

BOROUGH OF WILDWOOD CREST
Planning Board
Meeting Minutes – 5 October 2022 5 p.m.

The following are the minutes of the Wildwood Crest Planning Board as held on Wednesday October 5, 2022, at Borough Hall. The proceedings of the meeting are recorded and available for public inspection.

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: absent	Brian Melchiorre: present
Don Cabrera: present	Joe Franco present	Angela Daniels: present
Gerry D'Antonio: present	Fred Mettler: present	Pete Cava: present
William Bumbernick: absent	Brian Stuart: absent	Vince Tenaglia: absent
Bradley Vogdes: present		
Board Secretary Pamela Riper: present		
Solicitor Rob Belasco: present		
Engineer Joe Mohnack: present		

Minutes:

Ms. Daniels moved to dispense with the public reading of the minutes of the meeting of 7 September 2022 and approve as distributed, Mr. Mettler second, minutes approved as distributed

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: abstain
Don Cabrera: yes	Angels Daniels: yes	Pete Cava: yes
Joe Franco: yes	Fred Mettler: yes	Bradley Vogdes: abstain

Mr. Davenport introduces Emily Givens with the Maley Givens Office to briefly reiterate the Preliminary Investigation Portion of B-1 District North – Area in Need of Redevelopment or Rehabilitation Borough of Wildwood Crest, New Jersey Block 22, Lots 20.01, 20.02, 21.01, 21.02, 22 (which encompasses former Lot 22.01), 23 (which encompasses former Lot 23.01), 24.01, 24.02, 25.01, 25.02; Block 23, Lots 1, 2, 3, 4, 5, 6; Block 27, Lots 19.02, 20.01, 20.02, 21.01, 21.02, 22.01, 22.02, 23, 24, 25; Block 28, Lots 1, 2, 3, 4, 48, 49, 50; Block 31, Lots 19, 20, 21, 22, 23, 24; Block 32, Lots 1, 2, 3, 4, 5, 6; Block 35, Lots 19, 20.01, 20.02, 21, 22, 23, 24; Block 36, Lots 1, 2, 3, 4, 5, 6, 44, 45, 46; Block 39, Lots 20, 21, 22, 23, 24, 25; Block 40, Lots 1, 2, 3, 4, 5, 6 be designated as a Rehabilitation Area pursuant to the Redevelopment Law.

The Planning Board recommended that the Board of Commissioners consider evaluating extending the area in need of rehabilitation to incorporate the properties located adjacent to New Jersey Avenue between Wisteria and Columbine Roads, specifically Block 43 and 44

In consultation with the Planner, Michelle Taylor, for the Borough of Wildwood Crest Planning Board and based on the information in the report of the Planner, dated September 2022, entitled "Preliminary Investigation Portion of B-1 District North – Area in Need of Redevelopment or Rehabilitation Borough of Wildwood Crest, New Jersey", (the "Report") it is the recommendation to the Planning Board that Block 43, Lots 20.01, 20.02, 21.01, 21.02, 22.01, 22.02, 23, 24, and 25; Block 44, Lots 1, 2, 3, 4, 5, 6, and 42 (the "Study Area") satisfies the criteria as an Area in Need of Rehabilitation in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

Planning Board reviewed the Preliminary Investigation Study, the Study Area map and associated documents, and heard testimony from the Board Planner, and members of the public were given an opportunity to be heard, to present evidence and to ask questions concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area and/or a Rehabilitation Area. Planning Board recommends that the Board of Commissioners designate the Study Area to be an area in need of rehabilitation via the adoption of the proposed Resolution from the Board of Commissioners, as required by the N.J.S.A. 40A:12A-14, specifically based upon the criteria set forth in N.J.S.A. 40A:12A-14(a)(2) in that more than half of the housing stock in the delineated area is at least 50 years old; and (6) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

No Public Comments:

On motion of Ms. Daniels and second by Mr. Cava to approve the recommended preliminary investigation, the testimony heard, the outline of the zone and the amendment to move the area to include one block to the south

Patrick Davenport: yes
Don Cabrera: abstain
Joe Franco: abstain

Brian Melchiorre: yes
Angels Daniels: yes
Fred Mettler: yes

Gerry D'Antonio: yes
Pete Cava: yes
Bradley Vogdes: yes

Applications to be presented to the Board

Application PB-22-06 for 7700 Atlantic Avenue a/k/a blk 99.01 lot 1.02 & 2.02 Zone R-2 owner JJU Properties, LLC seeks subdivision of real property in order to create two fully conforming lots at real property. Presently a single family home exists and spans the joint property line of lots 1.02 & 2.02 and applicant proposes to demolish and existing structure and subdivide the property into two family-conforming lots.

The Applicant was represented by John Amenhauser, Esquire of the DeWeese Law Firm, P.C. Mr. Amenhauser provided the Board with an overview of the application and he reviewed the relief sought in connection with same.

Mr. Amehauser informed the Board that the subject is an oversized, irregularly shaped lot containing approximately 9,202.5SF.

The subject property is currently developed with a single-family dwelling and an accessory shed which the Applicant is proposing to demolish in connection with this Application.

The Applicant is proposing to subdivide the subject property in order to create a 40ft. x 98.7ft. lot and a 44.24ft. x 106.7ft. lot.

Mr. Amenhauser stated that the proposed subdivision will create two (2) fully conforming lots. He indicated that the Applicant's proposal amounts to a by-right subdivision as both of the proposed lots fully comply with the area and bulk requirements of the Borough's Land Use Ordinance.

Mr. Amenhauser advised the Board that the Borough's tax map reflects that two lots currently exist; however, he acknowledged that the structure that presently exists on site spans both lots which would result in the lots being merged.

Board Solicitor Robert Belasco, Esquire confirmed that the Applicant's proposal amounts to a 'by-right' subdivision as the proposed lots will in fact conform to the area and bulk requirements of the R-2 zoning district.

As a condition of approval, the Applicant must satisfy the \$100 per lot fee for tax map maintenance purposes.

As a condition of approval, the Applicant will ensure that the existing structure located on site is demolished prior to the filing of the plan of subdivision.

As a condition of approval, the Applicant will confirm the lot numbers and property addresses with Borough tax Assessor and same shall be reflected on a revised plan of minor subdivision.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated September 6, 2022, which was received by the Board and which is incorporated herein as fact. Joe Mohnack, P.E., C.M.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.

The Meeting was opened to the public for comment. No members of the spoke out in favor or against the application, and accordingly the public portion of the meeting was closed.

On Motion of Mr. D'Antonio 2nd by Mr. Melchiorre to approve the subdivision

Patrick Davenport: yes
Don Cabrera: yes
Joe Franco: yes

Brian Melchiorre: yes
Angels Daniels: yes
Fred Mettler: yes

Gerry D'Antonio: yes
Pete Cava: yes
Bradley Vogdes: yes

During deliberations members of the Board found that the applicant had met the requirements of the Municipal Land Use Law and the Borough Ordinance for the proposed minor subdivision.

Application PB-22-07 for 6310 Park Boulevard aka block 145 lot 1 & 2.01 Zone R-2 owner Michael and Joy DiAntonio seeking C Variance to construct an additional curb cut at the property. An existing curb cut is located on W. Wisteria Road. The new curb cut will be located on Park Blvd.

Mr. Barnes states the correct location of the existing curb cut is off of Columbine Rd.

The Applicant was represented by Jeffrey Barnes, Esquire who presented an overview of the Application and discussed and outlined the relief sought in connection with same.

Mr. Barnes advised the Board that the subject property is developed with a single-family dwelling. The Applicant is proposing to install a second curb cut along the Park Boulevard frontage. An existing curb cut provides access to a driveway and garage off of Columbine Road.

Over the years the subject property, which is located adjacent to the back bay, has experienced flooding which has progressively gotten worse over the years and which impacts the Applicant's ability to safely park their vehicles and access their home.

Mr. Barnes reviewed the existing site dimensions for the benefit of the Board. He reviewed the location of the existing curb cut, the location of the proposed curb cut, and he confirmed the amount of continuous raised curb that would exist on site after the installation of the second curb cut.

In response to a question posed by the Board, Mr. Barnes confirmed that no on-street parking will be lost in connection with this proposal. He indicated that the location of the proposed Park Boulevard curb cut is an area where the curb is painted yellow where parking is prohibited.

Mr. Barnes reviewed and confirmed the two 'C' variances requested in connection with this proposal.

More specifically, the Applicant is requesting 'C' variance relief in relation to:

Maximum number of curb cuts (1 curb cut is permitted whereas 2 curb cuts are proposed); and

Minimum setback of curb cut to intersecting street (20ft. is required whereas 11.5ft. is proposed).

Mr. Barnes noted that the Park Boulevard curb cut would only be utilized by the Applicant during flooding events when access to the property is not available due to flooding along Columbine Road.

Mr. Barnes distributed a packet of photographs depicting recent flooding events which were received by the Board and which were marked as **Exhibit A-1**. He also distributed a packet of photographs containing historical flooding events which were received by the Board and which were marked as **Exhibit A-2**.

Michael DiAntonio, the Applicant and owner of the subject property, appeared and he was placed under oath to testify before the Board.

Mr. DiAntonio testified that he has owned the subject property since 1983 and the existing single-family dwelling located on site was constructed in 1996. He confirmed that a curb cut currently exists along Columbine Road which provides access to a driveway and garage.

Mr. DiAntonio indicated that his application proposes no changes to the existing structure. The proposal involves the creation of a second curb cut along Park Boulevard to provide a second means of ingress/egress to the property during flooding events.

Mr. DiAntonio testified that the frequency of floods along the Columbine Road street-end has increased over the years and flooding is no longer limited to significant storms. He indicated that the roadway now floods during high tides and moderate rain events.

Mr. DiAntonio advised the Board that the outfall pipe at the Columbine Road street-end does not drain properly which contributes to the flooding issue.

He indicated that the outfall pipe collects water from multiple street ends and it cannot eliminate water fast enough during a flood.

During flood events Mr. DiAntonio indicated that the flood waters extend from curb line to curb line and encroaches up to and in to his garage.

He indicated that there is no solution to eliminate the flooding issue unless the Borough replaces the Columbine Road bulkhead and outfall pipe.

Mr. DiAntonio advised the Board that he has had personal property destroyed over the years due to flooding and he is typically unable to access or leave his property when the roadways are flooded.

Board Members express concerns about the utilization of the curb cut when flooding was not present in the streets. As a condition of approval, the Applicant agreed to only utilize the Park Boulevard curb cut for ingress or egress to the subject property during flooding events when access is not available due to flooding on Columbine Road.

In response to a question posed by the Board, Mr. DiAntonio testified that the proposed Park Boulevard curb cut is in area where the curb is painted yellow. No on-street parking spaces will be lost in connection with this proposal. As a condition of approval, the Applicant will ensure that depressed curb and the area in front of same is painted yellow to clearly indicate that parking is prohibited.

In response to a question posed by the Board in relation to the Columbine Road site triangle, the Board Engineer Joseph Mohnack, P.E., C.M.E. testified that there would be no impact to the site triangle as the proposed curb cut would only be utilized during flooding events, and no vehicles would be turning off of Columbine Road when the roadway is flooded.

Mr. DiAntonio testified that he sees no detrimental impact to the public or the surrounding neighborhood. He indicated that his proposal would address and health/safety issue that he's experiencing. He further argued that he is experiencing a hardship.

Borough Engineer Marc DeBlasio, P.E., P.P., C.M.E., prepared an Engineer's Report dated September 13, 2022 which was received by the Board and which is incorporated herein as fact. Joseph Mohnack, 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. Mohnack confirmed the variance relief sought in connection with this Application.

Mr. Mohnack advised the Applicant that a signed and sealed survey must be submitted to the Board as a condition of approval.

The Meeting was opened to the public for comment. One (1) member of the public addressed the Board, namely:

Frank Morelli, owner of the property located at 6311 Park Boulevard, appeared and he was placed under oath to testify before the Board. Mr. Morelli acknowledged that flooding is an issue which impacts Columbine Road. He expressed concerns in relation to the proposed second curb cut. He indicated that he was concerned about pedestrian and vehicle traffic and the impact that a curb cut along Park Boulevard could have on same.

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. Mettler and 2nd by Mr. Cava

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: yes	Angels Daniels: yes	Pete Cava: yes
Joe Franco: yes	Fred Mettler: yes	Bradley Vogdes: yes

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

During deliberations, a majority of the Board Members found that the Applicant is in fact experiencing a hardship due to the conditions of the property, specifically the fact that same is fully developed and experiences flooding which limits access to the property. The Board further finds that the Applicant's proposal advances several purposes of zoning set forth within N.J.S.A. 40:55D-2.

The majority of the Board agreed that the benefits associated with granting this application outweigh any potential detriments, and the Board agreed that there will be no detriments to the public good, the zoning ordinance, or the zone plan.

On Motion of Mr. Cava 2nd by Mr. Mettler to approve both variance & additional curb cut

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: yes
Don Cabrera: yes	Angels Daniels: yes	Pete Cava: yes
Joe Franco: yes	Fred Mettler: yes	Bradley Vogdes: yes

Resolutions memorializing Board actions

Resolution PB-22-09 approving Application PB-22-05 for 415 E Atlanta Avenue a/k/a blk 98.02 lot(s) 10, 11, 12 in Zone M1-B owner Jeffrey Curran; seeking "c" variance relief relation to the minimum front yard setback in order to maintain and permit a roof over an existing second-floor deck on the westerly-most portion of the structure

Mr. Melchiorre moved to approve, second by Ms. Daniels

Patrick Davenport: yes	Brian Melchiorre: yes	Gerry D'Antonio: abstain
Don Cabrera: yes	Angels Daniels: yes	Pete Cava: yes
Joe Franco: yes	Fred Mettler: yes	Bradley Vogdes: abstain

Resolution PB-22-10 approving Application PB-22-04 for 423-425 Louisville Ave a/k/a blk 100.00 lot 15.03 & 15.04 Zone M-1-B1 owner Harold and Brunilda Hurwitz seeking "C" variance relief relation to permit a swimming pool in the front yard, to permit a patio in the front yard, and minimum front yard fence height in order to construct an outdoor terrace/patio, in-ground swimming pool, and a perimeter retaining wall

Mr. Cava moved to approve, second by Ms. Daniels;

Patrick Davenport: abstain	Brian Melchiorre: yes	Gerry D'Antonio: abstain
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Don Cabrera: yes
Joe Franco: yes

Angels Daniels: yes
Fred Mettler: yes

Pete Cava: yes
Bradley Vogdes: abstain

No Administrative Resolutions

Old Business: Skip over for now

At the request of the Borough of Wildwood Crest's Board of Commissioners, was directed to evaluate various provisions of the Borough's Land Development Ordinance in an effort to eliminate ambiguity and conflicts. The Planning Board subcommittee reviewed and discussed potential revisions to section 85-68, Accessory Buildings, Structures, and Uses, and section 85-82, Fences and Walls.

The Planning Board determined that the Ordinance revisions proposed by the subcommittee were reasonable and appropriate and consistent with the Borough's Master Plan, and the Board voted unanimously to formally recommend that the Board of Commissioners of the Borough of Wildwood Crest amend the Borough's Land Development Ordinance, to incorporate the revisions outlined within the document attached hereto as **Exhibit A**.

The Planning Board finds that it is appropriate to amend, modify and/or supplement the Borough's Land Development Ordinance to incorporate the revisions outlined within **Exhibit A** in order to further clarify and eliminate inconsistencies set forth within section 85-68 and 85-82 of the Borough's Land Development Ordinance.

Motion to recommend ordinance changes by Ms. Daniels, seconded by Mr. Vodges

Patrick Davenport: yes

Brian Melchiorre: yes

Gerry D'Antonio: yes

Don Cabrera: abstain

Angels Daniels: yes

Pete Cava: yes

Joe Franco: abstain

Fred Mettler: yes

Bradley Vogdes: yes

The meeting was opened to the public for comment. No members of the public addressed the Board in connection with the proposed Ordinance revisions.

A member of the public was at the meeting for a college assignment.

No other public comment.

Accordingly, the public portion of the meeting was closed.

Under Old Business:

Condo/Hotel Conversion

NJ Residential Site Improvement Standards- will be voting on November 2nd meeting

DEP Training

Bike Connectivity Path

Bulkheads

The next regularly scheduled meeting is 2 November, there are no applications scheduled at this time to go before the board on that date.

On motion of Mr. Cava, second by Ms. Daniels and unanimous voice vote, the Chairman adjourned the meeting 6:45pm.

Pamela Riper
Planning Board Secretary