

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 15 September 2020
Borough Hall, 6101 Pacific Avenue

draft

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; Secretary Rogers, present, Cody Stanford of DeBlasio & Associates, absent; Michelle Taylor of Taylor Design Group, present. A quorum was declared.

Minutes from the meeting of 18 August were distributed for review and approval or correction. Mr. Mettler moved to approve the minutes as distributed; Ms. Levy seconded. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Vogdes, yes; Bumbernick, yes. Minutes approved as distributed.

There was one continued application to come before the Board:

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 32 unit multifamily residence, with vertical expansion to the west side of the building with no expansion of the footprint; represented by Andrew D. Catanese, Esq. Mr. Catanese said the applicant had heard the board loud and clear at the last hearing and endeavored to amend the plans to be more satisfactory by reducing the number of units and making the appearance more residential. He said they hope the improved esthetics alleviate board concerns. Solicitor Belasco noted the same seven board who were present at the July hearing – the last time testimony was presented – were present at this meeting. Mr. Catanese introduced Vincent Orlando, licensed engineer and planner; Matthew Sprague, licensed architect; and Frederick DiAntonio, licensed real estate broker; all of whom were sworn in. Mr. Orlando and Mr. Sprague have previously been qualified as experts. Mr. Sprague showed and described the revised plans indicating the plan is to reduce the number of dwelling units to 32, 28 having 2 bedrooms, 2 having 3 bedrooms and 2 having 4 bedrooms, for a net of 70 bedrooms adding all 1 bedroom units have been eliminated. He said they propose a substantial change to the appearance with a gable roof with a steeper pitch. He described the proposed "dens" as 7' X 13', lacking a closet and intended for use as an office or playroom. Mr. Sprague said the construction of the building renders the removal of walls not feasible; the design works within the confines of the existing structure which has steel beams and concrete plank floors. Mr. Catanese said borough ordinance does not base parking requirements on the number of bedrooms, rather on the square footage of units. Mr. Sprague said he personally measured and calculated the square footage of the units. In answer to Mr. Catanese, Mr. Sprague said the building will be fully sprinklered, and the addition of the fire suppression system and replacing exterior stairs will be a significant life safety upgrade. Mr. Catanese noted renderings of the proposed changes were included in the revised plans distributed to the board. Board member Stuart commented the proposal significantly increases the number of bedrooms as compared to what exists. Mr. Mettler asked if the "dens" could be used as bedrooms, are there egress windows? Mr. Sprague said the fire suppression system eliminates that requirement. In answer to Mssrs. Vogdes and Sprague, Mr. Sprague said the spare bedroom and "den" are about equal in size, but it is the owner's vision the "den" will be a multi-purpose room. Mr. Catanese said if these "dens" are called bedrooms, creating 3 bedroom units the units would be rendered undersized per borough ordinance and require additional variance relief. He added, answering Mr. Bumbernick, that if approved as 2 bedroom units with a "den" these could not be marketed as 3 bedroom units. Ms. Levy asked if the parking could be reconfigured to accommodate larger vehicles and noted the lack of common storage. Mr. Sprague said the existing storage area will be set up for common utilities. Mr. Catanese added common utilities would be paid from condo association fees. Discussion ensued about closets and storage, with Mr. Sprague saying it is not feasible to include in the building

because of the existing partition walls. Answering Mr. Mettler, Mr. Sprague said laundry facilities will be located in a detached building and in space on the first floor. Mr. Bumbernick noted storage needs are more demanding in a residential unit than in a motel. Frederick DiAntonio, real estate broker, testified about marketing the units saying “condo-tel” units are difficult to finance and attract lower income clientele, whereas the proposed residential units with high-end fixtures and finishes would sell for a higher price and attract buyers in a higher income bracket more in keeping with Wildwood Crest. Problems with condominium owned motels were discussed, including the restrictions on rental periods; requirements to maintain maid service, operate a front desk and buyer perception of what the unit truly is. Board Planner Michelle Taylor added often “condo-tels” abandon the front desk and services and skirt the ordinance. Mr. Catanese opined the cleaner way to go about this is the conversion to residential use. Mr. Orlando testified this is about balance as to the best use of the property saying there are three options – the first is condo conversion of the existing motel, the second is demolition of the existing motel and constructing a new multi-family building which could contain seventeen residential units each with 3500 – 3800 square feet and four or five bedrooms yielding possibly eighty-six bedrooms, increased lot coverage and increased height as approvable through CAFRA; the third alternative is rehabilitate the existing building which is crying out for upgrade, creating thirty-two residential units making cosmetic improvements and life safety improvements. He opined the third is the best option for the borough. Mr. Orlando described the proposed improvements including enhanced esthetics of the building, upgrades to the sidewalk, parking and fencing. Addressing the parking situation, he said increasing to a 9’ width would eliminate 15-16 spaces; parking will remain the same with each unit assigned one spot and smaller spots designated as compact car parking. Remaining spots will be open for additional vehicles or visitor parking. He said the applicant will work and coordinate with the borough engineer. He opined the board should consider the balance. Mr. Catanese added multi-family is a permitted use in the zone. Mr. Orlando said the building has good bones and thirty-two is the least number of units feasible. Mr. Orlando said his testimony regarding satisfying the purposes of the act remains valid and took exception to the report of planner Michelle Taylor. Addressing the negative criteria, Mr. Orlando said there is no detriment to the zone plan as it is a permitted use, and no detriment to the neighborhood. Solicitor Belasco cited correspondence from Michael Jdziniak, special counsel to the borough for affordable housing, saying converting this building to residential use does not affect the fair share housing numbers, however, the project will be obligated to pay the fair share housing development fees. Mr. Catanese said the applicant agrees to that condition. Mr. Orlando said the proposed development would yield an approximately \$300,000,000.00 ratable. Mr. Vogdes asked about the condition of the building and if it is currently condemned. Secretary Rogers (who is also the technical assistant to the construction official) said the Construction Dept has not condemned the structure, but it cannot currently be occupied as it is in violation with the Fire Prevention Dept. Answering Mr. Mettler regarding condominium motels, Mr. Orlando reiterated the three options he presented earlier. Mr. Mettler noted if the number of units were reduced to twenty-eight, parking would be sufficient. Mr. Orlando replied there is less parking demand with a residential use. Mr. Catanese said their presentation was finished, but he reserved the right to summarize.

Cody Stanford of DeBlasio and Associates, and Michelle Taylor of Taylor Design Group, board professionals, were sworn in. Mr. Stanford read the engineer’s report into the record and asked if the “dens” were considered bedrooms additional variance relief would be needed. Mr. Catanese said the applicant agrees to the conditions of the report. Mrs. Taylor asked if conversion to condominium hotel would require the installation of a kitchen in each unit. Mr. Sprague replied he is uncertain. Mrs. Taylor asked to clarify the record regarding the number of rooms saying the tax records and fire prevention dept records show fifty-seven rooms and one owner’s suite. She read the “condo-tel” ordinance into the record. Mrs. Taylor added if the “dens” are regarded as bedrooms, approximately seventy-eight bedrooms would exist on site. Solicitor Belasco said there is concern among the board members as to the designation of these rooms and suggested polling the board. Mr. Catanese requested a five minute recess to consult with his client and team. Granted.

Upon reconvening, Mr. Catanese said his client is willing to designate the “dens” as bedrooms. Mrs. Taylor continued saying the site plan is missing several components including storage facilities, bicycle parking, street furniture. The planner’s report is attached hereto and made part

hereof. In answer to board questions, it was determined the configuration of the building would yield sixteen 2 bedroom units, fourteen 3 bedroom units and two 4 bedroom units creating eighty-two bedrooms. Mr. Vogdes asked if the board can restrict rentals to which solicitor Belasco answered no, but Mr. Catanese said that is the applicant's plan.

In the public portion Raymond Patitucci, motel owner, of 6501 Atlantic Ave; Seth Fuscellaro, attorney, of 200 E Rosemary Rd; Anthony Mirabella of 7210 Pacific Ave; Kathleen Chiolo, realtor, of 202 E Newark Ave and William DiAntonio, motel owner, of 7200 Ocean Ave were sworn in. All spoke in favor of the project adding insights from their professional and personal points of view.

Summarizing, Mr. Catanese said the proposal is for a conforming use with most relief sought for pre-existing conditions. He said there is no negative on the neighborhood, they are improving the site, noting the quality and scope of the renovation and reduction by nineteen units.

Solicitor Belasco read the findings of fact into the record including conditions of approval: adherence to the recommendations of the engineer's report; approvals by local, state and federal authorities; compliance with fair share housing requirements; and the agreed upon parking configuration and designation of spots.

Opening deliberation, Mr. Bumbernick said this is an interesting application with many challenges. He said he appreciates the improvements but understands the borough's position of trying to preserve motels. He expressed concern about setting precedent with this application. The Solicitor explained that under the MLUL each application stands on its own merit; there is no precedent. Mr. Bumbernick said he is further concerned about the residential use as owners tend to accumulate "stuff"; bicycles, beach chairs, surfboards, etc.; and these would be on the property somewhere. Mr. Stuart agreed saying lack of storage is an issue. Ms. Levy agreed adding the inadequate laundry facilities also pose a problem. Mr. Vogdes added his agreement.

Mr. Catanese requested a recess to meet with his client and professionals to create a storage area on the plans.

Mr. Stuart said storage is not the only issue, and he felt the board would be rushed to make a decision.

Mr. Catanese asked if the board would consider voting on the density (d-5) variance at this meeting and continuing consideration of the "c" variances to October. As a result of deliberation and discussion the board concluded they would prefer to continue the entire application to the next meeting.

Mr. Catanese requested continuation to the meeting of 20 October waiving time constraints on the Board and without need to renotice or republish. Board Solicitor Belasco said the announcement of this continuation will serve as public notice. Finding the request to be reasonable the board approved continuation of the hearing and memorialized same as resolution ZB-A-20-14 on motion of Mrs. Franco, second by Mr. Vogdes. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Stuart, yes; Vogdes, yes; Franco, yes; Bumbernick, yes.

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 and one new application to come before the Board on 20 October.

On motion of Mr. Vogdes, second by Mr. Rosenfeld, the meeting adjourned by affirmative voice vote at 7:45 p.m.

Deborah Rogers, Secretary