

BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes – 4 October 2023 5 p.m.

The following are the minutes of the Wildwood Crest Planning Board as held on Wednesday October 4, 2023, at Borough Hall. The proceedings of the meeting are recorded and available for public inspection.

CALL TO ORDER:

Chairman Mr. 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:

Patrick Davenport: present	Barbara Hunt: absent	Brian Melchiorre: present
Don Cabrera: present	Joe Franco: present	Angela Daniels: present
Gerry D'Antonio: present	Fred Mettler: present	Pete Cava: present
Brian Stuart: absent	Vince Tenaglia: present	Bradley Vogdes: present
Board Secretary Pamela Riper: present		
Solicitor David Stefankiewicz : present		
Engineer Will Hanson: present		

MINUTES:

Mr. Tenaglia moved to dispense with the public reading of the minutes of the meeting of 6 September 2023 and approve as distributed, Mr. Cava second, minutes approved as distributed.

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: abstain	Joe Franco: yes	Angela Daniels: abstain
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: yes		

APPLICATIONS:

Application PB-23-09 for 214 E Columbine Road a/k/a blk 46.01 lots 4, 5, 6 & 20 in Zone R-2 owner HK NJ Ventures, LLC; seeking minor subdivision approval and "C" variances.

The Applicant was represented by Andrew Catanese, Esquire of the law offices of Monzo Catanese DeLollis, P.C.

Mr. Catanese provided the Board with an overview of the application and reviewed the relief sought in connection with same.

The subject property is a 130ft. x 100ft. lot located in the Borough's R-2 zoning district and same is currently developed with single-family dwelling.

In connection with this Application the Board received the following plans, which are incorporated herein as fact:

Subdivision Plans entitled, "New Residential Development, 214 E. Columbine Road, Block 46.01, Lots 4, 5, 6, and 20, Borough of Wildwood Crest, Cape May County, N.J." prepared by the Highland Design Group and signed by Thomas R. Deneka, P.L.S. dated June 8, 2023 and last revised September 15, 2023.

The Application was originally submitted as a proposed variance free minor subdivision with a 50ft. x 100ft. lot proposed to be oriented towards Seaview Avenue (100ft. of frontage along Seaview was proposed), and two interior 40ft. x 100ft. lots oriented towards Columbine Road.

Mr. Catanese acknowledged that the Board Engineer's July 24, 2023 identified the need for a variance from §85-92(h)(1) of the Borough's Land Development Ordinance which requires that lots with frontage along North-South Streets be oriented towards the North-South Streets as opposed to East-West Streets.

He indicated that the Applicant did not agree with the need for variance relief from this section of the Ordinance and was prepared to present argument and testimony in support of their position.

John Halbruner, P.E., R.A. of the Hyland Design Group, appeared on behalf of the Applicant and he was recognized as an expert in the fields of architecture and engineering. Mr. Halbruner was placed under oath and he testified from the proposed subdivision plan and in support of the relief sought by the Applicant.

Mr. Halbruner advised the Board that the subject property is an oversized 100ft. x 130ft. lot located at the corner of Columbine Road and Seaview Avenue.

He informed the Board that the subject property is currently developed with a 3-story single-family dwelling, which is approximately 78ft. long, and a detached garage which fronts on to Seaview Avenue.

Mr. Halbruner noted that the front door and stairs of the existing single-family dwelling are oriented towards Columbine Road rather than Seaview Avenue.

Mr. Halbruner testified that the Applicant is proposing to demolish all improvements on site and is seeking approval to subdivide the existing lot in order to create two (2) 40ft. x 100ft. lots that would be oriented towards Columbine Road and one (1) 50ft. x 100ft. lot which would be oriented towards Seaview Avenue. Mr. Halbruner testified that the proposed lots and single-family dwellings meet all applicable area and bulk conditions within the R-2 zone.

Mr. Halbruner reviewed §85-92(h)(i) of the Borough's Land Development Ordinance which speaks to the historical orientation of lots and the platting of same. He distributed a print-out of §85-92(h)(i) which was received by the Board and which was marked as **Exhibit A-1**.

He indicated that, based upon the language within this section of the Ordinance, the entry to a structure built on a lot fronting onto the North-South Street would need to face the North-South Street; however, he contended that the Ordinance, as written, does not require that the dimensions of the lot be oriented in a such a way so that the lot width along the North-South Street is less than than the lot depth.

Mr. Halbruner testified that the language in the Ordinance only speaks to entries to structures, and based upon his interpretation of the Ordinance, the Applicant's original proposal complied with the requirements of same as the entry to the structure to be built on the original 50ft. x 100ft. corner lot would face Seaview Avenue.

Moreover, Mr. Halbruner opined that the historic orientation of the subject property and the structure existing on same was oriented towards Columbine Road rather than Seaview Avenue.

Mr. Halbruner distributed a packet containing four (4) photographs depicting the four (4) corner lots located at the intersection of Columbine Road and Seaview Avenue, which was received by the Board and which was marked as **Exhibit A-2**.

Mr. Halbruner testified that all four of the corner lots contain structures which are oriented towards the East-West Street rather than the North-South Street.

Mr. Halbruner testified that the applicable Ordinance section also references that the lot orientation requirements apply "where practical." He indicated that orienting the proposed lots towards Seaview Avenue would not be practical given the size the existing parcel.

Mr. Halbruner indicated that orienting the proposed lots towards Seaview Avenue would only allow for a two (2) lot subdivision which would result in the creation of two (2) 50ft. x 130ft. lots which are completely inconsistent with what exists in the surrounding neighborhood.

Mr. Halbruner advised the Board that a lot with a depth of 130ft. would allow for the development a massive single-family dwelling which could provide a density which is significantly inconsistent with the surrounding neighborhood.

Mr. Halbruner opined that the Applicant's proposal to orient the entryway of the corner lot to Seaview Avenue meets the intent of the Ordinance and therefore does not necessitate a variance.

Board Members discussed the history of §85-92(h)(i) of the Land Development Ordinance and the fact that the Board's intent was for lots containing frontage along the North-South Streets to be oriented towards same rather than simply entry ways.

Board Members took issue with the interpretation of the Ordinance presented by Mr. Halbruner and disagreed with his contention that only the entry way needs to be oriented towards the North-South Street. Moreover, the Board advised the Applicant that since it enacted the Ordinance in question it has adhered to the interpretation that lots must oriented so that the lot width is less than the lot depth, and that the entryways must also be oriented towards the North-South Street.

Board Engineer Will Hanson, P.E. informed the Board that the tax map presented on the plans depicts the lots in question oriented towards the North-South Street.

He indicated that the Ordinance specifically differentiates between lots without frontage along North-South Streets and lots with frontage along the North-South Streets.

Mr. Catanese argued that the language in the Ordinance is ambiguous and does not include language which clearly requires that lots be oriented in a manner where the lot width along the North-South Street is less than the Lot Depth.

The Board ultimately elected to vote on an interpretation of the Ordinance and unanimously agreed that the Ordinance, and the intent of same, provides that lots with frontage along North-South Streets must be oriented towards said streets rather than simply the entry way to same.

The hearing was ultimately carried to the October 4, 2023 Board Meeting in order for the Applicant to notice for the required variance and to modify the proposed plan of subdivision.

At the October 4, 2023 Board Meeting, Mr. Catanese reviewed the history of the Application, the original proposed subdivision, and the modifications that were made to same in light of the comments received from the Board and its interpretation of §85-92(h)(i).

Mr. Catanese advised the Board that the Applicant revised the proposed subdivision in order to create two (2) lots which front onto the North-South Street in a manner wherein the width/frontage on the North-South Streets is less than lot depth.

He indicated that the plans now propose two (2) lots fronting on to Seaview Avenue, and one (1) interior lot fronting on to Columbine Road.

Mr. Catanese indicated that the proposed lots comply with all of the applicable area and bulk requirements with the exception lot depth for the two (2) lots oriented towards Seaview Avenue as 90ft. is proposed whereas 100ft. is required.

Mr. Halbruner reviewed the revised plan of minor subdivision for the benefit of the Board.

He indicated that the subject property is 100ft. x 130ft. (13,000SF) which is significantly oversized within the R-2 zone as single-family dwellings are permitted on lots with a minimum area of 4,000SF.

Mr. Halbruner advised the Board that the Applicant revised the proposed subdivision plan to address Board's prior concerns and to ensure consistency with its interpretation of the applicable lot orientation Ordinance.

He confirmed that a three (3) lot subdivision is still proposed, and that one (1) lot will be oriented to Columbine Road which fully conforms with the requirements of the Ordinance.

He indicated that the two (2) other lots will have frontage on Seaview Avenue, one (1) being an interior lot which measures 48ft. x 90ft., and the corner lot will measure 52ft. x 90ft.

Mr. Halbruner testified that a minimum lot depth variance is required for both lots as 100ft. is required whereas 90ft. is proposed.

Mr. Halbruner advised the Board that he evaluated the surrounding neighborhood and the R-2 zone, and determined that there are 104 total parcels between 33 blocks that have frontage along Seaview Avenue, and of those 104 parcels a total of 9 parcels have a conforming lot depth that is greater than the minimum 100ft. lot depth.

There are no existing lots which are consistent with the subject property which he contends creates a unique situation that presents practical difficulties in connection with developing the site.

Mr. Halbruner testified that the Applicant could create two (2) lots that are 50ft. x 130ft.; however, the lots would be entirely inconsistent with lots along Columbine Road.

Mr. Halbruner advised the Board that a lot with a depth of 130ft. would allow for the development of a massive building, approximately 94ft. in length, which is almost as long as adjacent lots.

Mr. Halbruner opined that this proposal would be out of character and inconsistent with the neighborhood.

Moreover, he indicated that a two (2) lot subdivision and the size of the lots would result in a density which is wholly inconsistent with the neighborhood.

Mr. Halbruner opined that granting the lot depth variance will result in a more consistent neighborhood development; however, he indicated that orienting the lots to Seaview Avenue creates practical difficulties in complying with the ordinance.

Mr. Halbruner testified that the revised proposal conforms to the Board's lot orientation interpretation rendered at the September meeting.

Mr. Halbruner noted that the revised subdivision proposal also serves to remedy a pre-existing non-conformity because the existing structure is oriented towards Columbine Road.

Mr. Halbruner opined that the Applicant is experiencing a hardship as the subject property is oversized and wholly inconsistent with the neighborhood and the Borough's zone plan.

Mr. Halbruner further opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application and support the relief sought by the Applicant as it:

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, and general welfare;

Provides adequate light, air and open space;

Promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; and Promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

Mr. Halbruner opined that the application can be granted as there are no substantial detriments to the public good and the application does not substantially impair the intent and/or purpose of the zone plan or zoning ordinance as the proposed lots, while requiring a lot depth variance, meet or exceed the minimum lot area within the R-2 zone.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated October 2, 2023 which was received by the Board and which is incorporated herein as fact. Will Hanson, P.E., a professional engineer and employee with Mr. DeBlasio's office, appeared at the meeting and reviewed said Report for the benefit of the Board. As a condition of approval, the Applicant will comply with any and all comments/conditions set forth within the Engineer's Report.

Mr. Hanson confirmed that variance relief sought by the Applicant and he opined that the Applicant had met the intent of the lot orientation ordinance with the revisions made to the plans.

The Meeting was opened to the public for comment. One (1) member of the public addressed the Board, namely:

Alice Haber, owner of the property located at 207 E. Rosemary Road, appeared and she was placed under oath to testify before the Board. Ms. Haber questioned the proposed rear yard setbacks and the need for variance relief. She indicated that the Zoning Ordinance should be enforced.

No additional members of the public addressed the Board in connection with this application. Accordingly, the public portion of this application was closed.

Board Solicitor David Stefankiewicz, Esquire reviewed the variance relief sought by the Applicant and provided the findings of fact for the record.

Findings of Fact accepted on motion of Mr. Cava and 2nd by Mr. Mettler

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: yes	Joe Franco: yes	Angela Daniels: yes
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: abstain		

The Board accepted the findings of fact and thereafter opened the Application up for deliberation.

During deliberations, the Board commended the Applicant for revising the proposed subdivision to address the Board's concerns and to comply with its interpretation of §85-92(h)(1).

Board Members agreed that the subject property is unique in that it is an oversized 100ft. x 130ft. parcel. Board Members agreed that the Applicant's proposal meets all area and bulk requirements with the exception of minimum lot depth.

Notwithstanding the need for lot depth variances, the proposed lots meet and/or exceed the minimum lot area within the R-2 zone.

The Board finds that granting the proposed variance relief presents no substantial detriment the public good nor will it impair the intent or purpose of the zone plan and zoning ordinance, and that the purposes of zoning identified by Mr. Halbruner are in fact advanced by the Applicant's proposal.

On Motion of Mr. Tenaglia and 2nd by Ms. Daniels to approve:

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: abstain	Joe Franco: yes	Angela Daniels: yes
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: abstain		

Application PB-23-12 for 211 E Hollywood Drive a/k/a blk 145 lots 12 & 13.01 in Zone R-2 owner Yvonne Gregans; seeking "C" variance.

The Applicant, Yvonne Gregans, and her husband, Tim Gregans, were self-represented in connection with this Application.

The subject property is located at 211 E. Hollywood Avenue, a/k/a Block 145, Lots 12 and 13.01, in the Borough's R-2 zone and it is currently developed with a 2-story single-family dwelling and a detached garage.

The Applicant is proposing to construct an addition to the subject property and to renovate the interior of same. The Applicant is also proposing to construct a new rear yard deck.

In connection with this Application the Board received the following plans, which are incorporated herein as fact:

Site Plan entitled "Variance Plan For: Yvonne Gregans: 211 E. Hollywood Ave., Wildwood Crest, NJ 08260," prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC, signed and sealed by Andrew Schaeffer, P.E., P.P., consisting of one (1) sheet, dated May 30, 2023 and last revised September 30, 2023. Mr. and Mrs. Gregans appeared and they were placed under oath and were sworn in to testify before the Board.

Mr. Gregans testified that his family originally purchased property in Wildwood Crest in 2007.

Approximately two (2) years ago the Gregans purchased the subject property and they now reside within same on a full-time basis.

Mr. Gregans advised the Board that the existing single-family dwelling is in need of repairs/renovations and the proposed addition and interior renovations will ensure that the home meets the needs of their family.

Andrew F. Schaeffer, P.E., P.P. with Schaeffer Nassar Scheidegg Consulting Engineers, LLC appeared before the Board on behalf of the Applicant. Mr. Schaeffer was accepted by the Board as an expert in the fields of engineering and land planning, and he was placed under oath and testified from the proposed site plan.

Mr. Schaeffer distributed a revised site plan containing an aerial photograph which was received by the Board and which was marked as **Exhibit A-1**.

Mr. Schaeffer also distributed a handout containing proposed architectural plans which were received by the Board and which were marked as **Exhibit A-2**.

Mr. Schaeffer advised the Board that the existing single-family dwelling was originally constructed in the 1950s and contained three (3) bedrooms and one (1) bathroom.

He indicated that several years after construction the prior owners of the property converted the dwelling to contain two (2) bedrooms and two (2) bathrooms.

Mr. Schaeffer testified that the existing single-family dwelling does not meet current fire and construction code requirements and is in need of repairs in order to meet the needs of the Applicant.

He advised the Board that the Applicant is proposing to renovate the existing single-family dwelling, and is proposing to construct an addition and a new deck within the rear yard. The proposed single-family dwelling will contain a total of four (4) bedrooms.

In response to a question posed by the Board, Mr. Schaeffer testified that the Applicant's proposal amounts to a total renovation of the dwelling and a reorientation of the number of bedrooms.

Mr. Schaeffer further testified that the Applicant's proposal is consistent with the existing development in the surrounding neighborhood, and he reviewed same for the benefit of the Board.

Mr. Schaeffer confirmed the variance relief sought by the Applicant in connection with this proposal.

He indicated that a variance is required for maximum building coverage as 44.4% is proposed whereas a maximum of 35% is permitted. He advised the Board that the existing building coverage slightly exceeds 35%.

Mr. Schaeffer indicated that a maximum combined building and deck coverage variance is also requested as a total of 49.2% is proposed whereas 45% is permitted.

With respect to the lack of modulation in building walls, Mr. Schaeffer testified that portions of the exterior walls of the structure are slightly longer than 24ft. and the jogs are less than 2ft. which is inconsistent with the requirements of the Ordinance.

He advised the Board that the Applicant's goal was to maintain the existing side yard setbacks without exacerbating same.

A variance is also required in connection with the minimum distance between the principal and accessory structures as 2.8ft. was originally proposed whereas 4ft. is required.

In light of concerns raised by the Board, the Applicant agreed to modify the dimensions of the proposed addition and rear yard deck in order to provide a distance of 3.9ft. between the principal and accessory structure which is consistent with the existing condition of the property.

Mr. Schaeffer testified that a minimum front yard setback variance is also required as the setback to the front yard covered porch is 9.9ft. whereas 10ft. is required.

A question arose in relation to whether or not the steps within the front yard providing access to the deck would trigger the need for a larger front yard setback variance; however, the Board advised the Applicant that stairs are permitted to encroach up to 50% within the minimum front yard setback.

Mr. Schaeffer advised the Board that a variance is also required for the minimum roof pitch as a roof pitch of 5/12 is required whereas 3.5/12 is proposed in a 20% area of the roof. It was noted that the garage roof pitch is also less than required minimum 5/12 pitch.

Mr. Schaeffer testified that the subject property is conforming in size and the variances requested are sought under the C2 criteria.

Mr. Schaeffer opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application and support the relief sought by the Applicant as it:

Provides adequate light, air and open space; and

Promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

Mr. Schaeffer further opined that the Applicant's proposal presents no substantial detriments to the public good nor does it in anyway impair the intent or purpose of the Borough's zone plan or zoning ordinance.

He indicated that the Applicant's proposal, while slightly exceeding maximum building coverage, reduces the overall impervious coverage of the site as the Applicant has eliminated a significant amount of concrete within the rear yard, and the site will now comply with maximum permitted lot coverage.

Mr. Schaeffer testified that, on balance, the benefits associated with the Application outweigh any potential detriments.

In response to a question posed by the Board, Mr. Schaeffer indicated that the renovated single-family dwelling will contain 2.5 stories whereas 2 stories currently exist.

Mr. Schaeffer advised the Board that the existing structure is above the current applicable design flood elevation and does not need to be elevated to comply with current flood requirements.

In response to a question posed by the Board, Mr. Schaeffer testified that a total of three (3) off-street parking spaces are available on site, and he indicated that the existing driveway and garage will not be

modified. He confirmed that the driveway can accommodate two (2) vehicles and the garage can accommodate one (1).

Board members expressed concerns in relation to the proposed increase in building coverage, noting that the size and scale of the structure to the lot itself is important.

Board Members expressed additional concerns that the Applicant’s proposal amounted to an overdevelopment of the site.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer’s Report dated September 5, 2023 which was received by the Board and which is incorporated herein as fact. Will Hanson, P.E., a professional engineer and employee with Mr. DeBlasio’s office, appeared at the meeting and reviewed said Report for the benefit of the Board, and he note the conditions outlined therein. As a condition of approval, the Applicant will comply with any and all comments/conditions set forth within the Engineer’s Report. Mr. Hanson confirmed the variance relief sought in connection with this Application.

The Meeting was opened to the public for comment. No members of the public addressed the Board in connection with this application. Accordingly, the public portion of this application was closed.

Board Solicitor David Stefankiewicz, Esquire reviewed the variance relief sought by the Applicant and provided the findings of fact for the record.

Findings of Fact accepted on motion of Mr. Melchiorre and 2nd by Mr. Tenaglia:

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D’Antonio: yes
Don Cabrera: yes	Joe Franco: yes	Angela Daniels: yes
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: abstain		

The Board accepted the findings of fact and thereafter opened the Application up for deliberation.

During deliberations, Board Members agreed that the Applicant’s proposal amounted to an overdevelopment of the site, and that the proposed expansion would in fact be detrimental to the zone plan and zoning ordinance.

The Board expressed concerns with the fact that proposal failed to take into consideration the increase in building coverage and the Board questioned why the Applicant could not reduce and/or maintain the existing building coverage in connection with this proposal.

Board Members took issue with the fact that the proposed architectural plans were not provided in advance of the meeting and the Board questioned why the proposed addition could not be constructed to comply with zoning requirements.

Board Members agreed that the lack of modulation in the building walls did not promote desirable visual environment.

The Board agreed that the purposes of zoning identified by Mr. Schaeffer would not be advanced in connection with this project.

On Motion of Mr. Tenaglia and 2nd by Mr. Cava to approve:

Patrick Davenport: no	Brian Melchiorre: no	Gerry D’Antonio: no
Don Cabrera: no	Joe Franco: no	Angela Daniels: no
Fred Mettler: no	Pete Cava: no	Vince Tenaglia: no
Bradley Vogdes: abstain		

Joe Franco & Don Cabrera recuse themselves and leave meeting at 6:40pm

Application PB-23-10 for 6505 Atlantic Avenue a/k/a blk 50.03 lots 1-3, 7-10, 15-17 in Zone M-1C owner Viper Corp.; seeking “C” and “D” variances, preliminary & final site plan approval.

The Applicant was represented by John Amenhauser, Esquire who outlined the nature of the application and the relief sought in connection with same.

The subject property is located at 6505 Atlantic Avenue, a/k/a Block 50.03, Lots 1-3, 7-10, and 15-17, in the Borough’s M-1-C zone and it is currently developed with the VIP Family Motel.

In connection with this Application the Board received the following plans, which are incorporated herein as fact:

Plans entitled “Site Plan for New Motel Office and Owner’s Residential Dwelling Units” prepared by James E. Chadwick, R.A., P.E., signed and sealed by James E. Chadwick, dated June 1, 2023.

Plans entitled “Preliminary Plans for Proposed New Mixed-Use Building” prepared by James E. Chadwick, R.A., P.E., signed and sealed by James E> Chadwick, dated May 30, 2023.

The Applicant is proposing to demolish an existing 2-story detached structure located on site adjacent to Atlantic Avenue which currently houses the hotel’s office on the ground-floor and one owner’s residential unit

above to construct a new 3-story detached structure with an office on the ground-floor and two owner's residential unit above.

Mr. Amenhauser informed the Board that there are no other improvements or renovations proposed to the site or the existing hotel.

Mr. Amenhauser indicated that the proposed development is located within the 100ft. buffer zone between the M-1-C zone and the neighboring R-1A zone.

Melissa Roy, the principal of Viper Corporation, appeared and she was placed under oath to testify before the Board.

Mrs. Roy advised the Board that she is the sole shareholder of Viper Corporation which is the titled owner of the subject property and the VIP Family Motel.

Mrs. Roy testified that the Subject Property has always been operated as a hotel and she indicated that her family has owned the hotel for 58 years.

Mrs. Roy informed the Board that the hotel is currently operated by her husband, daughter, son-in-law, and herself.

She indicated that the purpose of the application is to allow her to continue to operate the Hotel with the assistance of her family while providing individual owner's quarters for both family units.

She informed the Board that she anticipates retiring in the near future and would prefer to continue to assist with the operation of the hotel while transitioning to the role of a full-time grandmother while her daughter and son-in-law take on a more active role in managing the property.

Mrs. Roy testified that operating the hotel is a full-time job, and she resides on site within the existing owner quarters during the summer season with her family members.

Mrs. Roy further testified that her daughter's family is growing and they are in need of their own defined space which prompted this Application to construct a second owner's unit on site.

James Chadwick, P.E., R.A., of James E. Chadwick, P.E. & R.A., LLC was also present at the meeting on behalf of the Applicant. Mr. Chadwick was accepted by the Board as an expert in the fields of engineering and architecture, and he was sworn in to testify with respect to the proposed site and architectural plans.

Mr. Chadwick reviewed the existing and proposed site conditions for the benefit of the Board.

Mr. Chadwick confirmed that the Applicant is proposing to demolish the existing 2-story structure containing the hotel office and one residential unit in order to construct a new 3-story structure containing a hotel office and two residential units in generally the same footprint as the existing structure.

Mr. Chadwick testified that the second-floor unit will contain a 4-bedrooms and will be utilized by the Applicant's daughter and her family, and the third-floor unit will contain 2-bedrooms and will be utilized by Mrs. Roy and her husband.

Mr. Chadwick confirmed that a minor change is proposed to be made to the footprint of the structure in order to facilitate off-street parking within a garage.

He advised the Board that a deck on the existing structure will not be reconstructed in order to provide space to construct a two-car garage to accommodate off-street parking.

Mr. Chadwick reviewed the proposed architectural and floor plans for the benefit of the Board.

The proposed ground floor office will contain a front desk area, waiting area, break/storage room, a handicap accessible bathroom, a fire pump room, and an elevator.

Mr. Chadwick advised the Board that the new structure will be fully sprinklered due to the fact that it is a mixed-use structure whereas existing structure is not.

Mr. Chadwick indicated that a ground-floor laundry room is also proposed which will be utilized to launder linens associated with the operation of the hotel.

A D(1) use variance is required in order to permit the construction of two (2) individual owner's residential units on site, as the Ordinance only permits one owner-occupied unit.

The Applicant's proposal will provide separation between the family units.

Mr. Chadwick advised the Board that the proposed structure could have been designed to be larger and limited to one unit; however, it would not meet the needs of the Applicant.

Mr. Chadwick advised the board that the proposed roof was originally designed with a pitch of 6/12; however, the Applicant was proposing to revise the roof pitch to 5/12 which would reduce the overall height of the building by 1ft.

Mr. Chadwick acknowledged that a building height variance was still required, but the reduction in proposed building height brings the structure into closer conformity with the zone and neighboring properties.

With respect to the requested maximum eave height variance, Mr. Chadwick testified that eave height is measured from top of curb. He indicated that the structure will contain 9ft. ceilings in the commercial space, 9ft. ceilings within the second-floor unit, and 8ft. ceilings within the third-floor unit.

He advised the Board that the increase in building and eave height is necessitated by a change in elevation from the top of curb to the finished floor elevation of the structure.

There is a need to provide handicap access since this is a mixed-use structure which also necessitates an increase in height due to the grade change to provide ADA access.

With respect to the number of building stories, Mr. Chadwick confirmed that a maximum of 2.5 stories is permitted whereas the Applicant is proposing 3 stories.

With respect to the lack of modulation of building walls, Mr. Chadwick testified that this condition is associated with a rear wall within an alleyway between the proposed structure and a neighboring property. He indicated that the wall in question is located in an area that is not visible by the public and access to the residential units would be through a gate which would further buffer the lack of modulation in this wall. In addition, Mr. Chadwick indicated that decks are proposed on the second and third floors which are recessed and which give the structure architectural appeal by creating modulation on the horizontal and vertical levels of the structure.

In regards to the minimum raised curb variance, Mr. Chadwick testified that there will be no change to the amount of raised curb located on site; however, curbing will be relocated in order to facilitate and encourage ingress and egress from the site from Forget-Me-Not Road.

Mr. Chadwick distributed a revised site plan which was received by the Board and which was marked as **Exhibit A-1**.

He advised the Board that minor revisions were made to the site plan in order to relocate planters which were originally proposed to encroach within the Borough right-of-way.

Mr. Chadwick testified the proposed location of the planters will result in the loss of one off-street parking space; however, the overall proposal will result in a net gain of one additional off-street parking space due to the inclusion of off-street parking associated with the owner-occupied units.

Mr. Chadwick informed the Board that a variance was originally requested in connection with the maximum total square footage of signs located on site; however, same has been eliminated as the Applicant will reduce the size of the signs to ensure that they do not exceed 25SF in total.

In response to a question posed by the Board, it was confirmed that the proposed signs are interior lit and will not impact neighboring properties. A total of three signs are proposed whereas only one sign is permitted, necessitating a variance.

Mr. Chadwick opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are advanced in connection with this application and support the relief sought by the Applicant as it:

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, and general welfare;

Provides adequate light, air and open space; and

Promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

Mr. Chadwick testified that the Applicant's proposal will also serve to preserve the character of the existing neighborhood as what currently exists is essentially being rebuilt with the addition of one residential unit.

Mr. Chadwick further opined that the application can be granted as there are no substantial detriments to the public good and the application does not impair the intent and/or purpose of the zone plan or zoning ordinance.

He indicated that the site is particularly suited to accommodate the proposed use.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated August 15, 2023 which was received by the Board and which is incorporated herein as fact. Will Hanson, P.E., a professional engineer and employee with Mr. DeBlasio's office, appeared at the meeting and reviewed said Report for the benefit of the Board, and he noted the conditions outlined therein. As a condition of approval, the Applicant will comply with any and all comments/conditions set forth within the Engineer's Report.

The Meeting was opened to the public for comment. A total of four (4) individuals addressed the Board in connection with this Application, namely:

Steve Tecco, owner of the property located at 6503 Ocean Avenue, appeared and he was placed under oath to testify before the Board. Mr. Tecco indicated that he was in favor of the Applicant's proposal. He advised the Board that he owns a neighboring hotel and indicated that the Applicant's run a first-class operation and he sees no issues with the addition of a second owner-occupied unit.

James Johnson, owner of the property located at 214 E, Trenton Avenue, appeared and he was placed under oath to testify before the Board. Mr. Johnson advised the Board that he was in favor of the proposed development. He echoed the comments made by Mr. Tecco in regards to the nature of the Applicant's operation and the benefits that they have brought to the community.

George Pawlowski, Jr., owner of the property located 6501 Atlantic Avenue, appeared and he was placed under oath to testify before the Board. Mr. Pawlowski advised the Board that he supports the project, and he too echoed the comments made by other members of the public in regards to the first-class operation run by the Roys.

William DiAntonio, owner of the property located at 7200 Ocean Avenue, appeared and she was placed under oath to testify before the Board. Mr. DiAntonio advised the Board that he is in favor of the proposed development and has no objection to the development of a second owner-occupied unit on site.

No additional members of the public addressed the Board in connection with this application. Accordingly, the public portion of this application was closed.

Board Solicitor David Stefankiewicz, Esquire reviewed the variance relief sought by the Applicant and provided the findings of fact for the record.

Findings of Fact accepted on motion of Mr. Tenaglia and 2nd by Mr. D'Antonio:

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: abstain/absent	Joe Franco: abstain/absent	Angela Daniels: yes
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: yes		

The Board accepted the findings of fact and thereafter opened the Application up for deliberation.

During deliberations, Board Members acknowledged that the Applicant's proposal is consistent with what currently exists on site, and the proposal will enhance and allow the Applicant to operate the existing hotel. Board Members agreed that the benefits associated with the Applicant's proposal outweighed any detriments.

The Board found that the purposes of zoning identified by Mr. Chadwick would be advanced in connection with this proposal and supports granting the relief requested by the Applicant, and the Board determined that the subject property is particularly suited to accommodate the proposed development.

The Board finds that granting the proposed variance relief presents no substantial detriment the public good nor will it impair the intent or purpose of the zone plan and zoning ordinance.

On Motion of Mr. Vogdes and 2nd by Ms. Daniels to approve:

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: abstain/absent	Joe Franco: abstain/absent	Angela Daniels: yes
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: yes		

Application PB-23-13 for 5611 Pacific Avenue a/k/a blk 11.01 lots 11 & 12 in Zone R-2 owner Blue Bee Pro, LLC; seeking "C" variance, preliminary & final site plan approval.
Adjourned to November 1st meeting.

RESOLUTIONS MEMORIALIZING BOARD ACTIONS:

Resolution PB-23-17 for **Application PB-23-02** for 7301 New Jersey Avenue a/k/a blk 109 lots 20.01 in Zone R-1A owner Henia Montague; seeking "C" and "D" variances.

Mr. Cava moved to approve, second by Ms. Tenaglia:

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: absent	Joe Franco: absent	Angela Daniels: abstain
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: yes		

Resolution PB-23-18 for **Application PB-23-08** for 6307 New Jersey Avenue a/k/a blk 43 lots 20.02, 21.02 & 22.02 in Zone B-1 owner Pearce Homes LLC; seeking "C" and "D" variances, preliminary & final site plan approval.

Mr. Tenaglia moved to approve, second by Mr. Vogdes:

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: absent	Joe Franco: absent	Angela Daniels: abstain
Fred Mettler: yes	Pete Cava: yes	Vince Tenaglia: yes
Bradley Vogdes: yes		

ADMINISTRATIVE RESOLUTIONS:

OLD BUSINESS:

Condo/Hotel Conversion
Bike Connectivity Path
Bulkheads

NEW BUSINESS:

Copy of revised by-laws distributed for review.

OPEN TO PUBLIC COMMENT:

Joe Viscomi, owner of the property located at 308 E Washington – commented about the last meeting regarding building coverage and setbacks.

Paul Pawloski, Jr. – Thanks the board for being fair people and for doing a great job.

ANNOUNCEMENTS: The next regularly scheduled meeting is 1 November, there is one application scheduled at this time to go before the board on that date.

ADJOURN: On motion of Mr. Vogdes, second by Ms. Daniels and unanimous voice vote, the Chairman adjourned the meeting 8:05pm.

Pamela Riper
Planning Board Secretary