

**WILDWOOD CREST LAND USE BOARD MEETING**  
**ZONING BOARD OF ADJUSTMENT**  
**Meeting Minutes – 21 July 2020**  
**Borough Hall, 6101 Pacific Avenue**

**draft**

Pursuant to N.J.S.A. 10:4-6, et Seq., the meeting was held in an in-person and phone-in hybrid format.

Vice-chairman 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, present; Rosenfeld, present; Seijas, absent; Stuart, present; Tenaglia, absent; Franco, present; Vogdes, present. Solicitor Robert T. Belasco, Esq., present (by phone); Secretary Rogers, present, DeBlasio & associates (present by phone), Michelle Taylor of Taylor Design Group (present by phone). A quorum was declared.

Minutes from the meeting of 16 June were distributed for review and approval or correction. Mr. Mettler moved to approve the minutes as distributed; Mrs. Franco seconded. Roll call: Bumbernick, abstain; Levy, yes; Rosenfeld, yes; Stuart, abstain; Franco, yes; Vogdes, yes; Mettler, yes. Minutes approved as distributed.

There were three applications to come before the Board:

ZB-20-06-01: KHNJ, LLC owner of the property located at 406 E. Miami Ave.; blk 118.02, lots 6 & 8.01; seeking "c"1 and "c"2 variance relief to construct a duplex on an undersized (45' x 90') lot the M-1B zoning district. Applicant represented by Andrew D. Catanese, Esq. (There were seven board members, the board secretary, the applicant, applicant's attorney, applicant's architect and three members of the public present in the meeting room.) Mr. Catanese approached the board and described the property as a 45' x 90' lot in the M-1B zoning district upon which the applicant proposes to build a side-by-side two family dwelling. He noted duplex construction is a permitted use in the zone, however a 60' front is required; the applicant is seeking relief for lot width and frontage, lot area, lot coverage, side yard setback, height and modulation of outside walls. He said three of the four adjacent lots hold five story structures. Matthew Sprague, architect, was sworn in and recognized as an expert. He said the lot currently holds a small ranch house (which might be duplex) and nearly 100% lot coverage. Mr. Sprague described the proposed construction as two upside down style "townhomes" with garage space adequate for parking two cars on the ground level, bedrooms and bathrooms on the first and second floor living levels, and an open floor plan living room, dining room and kitchen on the third floor; each living level will have a deck accessible only from that unit. He opined the side-by-side configuration is safer than over-under as each unit has a dedicated stair and entry, and the decks could provide an area of refuge in the event of fire. He added that this type of construction and height might require a residential sprinkler system. He said the sidewalls will be rated for one hour fire exposure. Mr. Sprague showed a rendering of the proposed building pointing out the triple columns which he described as elegant and multi-level decks and said the height variance is needed to provide 9' ceilings on the living floors and provide a steeper roof pitch at 6/12. Mr. Catanese said the current rancher is out of character with the neighborhood. Mr. Sprague reiterated the variance relief sought saying they propose 66.5% lot coverage where 65% is permitted in the R-2 zone. Mr. Catanese said the duplex outperforms other uses in the zone, adding in agreement with Mr. Sprague the 3.4' height variance does not require "d" 6 variance relief as it under 10%; Mr. sprague added the steeper roof pitch is more esthetic. He said the modulation was difficult to incorporate on the narrow lot, there was no opportunity for a 2' recess, showing the front step-back of the easternmost unit. Mr. Catanese showed exhibit A-1 consisting of six renderings showing the fit of the proposed structure in the neighborhood saying it is more in scale with the surrounding structures. Mr. Sprague agreed and described the structures in the neighborhood as duplexes, multi-family and motels. He opined the duplex in this particular neighborhood is appropriate, where it might not be throughout the M-1B zone. Answering questions from Mr.

Catanese Mr. Sprague said purposes of the act a, b, c and e are satisfied in his opinion and the benefits of granting relief outweigh the detriments with no impact on the public good or zone plan. In answer to questions from board member Levy, Mr. Sprague there will be 4' setbacks on each side which is adequate for access in an emergency further adding the walls will be fire rated, and the higher ceilings allow for taller doors and windows. Mr. Catanese said the front yard setbacks are met, and the positioning of the decks eliminates the canyon effect. Mr. Vogdes commented on the lack of "jog" and lot coverage. Mr. Sprague said the rear and side yards will be grass. The engineer's report (attached hereto and made part hereof) was entered into the record. Cody Watson(?) of Deblasio and Associates said all variance requests have been addressed, noting the applicant is responsible to replace any disturbed concrete in front of the property and obtain a street opening permit if needed. He noted any new sanitary sewer hookup should have a diameter of 6", and the applicant should submit a grading plan, and coordinate with Wildwood Water Utility for service.

The applicant agreed.

Solicitor Belasco said these will be made a condition of approval.

In the public portion, Michael Wallacavage, son of the owner of 408 E Miami Ave was sworn in. He expressed the concern of his family about the proximity of the proposed structure to their mutual property line and the difficulty of opening a side door into that setback, adding the overall is pleasing with much to be admired.

Mr. Sprague said it would be difficult to reduce the size of the structure. Mr. Bumbernick asked the width of each unit to which Mr. Sprague replied 18' 10" to the exterior. Mr. Mettler noted a "jog" at the rear of the structure would compromise the third parking space, although it is not required, it is convenient in that area.

The applicant agreed to increase the setback adjacent to the Wallacavage property to 5'.

Solicitor Belasco read the findings of fact into the record listing the variance relief sought, testimony, public, exhibits and conditions of approval including compliance with local ordinance, increasing eastern side yard setback to 5' and the submission of a grading and drainage plan.

Mr. Stuart moved to accept the findings; Ms. Levy seconded. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Stuart, yes; Franco, yes; Vogdes, yes; Mettler, yes. Findings accepted.

In deliberation most board members agreed the benefits of granting relief outweigh the detriments. Mr. Stuart expressed concern about using vinyl siding on the exterior suggesting the use of Hardie plank. Ms. Levy expressed concern about the 4' setback, lack of "jog", proposed height, noting the neighbor has valid concerns, and there are two large single family homes being built across the street. Mr. Bumbernick the concerns about the setback and asked if the building could be made safer.

Solicitor Belasco reminded the board they cannot redesign the project; Mr. Hewitt should tell the board what he is willing to do. On behalf of Mr. Hewitt, Mr. Catanese said he is willing to increase the eastern sideyard setback to 5' and use Hardie plank siding and trim on the structure as further conditions of approval.

Mr. Rosenfeld moved to approve the application with all conditions as outlined in the findings and further agreed to after deliberation, Mrs. Franco provided the second. Roll call: Bumbernick, yes; Levy, no; Rosenfeld, yes; Stuart, yes; Franco, yes; Vogdes, yes; Mettler, yes. Application approved with conditions.

ZB-20-07-01: David Parker III, owner of the property located at 310 E Louisville Ave., a/k/a blk 117.01, lot 16 in the R-2 zoning district, seeking "c" variance to construct an addition to a nonconforming duplex structure on a 40' x 90' lot. (There were seven board members, the board secretary, the applicant, and three members of the public present in the meeting room.) Mr. Parker approached the board and was sworn in. He said he is proposing a minimal improvement to his existing property adding a bedroom and bathroom on the first floor. Currently, he and his family use the first floor seasonally, and there is a year-round tenant on the second floor. He said his family has outgrown the first floor, and when they have visitors it is very crowded and there is only one bathroom. Mr. Parker described the proposed addition saying they would like to bump out the front of the house 12.6' while maintaining the nonconforming sideyard setback of 3.8'. He said conformance with the required 6' setback for a duplex would create difficulty in construction. This would bring the front of the house to 10.4' from the front property line. He said they propose

to square off the front of the house with a deck and add entry stairs that will encroach less than the permissible 5' into the front yard setback. He offered exhibits marked A a-g. Solicitor Belasco noted duplex is a permitted use in the zone, but this structure is situated on a nonconforming 40' x 90' lot. Mr. Vogdes asked if the addition will extend to the second floor, the applicant responded no.

The engineer's report is attached hereto and made part hereof. The engineer asked about the front steps and was satisfied with the answer; the minimum roof pitch, which Mr. Parker said is 12/12; height to the eave, which Mr. Parker is 10.6'; and if the addition will be sided, Mr. Parker said it is his intention to reside the entire structure.

No members of the public spoke.

Solicitor Belasco read the findings of fact into the record, noting the relief being sought.

In deliberation, board members were in agreement granting the relief would cause no detriment to the zone plan or character of the neighborhood, the structure maintained a better appearance with the sideyard setback at 3.8', the request for relief was reasonable and did not exacerbate the pre-existing conditions, and Mr. Parker's proposal would maintain a charming seashore home.

Ms. Levy moved to approve the application in accordance with the findings of fact, Mr. Stuart provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Stuart, yes; Franco, yes; Vogdes, yes; Mettler, yes. Application approved with conditions.

ZB-20-07-02: James Mikula, owner of the property located at 507-515 E Orchid Rd., a/k/a blk 94.03, lots 5.02 & 7-15 odd, seeking "c"1 and "d" variance, preliminary and final site approval to convert an existing 60 unit motel to a 51 unit multifamily residence, with vertical expansion to the west side of the building with no expansion of the footprint. Applicant represented by Andrew D. Catanese, Esq. (There were seven board members, the board secretary, the applicant, the applicant's attorney, architect and planner, and one member of the public present in the meeting room.) Mr. Catanese approached the board and described existing conditions on the property as a 60 unit motel built in the mid-1960's which is currently in deplorable condition. He said there are existing bulk nonconforming conditions. Mr. Catanese said Mr. Mikula is proposing to reduce the number of rooms to 51 and add a vertical expansion inside the existing footprint; the front office will be abandoned. It is proposed to change the use of the building from hotel/motel to multi-family creating the need for a parking variance and "d"(5) density variance. He said relief will be sought also under the "c"2 criteria. Mr. Catanese opined the resulting configuration and use will be more akin to a motel than a residential use. Matthew Sprague, architect, was sworn in and recognized as an expert. Mr. Sprague described the existing and proposed conditions on the site pointing out the area of vertical expansion within the existing footprint. He described each floor plan, noting the reduction in total number of units, and combining units to create two, three and four bedrooms units. In answer to Mr. Catanese, Mr. Sprague said most of the units will more resemble motel units than permanent residences. The photos showing existing conditions and renderings of the proposed changes were marked as exhibit A-1 consisting of six pages. Mr. sprague pointed out the architectural details including the gabled rooflines, and life safety upgrades including the full sprinkler system. In answer to Mr. Catanese Mr. Sprague said the interior will be fitted out with new materials including fire-resistant materials where needed, adding the proposed expansion is within the existing envelope. Vincent Orlando, planner, was sworn in and recognized as an expert. Mr. Orlando described the conditions on site as deplorable with cracked parking surfaces and a nonrepairable swimming pool. He said the snack bar will be removed and lighting will be installed on site in keeping with the recommendations of the board planner. He said handicapped parking spaces and a trash area will be provided opining the applicant proposes to bring the site back to new. Mr. Orlando said some of the existing parking spaces do not meet current standards, but there is no way to reconfigure the parking. He said each room will have an assigned space with 57 parking spaces and 51 units the remaining spaces will be set aside for guests. He said it is intended the units will be sold, and there will be no management office, but an 80% rental pool is anticipated. Mr. Orlando addressed the 2005 Master Plan and 2012 re-examination encouraging the maintenance of motels vs residential units, saying this property will retain the commercial component as rentals. He noted the Taylor Design Group report addresses a purely residential use and outlined his opinion of why this type of hybrid commercial use (rental condominium units) promotes the purposes of zoning. He opined

purposes a, b, c, i, and m are advanced through the improvements and upgrades to the property. He further opined there is no detriment to the public good as they are removing an eyesore and only good can come of this, adding he perceives no detriment to the zone plan or ordinance as the proposed use provides an opportunity for the public to rent facilities and there are residential and commercial components. He said there is no negative impact as improvements to the existing condition are proposed, but there is no opportunity to add landscaping. Vice-chairman Bumbernick opened the hearing to board questions. Mr. Catanese told the board Mr. Mikula was present and available to be sworn and questioned if necessary. Mr. Vogdes initiated board questions asking why this was presented as commercial and residential when it is all residential. Mr. Orlando responded there are both aspects to the building as it will part of the secondary rental market. Mr. Catanese said there is a "gap" in the ordinance where removal of the front desk makes this is a residential use while it will be more akin to a motel. Discussion ensued regarding the condo act, salability, industry opinion and the struggle between transient and residential use. Mr. Vogdes asked if the three and four bedroom units could be assigned an additional parking space. The applicant agreed to this as a condition of approval. In answer to questions from Mr. Mettler, Mr. Orlando and Mr. Sprague said all units will be heated and suitable for year-round use, and there will be a laundry area. Mr. Vogdes asked if he understood correctly the rooftop deck will not be included in the final plans, to which the answer was affirmative. Mr. Stuart asked why not create a condominium owned motel. Mr. Orlando said because of residency restrictions. Mr. Catanese said not all owners in a "condo-tel" building wish to rent and this becomes problematic. Mr. Bumbernick raised questions about security without front desk or on-site personnel. Messrs. Catanese and Orlando responded saying these issues would be addressed in the condominium documents, and there would likely be a management company for this facility. Mr. Bumbernick asked Solicitor Belasco if on-site security could be made a condition of approval otherwise this will become a municipal issue. Mr. Belasco said the multi-family use is permitted but limited to a one week rental period under Borough ordinance, and the board lacks authority to act on association regulations, adding the rental period is codified in the land use ordinance. The engineer asked for clarification of the height of the pool fence and wall. Mr. Orlando replied they intend to comply with all pool safety requirements. In answer to the engineer Mr. Orlando said any removal or damage to borough asphalt or pavement will be replaced, and the water and sewer connections will be replaced, and street opening permits will be procured if necessary. Answering the engineer about pedestrian safety on Orchid Rd, Mr. Orlando said it is a dead end street with good visibility; 30% of the parking spaces are adjacent to Orchid Rd., and signage can be added if needed. The engineer requested all revised plans be submitted to DeBlasio and Associates for review. Planner Michelle Taylor said it appears possible the EDA plans had been revised since the original submission. She noted existing floor plans would be helpful on page one, and page two should show location of the site. As not all board members had her report (attached hereto and made part hereof), she read it into the record noting the impact on the borough plan and affordable housing, the proposed density is triple what is permitted in the zone. Mrs. Taylor quoted ordinance stating that conversion to residential use must comply with area, bulk and parking requirements, where they are seeking variance relief for these as well as front yard setback and setback from the bulkhead, lot coverage is currently 99.26%. She opined they can seek the d"5 for density under the MLUL but are not accommodating the purposes of the act as outlined by Mr. Orlando. She said they are seeking relief contrary to the master plan, and the borough housing would be negatively impacted as the intensity of the proposed is negative. She noted the plans are unclear in addressing interior spaces, appropriate parking circulation, signage, buffering, street trees and lighting details. She said this will increase the affordable housing obligation of the borough by ten units. Mr. Orlando rebutted they never presented this change as inherently beneficial, this is a unique piece of property. He opined the rehab and improved esthetics will be beneficial, and he still holds that all six purposes he outlined have been satisfied.

In the public portion William DiAntonio, owner of the property at 7200 Ocean Ave, said this proposal is making him excited and furious. The building is currently a dump, and the applicant is willing to put his money into this, and his name on it. He said if there is lack of security leading to problems the mercantile license of the unit owner can be revoked, and each owner will have a vested interest in their unit. He concluded saying it should be allowed.

Solicitor Belasco read the findings of fact into the record, noting the variances relief being sought, the expert testimony and public opinion. Mr. Vogdes moved to accept the findings; Mr. Rosenfeld seconded. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Stuart, yes; Franco, yes; Vogdes, yes; Mettler, yes. Findings accepted.

Mr. Catanese summarized the application and testimony.

Board member Vogdes opened deliberation saying the renderings look good, but what is this? It is a residential property and as such will not support the convention center or the vision of the borough, adding there is not an easy answer. Mr. Stuart said he shares some of these views, this is a tricky application. It proposes an excellent upgrade, although contrary to the borough ordinance, adding it will require more thought. Ms. Levy agreed saying she is conflicted, has concerns about the variances and see no enhancement of the motel zone. Mrs. Franco agreed saying the development should support the master plan and remain a motel. Mr. Rosenfeld dissented saying the applicant wants to do something great and can see the residential rentals working. Mr. Mettler said he thought it was a great idea to keep the footprint but wonders how it will work and is in the middle. Mr. Bumbernick said the proposal looks like a beautiful hotel, but it isn't, saying he would prefer development in support of the master plan.

On behalf of the applicant, Mr. Catanese requested a short recess.

Upon reconvening Mr. Catanese requested adjournment to the meeting of 18 August and waiver of the requirements to renotice or republish and waiving time constraints on the board. The board agreed by consensus to approve the adjournment and memorialize it by resolution. Solicitor Belasco announced the adjournment to the public.

There were no resolutions memorializing board action.

There were no administrative resolutions.

There was no old business.

There was no new business.

No members of the public spoke.

There is one continued application to come before the Board on 18 August.

On motion of Ms. Levy, second by Mr. Rosenfeld, the meeting adjourned by affirmative voice vote at 8:58 p.m.

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Secretary