

**WILDWOOD CREST LAND USE BOARD MEETING**  
**ZONING BOARD OF ADJUSTMENT**  
**Meeting Minutes – 20 March 2018**  
**Borough Hall, 6101 Pacific Avenue**

**draft**

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

Secretary Rogers took roll call: Bumbernick, present; Levy, present; Seijas, present; Stuart, absent; Mettler, absent; Tenaglia, present; Rosenfeld, present; Franco, present; Vogdes, present; Solicitor Robert T. Belasco, Esq., present; Zoning Officer Malia, present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 16 January were distributed for review and approval or correction. Mr. Bumbernick moved to approve the minutes as distributed; Ms. Levy seconded. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, abstain; Franco, yes; Vogdes, yes; Seijas, yes.

There were two applications to come before the Board:

ZB-18-03-01: Scott and Jeanne Hartzell, owners of the property located at 6906 Park Blvd.; a/k/a blk 78, lots 1,2,3,4,5,6.01 & 7.01 in the R-1A Zone seeking "c" variance relief to increase height of proposed structure 2'. Applicants represented by Richard M. King, Jr., Esq. Mr. King introduced Vince Orlando, professional planner and engineer, and Christina Amey, architect, both of whom have been previously qualified as experts before this Board. Mr. Orlando and Ms. Amey were sworn in by Board Solicitor Belasco. Mr. King described the property and proposed construction noting that he, Mr. Orlando and Ms. Amey agree with the findings in the report submitted by Zoning Official Malia. He said the building must be raised an additional 2' as it rests in a FEMA designated Coastal A Zone. Mr. Orlando said the owners are seeking variance relief to increase the building height to 32' above the Base Flood Elevation (BFE) adding no other variance is required or sought. He cited the zoning schedule as it appears on the plans drawn by Ms. Amey noting the structure complies for all bulk requirements, landscape requirements and lot coverage. Answering a query from Mr. King, Mr. Orlando opined the purpose of the ordinance addressing height is flood safety. Mr. Orlando said relief is sought for eave height to 24' to provide architectural features and break up the roofline. He said both "c"1 and "c"2 criteria apply as a hardship has been created by the FEMA requirements; and under the "c"2 criteria he said he feels the application fulfills purposes of the act b. particularly securing from flood; c. providing adequate light, air and open space; and i. providing a desirable visual environment through creative development techniques. Mr. Orlando also opined there will be no detriment to the Zone Plan nor impact on the neighboring properties.

Zoning Official Patrick Malia read his report into the record and explained the Coastal A Zone to the Board and public, saying there are ten affected properties in the Borough. Board discussion ensued regarding flood damage mitigation in Coastal A, and the effect of requiring construction to the "V" Zone standards. The long-term positive affect was explained to the Board and the public.

No members of the public spoke for or against granting variance relief.

In deliberation, Board members agreed that the proposed house has a visually pleasing design, that this structure is a good use of the land and it fits the character of the neighborhood. Chairman Seijas said the proposal meets all bulk requirements, and both the "c"1 and "c"2 criteria for approval have been adequately addressed.

Solicitor Belasco read the findings of fact into the record and reiterated the variance relief sought. Mr. Bumbernick moved to accept the findings, Ms. Levy provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes. Findings accepted.

Mr. Vogdes moved to approve the application granting relief for building height of 32' from BFE, and eave height of 24'; Ms. Levy provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes. Application approved.

ZB-18-03-02: Scott Peter, owner of the property located at 330 E St Paul Ave; a/k/a blk 126.01, lots 18.02 & 19 in the R-2 Zone seeking "c" variance relief to construct a duplex on an undersized lot. Mssrs. Tenaglia and Vogdes recused from hearing the application due to personal conflict. Mr. Peter was sworn in. He said he was seeking variance relief for lot area, lot width and lot frontage to construct a duplex on a 55' x 90' lot where a 60' x 90' lot is required in the R-2 Zoning District. Mr. Peter said the lot currently holds a block on slab duplex with a flat roof, adding the structure is in ill repair. He is proposing to build a side-by-side duplex with adequate parking, providing less lot coverage. Mr. Peter presented photos of the current structure which were marked as A-1, and a rendering of the proposed structure which was marked A-2. He also presented a plan that was amended according to the report of Zoning Official Malia. He said he surveyed the surrounding 38 properties and found 20 multiple family structures including duplexes and multi-family dwellings. He opined the proposed development will be more esthetically pleasing than what currently exists.

Zoning Official Malia read his report into the record adding Mr. Peter has addressed the issues in the report except for the amount of continual raised curb. Borough Ordinance requires 35% raised curb which equals 19.5' where this proposal presents a shortfall of 9". Mr. Peter said in order to provide an adequate driveway entrance, he would request this variance relief.

Answering questions from Board members regarding the location and setbacks to the shower enclosures, Mr. Peter said the enclosures will be constructed so as not to encroach into the rear yard setback, and landscaping will be provided around the hvac units.

No member of the public spoke for or against the granting of variance relief.

In deliberation, Board members said they perceive no detriment to the zone plan or neighborhood, an eyesore property will be replaced by a structure suited to the neighborhood, the proposal meets bulk requirements, the applicant had satisfactorily addressed the concerns of the Board and Zoning Official.

Solicitor Belasco read the findings of fact into the record, reiterating the variance relief sought as lot area, lot width and frontage, and amount of raised curb; conditions of approval are to include landscaping around hvac units and compliance with bulk requirements and setbacks.

Mr. Bumbernick moved to accept the findings, Ms. Levy provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, recused; Franco, yes; Vogdes, recused; Seijas, yes. Findings accepted.

Mr. Bumbernick moved to approve the application with conditions as outlined in the findings, Ms. Levy provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, recused; Franco, yes; Vogdes, recused; Seijas, yes. Application approved.

There were no resolutions memorializing Board action.

There were no further administrative resolutions.

There was no old business.

There was no new business.

No members of the public spoke.

The Board will meet on 17 April; there is one application to come before the Board on that date.

On motion of Mr. Rosenfeld, second by Mr. Franco, the Chairman adjourned the meeting by affirmative voice vote at 6:07 p.m.

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Secretary