

BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes – 7 June 2023 5 p.m.

The following are the minutes of the Wildwood Crest Planning Board as held on Wednesday June 7, 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: present	Brian Melchiorre: present
Don Cabrera: present	Joe Franco present	Angela Daniels: absent
Gerry D'Antonio: present	Fred Mettler: absent	Pete Cava: absent
Brian Stuart: present	Vince Tenaglia: present	Bradley Vogdes: present
Board Secretary Pamela Ripper: present		
Solicitor Rob Belasco: present		
Engineer Joe Mohnack: present		

MINUTES:

Mr. Vogdes moved to dispense with the public reading of the minutes of the meeting of 3 May 2023 and approve as distributed, Mr. Tenaglia second, minutes approved as distributed.

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

Pete Cava & Fred Mettler arrive late to meeting at 5:05pm

OLD BUSINESS:

Ordinance Section 85-68 Supplemental Regulation Accessory Building

Board Solicitor, Rob Belaso explains how and why the revision came up for Ordinance Section 85-68 Supplemental Regulation Accessory Building

Planning Board elected to establish a subcommittee consisting of three (3) board members, the Board Solicitor and the Borough's Zoning Officer in order to conduct a comprehensive review of the Borough's Land Development Ordinance, and to thereafter recommend revisions to same; and

On October 5, 2022, the Planning Board adopted a Resolution recommending various revisions to section 85-68, Accessory Buildings, Structures, and Uses, to address inconsistencies set forth within this section of the Land Development Ordinance.

Over the course of the past several months, additional revisions to section 85-68 have been discussed by the Planning Board's subcommittee and the Board itself.

On June 7, 2023, the Borough of Wildwood Crest Board of Commissioners introduced Ordinance 1402, entitled "Ordinance of the Borough of Wildwood Crest Amending and Supplementing Section 85-11 Definitions and Section 85-68 Accessory Buildings, Structures, and Uses in Chapter 85 of the Land Development Ordinance of the Borough of Wildwood Crest" which proposes amendments to the definitions and regulations associated with accessory buildings, structures, and uses which are consistent with prior recommendations made by the Planning Board.

On Motion of Ms. Hunt and 2nd by Mr. D'Antonio to recommend the ordinance change:

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

On Motion of Mr. Stuart and 2nd by Mr. Cava to memorialize the ordinance change:

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Don Cabrera: abstain

Joe Franco abstain

Pete Cava: yes

Gerry D'Antonio: yes

Fred Mettler: yes

Bradley Vogdes: yes

Brian Stuart: yes

Vince Tenaglia: yes

APPLICATIONS:

Joe Franco, Fred Mettler and Brian Stuart recuse themselves from the application hearing.

Continuance of Application PB-22-08 for 6501 Ocean Avenue a/k/a blk 50.04 lots 3, 4, 7 & 8 in Zone M-1A owner Mahalo Wildwood Crest LLC; seeking "C" Variance relief, preliminary site plan approval and final site plan approval.

Peter Steck, P.P., a professional planner, appeared on behalf of the objectors and he was placed under oath to testify before the Board. Mr. Steck was accepted by the Board as an expert in the field of land planning.

Mr. Steck reviewed and discussed existing and proposed site conditions for the benefit of the Board. He identified a number of pre-existing non-conforming conditions which have been eliminated by the Applicant as a result of renovations to the site and existing structure.

Mr. Steck testified that the Applicant's proposal amounts to an entirely new application and he indicated that, as a result, it was improper for the Board to consider prior approvals in connection with the relief requested.

Mr. Steck reviewed and discussed the history of the Borough's Master Plan and subsequent Reexamination Reports. He reiterated testimony presented by Mr. Orlando in relation to the Master Plans goals and objectives and the identified need to maintain and preserve existing hotels.

Mr. Steck testified that the Master Plan specifically allows for the vertical expansion of existing hotels in order to facilitate renovations of same. He indicated that the Applicant's proposal to expand horizontally in to required setbacks presents substantial detriments to the public good, the zoning plan, and the zoning ordinance.

Mr. Steck distributed a packet containing six (6) pages consisting of photographs of the existing site and an analysis of the variance relief sought by the Applicant, which was received by the Board and which was marked as Exhibit O-2.

Mr. Steck reviewed and discussed, in detail, modifications made to the site between 2019 and 2023, and he reviewed and discussed the variance relief sought as a result of site modifications and the renovations proposed by the Applicant.

Mr. Steck opined that the benefits associated with the Applicant's proposal are substantially outweighed by the detriments that he identified during his review of the relief sought.

Mr. Steck contradicted the purposes identified by Mr. Orlando and he provided testimony in regards to why said purposes are not advanced in connection with the Applicant's proposal.

Mr. Steck advised the Board that the fact that the Applicant's proposal meets the view corridor standards of the NJDEP does not alleviate or provide justification for the need to obtain variance relief from the Borough as the Borough is permitted to impose more restrictive standards than that of the NJDEP.

Mr. Steck took issue with the Applicant's representations in regards to pre-existing non-conforming conditions, and he indicated that many of these conditions are being exacerbated in connection with the Applicant's proposal.

Mr. Steck indicated that that the proposed off-street parking arrangement is substandard, and does not address the needs of the proposed hotel. He indicated that the Applicant's proposal is not a better zoning alternative compared to what could be constructed on site, and he reiterated a number of detriments which he envisions as a result of the Applicant's proposal.

Mr. Steck opined that the Applicant's proposal amounts to an overdevelopment of the subject property. On cross-examination, Mr. Steck confirmed that the Applicant's proposal complies with the NJDEP's view corridor requirements.

He acknowledged that the Borough's Master Plan calls for flexibility to facilitate the renovation of existing hotels and compliance with outside agency approvals.

Mr. Steck also acknowledged that the Board has the authority to grant variance relief when appropriate, and he agreed that the test associated with the negative criteria references substantial detriments, the key word being substantial.

Paul Pawlowski, Sr., Paul Pawloski, Jr., and George Pawlowski, the owners of the Compass Family Resort, were present and they were placed under oath to testify before the Board. In response to questions posed by Mr. Talvacchia, the Pawlowskis outlined the basis for their objections and the concerns that they have in relation to the Applicant's proposal. They expressed significant concerns in relation to the encroachment within the required 30ft. view corridor, and the impact that same would have on their hotel and the surrounding neighborhood. They expressed a need for Applicants to comply with the provisions of the Borough's Master Plan and the zoning ordinance which has been adopted by the Borough. They indicated that they had no objection to the Applicant expanding the existing hotel vertically; however, they were substantially opposed to the proposal to expand horizontally into required setbacks. At the conclusion of Mr. Talvacchia's objection presentation, both Mr. Talvacchia and Mr. Corrado presented closing arguments reiterating the testimony and arguments presented by their clients and professionals. Board Solicitor Robert Belasco, Esquire provided the findings of fact for the record. He reviewed the variance relief sought by the Applicant, and reiterated the conditions of approval which the Applicant agreed. The Board moved to accept the findings of fact.

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

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

The Board opened the Application up for deliberation.

During deliberations, a majority of the Board took no issue with the proposed 11ft. setback along Rosemary Road. The Board indicated that the proposed setback was adequate, and preserved a sufficient view corridor. The Board agreed that the Master Plan calls for flexibility in relation to the renovation of existing motels in order to maintain and preserve same, and they disagreed that horizontal expansion would impair the intent or purpose of the zone plan in light of the goals and objectives identified to maintain and preserve existing hotels.

Board Members expressed concerns in relation to the proposal to construct a new addition which resulted in a 0ft. setback along Ocean Avenue. The Board indicated that the encroachment within the setback was detrimental and significant exacerbated an existing non-conforming condition.

Board Members unanimously agreed that the proposed off-street parking arrangement was problematic. They agreed that the undersized drive aisles and parking spaces presented significant safety concerns and were not functional to address the needs of the proposed hotel.

Board Members found that the requirement that vehicles back out of the parking area presented safety concerns to vehicle operators and the general public.

Moreover, Board Members found that the proposed parking arrangement presented substantial detriments to public good.

The Board found that the approval of the application would not be in the best interests of the Borough and that the Applicant's proposal, specifically in relation to off-street parking, would impair the intent and purpose of the Zoning Ordinance and Zone Plan.

The Board further found that granting the variance relief requested by the Applicant would not advance the purposes of zoning identified by Mr. Orlando, and that the benefits of deviating from the zoning requirements were substantially outweighed by the detriments.

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

Patrick Davenport: no	Barbara Hunt: no	Brian Melchiorre: no
Don Cabrera: no	Joe Franco abstain	Pete Cava: no
Gerry D'Antonio: no	Fred Mettler: abstain	Bradley Vogdes: no
Brian Stuart: abstain	Vince Tenaglia: no	

Joe Franco, Fred Mettler and Brian Stuart return to meeting.

RESOLUTIONS MEMORIALIZING BOARD ACTIONS:

Resolution PB-23-09 for **Application PB-23-05** for 7202 Seaview Avenue a/k/a blk 101 lots 2, 4, 6, 8, 10, 12.02, 20, 22 & 24 in Zone R-2 owner Boutique Crest, LLC; seeking “D” variance and “C-2” variance relief, preliminary site plan and final site plan approval.

Mr. Cava moved to approve, second by Mr. D’Antonio

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Don Cabrera: abstain

Joe Franco abstain

Pete Cava: yes

Gerry D’Antonio: yes

Fred Mettler: yes

Bradley Vogdes: yes

Brian Stuart:abstain

Vince Tenaglia: yes

NEW BUSINESS: None

ANNOUNCEMENTS: The next regularly scheduled meeting is 5 July, there are two applications scheduled at this time to go before the board on that date.

ADMINISTRATIVE RESOLUTIONS: None

Patrick Davenport, Barbara Hunt, Brian Melchiorre, Don Cabrera, Joe Franco, Gerry D’Antonio, Tenaglia recuse themselves from the application hearing.

Application PB-23-01 for 6908 Atlantic Avenue a/k/a blk 62.02 lots 1, 2 & 3 in Zone R-1A owner Stephen and Jamie Del Monte; seeking appeal of administrative officer decision.

After review and discussion regarding the appeal application Mr. Talvacchia requested the appeal be changed to an interpretation.

Interpretation is scheduled to be heard at the July 5th, 2023 planning board meeting.

OPEN TO PUBLIC COMMENT: None

ADJOURN: On motion of Mr. Stuart, second by Mr. Cava and unanimous voice vote, the Chairman adjourned the meeting 10:35pm.

Pamela Riper
Planning Board Secretary