roberts reviewed the engineers report. He stated the testimony addressed most of the items on his report. He noted that there is no minimum parking established in the BA Zone. Trash & recycling will be stored on Garfield Ave in an enclosed area.

**Members of the Public:**

Mary D’Amico from 125 W Magnolia Ave. spoke in favor of the application.

David Zarafati from Cape May Court House stated that he is in favor of the application and something is needed for that area of the boardwalk.

Robert Fagan from 2910 Lake Rd. and owns the Dairy Queen at Magnolia & the Boardwalk also spoke in favor of the application.

Michelle Rutkowksi from 223 E 25th Ave spoke in favor of the application and stated that the boardwalk needs more places like this.

Robert Belasco did a recap of the application.

Timothy Blute made a motion to move forward with the vote. Carol Bannon 2nd the motion.

The application was approved with 7 Yes votes.

**Applicant: 4800 Park Blvd Plaza, LLC 14-19P**

**Attorney: Andrew Catanese, Monzo Catanese & Hillegass P.C.**

**Engineer: HDG Engineering, Land Surveying & Environmental Consulting**

Andrew Catanese represents the applicant 4800 Park Blvd, LLC. The property is located at 4800 Park Blvd., Block 47, Lots 9 & 22 in the GC, General Commercial Zoning District.

The current site is a vacant lot. The applicant proposes to construct a Popeye’s dining, takeout fast food restaurant containing 44 seats, with a drive-through.

The applicant is seeking Preliminary & Final Major Site Plan Approval along with a C variance for lot depth and several waivers.

Andrew Catanese states that the property is located at 4800 Park Blvd. He states that the property has been vacant for a long time and that restaurants are a permitted use in the GC zone.

John Halbruner, Professional Engineer is sworn in. Mr. Halbruner give his credentials and the board excepts his credentials.

Mr. Halbruner stated the property is located at 4800 Park Blvd, Block 47 Lots 9 &22. The property occupies a corner lot and fronts on Taylor Ave., Rio Grande Ave., & Park Blvd. The property is located in the GC Zone.

Mr. Halbruner stated that currently the property is a vacant lot as they recently demolished the former gas station that has been vacant since 2009.

Mr. Halbruner stated the applicant is proposing to build a new Popeye’s Restaurant. The fast food restaurant will be 2 stories and have a drive through. He stated it will be a traditional Popeye’s style and will meet current flood regulations. It will have 3 driveways, both entrance & exit on Taylor Ave., an exit only on Park Blvd. & Rio Grande Ave. They are proposing to have 11 parking spaces.

Mr. Halbruner noted there will be 4 free standing lights and landscaping where needed. Currently the site is 100% covered in asphalt but they will be decreasing that coverage by adding greenery & landscaping. The propose to have 4 building mounted signs.

Mr. Halbruner stated that Popeye’s is a permitted use in the zone. The maximum building coverage allowed is 50% where only 16% is being proposed. The building will be well set back from the street.

Mr. Halbruner refers to exhibit A-1 & A-2 which are renderings of the project. There will be 44 seats inside and the hours of operation are around 10am to 2am.

The applicant is requesting a waiver for # of signs. They are looking to have 4 signs where 2 are permitted. They are also looking for a waiver for the 5ft. buffer. Mr. Halbruner noted that they have been in touch with the neighboring property owners which is Riggins and they plan to eliminate the residential use behind the property. The applicant agreed to put a 6ft fence and tapering to a 5 ft fence along the neighboring properties.

Mr. Halburner believes that this project advances the purposes of zoning such as providing adequate light, air & open space and also promote the free flow of traffic. He believes that the benefits outweigh any determents. The trash enclosure will be a fully enclosed with a lid on it.

Raymond Roberts reviewed the engineers report including that the parking meets the ordinance requirements. He discussed the roof top a/c units and noted that they should not be noisy.

**Members of the Public:**

Paul Riggins owner of the neighboring property and Riggins gas station on Rio Grande Ave. spoke in favor of the project and noted they are going to revamp the Riggins and demo the property behind Popeyes.

Steven Booy, Zoning Officer for the City of Wildwood discussed flood proofing on of the building.

Public comment is closed.

Robert Belasco did a recap of the application

Scott Schmidt made a motion to move forward with the vote. Jason Hesley 2nd the motion.

The application was approved with 7 yes votes.

**Applicant: Ship Ahoy of Wildwood, NJ, LLC 12-19Z**

**Attorney: Alan Gould, Esq.**

Alan Gould represents the applicant Ship Ahoy of Wildwood, NJ, LLC. The property is located at 102 W. Baker Ave., Block 105.01, Lot 26 in the GC, General Commercial Zoning District.

The applicant is seeking a use variance to allow the property to be operated as apartments vs. a motel.

Alan Gould states that the property is a pre-existing, non-conforming use. He stated that years ago it was a thriving motel but then it was unsuccessful as a motel.

Trisha Varallo from 216 W. Burk Ave is the executrix of the estate for Bernie Varallo. She is sworn in. She stated that her late husband purchased the property in 2014. At the time, she was unaware that he purchased the property. When they bought it in 2014, the property was under renovation and they had to finish what the previous owner had started. After the renovation was complete, the LLC made the decision to operate as year-round apartments and not a motel.

Mrs. Varallo stated that she was not involved with the property at all until about the summer of 2017 when Mr. Varallo’s manager stole money from him. It was then she decided to get involved with the property.

Mrs. Varallo noted that there are 12 units in the project including 1 efficiency, 9-1-bedroom apartments and 2 -2-bedroom apartments. The units had heat in them when Mr. Varallo bought the property so the units are conducive to being year-round.

Mrs. Varallo provided exhibits A-1, A-2 & A-3 which are photos of the interior of the units. She described the tenants as all working people. There are 12 parking spaces for 12 units. She stated that she hasn’t had any problems at the Ship Ahoy lately and she doesn’t have any plans to change it.

Raymond Roberts reviewed the engineers report.

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

Robert Belasco did a recap of the application.

Timothy Blute made a motion to move forward with the vote. Scott Schmidt 2nd the motion.

The application was approved with 7 yes votes.

**Memorializing Resolutions:**

-The resolution for Bank of America 06-19Z was approved with 7 Yes votes.

-The resolution for Holly Beach Public Library 12-19Z was approved with 7 Yes votes.

**Approval of Minutes:** The minutes from the August 5, 2019 meeting were approved. All were in favor.

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**MEETING ADJOURNED AT 8:50PM**

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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.