

BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes – 6 September 2023 5 p.m.

The following are the minutes of the Wildwood Crest Planning Board as held on Wednesday September 6, 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: absent	Joe Franco: present	Angela Daniels: absent
Gerry D'Antonio: present	Fred Mettler: present	Pete Cava: present
Brian Stuart: present	Vince Tenaglia: present	Bradley Vogdes: 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 2 August 2023 and approve as distributed, Mr. Cava second, minutes approved as distributed.

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

APPLICATIONS:

Brian Stewart recuses himself from the meeting.

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.

After review, the Board determined that the application requires a variance in addition to subdivision.

Application was adjourned to October 4 meeting and notice needs to be sent.

Joe Franco recuses himself and leaves meeting at 6:30pm

Brian Stuart recuse himself from meeting.

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.

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

Mr. Barnes advised the Board that the subject property is a 100ft. x 80ft. lot containing 8,000SF located in the Borough's B-1 zoning district.

The subject property was previously developed with a gas/service station that has since been demolished.

Mr. Barnes advised the Board that the Applicant is proposing to develop a mixed-use structure containing three (3) ground-floor commercial units, and three (3) residential units above.

He reviewed and confirmed the variance relief sought in connection with this application.

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

A Site Plan entitled "Preliminary and Final Site Plan, Proposed Mixed Use Building for Pearce Homes, LLC" prepared by Gibson Associates, P.A., signed and sealed by Louis A. Scheidt, P.E., consisting of seven (7) sheets, dated May 4, 2023.

Architectural Plans entitled "New Mixed Use Building For: Ed Pearce" prepared by Blaine Steinman Architect, LLC, signed and sealed by Blane Steinman, R.A., consisting of five (5) sheets, dated March 9, 2023.

Blaine Steinman, R.A. of Blane Steinman Architect, LLC appeared on behalf of the Applicant, and he was recognized as an expert in the field of architecture. Mr. Steinman was placed under oath, and he testified from the proposed Architectural Plans.

Mr. Steinman confirmed that the subject property is currently vacant, undeveloped land which the Applicant is proposing to develop with a mixed-use structure containing three (3) commercial units, and three (3) residential units.

Mr. Steinman testified that the proposed structure consists of 2.5 stories which he indicated is consistent with neighboring properties.

Mr. Steinman further testified that the additional ½-story will allow the Applicant to provide additional living space for the proposed residential units.

Mr. Steinman reviewed and discussed the proposed site plan for the benefit of the Board. He noted that parking is proposed to be located in the rear of the site, with the structure fronting on to New Jersey Avenue. A total of eight (8) off-street parking spaces are proposed on site, two (2) of which will be dedicated for use by the commercial units, and six (6) which will be assigned to the residential units. The remaining commercial spaces will consist of on-street parking spaces as permitted by Ordinance.

The Applicant modified the parking proposal during the course of the hearing in response to concerns raised by the Board, as further outlined and addressed herein.

Mr. Steinman advised the Board that ample on-street parking is provided on site to service the proposed commercial units.

He advised the Board that access to the proposed rear parking area will be provided from Columbine Road.

Mr. Barnes distributed a packet containing five (5) exhibits, which were received by the Board and marked as follows:

Exhibit A: A color rendering of the proposed mixed-use structure.

Exhibit B: A zoning compliance chart.

Exhibit C: A copy of the Borough of Wildwood Crest's Zoning Map.

Exhibit D: Photographs of neighboring business along New Jersey Avenue.

Exhibit E: Photographs of the subject property.

In response to a question posed by the Board, Mr. Steinman indicated that the proposed commercial spaces are approximately 845SF with an open floor plan and a restroom.

Mr. Steinman testified that access to the residential units will be provided via stairs located in the rear yard within the parking area.

He indicated that the proposed residential units will contain identical floor plans and each is proposed to contain four (4) bedrooms, and three (3) bathrooms.

Mr. Steinman reviewed the proposed architectural elevations for the benefit of the Board, and he reviewed and highlighted the architectural features that were incorporated into the design of the structure. As a condition of approval, the Applicant will ensure that the proposed structure is constructed consistent with the rendering presented to the Board and marked as Exhibit A.

Louis A. Scheidt, P.E., P.P. with Gibson Associates, P.A. also appeared on behalf of the Applicant, and he was recognized as an expert in the fields of engineering and land planning. Mr. Scheidt was placed under oath, and he testified from the proposed Site Plan.

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

Mr. Scheidt advised the Board that the Applicant is requesting a D(3) conditional use variance as mixed-use structures are permitted within the B-1 zone; however, the number of commercial and residential units exceeds what's permitted.

Mr. Scheidt testified that the subject property is approximately two and a half times larger than what the Ordinance requires in connection with the development of conditional mixed-use structures.

Mr. Scheidt further testified that, with the exception of building height and building coverage, the proposed structure meets all applicable setbacks and does not exceed the maximum permitted lot coverage.

With respect to the proposed building height and number of stories, Mr. Scheidt testified that the minor increase in building height allows for the creation of a more aesthetically pleasing design and a desirable visual environment.

Mr. Scheidt further testified that the proposed building height is de minimis in nature, and same is consistent with neighboring residential properties which are permitted to be constructed to a maximum building height of 35ft.

Mr. Scheidt 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;

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;

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. Scheidt further opined that the Application presents no substantial detriments to public good, nor does it impair the intent or purpose of the Borough's zone plan or zoning ordinance.

Mr. Scheidt discussed recent development trends within the B-1 zone and along New Jersey Avenue, noting that New Jersey Avenue is developed with a variety of uses which are consistent with what the Applicant is proposing.

Mr. Scheidt reiterated that, in light of the fact that the lot exceeds the required lot area for a mixed-use structure by nearly three times, the request for a D(3) variance is reasonable, and he contended that the site is particularly suited to accommodate the deviation from the applicable conditions.

Mr. Scheidt advised the Board the Applicant has also designed a stormwater management plan/system to address drainage, and a detailed landscaping plan has been developed in order to provide buffers to neighboring residential properties.

In response to a question posed by the Board, Mr. Scheidt testified that a lighting plan has also been developed which will ensure that on-site lighting does not negatively impact neighboring properties.

Mr. Scheidt reviewed and discussed the requested waivers which he contended were appropriate in light of the scale of development, and the fact that mixed-used structures are permitted within the B-1 zone.

Board Members questioned the provision of storage for residential units and the location of the proposed trash enclosure.

Mr. Scheidt testified that there are no separate storage areas proposed for the individual commercial and residential units, and he indicated that the trash enclosure is proposed to be approximately 16ft. x 4ft. He indicated that there is limited available space to provide additional storage for the proposed residential units.

Board Member Vodges inquired if the Applicant would consider reducing the number of residential units to minimize the density of the site and to facilitate individual storage areas for the residential units.

In response, Mr. Steinman testified that the Applicant could conceivably modify the proposed off-street parking arrangement to relocate the proposed trash enclosure within the northeastern corner of the site. This would allow the Applicant to create a dedicated area on site in the original location of the trash enclosure to provide storage space for the residential units.

Mr. Steinman indicated that the proposed modification would result in the elimination of an off-street parking space; however, the site would still meet the minimum off-street parking requirements. He indicated that the remaining seven (7) parking spaces would be utilized exclusively for the residential units as the commercial units are permitted to utilize on-street parking spaces to count towards the parking requirement.

Mr. Steinman indicated that the required handicap parking space associated with the commercial units would be proposed to be located in an on-street parking space.

The Board advised the Applicant that an on-street handicap parking space would need to be approved by the Board of Commissioners. As a condition of approval, the Applicant will seek approval from the Board of Commissioners to provide an on-street handicap parking space, and, in the event said approvals are not granted, the Applicant will provide a handicap parking space within the rear yard parking area.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated July 20, 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 all comments/conditions set forth within the Engineer's Report.

In response to a question posed by Mr. Hanson, Mr. Scheidt testified that the site triangle at the corner of Columbine Road will comply with the requirements of the Borough's Ordinance.

The Meeting was opened to the public for comment.

One (1) member of the public addressed the Board in connection with this Application, namely:

Donna Bruno, owner of the property located at 107 E. Columbine Road, appeared and she was placed under oath to testify before the Board. Ms. Bruno questioned the amount of off-street parking provided on site. She advised the Board that she was not opposed to the project, and she indicated that her questions pertaining to trash and landscaping had been addressed by the Applicant.

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. Vodges and 2nd by Mr. Tenaglia

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Joe Franco: abstain/absent

Gerry D'Antonio: yes

Fred Mettler: yes

Pete Cava: yes

Brian Stuart: abstain

Vince Tenaglia: yes

Bradley Vogdes: yes

The Board accepted the findings of fact and thereafter opened the Application up for deliberation. During deliberations, the Board agreed that the benefits associated with the Applicant's proposal outweighed any detriments associated with a lack of off-street parking. The Board found that the purposes of zoning identified by Mr. Orlando would be advanced in connection with this proposal and supports granting the relief requested by the Applicant. The Board further found that the subject property was particularly suited to accommodate the deviation from applicable conditions associated with the development of mixed-use structures in the B-1 zone. The Board determined 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. Tenaglia and 2nd by Mr. Vodges:

Patrick Davenport: yes

Barbara Hunt: yes

Brian Melchiorre: yes

Joe Franco: abstain/absent

Gerry D'Antonio: yes

Fred Mettler: yes

Pete Cava: yes

Brian Stuart: abstain

Vince Tenaglia: yes

Bradley Vogdes: abstain

Barbara Hunt recuses herself from the meeting.

Brian Stuart leaves meeting at 7:30pm.

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.

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

Mr. Barnes advised the Board that the subject property is located at 7301 New Jersey Avenue, a/k/a Block 109, Lot 20.01 in the Borough's R-1A zone and it is currently developed with a pre-existing non-conforming duplex.

The Applicant is proposing to construct a second-floor addition within the footprint of the existing building, specifically an existing second floor deck.

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

Plans entitled "Addition and Alteration for: Henia & Gerry Montague, Block: 109, Lot: 20.01, 7301 New Jersey Avenue, Wildwood Crest, Cape May County, New Jersey," prepared by Blaine Steinman Architect, LLC, signed and sealed by Blane Steinman, R.A., consisting of four (4) sheets, dated January 17, 2023. The proposed addition will increase the living space of the first-floor unit by a total of 332SF to 1,352SF. The second-floor unit will remain unchanged and contains a total of 706SF.

Mr. Barnes advised the Board that the Applicant resides full-time in the first-floor unit and the proposed addition will consist of a new den and office.

The Applicant is also proposing to rehabilitate the existing second floor deck by constructing new stairs, new railings and a new roof above the proposed addition which extends over a portion of the deck.

Mr. Barnes reviewed the variance relief sought by the Applicant in connection with this proposal, noting that a D(2) variance for the expansion of a non-conforming use is required due to the fact that duplexes are not a permitted use in the R-1A zone.

Mr. Barnes informed the Board that there are also a number of pre-existing non-conforming conditions which are not being exacerbated in connection with this Application.

Mr. Barnes distributed an aerial photograph of the surrounding neighborhood depicting existing duplexes located within a three (3) block radius of the subject property which was received by the Board and marked as **Exhibit A-1**.

Mr. Barnes advised the Board that, in addition to the D(2) variance, the Applicant is also requesting 'C' variance relief in connection with the minimum side yard setback.

He advised the Board that the existing side yard setback is 2.7ft. whereas the setback to the building is bumped in and measures 5.2ft. whereas 6ft. is required.

Blaine Steinman, R.A. of Blane Steinman Architect, LLC appeared on behalf of the Applicant, and he was recognized as an expert in the field of architecture. Mr. Steinman was placed under oath, and he testified from the proposed Plans submitted in connection with this Application.

Mr. Steinman reviewed the existing site conditions for the benefit of the Board, and he discussed the existing floor plan of the duplex currently located on site.

Mr. Steinman presented and reviewed the architectural elevations of the existing structure located on site, noting that the second-floor unit is accessed by a set of stairs located along the eastern side of the property which leads to a large open deck and the entrance to the second-floor unit.

Mr. Steinman confirmed that the Applicant is proposing to construct an addition to the first-floor unit which will be located on the second-floor in the area of the existing deck.

He indicated that access to the second-floor unit will be maintained; however, the stairs and deck itself will be reduced in size due to the construction of the proposed addition.

Mr. Steinman testified that the remaining portion of the second-floor deck will be accessible and available to both units.

Mr. Steinman testified that the proposed addition is setback approximately 5.2ft. from the side yard property line whereas the existing structure maintains a setback of 2.7ft.

Mr. Steinman presented and reviewed proposed architectural elevations depicting the structure and the proposed addition. He confirmed that the addition consists of 332SF and no additional bedrooms are proposed within same.

He advised the Board that the proposed structure is well below maximum permitted building height as 24ft. is proposed whereas 32ft. is permitted.

Brian J. Murphy, P.E., P.P. with M.V. Engineering, LLC, also appeared on behalf of the Applicant. Mr. Murphy was accepted by the Board as an expert in the fields of engineering and planning and he was placed under oath and testified before the Board.

Mr. Murphy confirmed that a D(2) variance is required due to the fact that the existing duplex is a non-conforming use in the R-1A zone, and the expansion of same triggers the need for variance relief.

Mr. Murphy advised the Board that the surrounding neighborhood is developed with a mix of single-family and multi-family dwellings.

Mr. Murphy testified that the structure located on site has existed for years, and, based upon the design, it appears as if it were a single-family dwelling when viewed from the public right-of-way.

Mr. Murphy further testified that Exhibit A-1 establishes that duplexes are not uncommon in the surrounding neighborhood, and as such, the Applicant's proposal to expand same is consistent with the neighborhood.

Mr. Murphy opined that the Applicant's proposal amounts to a minimal expansion of the existing structure and simply fills in an existing void space within the footprint of same, and he reiterated that the structure and proposed addition are significantly smaller than what could be constructed on site.

Mr. Murphy 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;
- 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;
- 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. Murphy 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.

Mr. Murphy testified that the subject property is particularly suited to accommodate the proposed expansion of the non-conforming duplex use.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated March 29, 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. One member of the public addressed the Board, namely:

Tony Mirabella, owner of the property located at 7210 New Jersey Avenue, appeared and he was placed under oath to testify before the Board. Mr. Mirabella advised the Board that he was in favor of the project, and had no objection to the proposed addition.

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. Cava and 2nd by Mr. Tenaglia

Patrick Davenport: yes	Barbara Hunt: abstain/absent	Brian Melchiorre: yes
Joe Franco: abstain/absent	Gerry D'Antonio: yes	Fred Mettler: yes
Pete Cava: yes	Brian Stuart: abstain/absent	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 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 as duplexes are not permitted in the R-1A zone.

The Board took issue with the fact that the subject property is developed with a number of pre-existing non-conforming conditions, and while the majority of these conditions are not being exacerbated, the proposal to expand a non-conforming use serves to exacerbate the non-conforming nature of the site.

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

On Motion of Mr. Tenaglia and 2nd by Mr. Mettler:

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

RESOLUTIONS MEMORIALIZING BOARD ACTIONS:

Resolution PB-23-16 for Application PB-23-04 for 302 E Miami Avenue a/k/a blk 118.01 lots 15 in Zone R-2 owner Greg Zapisek; seeking "C" and Broad "C" variances.

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

Patrick Davenport: abstain	Barbara Hunt: abstain	Brian Melchiorre: yes
Joe Franco: abstain	Gerry D'Antonio: abstain	Fred Mettler: yes
Pete Cava: yes	Brian Stuart: abstain	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:

ANNOUNCEMENTS: The next regularly scheduled meeting is 4 October, there are two applications scheduled at this time to go before the board on that date.

ADJOURN: On motion of Mr. Tenaglia, second by Mr. Vogdes and unanimous voice vote, the Chairman adjourned the meeting 8:45pm.

Pamela Riper
Planning Board Secretary