

Planning/Zoning Board of Adjustment Meeting

March 4, 2019

4400 New Jersey Avenue

Wildwood, NJ 08260

The meeting of the Wildwood Planning/Zoning Board of Adjustment was called to order on March 4, 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, Jason Hesley, Scott Schmidt, Joseph Spuhler, Carol Bannon, Todd Kieninger, Daniel Dunn, Michael Porch

Absent: Denise Magilton, Anthony Leonetti, Todd Kieninger

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

New Business:

Applicant: Cape Assist, Inc. 04-19Z

Attorney: Frank Corrado, Esq of Christopher Gillin-Schwartz, PC

The applicant is represented by Frank Corrado Esq. The property is located at 3819 New Jersey Ave., Block 155, Lots 1 & 16.01 in the GC, General Commercial Zoning District.

The applicant is seeking a waiver of fees and an interpretation of Section 410(c)(2) of the zoning ordinance to determine whether it's proposed "recovery high school program" is a "Neighborhood -or Regionally Oriented Service Activity" permitted in the GC zone, and therefore permitted at the Cape Assist facility. If the board interrupts the zoning ordinance and finds that the program is not a permitted use in the GC zone, the applicant will pursue a use variance from the board.

Robert Belasco, the boards attorney, explains the nature of the application and at this point, the application is seeking an interruption.

Frank Corrado first states that the applicant is looking for a waiver of application & escrow fees from the board. He states that Cape Assist is a non-profit organization and they do good things for the community and therefore, they are looking for a waiver of the fees.

Michael Porch puts forth a motion to move forward on a vote to waive the fees. Jason Hesley second the motion. The waiver of fees is denied with 4 No votes and 3 Yes votes.

The applicant is allowed to move forward with the application at this time and will provide any necessary fees to the board.

Frank Corrado explains that this application has 2 parts. The 1st part the applicant is asking for the board to approve Cape Assist's recovery program at the current site. He explains that Cape Assist is located in the GC zone. He noted in the GC zone that schools are not a permitted use. However, he states that is program is really not a school. If the board finds that it is a "school" then the applicant will be asking for a use variance. He stated that he is also asking the board for a waiver of site plan approval since there will no site alterations or improvements. They will operate the program in the facility that is currently there.

Elizabeth Terenik is the professional planner for the application and was sworn in. Her resume was marked as Exhibit A-1.

The Executive Director of Cape Assist, Katie Faldetta was sworn in. She stated that Cape Assist is located at 3819 New Jersey Ave. She gave a brief description of what Cape Assist does and she stated that Cape Assist is a prevention program against substance abuse. She stated that they have services in almost every school and that they have at their current location in Wildwood for about 15 yrs. She stated that they have programs for ages including after school programs for kindergarteners, programs for older adults/parents and counseling programs for substance abuse.

Ms. Faldetta stated that the new program that they are looking to implement is a recovery high school. She stated that this program is currently taking place in 2 other places in New Jersey. It is a small program but it is very successful. She stated there is 1 currently in Union County and another in Monmouth County. She stated that the juveniles will be drug tested weekly to show they are in recovery in order to be or stay in the program. If at any point a drug test was failed, the juvenile would be removed from the program.

Ms. Faldetta addressed the question of why can't the program be in Middle Township or somewhere else. She stated that schools don't have the facilities for this program and that right now Cape Assist is the best fit for the program. She explained that

schools can also be a trigger of abuse and it's best to take the kids out of that environment. She stated that there is an educational component to the program where all their educational work is done virtually. However, she stated that the focus of the program is recovery. The kids will be taking classes but getting counseling and other substance abuse services at the same time.

Ms. Faldetta noted that the primary source of referrals for the program is from the Wildwood Police Dept. Right now, they have 2 eligible students with a possibility of 2 more. She noted that current site at the Cape Assist building could not handle more than 10 students. She stated that the juveniles will either be dropped off by their parents or the sending school district. She also stated that this would add 2 employees to the Cape Assist building for the program.

Ms. Faldetta stated that the program will be from 8:30 to 2:30 daily on week days only. They have made arrangement with the Wildwood school district to send brown bag lunches to the kids in the program. The program will end in mid-June when schools get out for summer break. Next September, if the program is growing in which they anticipate growth, Cape Assist will seek to move the program to a bigger location. However, they can't guarantee that the program will not return to the same location in September.

After some questions raised by Mr. Corrado, Mrs. Faldetta testified that she didn't believe there would be any observable difference than what is there now. She also stated that they have not have any complaints from the police dept. in the passed year. She also stated that the Cape Assist building is ADA compliant and is annually inspected by the Wildwood Fire Dept. She believes that they are considered to be good neighbors and that this program is not a school because recovery is put 1st. She believes that this program will changes the lives of kids.

Frank Corrado states that the board now has the job to interrupt the zoning ordinance as to whether this a school or more a service.

Ms. Faldetta clarified that the grant is issued to Middle Township but is for the interest of Cape May County. She also said the 2 students that are currently eligible for the program, 1 is from Lower Township & the other is from Middle Township. They kids will be receiving grades through their school district.

There was a question as to whether Cape Assist had any prior meetings with any city officials prior to this application. Ms. Faldetta stated that they did have a meeting with the Business Administrator, Christopher Fox, however, the Mayor was unavailable at the time.

Mike McKnight is an education specialist for Cape May County and is sworn in. Mr. McKnight presented a letter that states the program is not considered a school because it does not have a school code and does not fit a definition of a school.

Elizabeth Terenik, Professional Planner for the project stated that she visited the site and believes that the program is more a regional service than a school. She agrees that this is smaller in nature and that it is more a program than a school.

Jason Hesley put forth a motion to move forward with the vote for the interruption. Michael Porch 2nd the motion. The board interrupted the zoning ordinance and voted that the program is more a school than a service so the applicant must move forward with the use variance.

Frank Corrado stated that since the board deemed it a school, a school is an inherently beneficial use. He then read the definition of an inherently beneficial use. He also stated that an inherently beneficial use satisfies the positive criteria for a use variance because it promotes the public good.

Ms. Terenik doesn't believe that there would be any deterrent or negative effect on the zone plan, zoning ordinance or neighborhood. She also agrees that the addition on the program will not have any negative affects on the neighborhood or zoning plan and it will be similar in nature to what is there now. They are also requesting waiver of a site plan because there will be no change to the building.

MEMBER OF THE PUBLIC:

Chris D'Amico from 121 W Magnolia Ave. is opposed to the project. He stated that they knew about the program for 18 months and didn't work with the City until now. He believes it should be regionalized and not in Wildwood.

Joseph Toland from 220 E Glenwood Ave. is opposed to the application. He stated there are 5 bars & 1 distillery around the corner and believes the program is a good idea but the location is not right.

Al Brannen from 217 E Bennett Ave is also opposed to the application. He stated that all school's enrollment is declining so why not put it in the schools. He stated that this is a tourist town and we don't need it here.

Mary D'Amico from 125 W Magnolia Ave. is also opposed to the application. She believes that this program is only putting a band aid on it.

John Bratelli from 117 W Spicer Ave is a new resident is also opposed to the application. He is questioning why they received a \$500,000 grant for only 4 kids and wondering if it is providing employment as well.

Tony Lehman has a property at 8200 Atlantic Ave. She spoke in favor of the project and was involved in getting the grant. She said while they were working on the grant for 18 months, they were just awarded the grant at the end of January. She noted they requested to meet with the mayor last March but he was unavailable.

Maryanne Bratelli from 117 W Spicer Ave. is also opposed to the application.

Mary Vollmer from 115 W Spicer Ave. states she lives 4 doors down from Cape Assist and is also opposed to the application. She submitted a picture that was marked at exhibit W-1 which shows young adults hanging around the area.

Sally Honesty from 645 Bay Ave. in support of the program. She stated that as of March 7th she will recognizing her son's death and thinks the program will be great.

Public comment is closed.

Frank Corrado addresses the question of why put it in Wildwood and not Middle Township. He asked that Ms. Lehman explain a few things. She stated that they money just became available in January and that gave them a very short time frame to find a suitable place to have the program. She sated they partnered with Cape Assist because it was the best option for the short time frame that they had. She stated that the program would not be possible without Cape Assist.

Raymond Roberts is the board engineer and is sworn in. He stated that he had no objection to a waiver to site plan approval as there are no improvements on the building be done. He also read the purpose of GC zoning district.

Frank Corrado gives a summary of the application and states again that the application meets the positive criteria for an inherently beneficial use.

Robert Belasco gives a recap of the application and states the findings in fact.

The board votes on the findings in fact 1st.

Jason Hesley put for the motion to move forward with the vote on the findings in fact. Joseph Spuhler 2nd the motion.

The findings in fact were approved with 7 Yes votes.

The board moved on to the vote for the use variance. Jason Hesley made a motion to move forward with the vote. Michael Porch 2nd the motion.

The application was denied with 6 No votes and 1 Yes vote.

Memorializing Resolutions:

The resolution for Dragonfly Park, LLC 18-18Z was approved with 5 Yes votes and 1 No vote. Daniel Dunn abstained from the vote.

The resolution for Anton Osipov, LLC 20-18P was approved with 6 Yes votes. Daniel Dunn abstained from the vote.

The resolution for the City of Wildwood Ordinance 1133-19 was approved with 7 Yes votes.

Approval of Minutes: The minutes from the February 4, 2019 meeting were approved. All were in favor.

MEETING ADJOURNED AT 8:10PM

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.