

THE BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes – 4 August 2021 5 p.m.

Chairman Patrick Davenport called the meeting to order at 5:00 p.m., lead the Pledge of Allegiance and read the statement of compliance with the open Public Meetings Act.

Roll call was taken by the secretary: Alvarado, absent; Cava, present; Daniels, present; Davenport, present; D'Antonio, present; Melchiorre, present; Schiff, present; Hunt, present; Mettler, present; Gould, present; Thompson, absent; Solicitor Belasco, present; Secretary Rogers, present; Joseph Mohnack, Board Engineer, present.

Mr. Schiff moved to dispense with the public reading of the minutes of the meeting of 2 June 2021 and approve as distributed, Mr. Mettler seconded. Roll call: Hunt, yes; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Cava, abstain; Daniels, yes; Davenport, yes; Gould, abstain. Minutes approved as distributed.

There was one application to come before the Board:

PB-21-08-01: Carol & Charles Zacney, owners of the property located at 425 E Louisville Ave, a/k/a blk 100.02, lot 15.04; in the M-1B zoning district, to amend previously-approved conceptual site plan drawing. Applicant represented by Cory J. Gilman, Esq.

Chairman Davenport recused as he owns property withing the notification area; Vice-chairman Hunt presided.

Mr. Gilman approached the board and described the application saying the applicant is seeking an amendment of previously approved site plan as part of a subdivision and site plan approval memorialized in resolution PB-17-11. He said the drawings have been amended and no variance relief is sought as the proposed structure complies with borough ordinance. Andrew Schaeffer, licensed engineer and planner; Paul Kiss, licensed architect and planner; and Carol Zacney, property owner, were sworn in with Mssrs Schaeffer and Kiss recognized as experts.

Mr. Schaeffer testified saying he is familiar with the EDA plan, and the current plan as revised to address concerns expressed in the engineer's review provides more architectural interest using "bump-outs" and sits mostly within the confines of the previously approved structure. He said impervious lot coverage lot coverage will be lessened. Paul Kiss testified saying he is also familiar with the EDA plan and noting modifications to the current plan to comply with four items in the engineer's review letter. He opined adequate access is provided for emergency vehicles. The architect's plans were entered as exhibit A-2 and will be provided to the board secretary as a condition of approval. He said the north side setback complied except for 1' x 8' bump-out which meets ordinance section 85-75C. He noted the same for the Louisville Ave. (south side) bump-outs, and the entry stair encroachment. He further described the modifications to the plan pointing out the reduction in lot coverage and described the rear yard setback in relation to the previously granted easement saying it would not impede access for emergency vehicles. Answering Mrs. Hunt Mr. Kiss and Mr. Gilman said the proposed wall modulations will not extend beyond the eaves and remain in line with other structures on Louisville Ave. saying these were added for esthetic reasons. Mr. Gilman said the lot was purchased by the Zacney family with the understanding they could build the proposed house. Mrs. Zacney added they learned in March the house they want cannot be built on the lot. Mr. Mettler expressed concern about emergency vehicle access if the house is built closer to the easement saying while a firetruck could get into the driveway, it would be nearly impossible to release hoses and outriggers from the sides of the truck. Mr. Melchiorre agreed adding men and equipment need to get off the truck. Addressing board concerns that perhaps this is a legal issue not a planning board issue, Solicitor Belasco clarified that since the proposal is a deviation from a previously-granted board approval it is appropriate for the board to hear and act upon the application.

Vice-chairman Hunt opened the hearing to public comment. Lee Howard, owner of the property located at 414 E Louisville Ave, was sworn in, and commented he is opposed to the application saying the proposed structure is too big for the lot and will block sunlight.

Robert Davenport, owner of the property located at 418 E Louisville Ave, was sworn in. He agreed with Mr. Howard adding concern for safety access issues.

Bob Dann, owner of the property located at 408 E Louisville Ave, was sworn in. He said the proposed house is too big for the area and opined the original application should not have been approved. Mr. Dann also noted the parking demands of a house with four or five bedrooms.

Alex Zacney, son of the applicant, was sworn in. He said the proposed structure will be "in line" with other structures on the street and will not affect views. He added this is a "passion project" for his family and they will never rent or sell the house.

As no further public came forward, the vice-chairman closed the public portion.

Joseph Mohnack presented the engineer's report (attached hereto and made part hereof) and, with solicitor Belasco's agreement, said borough ordinance has no requirements for setbacks from an easement. Mr. Mohnack said comments in his report had been addressed.

Mr. Gilman concluded saying this is a relatively simple application with minor requests to rectify an unfortunate situation. Mrs. Zacney added they are not new to the Crest, and she would not have purchased the property had she known she could not build their "legacy" home.

Solicitor Belasco read the findings of fact into the record, noting the prior approvals and proposed modifications. He identified the exhibits, listed the four members of the public who testified, and the variance relief required.

Mr. Gilman asked if his professionals could add testimony addressing the variance relief. In discussion and with all parties agreeing, it was concluded the board would act on the findings as presented, then vote again on an addendum addressing the variance relief.

Mr. Schiff moved to accept the findings of fact, Mr. Cava provided the second. Roll call: Hunt, yes; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Cava, yes; Daniels, yes; (Davenport, recused); Gould, yes. Findings accepted.

Answering Mr. Gilman, Mr. Kiss opined as to the positive and negative criteria of granting the application saying there is no detriment to the public good or land use ordinance, adding purpose i. of the act providing a desirable visual environment is fulfilled.

Solicitor Belasco added this testimony to the findings of fact.

Ms. Daniels moved to accept the addendum to the findings, Mrs. Gould provided the second. Roll call: Hunt, yes; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Cava, yes; Daniels, yes; (Davenport, recused); Gould, yes. Addendum to findings accepted.

Mrs. Hunt opened deliberation expressing concern about the safety issue with Mr. Mettler agreeing and adding he understands the owners' passion. Ms. Daniels asked about the "bump out" over the easement with Mrs. Hunt answering that it contributes to the difficulties with access for emergency vehicles.

Mr. Schiff moved to approve the application and amended plan, Mr. Mettler provided the second. Mrs. Hunt said she has concerns about the safety issue; Mr. Melchiorre. Mr. Mettler and Mr. Schiff expressed agreement; Mr. D'Antonio said it is a beautiful project but must err on the side of caution; Mr. Cava questioned how much room a firetruck needs saying the driveway is the same size as originally approved; Ms. Daniels agreed with Mr. Cava; Mrs. Gould expressed concerns about the safety issues. Roll call: Hunt, no; Melchiorre, no; Mettler, no; Schiff, no; D'Antonio, no; Cava, yes; Daniels, yes; (Davenport, recused); Gould, no. Application denied.

There were no resolutions memorializing Board action.

There were no administrative resolutions.

Under Old Business, there were no committee reports.

Under new business Mrs. Gould asked if the board would address subdivisions into 40' lots causing parking issues as the borough only requires two spaces per residential unit and people are usually coming with multiple vehicles. The board agreed this should be addressed with the solicitor adding the borough has not adopted the RSIS. Mr. Mettler expressed concern about variance relief being granted to pre-existing nonconforming uses containing multiple dwelling units.

In public portion one member of the public spoke: Dave Miller, owner of the property located at 5502 Lake Rd., said he had come to learn and said he has questions about dredging and flood mitigation. Mr. Mettler informed him of current progress, and Mrs. Gould said he should attend a commissioners' meeting.

The next regularly scheduled meeting is 1 September, there is one application to come before the board on that date.

On motion of Mrs. Gould, second by Mr. D'Antonio and unanimous voice vote, the Vice-chairman adjourned the meeting at 6:55p.m.

Deborah Rogers
Planning Board Secretary