

**WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 16 March 2021
Borough Hall, 6101 Pacific Avenue**

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Chairman Bill Bumbernick called the meeting to order at 5:00 pm, led the Pledge of Allegiance, and read the Open Public Meetings Act and announced emergency exits.

Secretary Rogers took roll call: Bumbernick, present; Levy, present; Mettler, absent; Rosenfeld, present; Stuart, present; Tenaglia, present; Franco, absent; Vogdes, absent. Acting Solicitor David Stefankiewicz, Esq., present; Secretary Rogers, present; Joe Mohnack of DeBlasio & associates, present; Michelle Taylor, Taylor Design Group, present. A quorum was declared.

Minutes from the meeting of 19 February were distributed for review and approval or correction. Ms. Levy moved to approve the minutes as distributed; Mr. Tenaglia seconded. Roll call: Levy, yes; Rosenfeld, yes; Stuart, abstain; Tenaglia, yes; Bumbernick, abstain. Minutes approved as distributed.

Board professionals Michelle Taylor and Joe Mohnack were sworn in.

The board acted on memorializing resolutions:

Resolution ZB-21-11: reflecting approval with conditions of application ZB-21-02-02: Ernest & Cassandra Benedetto, owners of the property located at 403 E Miami Ave, a/k/a blk 117.02, lot 5, in the M1-B zoning district was memorialized on motion of Ms. Levy, second by Mr. Tenaglia and roll call vote: Levy, yes; Rosenfeld, yes; Stuart, abstain; Tenaglia, yes; Bumbernick, abstain.

A recess was called at 5:08 p.m. awaiting the entrance of an additional board member. Mrs. Franco entered the meeting at 5:14 p.m. and the meeting was reconvened.

There was one application to come before the Board:

ZB-21-02-01: A & DV LLC, owner of the property located at 5605 Atlantic Ave., a/k/a blk 11.03, lots 3.02 & 4, in the M1-C zoning district seeking "c"1, "c"2 and "d"1 variance relief and site plan approval proposing to abandon existing on-site parking for the purpose of creating an outdoor dining area. Applicant represented by Anthony P. Monzo, Esq. Mr. Monzo approached the board and introduced Vince Orlando of EDA (who has been previously recognized as an expert by the board), and Anthony and Debbie Visalli, owners of Bandana's Restaurant. Mr. Orlando and Mrs. Visalli were sworn in. Mr. Monzo provided exhibits which were labeled a-1 through A-5 and added to the file. Mr. Monzo described the application for minor site plan and variance relief, saying the site has operated as a restaurant for more than 35 the years A&DV LLC have owned and operated the business. He said the two second floor apartments are occupied by a family member and long-time employees respectively. He opined the parking lot is dysfunctional as it is small and difficult to navigate and poses safety issues when cars are exiting over the sidewalk. Mr. Monzo added the outdoor as permitted on an emergency basis last summer was very popular, and the owners would like to abandon the parking lot permanently and transform it into an outdoor seating area, adding most patrons walk or bike to the restaurant. He described the variance relief sought and described pre-existing nonconforming conditions on the site saying the intent is to add thirty-eight seats outdoors. Debbie Visalli testified she is beginning her 36th year in the restaurant and their daughter has recently joined the operation. She said they operate in harmony with the neighborhood and the added space last summer made it more attractive and the public loved it. She said the tent was "ok" and can continue for two more seasons but being able to add something permanent would be more attractive and safer. Answering Mr. Monzo Mrs. Visalli said the restaurant is usually full by 5 p.m. with a waiting list by 6, and they stay busy until 8:30 or so. She said there is not a parking problem as there is adequate metered parking on Atlantic Ave. Mrs. Visalli opined additional seating would help alleviate the wait and relieve congestion in the neighborhood. She added the parking lot is a "joke", and the neighbors have not

complained about the outdoor seating. She said she sees this an opportunity for the community as it will improve esthetics appeal and is forward-thinking concept. Vincent Orlando described the site as "unique" as a stand-alone restaurant in the hotel/motel zone saying it has been there many years. He opined it is valuable to the community as a service to the tourists and described on-site conditions and the variance relief being sought. He added in his opinion the project in its totality provides minimal impact. He said the parking lot is 23' wide where 24' is required for a drive aisle, and there is a lot of parking available offsite at metered spaces. Mr. Orlando said eliminating the curb cut will allow for the creation of one on-street parking space which the applicant would like to designate as a loading zone and will petition the borough for this consideration. Citing the reasons in his opinion the "d" relief should be granted, Mr. Orlando said the site is well-suited and unique for expansion and satisfies purposes of the act a., g., i., and n. Under the negative criteria, he opined granting the relief would provide no detriment to the neighborhood and minimal detriment to the zone plan. Addressing the "c" variance relief, he identified pre-existing nonconforming conditions on site saying these would not be exacerbated; and granting the "c"2 relief can be justified by the same criteria as the "d" relief. Mr. Orlando noted the parking deficiencies and said there is no possibility to provide required on-site parking. Mr. Mohnack asked the size of the parking spaces and area to which Mr. Orlando replied the lot could perhaps provide two piggy-backed spaces at best. Mr. Orlando said additional information requested in the engineers' report will be provided. Answering Ms. Levy, Mrs. Visalli said the bike rack is located inside the walkway to the outdoor seating area as is the trash enclosure. Answering Mr. Stuart Mr. Orlando said the benches out front will be designated as the waiting area and provide space for 10-12 people. Answering Mr. Stuart Mr. Orlando said gutters will be provided and drainage will not affect neighboring properties. Answering Mr. Bumbernick Mr. Orlando there is a two bedroom and a three bedroom apartment on the second floor both of which are workforce housing; Mr. and Mrs. Visalli agreed to retaining this as a condition of approval. Mr. Visalli was sworn in. In answer to additional queries from Mr. Bumbernick Mrs. Visalli said the table spacing meets pandemic guidelines and they will probably keep that spacing into the future as people like space. Solicitor Stefankiewicz noted the addition of more seating would necessitate additional variance relief. Planner Michelle Taylor explained the need for "d"(1) variance as stand-alone restaurant is not a permitted use in the motel zones. Mr. Visalli clarified some discrepancies in the renderings with Mr. Orlando saying final drawings will be submitted for review and approval.

Board Planner Michelle Taylor's report was entered into the record. Mr. Orlando said the applicant will comply with conditions of the report noting the proposed enclosure will be a permanent structure with no outside lighting. Mrs. Taylor expressed concern about night clean-up and opined purpose "a" of the act had not been satisfied. Mr. Mohnack said concerns in the engineer's report had been satisfied adding a street excavation permit will be needed to raise the curb.

In the public portion Adamo Pipitone owner of the property at 5601 Atlantic Ave. and several nearby motels said he is in favor of approval of the application. He addressed parking, the esthetically pleasing nature of the proposed improvements and said it will increase safety in the neighborhood.

Solicitor Stefankiewicz read the findings of fact into the record identifying the property, outlining variance relief sought, exhibits and testimony from the owners, professionals, and public. Mr. Tenaglia moved to accept the findings, Mr. Rosenfeld seconded. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Franco, yes; Tenaglia, yes; Bumbernick, yes. Findings accepted.

Mr. Bumbernick opened deliberation and noted the current deficiencies in the parking lot and availability of metered on-street parking adding many patrons walk or bike to dinner. He also pointed the convenience of online reservation services saying these help reduce on premises wait lines. All board members agreed, with Mr. Stuart saying more bike racks would be desirable, and Mr. Tenaglia adding the area needs restaurants.

Mr. Tenaglia moved to approve the application with conditions as outlined, Mr. Rosenfeld seconded. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Franco, yes; Tenaglia, yes; Bumbernick, yes. Application approved with conditions.

There were no administrative resolutions.

There was no old business.

There was no new business.

The Board will meet 20 April at 5 p.m. The secretary informed the board the Planning Board will be undertaking a Master Plan review.

On motion of Ms. Levy, second by Mrs. Franco, the meeting adjourned by affirmative voice vote at 6:38 p.m.

_____ Secretary