

**THE BOROUGH OF WILDWOOD CREST**  
**Planning Board**  
**Meeting Minutes – 3 May 2017 5 p.m.**

Chairman Davenport called the meeting to order at 5:00 p.m. and lead the Pledge of Allegiance. The statement of compliance with the Open Public Meetings act of 1975 was read by the chairman.

Roll call was taken by the secretary: Alvarado, present; Compare, present; Davenport, present; Melchiorre, present; Schiff, present; Sciarra, present; Hunt, present; Mettler, present; Gould, present; Groom, present (entered the meeting at 5:05 p.m.); Solicitor Belasco, present; Board Engineer Plevier, absent; Board Planner, Michelle Taylor, present; Zoning Official Malia, absent; Secretary Rogers, present.

Mrs. Gould moved to dispense with the public reading of the minutes of the meeting of 5 April 2017 and approve as distributed, Mr. Schiff seconded. Roll call: Alvarado, yes; Compare, abstain; Hunt, abstain; Sciarra, abstain; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Davenport, yes; Gould, yes; Groom, absent. Minutes approved as distributed.

There were two applications to come before the Board:

PB-17-05-02: Seven Shes Toledo, LLC, owner of the property located at 408 E. Toledo Ave.; a/k/a blk 133.02, lot 2; seeking major preliminary and final subdivision with "c" variance to create five lots suitable for single family development from the parcel. Applicant represented by Corey Gilman, Esq. Mr. Gilman introduced Vince Orlando, Planner and Engineer, and James Mikula, owner of the property. Mr. Orlando has previously appeared before the Board and was qualified as an expert. Mr. Gilman told the Board that there is an existing approval for large development and described the current application as a subdivision into five conforming lots with "typical beach town" style single family homes which are permitted in the zone proposed. Mr. Gilman said this application and the application for 451 E. Louisville Ave. are very similar. Some minor variance relief is sought. He opined that allowing single family development in this location would enhance the uniqueness of the Borough. Mr. Orlando approached the Board. He said he had reviewed the Borough ordinances pertaining to this application. He distributed a rendering of a single family home intended for the beachfront which was marked as exhibit A-1. Giving the history property, Mr. Orlando said the site previously held a forty-two unit motel and has existing approval for an eighteen unit multi-family structure consisting of six stories above ground-level parking. He described the proposed subdivision to create three lots fronting on Toledo Ave. and two lots fronting on Beach Ave. which is a beachfront paper street.

He said construction on these lots would meet CAFRA requirements and the houses are designed to meet the DEP "scenic resource" requirement. Mr. Orlando described the proposed subdivision and site plan noting that the report from Zoning Official Malia stated that some of the variance relief sought is not necessary. He said the height variance is to construct single family dwellings 42.5' tall, where 39' is the maximum allowed; this is within the 10% permitted to remain a "c" variance. He said there will be the DEP required 10' easement on the beachfront, and that for the beachfront lots, locating the pools on the beach side is the logical setting. Mr. Orlando pointed out that lot "E" has no frontage on an improved street as required by ordinance, but would be accessed via an easement running behind lot "D". He opined this provides safe and efficient access and is adequate for emergency vehicles. He noted the open nature of the decks fronting on Toledo Ave. affording less impact to that streetscape. He said these properties will market for 1.5 to 2 million dollars. Mr. Orlando said the previously approved development provided less open space, more impervious coverage and would afford more congestion and allowed for a building 65' in height. He said the current proposed design meets the "jog" requirement. He noted a drainage plan had been provided with no collective system; the drainage would be particular to each lot, and landscape plans will comply. In answer to Mr. Gilman, Mr. Orlando said that "c"2 criteria apply as the proposal suits the purposes of the act, and it is "head and shoulders" above the prior approval. Specifically, he said, the plan meets sections a, c, e, g and i of the act in that it is appropriate development for the site; it promotes adequate light, air and open space; it promotes community welfare; it provides sufficient space in an appropriate location for the use and it promotes a desirable visual environment. Under the negative criteria, he said it will have no negative impact on the zone plan and the benefits outweigh the detriments.

Mr. Orlando said that he takes no exceptions to the Board Engineer's or Planner's report, noting the proposal meets or exceeds required off-street parking requirements. Board member Hunt asked about the roof pitch to which Mr. Orlando replied it will exceed the minimum 5/12 requirement. Mrs. Hunt expressed about the design, describing it as "boxy". Chairman Davenport inquired if the applicant would consider subdivision application only and return for site plan and variance approval. Mr. Orlando said it is Mr. Mikula's intention to develop the parcel, and he is seeking all approvals. Mr. Davenport asked if it would be possible for the applicant to provide a rendering of the proposed structures, as it is difficult to visualize three stories of decks in the setback and the "mass" of the structures and decks facing Toledo Ave. Mr. Gilman said the proposed construction is much smaller than what had been previously approved. Mr. Davenport replied that the old plan required no variance relief. Mr. Orlando said he realizes granting "blanket" variances can cause the Board to lose control. Mr. Alvarado noted the proposed plantings break up the appearance of the walls of the houses. Mr. Davenport said the nearby motel is approximately 14' from the sidewalk, and the proposed decks on the houses would be 10'.

Discussion ensued regarding the easement with Board members expressing concerns about emergency access and parking on the easement.

Mr. Gilman said it is their intent to have single family homes compete with multi-family development and to encourage single family development.

Mr. Groom said he is more concerned about the proposed setbacks than the height of the structures. He added the owners need to address maintaining these properties while waiting for construction. Mr. Melchiorre expounded on this problem. Mr. Orlando said they are willing to work within whatever guidelines the Borough provides.

Board Planner Michelle Taylor was sworn in. She guided the Board saying they could require a percentage (perhaps 30%) of fenestration (window openings) on side wall as a compromise for the required design elements and jog. She addressed the eave height issue saying it would be difficult to maintain a 21' eave height on a 42.5' building. She said modifications can be made to visually "bring down" the structure, but the decks at a 10' setback could be imposing.

Mr. Orlando agreed that he liked the idea of 30% fenestration facing Toledo Ave. He set the decks could be set back on the various levels so as not to be in a straight line.

Mr. Davenport asked if the house on lot "D" could be set back another 2' from the street without compromising side yard setback.

Mr. Orlando reiterated that they are willing to work within guidelines from the Board. He said they could use jogs to accommodate the setbacks and eliminate the flat façade. He said they are trying to keep the building at 4000 sq ft to be competitive in the market.

At 6:05 p.m. the applicants asked for a recess. The chairman agreed.

Mr. Groom left the meeting at this juncture.

The meeting was reconvened at 6:15 p.m. Chairman Davenport asked the applicants if they were willing to continue the hearing to the meeting of 7 June. He said there had been a lot of testimony, and design may afford the solution to the anticipated issues with the development and give the Board the opportunity to talk with the planner.

Mr. Mikula approached the Board. He explained the history of the project, saying he had considered building in accordance with the prior approval but chose to pursue single family development. He said the houses will be "top end" designed to entice buyers from Stone Harbor and Avalon.

Mr. Davenport expressed concern about the Board making a rash decision.

After continued discussion with the applicant, it was mutually decided that continuing the application would be in everyone's best interest and that a workshop session will be scheduled and duly advertised. The workshop will be scheduled for 16 May at 4 p.m.

Mr. Schiff moved to continue the application to the meeting of 16 May without prejudice and without the need for the applicant to readvertise or renote, and with the applicant waiving time constraints on the board to act within 45 days; Mrs. Gould provided the second. Roll call: Alvarado, yes; Compare, yes; hunt, yes; Sciarra, yes; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Davenport, yes; Gold, yes. Tabling memorialized as resolution PB-A-17-10.

PB-17-05-03: Seven Shes Louisville, LLC, owner of the property located at 451 E. Louisville Ave., a/k/a blk 100.02, lots 15, 17 and 19; seeking minor preliminary and final minor subdivision approval to create four lots suitable for single family development from the parcel. Applicant represented by Corey Gilman,

Esq. At the mutual agreement of the board and applicant, Mrs. Gould moved to continue the application to the meeting of 16 May without prejudice and without the need for the applicant to readvertise or renotice, and with the applicant waiving time constraints on the board to act within 45 days; Mr. Schiff provided the second. Roll call: Alvarado, yes; Compare, yes; hunt, yes; Sciarra, yes; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Davenport, yes; Gold, yes. Tabling memorialized as resolution PB-A-17-11.

There were two resolutions memorializing Board actions:

PB-17-08 memorializing approval of application PB-17-04-01: Beau Rivage, LLC, 9103 Atlantic Ave., a/k/a blk 170, lots 2,3,4,6.02, seeking extension of prior approval was approved on motion of Mrs. Gould, second by Mr. Alvarado and roll call vote: Alvarado, yes; Compare, abstain; Hunt, abstain; Sciarra, abstain; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Davenport, yes; Gould, yes.

PB-17-09 memorializing approval of application PB-17-04-02: Seven Shes Development, LLC, contract purchasers of the property located at 408 E Toledo Ave., a/k/a blk133.02, lot 2, seeking extension of prior approval was approved on motion of Mrs. Gould, second by Mr. Alvarado and roll call vote: Alvarado, yes; Compare, abstain; Hunt, abstain; Sciarra, abstain; Melchiorre, yes; Mettler, yes; Schiff, yes; D'Antonio, yes; Davenport, yes; Gould, yes.

There were no administrative resolutions.

Under Old Business, no rulings on Fair Share Housing have been forthcoming. Mr. Mettler reported that he met with Borough Administrator Connie Mahon, and is awaiting results of their concerns. Planner Michelle Taylor said they are at the drawing board regarding design standards.

Under New Business, the Board was made aware of pending NJ Senate bill S2788 addressing changes to the MLUL. Solicitor Belasco informed the Board that the NJLOM has taken the position of opposing the legislation.

An email from a concerned citizen regarding demolition of old homes was discussed. The Board requested the secretary to respond and inform him that they are working on possible zoning and design standard changes which would discourage the demolition of such structures.

Under public comment Dan Gallagher, a resident of the Royal Beach condos, was sworn in. he expressed concerns about the applications on the agenda for this meeting and was informed that it was inappropriate for the Board to answer any questions or enter into discussion in this regard. Mr. Gallagher asked some general questions about the application procedure.

There are two continued applications to come before the Board on 7 June 2017. The Board will meet on that date.

There being no further business, Chairman Davenport adjourned the meeting on motion of Mrs. Gould, second by Mr. Melchiorre, and unanimous voice vote, at 7:00 p.m.

Date\_\_\_\_\_ Planning Board Secretary\_\_\_\_\_