

BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes – 4 June 2025 5 p.m.

The following are the minutes of the Wildwood Crest Planning Board as held on Wednesday June 4, 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: present
Don Cabrera: absent	Joe Franco: present	Angela Daniels: absent
Fred Mettler: present	Brian Stuart: absent	Vince Tenaglia: present
Bradley Vogdes: present	Jane Reynolds: present	Alexa Alverado: absent
Joe Viscomi: present		
Board Secretary Pamela Riper: present		
Rob Belasco: present		
Engineer Marc DeBlasio & Jacob Wright: present		

MINUTES:

Mr. Mettler moved to dispense with the public reading of the minutes of the meeting of 7 May 2025 and approve as distributed, Mr. Tenaglia second, minutes approved as distributed.

Patrick Davenport: yes	Barbara Hunt: abstain	Brian Melchiorre: yes
Joe Franco: yes	Fred Mettler: yes	Vince Tenaglia: yes
Bradley Vogdes: abstain	Jane Reynolds: yes	Joe Viscomi: yes

APPLICATIONS:

Mr. Franco recuses himself from meeting.

Application PB-25-04 for 123 W. Newark Avenue a/k/a blk 175 lot 15 in Zone R-1A owner Raymond & Lauren Cross; appealing decision of an Administrative Officer.
Raymond Cross, the Applicant, was self-represented, and he was placed under oath to testify before the Board.

The Subject Property is a 40ft. x 80ft. lot located at 123 W. Newark Avenue, a/k/a Block 175, Lot 15, in the Borough's R-1A (Semi-Low Density) zoning district.

Mr. Cross testified that he purchased the Subject Property in 2015.

The Subject Property was previously developed with a single-family dwelling that the Applicant demolished in order to construct a new single-family dwelling.

Mr. Cross testified that in 2023 he retained the services of an architect to design a new single-family dwelling.

He indicated that a zoning permit application was filed which was ultimately denied by the Borough's Zoning Officer due to the need for variance relief.

Mr. Cross testified that the prior plans were abandoned, and, in November of 2024, he retained the services of a new architect, Christina Amey, R.A., to design a conforming single-family dwelling that could be constructed without the need for variance relief.

Mr. Cross advised the Board that the new single-family dwelling proposed a ground-floor garage and was limited to two (2) habitable stories above.

He indicated that the revised plans were not submitted prior to the Borough enacting modifications to the definition of "story" which resulted in the ground-floor garage/storage area being treated as a story.

On January 2, 2025, the Borough's governing body adopted Ordinance 1442 which modified the definition of a "story" as follows:

"That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. For the purposes of this Ordinance, the interior of any unfinished roof shall not be considered a ceiling. Moreover, cellars and basements shall be considered stories when considering the height of a building. In addition, ground-floor areas, whether open or enclosed, shall be counted as a story

regardless of whether or not the ground-floor area contains habitable space.” Wildwood Crest Municipal Code § 85-11.

Mr. Cross testified that after learning that the ground-floor was considered a story, he directed the architect to modify the architectural plans to reduce the ground-floor to a height of 6ft. 11inches, and the plans were revised to refer to the area as a “crawl space.”

Mr. Cross further testified that he requested that the Borough’s Zoning Officer informally review the revised architectural plans to determine whether any variance relief would be required prior to moving forward with finalizing the plans.

Mr. Cross indicated that the Borough’s Zoning Officer responded via email indicating that at “quick glance” he did not see any issues which would require relief from the Board.

Mr. Cross stated that he went through the proper channels to have the revised plans reviewed and that he relied upon the Zoning Officer’s statements that variance relief wasn’t required resulting in him incurring additional costs to finalize the plans.

Mr. Cross testified that he submitted a zoning permit application which was denied by the Zoning Officer on the basis that the proposed single-family dwelling contained three (3) stories as the ground-floor area met the definition of a story.

In response to a question posed by the Board regarding the exact nature of the Applicant’s communications with the Zoning Officer, Mr. Cross read the email he sent to the Zoning Officer into the record.

Mr. Cross’s email was marked as **Exhibit A-1**, and the email specifically stated, in part, “mind taking a quick and unofficial look at these plans.”

He indicated that Mr. Allen responded, stating that “briefly, at quick glance [he didn’t] see any red flags.” Borough Zoning Officer Rick Allen appeared, and he was placed under oath to testify before the Board.

Mr. Allen confirmed that he did unofficially review architectural plans that were provided by Mr. Cross. He advised the Board that a prior set of plans filed by the Applicant proposed a single-family dwelling that required a number of variances.

Those plans were withdrawn and revised plans were prepared which proposed a 6ft. 11inch crawl space.

Mr. Allen testified that the Applicant did ask for an unofficial review and he indicated that he responded stating that “at quick glance” he did not see any issues which would require variance relief.

Mr. Allen advised the Board that the Uniform Construction Code provides that an area can be considered a crawl space provided the area does not exceed 6ft. 11inches in height.

He noted that the zoning ordinance definition of a story includes language that provides that “ground-floor areas, whether open or enclosed, shall be counted as a story regardless of whether or not the ground-floor area contains habitable space.”

Mr. Allen testified that based upon the definition of a story he determined that the ground-floor garage/storage area met the definition of a story which meant that the proposed structure consisted of three (3) stories whereas a maximum of two and a half (2.5) stories are permitted.

Board Members inquired whether or not the Applicant submitted a formal zoning permit application in connection with their request for an unofficial review of the plans.

Mr. Allen indicated that a zoning permit application was not submitted as the Applicant requested an “unofficial review” of the plans.

A discussion ensued about the difference between a formal application and an unofficial review.

Board Members indicated that the “unofficial” review amounts to a courtesy review and does not constitute official action or an official position of the Zoning Officer.

Board Members noted that the Applicant’s email communications with the Zoning Officer made no mention of a crawl space.

A discussion ensued about the Land Development Ordinance definition of a story and what constitutes a crawl space.

The Board indicated that crawl spaces are ordinarily enclosed small spaces which house mechanical equipment, plumbing, electrical wires, etc.

The Board reiterated that the Applicant asked for a “quick and unofficial” review and that the Zoning Officer had every right to raise issues that were identified at the time that a formal zoning permit application was submitted.

Board Members agreed that it was not at all reasonable for the Applicant to rely upon a “quick and unofficial review” and then attempt to assert that there was detrimental reliance upon an informal and unofficial opinion provided by the Zoning Officer as a courtesy to the Applicant.

Moreover, the Board recognized that the plans submitted in connection with the request for a “quick and unofficial review” were not final plans.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer’s Report dated May 22, 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 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.

Mr. Hanson reviewed and confirmed the definition of a “story” and he confirmed that dwellings in the R-1A zoning district are limited to 2.5 stories.

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 Ms. Hunt and second by Mr. Vogdes:

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Joe Franco: abstain

Fred Mettler: yes

Vince Tenaglia: yes

Bradley Vogdes: yes

Jane Reynolds: yes

Joe Viscomi: yes

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

A majority of the Board indicated that they believed, based upon the testimony and evidence, that the Zoning Officer’s decision to deny the issuance of a zoning permit was correct.

The Board finds that the Zoning Officer correctly interpreted the definition of a “story” under the amended Municipal Code § 85-11. The definition expressly includes ground-floor areas, regardless of height or use, as a “story.”

The Applicant requested an unofficial, informal review of draft plans.

The Board concludes such a request and response does not bind the Zoning Officer or constitute any formal determination.

The Applicant’s email explicitly characterized the request as “quick and unofficial,” and the Zoning Officer responded accordingly. There was no indication of a formal review, final plan submission, or official approval.

The Board affirmed the Zoning Officer’s conclusion that the ground-floor space constituted a third story under the revised ordinance.

The Board found that designating the ground-floor as a “crawl space” is immaterial under the Land Development Ordinance as the definition of a story specifically provides that “ground-floor areas, whether open or enclosed,” constitute a story.

A majority of the Board agreed that the zoning permit in question was properly denied.

Accordingly, a majority of the Board voted to uphold the denial of the zoning permit, and the appeal filed by the Applicant was denied.

On Motion of Ms. Hunt and second by Mr. Tenaglia to uphold the Zoning Officer’s decision:

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Joe Franco: abstain

Fred Mettler: yes

Vince Tenaglia: yes

Bradley Vogdes: yes

Jane Reynolds: yes

Joe Viscomi: yes

Mr. Vogdes & Mr. Franco recuse themselves from meeting.

Application PB-25-06 Whispering Woods Hearing for 8501 Bayview Drive, a/k/a blk 140 lot 16 in Zone R-2 owner David DiStefano; consideration of a formal settlement agreement to resolve pending litigation.

The Borough of Wildwood Crest Planning Board (the “Board”) conducted a “Whispering Woods” hearing in connection with an application filed by David Distefano (the “Applicant”), owner of the property located at 8501 Bayview Drive, a/k/a Block 140, Lots 16, 17, and 18 (the “Subject Property”), involving the consideration of the settlement of an action pending before the Cape May County Superior Court under Docket No. CPM-L-490-24; and

The Applicant has complied with all the requirements of the Municipal Land Use Act and the Borough of Wildwood Crest Planning Board’s procedural requirements in order to prosecute this application; and The Borough of Wildwood Crest Planning Board carefully considered the proposed settlement agreement as well as the testimony and evidence presented as follows:

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. On October 2, 2024, the Board considered an application filed by the Applicant requesting minor subdivision approval to create two (2) lots at the Subject Property.

One (1) lot was intended to maintain an existing single-family dwelling and the second lot was proposed to be developed with a single-family dwelling.

The Board voted to deny the Applicant's minor subdivision application and its decision was memorialized in Board Resolution PB-24-14.

On December 20, 2024, the Applicant filed a Complaint in Lieu of Prerogative Writs formally appealing the Board's decision to deny the minor subdivision.

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.

The Applicant filed an administrative appeal of the Zoning Officer's denial of the zoning permit which was heard by the Board at its April 2, 2025 meeting.

The Board ultimately voted to uphold the Zoning Officer's decision to deny the issuance of a zoning permit to permit the development of a single-family dwelling on Block: 140, Lot: 18.

The Applicant, through counsel, indicated that they intended to amend the Complaint in Lieu of Prerogative Writs to include claims associated with the denial of the Applicant's administrative appeal.

The parties engaged in settlement discussions and tentatively agreed to a settlement which would result in the dismissal of the pending litigation and which would approve the minor subdivision proposed by the Applicant.

The Applicant's attorney and the Board's attorney drafted a settlement agreement memorializing the terms agreed upon by the parties and the proposed settlement agreement was presented to the full Board for its review and potential approval.

The Board's Whispering Woods hearing was conducted in accordance with the procedures outlined within Whispering Woods v. Middletown Township, 220 N.J. Super. 161 (Law Div. 1987).

At the conclusion of the Applicant's presentation, 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.

On Motion of Mr. Tenaglia and second by Ms. Reynolds to approve the settlement agreement:

Patrick Davenport: yes	Barbara Hunt: abstain	Brian Melchiorre: yes
Joe Franco: abstain	Fred Mettler: yes	Vince Tenaglia: yes
Bradley Vogdes: abstain	Jane Reynolds: yes	Joe Viscomi: yes

Mr. Franco returns to meeting.

RESOLUTIONS MEMORIALIZING BOARD ACTIONS:

Resolution PB-25-08 for Application PB-25-02 for 8301 Atlantic Avenue a/k/a blk 133.02 lot 1 in Zone M-1B owner 8301 Atlantic Avenue, LLC; seeking Minor Subdivision & "C" Variance.

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

Patrick Davenport: yes	Barbara Hunt: abstain	Brian Melchiorre: yes
Joe Franco: yes	Fred Mettler: yes	Vince Tenaglia: yes
Bradley Vogdes: absent	Jane Reynolds: yes	Joe Viscomi: yes

ADMINISTRATIVE RESOLUTIONS:

None

OLD BUSINESS:

Bike Connectivity Path

NEW BUSINESS:

Housing Plan Element and Fair Share Plan – 4th Round

Daniel Levin with Acuity Consulting Services reviews the adoption of an amendment to the Housing Element and Fair Share Plan of the Borough of Wildwood Crest Master Plan. The proposed amended Round 4 Housing Element and Fair Share Plan addresses the Borough of Wildwood Crest's obligations under the Amended Fair Housing Act (N.J.S.A 52:27D-301 et seq.), and was prepared in accordance with

N.J.S.A. 40:55D-28(b)(3) of the Municipal Land Use Law and the mandatory requirements of a Housing Element under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310) and the Administrative Office of the Courts Directive #14-24. The amended Round 4 Housing Element and Fair Share Plan also delineates the actions taken, and to be taken, by the Borough to create a “realistic opportunity” to satisfy its “fair share” of the regional need for affordable housing, set forth in the DCA issued report dated October 18, 2024 wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended Fair Housing Act, which obligation was subsequently accepted by the Borough of Wildwood Crest.

A full and complete copy of the proposed Round 4 Housing Element and Fair Share Plan of the Borough’s Master Plan

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

Michael Gericke, owner of property located at 5501 Pacific Avenue. Questions regarding TNC and where it is located. Rob Belasco states the property is located on the beachfront block of Farragut Avenue. Mr. Gericke requests a copy of the plan that the board members are reviewing. The board secretary provides him a copy.

No additional members of the public addressed the Board in connection with this application.

Accordingly, the public portion of this application was closed.

On Motion of Ms. Hunt and second by Mr. Tenaglia to approve and adopt:

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Joe Franco: abstain

Fred Mettler: yes

Vince Tenaglia: yes

Bradley Vogdes: absent

Jane Reynolds: yes

Joe Viscomi: yes

OPEN TO PUBLIC COMMENT:

Michael Gericke, owner of property located at 5501 Pacific Avenue. Questions about the new construction taking place on the bayfront and new bulkheads being installed. Marc DeBlasio explains the bulkhead ordinance to Michael Gericke.

ANNOUNCEMENTS: The next regularly scheduled meeting is 2 July, there is one application scheduled at this time to go before the board on that date.

ADJOURN: On motion of Mr. Vogdes, second by Mr. Mettler and unanimous voice vote, the Chairman adjourned the meeting at 6:15pm.

Pamela Riper
Planning Board Secretary