

BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes – 2 April 2025 5 p.m.

The following are the minutes of the Wildwood Crest Planning Board as held on Wednesday April 2, 2025, 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: present	Brian Melchiorre: absent
Don Cabrera: present	Joe Franco: present	Angela Daniels: present
Fred Mettler: absent	Brian Stuart: present	Vince Tenaglia: absent
Bradley Vodges: present	Jane Reynolds: present	Alexa Alverado: present
Joe Viscomi: present		
Board Secretary Pamela Riper: present		
Rob Belasco: present		
Engineer Will Hanson: present		

MINUTES:

Mr. Vogdes moved to dispense with the public reading of the minutes of the meeting of 5 March 2025 and approve as distributed, Mr. Franco second, minutes approved as distributed.

Patrick Davenport: present	Barbara Hunt: present	Don Cabrera: present
Joe Franco: present	Angela Daniels: present	Brian Stuart: present
Bradley Vogdes: present	Jane Reynolds: present	Alexa Alverado: present
Joe Viscomi: present		

APPLICATIONS:

Application PB-24-19 for 303 E. Monterey Avenue a/k/a blk 118.01 lots 10, 11.01 & 12.01 in Zone R-2 owner Robert Graziano & Linda Ivory; seeking “C” Variance.
Applicant did not provide proper notice. Application postponed.

Application PB-25-01 for 8501 Bayview Drive a/k/a blk 140 lot 16 in Zone R-2 owner David DiStefano; appealing decision of an Administrative Officer.

The Applicant was represented by Jack Plackter, Esquire.

The subject property is located at 8501 Bayview Drive, a/k/a Block 140, Lots 16, 17, and 18, and it is currently developed with a single-family dwelling.

The subject property is a lot located partially in the Borough’s R-1A zone and partially in the R-2 zone.

Mr. Plackter advised the Board that on January 8, 2025, the Applicant filed a zoning permit application to construct a single-family dwelling on Block: 140, Lot: 18 which was denied by the Borough Zoning Officer on January 9, 2025.

Mr. Plackter indicated that the zoning permit was denied on the basis that the subject property had been consolidated in the 1990s and therefore only one (1) lot existed.

Mr. Plackter advised the Board that, pursuant to N.J.S.A. 40:55D-70(a), the Applicant submitted an application formally appealing the Zoning Officer’s decision to deny the zoning permit.

He advised the Board that the he believes that the denial of the zoning permit was an error as the basis for the denial is contrary to the New Jersey Municipal Land Use Law and applicable case law.

Mr. Plackter stated that the lots may have been consolidated for taxing purposes; however, that does not amount to a consolidation for land use purposes.

He indicated that there was no Deed of Consolidation recorded at the time that the Tax Assessor consolidated the lots for taxing purposes. Frankly, no Deed of Consolidation has ever been filed.

He reviewed and discussed the Loechner v. Campoli case and the basis upon which undersized lots could be consolidate if they come into common ownership.

He also reviewed the Jock v. Zoning Bd. of Adjustment of Twp. of Wall case, noting that the merger of lots does not occur to adjoining lots, owned by the same person, if the lots conform to the municipal zoning regulations and are designated as separate lots on a municipality’s tax map.

Mr. Plackter indicated that the tax bill that the Applicant receives still reflects three (3) individual lots. He stated that the existing single-family dwelling located on Lots 16 and 17 was built in 1979, and while there may be pre-existing non-conforming conditions associated with the structure, lot 18 is a fully conforming parcel that is not impacted by lots 16 and 17.

Moreover, Mr. Plackter noted that the Borough installed sewer and water laterals on Syracuse Avenue for lot 18 which is evidence that the Borough viewed the lot as an individual, separate parcel of land.

Mr. Plackter opined that the denial of the zoning permit was in error which potentially rises to the level of a regulatory taking.

Vincent Orlando, P.E., P.P., L.L.A., C.M.E. with Engineering Design Associates, P.A. appeared before the Board on behalf of the Applicant. Mr. Orlando was accepted by the Board as an expert in the fields of engineering and land planning and he was placed under oath and testified before the Board.

The following exhibits were introduced by Mr. Plackter and were testified to by Mr. Orlando:

Exhibit A-1: January 8, 2025 Zoning Permit Application;

Exhibit A-2: January 9, 2025 Zoning Permit denial notice;

Exhibit A-3: January 16, 2025 Administrative Appeal application to the Board;

Exhibit A-4: Current tax bill reflecting three (3) lots;

Exhibit A-5: Aerial photograph depicting the sewer and water connections;

Exhibit A-6: Proposed plot plan for the development of a single-family dwelling dated January 7, 2025; and

Exhibit A-7: The Borough's Current Tax Map.

Mr. Orlando reviewed the existing site conditions, confirming that Lots 16 and 17 are developed with a single-family dwelling and lot 18 is a vacant parcel of land.

He testified that utility connections were provided for the site in 2016 when the Borough repaved Syracuse Avenue.

Mr. Orlando testified that Lot 18 is a separate and distinct parcel of land which can accommodate the development of a single-family dwelling.

Mr. Orlando noted that the Tax Assessor's determination has no bearing on land use or the issue of whether a consolidation of the lots took place.

He referred to the Cox and Koenig land use treatise, specifically § 2- 9 and § 24-15.2, which speaks to the role of the tax assessor and the fact that they are not directly involved in the land use process.

Mr. Orlando testified that the merger doctrine outlined in Loechner v. Campoli does not apply to Lot 18 since the lot is a fully conforming parcel of land.

He acknowledged that Lots 16 and 17 could be consolidated via Loechner as lot 16 is undersized and a single-family dwelling is located on both parcels.

He reiterated that no Deed of Consolidation has ever been filed formally consolidating the lots in question.

Richard Allen, the Borough's Zoning Officer, appeared and he was placed under oath to testify before the Board.

Mr. Allen testified that he reviewed the zoning permit application when it was filed and was aware that the subject property was recently the subject of a minor subdivision application that was denied by the Board.

Mr. Allen testified that he contacted the Tax Assessor in connection with his review of the zoning permit and was informed that the lots had been consolidated.

He indicated that he did no additional research based upon the facts before and available to him.

On cross-examination, Mr. Allen indicated that he did not review the tax bill which reflects three (3) individual lots.

He indicated that he is familiar with merger doctrine established by Loechner and confirmed that undersized lots in common ownership would be merged to eliminate non-conforming undersized lots.

When questioned, he confirmed that Lot 18, if it exists, would fully conform to the area requirements of the R-2 zone.

Mr. Plackter reviewed N.J.S.A. 40:55D-7 and the definition of subdivision, and Mr. Allen acknowledged that a subdivision would not be required to establish a conforming lot, if the lot already existed.

Jason Hesley, the Borough Tax Assessor, appeared and he was placed under oath to testify before the Board.

Mr. Hesley discussed the tax map, noting that properties in the Crest are primarily made up of smaller, 20ft. x 100ft. and 30ft. x 100ft. parcels of land.

He indicated that the undersized parcels are not always merged on the tax map.

He advised the Board that in 1995, the subject property was the subject of a tax appeal during which the former owners agreed to a lot consolidation to reduce the assessment of the property.

He indicated that the tax appeal was associated with Lot 18 and the lots were merged for taxing purposes in connection with a settlement agreement.

Mr. Hesley testified that the existing structure has a conforming rear yard setback if the lots are viewed as merged whereas a non-conforming rear yard setback would exist if Lot 18 was its own standalone parcel.

Mr. Hesley discussed the addition of the garage and a deck on lot 17 which would have required variance relief if lot 18 had not been merged with the remaining lots.

In response to a question posed by the Board, Mr. Hesley testified that if the rear yard setback was conforming lot 18 would be viewed as an individual parcel of land.

In rebuttal, Mr. Orlando reiterated his prior testimony noting that the lots were consolidated for tax purposes, but that does not rise to the level of consolidation for land use purposes.

He indicated that the Deed associated with the subject property contains language referencing lots 16, 17, and 18.

In closing, Mr. Orlando testified that a zoning permit should have been issued, and the decision to deny the zoning permit was in error.

He requested that the Board consider the testimony and facts surrounding the lots and overturn the Zoning Officer's decision to deny the permit.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated February 25, 2025, which was received by the Board, and which is incorporated herein as fact.

At the conclusion of the Applicant's presentation, the Meeting was opened to the public for comment.

Matt Kondula, owner of the property located at 110 Syracuse Avenue, appeared and he was placed under oath to testify before the Board. He indicated that he supported the Application to construct a single-family dwelling on lot 18.

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 Robert Belasco, Esquire provided the findings of fact for the record.

On Motion of Ms. Daniels and by Mr. Stuart to uphold the Zoning Officer's decision:

Patrick Davenport: yes

Barbara Hunt: yes

Don Cabrera: yes

Joe Franco: yes

Angela Daniels: no

Brian Stuart: yes

Bradley Vogdes: yes

Jane Reynolds: yes

Alexa Alverado: yes

Joe Viscomi: yes

Ms. Hunt recuses herself from meeting.

Application PB-24-21 for 6210 Seaview Avenue a/k/a blk 38.01 lots 2.02 & 3.01 in Zone R-2 owner Edward & Shelley Galena; seeking "C" Variances.

The Applicant was represented by Andrew Catanese, Esquire.

Mr. Catanese outlined the nature of the application and the relief sought in connection with same.

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

Variance Plans entitled "Galena Residence, New Single Family Dwelling," prepared by John E.

Halbruner, P.E., R.A. with The Hyland Design Group, dated October 22, 2024, and last revised November 11, 2024.

Survey entitled "Survey of Property for Edward C. & Shelley Galena, 6210 Seaview Avenue, Block 38.01, Lots 2.02 & 3.01, Borough of Wildwood Crest, Cape May County, New Jersey," prepared by Howard A.

Transue, P.L.S. with Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated November 27, 2023.

Architectural Plans entitled "Jersey Shore Modular/Ed & Shelley Galana, 6210 Seaview Avenue – Wildwood Crest, NJ – 08260 – Cape May County," prepared by Ritz-Craft Custom Building Simplified, dated November 22, 2023, and last revised April 2, 2024.

The subject property is located at 6210 Seaview Avenue, a/k/a Block 38.01, Lots 2.02 and 3.01, in the Borough's R-2 zone.

The subject property is a 40ft. x 100ft. lot.

The subject property was developed with a single-family dwelling and an oversized accessory structure.

Mr. Catanese advised the Board that the former single-family dwelling has been demolished and the accessory structure remains on site.

Mr. Catanese indicated that the Applicant is proposing to construct a new single-family dwelling on site and is seeking variance relief associated with building coverage and combined building and deck coverage in order to maintain the accessory structure.

Shelley Galena, the Applicant and owner of the subject property, appeared and she was placed under oath to testify before the Board.

Mrs. Galena testified that the proposed single-family dwelling conforms to all applicable bulk requirements of the R-2 zone.

She indicated that the site exceeds maximum building coverage by approximately 290SF due primarily to the desire to maintain the existing accessory structure.

Mrs. Galena testified that she and her husband previously resided on Columbine Road and relocated to the subject property approximately 2 years ago.

The former home was in a state of disrepair and required substantial renovations.

Mrs. Galena testified that the accessory structure located in the rear yard contains a recording studio which was previously used by several famous musicians including Sheryl Crow, Jewel, and Rob Thomas.

Mrs. Galena distributed a packet containing photographs of the accessory structure which was received by the Board, and marked as **Exhibit A-1**.

She advised the Board that the accessory structure is adorned with large murals and substantial paintings which make it very unique.

She indicated that she wants to maintain the structure to preserve its history.

Mrs. Galena testified that the former single-family dwelling was demolished in March of 2024, and she and her husband ordered a modular home to construct on site.

She informed the Board that after the modular home was ordered they discovered that the site would exceed maximum building coverage and combined building and deck coverage.

In response to a question posed by the Board, Mrs. Galena testified that the proposed single-family dwelling is 2,200SF in size and it contains two stories.

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

Mr. Halbruner reviewed the existing site conditions for the benefit of the Board.

He confirmed that the site is 40ft. x 100ft. in size and previously was developed with a single-family dwelling.

Mr. Halbruner testified that the former dwelling was built in the 1940s and it contained a total of four (4) bedrooms.

Mr. Halbruner testified that the accessory structure in the rear yard is one story and it contains no living quarters. There is a small half bathroom which exists.

Mr. Halbruner reviewed and confirmed a number of pre-existing non-conforming conditions associated with the existing accessory structure that are not being exacerbated in any way by the Applicant's proposal.

Mr. Halbruner testified that the Applicant is seeking to maintain the accessory structure and to construct a new four (4) bedroom single-family dwelling on site.

The proposed single-family dwelling will conform to all applicable bulk requirements of the R-2 zone.

Mr. Halbruner testified that the proposed single-family dwelling is 128SF smaller than the former dwelling that existed on site, and overall lot coverage will conform whereas it previously did not.

The lot coverage will be reduced to 62% whereas 65% is permitted.

The side yard setbacks will both conform to the R-2 bulk requirements whereas a 2ft. side yard setback previously existed.

He indicated that the R-2 zone allows for the development of a single-family dwelling, and the surrounding neighborhood is developed exclusively with residential uses.

Mr. Halbruner testified that building coverage is being reduced from 47% to 42% whereas a maximum building coverage of 35% is permitted.

Combined building and deck coverage is being reduced from 57% to 46% whereas a maximum of 45% is permitted.

Mr. Halbruner candidly informed the Board that the site would fully conform to all bulk requirements, specifically coverages, if the accessory structure were demolished; however, he reiterated that the Applicant is seeking to preserve the structure for its history.

Mr. Halbruner advised the Board that the accessory structure contains no windows, it is fully sound-proofed and no cooking facilities are located within.

Mr. Halbruner testified that the existence of the accessory structure presents a hardship to the Applicant which presents practical difficulties in complying with the bulk requirements of the zone.

Mr. Halbruner 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.

Moreover, the Applicant's proposal serves to preserve the character and aesthetics of the surrounding neighborhood. Mr. Halbruner distributed an aerial photograph of the subject property and surrounding neighborhood which was received by Board, and marked as **Exhibit A-2**.

Mr. Halbruner 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. In response to a question posed by the Board, Mrs. Galena testified that she plans to reside and reroof the accessory structure.

A discussion ensued about the possibility of converting the accessory building to an apartment in the future. The lack of windows and the floor plan make this overly difficult.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer Report dated January 23, 2025 which was received by the Board and which is incorporated herein as fact.

Will Hanson, P.E., C.M.E. 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.

He confirmed that the non-conformities associated with the accessory structure would not be exacerbated.

He raised a question associated with proposed front yard landscaping, and the Applicant confirmed that they would comply with the Ordinance requirements.

The Meeting was opened to the public for comment. Four (4) individuals addressed the Board, namely: *Pam Kelly*, owner of the property located at 205 E. Wisteria Road, appeared and she was placed under oath to testify before the Board. Ms. Kelly indicated that the studio and the history is unique. She supported the application for variance relief.

James High, owner of the property located at 6212 Seaview Avenue, appeared and he was placed under oath to testify before the Board. Mr. High indicated that's he had no concerns with the Application and supported the request for variance relief. He indicated that the proposed single-family dwelling is an improvement for the site and the surrounding neighborhood.

Anthony Girardo, owner of the property located at 129 W. Crocus Road, appeared and he was placed under oath to testify before the Board. Mr. Girardo spoke to the character of the Applicants and indicated that he supported the Application.

Zachary Torrell, a resident of 45 South Wind Drive, appeared and he was placed under oath to testify before the Board. Mr. Torrell indicated that he worked for the modular home company contracted by the Applicants. He indicated that the home that was designed is aesthetically pleasing and will be a nice addition to the neighborhood.

In closing, Mr. Catanese indicated that the proposed single-family dwelling is much smaller than what could be built on site.

He indicated that compliant parking is also being provided by the Applicants in connection with the pending application.

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 Robert Belasco, 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. Stuart and second by Mr. Vogdes:

Patrick Davenport: yes

Barbara Hunt: abstain

Don Cabrera: yes

Joe Franco: yes

Angela Daniels: yes

Brian Stuart: yes

Bradley Vogdes: yes

Jane Reynolds: yes

Alexa Alverado: yes

Joe Viscomi: yes

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

During deliberations, a majority of the Board took no issue with the proposed single-family dwelling.

There was a significant discussion regarding potential modifications that could be made to the accessory structure eliminate the need for variance relief.

The Board agreed that the Applicant's proposal was consistent with the neighborhood.

The Board agreed that the benefits associated with the Applicant's proposal outweighed any detriments. Board Members agreed that the Applicant's proposal advances several goals and objectives outlined within the Borough's Master Plan.

The Board found that the purposes of zoning identified by Mr. Halbruner would be advanced in connection with this proposal and supports granting the relief requested by the Applicant.

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 Ms. Daniels and by Ms. Reynolds for approval:

Patrick Davenport: no

Barbara Hunt: abstain

Don Cabrera: yes

Joe Franco: yes

Angela Daniels: yes

Brian Stuart: yes

Bradley Vogdes: no

Jane Reynolds: yes

Alexa Alverado: yes

Joe Viscomi: yes

Ms. Hunt returns to meeting.

RESOLUTIONS MEMORIALIZING BOARD ACTIONS:

Resolution PB-25-05 approving **Application PB-24-20** for 113 & 115 E. Columbine Road a/k/a blk 43 lots 15 & 16 in Zone R-2 owner Eva Marie DiGuglielmo; seeking "C" Variances.

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

Patrick Davenport: yes

Barbara Hunt: abstain

Don Cabrera: yes

Joe Franco: yes

Angela Daniels: abstain

Brian Stuart: abstain

Bradley Vogdes: yes

Jane Reynolds: abstain

Alexa Alverado: abstain

Joe Viscomi: yes

ADMINISTRATIVE RESOLUTIONS:

None

OLD BUSINESS:

Bike Connectivity Path

NEW BUSINESS:

None

OPEN TO PUBLIC COMMENT:

Michael Gericke, owner of property located at 5501 Pacific Avenue. Questions why the zoning appeal was in front of the board after being denied previously for a planning board application.

ANNOUNCEMENTS: The next regularly scheduled meeting is 7 May, there are no applications scheduled at this time to go before the board on that date.

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

Pamela Riper

Planning Board Secretary