

BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes –2 July 2024 5 p.m.

The following are the minutes of the Wildwood Crest Planning Board as held on Tuesday July 2, 2024, 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: present
Fred Mettler: present	Pete Cava: absent	Brian Stuart: present
Vince Tenaglia: present	Bradley Vogdes: present	Jane Reynolds: present
Board Secretary Pamela Riper: present		
Solicitor Rob Belasco: present:		
Engineer Will Hanson: present		

MINUTES:

Mr. Mettler moved to dispense with the public reading of the minutes of the meeting of 5 June 2024 and approve as distributed, Mr. Tenaglia second, minutes approved as distributed.

Patrick Davenport: present	Barbara Hunt: present	Brian Melchiorre: present
Don Cabrera: present	Joe Franco: present	Angela Daniels: present
Fred Mettler: present	Pete Cava: absent	Brian Stuart: present
Vince Tenaglia: present	Bradley Vogdes: present	Jane Reynolds: present

APPLICATIONS:

Patrick Davenport recuses himself.
Vice Chairman, Barbara Hunt, takes over meeting.

Application PB-24-05 for 423 & 425 E. Louisville Avenue a/k/a blk 100.02 lot 15.03 in Zone M-1-B owner NSH26, LLC; seeking “C” Variance.

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

Mr. Amenhauser advised the Board that the subject property is located in the M-1-B zone and it is currently developed with a single-family dwelling, an in-ground swimming pool, and an accessory structure that serves as an outdoor pool cabana.

Mr. Amenhauser indicated that the Applicant obtained bulk variance relief in September 2022 in connection with the development of the existing single-family dwelling, and to install an in-ground pool in a front yard, a cabana, a 10ft. wide public walkway, and patio area.

Mr. Amenhauser noted that the Board denied a request to permit a lot coverage variance in connection with the September 2022 application.

The Applicant returned to the Board in July of 2023 with an amended application/plan that reduced overall lot coverage to 70.6% whereas a maximum lot coverage of 55% is permitted.

The Board ultimately denied that application and the requested lot coverage variance.

Mr. Amenhauser advised the Board that the Applicant has again revised the proposed application/plan in order to further reduce the overall lot coverage of the site.

He indicated that the Applicant removed pavers from areas in and around the swimming pool and replaced same with grass in order to further reduce lot coverage.

Mr. Amenhauser informed the Board that pavers that were installed within the 10ft. wide public walkway were maintained for the safety of the public.

He indicated that if the pavers within the public walkway were removed, the site would comply with maximum permitted lot coverage.

He indicated that the proposed lot coverage has now been further reduced to 63.13%.

Mr. Amenhauser distributed a packet containing three (3) photographs depicting areas of the site that were modified in order to replace pavers with grass, which was received by the Board and marked as **Exhibit A-1**.

Mr. Amenhauser also distributed a photograph of the existing 10ft. wide public walkway which was received by the Board and marked as **Exhibit A-2**.

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 from a Variance Plan, consisting of one (1) sheet, dated April 17, 2024, which was received by the Board, and which is incorporated herein as fact.

Mr. Orlando testified that the subject property contains 10,000SF and it is approximately three times the size of the minimum lot size required in the M-1-B zone.

Mr. Orlando reviewed the prior applications that were submitted to the Board, and he discussed the variances that were originally approved in connection with the construction of the single-family dwelling, the in-ground swimming pool, outdoor cabana, and patio.

Mr. Orlando testified that the Applicant received CAFRA approval from the NJDEP and a component of that approval required the Applicant to provide a 10ft. wide public access walkway along the eastern side of the property adjacent to the beach.

Mr. Orlando advised the Board that the Applicant elected to utilize pavers in the area of the public walkway for aesthetic and safety purposes. He noted that there was no requirement imposed by the NJDEP requiring this area to be paved.

Mr. Orlando discussed the prior application that was submitted in July of 2023 seeking approval of a lot coverage that exceeded what was permitted in the zone.

He indicated that the Applicant's professionals represented that the coverage in July of 2023 was 70.6%; however, he indicated that he reviewed the prior property survey and noted that the lot coverage was actually 65.7%.

Mr. Orlando testified that the Applicant has eliminated areas containing pavers in an effort to further reduce the lot coverage of the site.

He noted that the pavers located in the area of the public walkway were maintained.

Mr. Orlando testified that eliminating the pavers in the public walkway from the lot coverage calculation results in a coverage of 54.65%. If the pavers are included in the calculation the lot coverage amounts to 63.13%.

Mr. Orlando opined that 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. He indicated that the pavers utilized in the area of the public walkway are a safety improvement that specifically benefits the public.

Mr. Orlando 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.

Mr. Orlando testified that, while the public walkway is located on the lot, it in no way provides any benefit to the Applicant.

He indicated that he believes that it was appropriate for the Board to remove the coverage associated from the public walkway in connection with the overall lot coverage calculation; however, he acknowledged that a variance would still be required.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated May 22, 2024 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.

He reviewed the areas of the site where pavers were eliminated and replaced with grass and he agreed that the site complied with required lot coverage if the public walkway was excluded from the overall calculation.

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 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 2nd by Mr. Tenaglia:

Patrick Davenport: abstain	Barbara Hunt: yes	Brian Melchiorre: yes
Don Cabrera: yes	Joe Franco: yes	Angela Daniels: yes
Fred Mettler: yes	Brian Stuart: yes	Vince Tenaglia: yes
Bradley Vogdes: yes	Jane Reynolds: abstain	

During deliberations, the Board commended the Applicant for reducing the overall lot coverage of the site. The Board agreed that the public walkway, while included in the overall lot coverage calculation, provides no benefit to the Applicant, and paving same provides substantial benefits to the public and the overall safety of the site.

Board Members found the testimony of the Applicant and the Applicant's professional to be credible and persuasive and they agreed that the Applicant's request for 'C' variance relief was reasonable and appropriate.

The Board found that the approval of the application, subject to the conditions of approval set forth herein, would be in the best interests of the Borough as the Applicant established that a purpose of zoning would be advanced in connection with this Application.

The Board further found that the proposed Application would not impair the intent or purpose of the Borough's zoning ordinance or zone plan and there are no substantial detriments to the public good or the surrounding community

On Motion of Ms. Daniels and 2nd by Mr. Vogdes for approval:

Patrick Davenport: abstain	Barbara Hunt: yes	Brian Melchiorre: yes
Don Cabrera: yes	Joe Franco: yes	Angela Daniels: yes
Fred Mettler: yes	Brian Stuart: yes	Vince Tenaglia: yes
Bradley Vogdes: yes	Jane Reynolds: abstain	

Patrick Davenport returns to meeting.

Joe Franco, Don Cabrera & Brad Vogdes recuse themselves.

Application PB-24-06 for 105 W. Aster Road a/k/a blk 28 lots 3 & 4 in Zone R-2 & B-1 owner 105 W. Aster, LLC; seeking "C" & "D" Variances.

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

The subject property is located at 105 W. Aster Avenue, a/k/a Block 175, Lots 15, in the Borough's R-1A zone, and it is currently vacant land.

The subject property was previously developed with a commercial hardware store which was previously demolished by the Applicant.

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

Architectural Plans entitled, "Duplex Residence, 105 West Aster Road, Block 28, Lots 3 & 4, Wildwood Crest, NJ, 08260," prepared and signed by Brian Newswanger, R.A. of Atlantes Architects, dated April 2024, and last revised June 19, 2024.

The Applicant is proposing to construct a three (3) story, two-family dwelling.

Ms. Newcomb advised the Board that the subject property is a split-zoned parcel located partially in the Borough's B-1 zone, and partially in the R-2 zone.

Two-family dwellings are a permitted use in the R-2 zone. They are not permitted in the B-1 zone, and in light of the fact that the subject property is a split-zoned parcel of land, a D(1) use variance is required.

Ms. Newcomb advised the Board that the Applicant is also requesting several 'C' variances associated with design features and bulk standards.

Brian Newswanger, R.A., of Atlantes Architects appeared before the Board on behalf of the Applicant.

Mr. Newswanger was accepted by the Board as an expert in the field of architecture, and he was placed under oath and testified from the proposed architectural plans.

Mr. Newswanger distributed a packet containing eight (8) pages, depicting the proposed site plan, architectural plans, and a color rendering which was received by the Board, and which was marked as **Exhibit A-1**.

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

He advised the Board that the site was previously developed with a hardware store that has since been developed.

The site previously contained 100% impervious coverage and a depressed curb existed along the entire frontage.

Mr. Newswanger testified that the Applicant is proposing to construct a duplex and each unit will contain five (5) bedrooms.

He indicated that two (2) curb cuts are proposed, with a ground-floor garage that would accommodate storage and off-street parking.

Mr. Newswanger testified that no habitable space will be provided in the ground-floor area, and the units themselves will each contain two (2) habitable floors.

He reviewed the proposed floor plans for the benefit of the Board.

Mr. Newswanger reviewed the proposed building elevations and he identified architectural elements and the exterior materials that will be incorporated into the design of the structure.

Decks are proposed along the front of the structure adjacent to Aster Road.

Mr. Newswanger advised the Board that the original application sought variance relief in relation to maximum building height and maximum eave height; however, the plans were revised to modify the building to comply with building and eave height.

Mr. Newswanger testified that a D(1) use variance is required in order to permit the development of the proposed duplex because duplexes are not a permitted use in the B-1 zone. They are permitted in the R-2 zone; however, the split-zoned nature of this lot necessitates use variance relief.

Mr. Newswanger opined that the subject property is particularly suited to accommodate the proposed duplex since they are permitted uses in the R-2 zone. He indicated that the surrounding neighborhood is primarily residential and there are existing duplexes in same.

Mr. Newswanger 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 sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and

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

Mr. Newswanger 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 proposed residential development will reduce the overall intensity of the site/use through the elimination of the former commercial business. There will be less traffic generated in the neighborhood and an overall improvement in the on-street parking situation.

Mr. Newswanger advised the Board that the Applicant's proposal amounts to a better overall zoning alternative for the site. He indicated that the residential use is more compatible with the surrounding neighborhood given the fact that same is primarily residential in nature.

Mr. Newswanger reviewed and discussed the 'C' variance relief that the Applicant is seeking. He indicated that the variances are primarily required due to the split-zoned property.

He indicated that the requested variances are associated with non-conforming aspects of the development in the B-1 zone, but noted that the conditions are compliant in the R-2 zone.

Mr. Newswanger testified that the proposal to provide raised curb and only two (2) curb cuts compared to 100% depressed curb that currently exists will result in the creation of one (1) on-street parking space.

He advised the Board that the proposed curb cuts will be approximately 18.5ft. wide.

With respect to building height and habitable stories, Mr. Newswanger testified that the structure is proposed to be 32ft. tall which is compliant with maximum permitted building height in the R-2 zone. The B-1 zone permits a maximum building height of 29ft. which results in the need for a D(6) maximum building height variance.

He indicated that both the R-2 and B-1 zone permit two (2) stories. He indicated that the Borough's Ordinance is somewhat unclear in terms of how a ground-floor is treated when it doesn't contain habitable

space, but he acknowledged that based upon the Board Engineer's interpretation, the structure contains three (3) stories requiring variance relief.

As a condition of approval, the Applicant will record a Deed Restriction limiting the ground-floor to off-street parking and storage, and further providing that no habitable space is permitted at the ground-floor level.

Mr. Newswanger testified that the split-zoned nature of the lot presents a hardship to the Applicant which impacts the ability to develop the site with a use that's permitted in either the R-2 or B-1 zone, or in both zones.

In response to a question posed by the Board, Mr. Newswanger indicated that HVAC mechanicals located on site will be adequately screened/buffered by landscaping.

As a condition of approval, the Applicant will submit a grading plan, subject to the review and approval of the Board Engineer.

A discussion ensued in regards to the proposed building coverage as a maximum building coverage of 35% is permitted whereas 40% was originally proposed.

The Applicant ultimately agreed to modify the design of the structure to reduce overall building coverage by 5% to ensure same is compliant with the R-2 bulk standards.

He indicated that decks proposed along Aster Road were also modified to ensure that deck coverage was limited to no more than 10%.

Several Board Members expressed concerns regarding the number of proposed stories, and the fact that the ground-floor is proposed to be utilized for parking.

These Board Members took issue with the fact that three stories were proposed when the zones only permit two stories.

Mr. Newswanger testified that the ground-floor will contain no habitable space, and he indicated that the overall building height is compliant with maximum building height in the R-2 zone.

In response to a question posed by the Board, Mr. Newswanger indicated that each unit will contain approximately 2,400SF. He indicated that the size of the units will be reduced in connection with modifications that will be made to the structure in order to reduce the overall building coverage by 5%.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated June 24, 2024 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 one (1) individual addressed the Board in connection with this Application, namely:

Rajavel Jagadesan, owner of the property located at 107 W. Aster Road, appeared and he was placed under oath to testify before the Board. Mr. Jagadesan advised the Board that he was in favor of the proposed development. He advised the Board that he believes that the structure should not be reduced in size as a smaller structure would be inconsistent with the homes that exist in the surrounding neighborhood. He indicated that he has no issues with the Applicant's proposed off-street parking arrangement and he supported the fact that an on-street parking space would be created.

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. Tenaglia and 2nd by Ms. Hunt:

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Don Cabrera: abstain

Joe Franco: abstain

Angela Daniels: yes

Fred Mettler: yes

Brian Stuart: yes

Vince Tenaglia: yes

Bradley Vogdes: abstain

Jane Reynolds: abstain

During deliberations, a majority of the Board acknowledged that the Applicant's proposal is consistent with the development in the surrounding neighborhood.

A majority of the Board recognized that the split-zoned lot presents practical difficulties in complying with the zoning regulations.

The Board commended the Applicant for modifying the proposed plans in order to modify the building coverage to comply with the requirements of the R-2 zone.

The majority found that the site provides compliant off-street parking and they agreed that the ground-floor does not contain habitable space but does count as a story.

In an effort to ensure that the ground-floor is utilized for off-street parking, the Applicant agreed, as a condition of approval, to eliminate the wall located in the rear of the garage to provide an open floor plan. 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. Newswanger 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 to the public good nor will it impair the intent or purpose of the zone plan and zoning ordinance.

On Motion of Ms. Daniels and 2nd by Mr. Tenaglia for approval:

Patrick Davenport: yes	Barbara Hunt: no	Brian Melchiorre: yes
Don Cabrera: abstain	Joe Franco: abstain	Angela Daniels: yes
Fred Mettler: yes	Brian Stuart: no	Vince Tenaglia: yes
Bradley Vogdes: abstain	Jane Reynolds: abstain	

Bradley Vogdes returns to meeting.

RESOLUTIONS MEMORIALIZING BOARD ACTIONS:

Resolution PB-24-10 for **Application PB-24-08** for 6111 New Jersey Avenue a/k/a blk 35 lots 19, 20.01 & 20.02 in Zone B-1 owner Shore Fitness Wildwood Crest (c/o Ron Tedesco); seeking "C" & "D" Variances.

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

Patrick Davenport: yes	Barbara Hunt: yes	Brian Melchiorre: abstain
Don Cabrera: abstain	Joe Franco: abstain	Angela Daniels: abstain
Fred Mettler: yes	Brian Stuart: abstain	Vince Tenaglia: yes
Bradley Vogdes: abstain	Jane Reynolds: yes	

ADMINISTRATIVE RESOLUTIONS:

None

OLD BUSINESS:

Bike Connectivity Path

NEW BUSINESS:

Board Members discuss habitable vs. non habitable 1st floor levels.

OPEN TO PUBLIC COMMENT:

Joe Viscomi, owner of the property located at 308 E Washington Avenue states attending meetings, listening to the process the solicitor, engineer and board take for each application really helps him understand the entire process. He's glad he's able to relay the process to others. It's complicated and the board and staff really take the time to try and look at every angle before making a decision.

ANNOUNCEMENTS: The next regularly scheduled meeting is 7 August, there is one application scheduled at this time to go before the board on that date.

ADJOURN: On motion of Mr. Melchiorre, second by Ms. Daniels and unanimous voice vote, the Chairman adjourned the meeting 7:00pm.

Pamela Riper
Planning Board Secretary