

**WILDWOOD CREST LAND USE BOARD MEETING**  
**ZONING BOARD OF ADJUSTMENT**  
**Meeting Minutes – 17 April 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, present; Tenaglia, present; Rosenfeld, present; Franco, present; Vogdes, present; Solicitor Robert T. Belasco, Esq., present; Zoning Officer Malia, present; Engineer Chuck Endicott, present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 20 March 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; Mettler, abstain; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes.

There was one application to come before the Board:

ZB-18-04-01: James Cicchitti, owner of the property located at 6200 Park Blvd.; a/k/a blk 41, lots 4.02-7.01 in the MC Zoning District; seeking approval for revised site plan with "c" variances for two sheds to remain on property, and the construction of a walkway and stair in the rear of the property. Applicant represented by Christopher Gillin-Schwartz, Esq. Mr. Gillin-Schwartz approached the Board and described the application and site and the reasons for the variance relief sought. John Kornick of K-2 Engineering (who has previously appeared before this Board and been qualified as an expert) and Jim Cicchitti, owner of the property, were sworn in. Mr. Kornick entered the plan as distributed as Exhibit A-1. Mr. Gillin-Schwartz explained the parking configuration was part of the prior approval, but the shed (#2) eliminates a parking space; however, because of the footprint of the new building, an additional space has been created in front of the building. Therefore, there is no change in the number of parking spaces on the lot. He said each of the sheds is under 100 sq. ft. in area, and under 10' high. Mr. Gillin-Schwartz said relief is needed for placement of the sheds in a required sideyard setback. He said hardship exists due to the configuration and historic use of the property, and opined there is no impact on light, air or open space. Indicating the shed on the west side of the property (on the deck over the bulkhead) meets the same criteria, also noting there is no impact on drainage. In answer to Mr. Gillin-Schwartz, Mr. Kornick said the bulkhead was constructed at the new standard height, and the walkway is designed to "soften" the surface by installing boards over the concrete. He added the shed on the east side is for storage, while the shed on the west side over the bulkhead is for ticket sales for the pirate ship operation. In answer to a query from board Member Bumbernick, Mr. Gillin-Schwartz said that while it was not a condition of approval the amended site plan was needed as the plan originally approved by the Board noted "shed to be removed". Board members' questions about the size and longevity of the sheds and configuration of parking were satisfactorily answered. It was explained that the small building on the corner is used by the parking attendants, and Mr. Cicchitti said he is reluctant to remove it. Mr. Cicchitti added a waterfront development permit was not required as the shed on the bulkhead is under 100 sq. ft. and removable. He said the storage shed holds 55-gallon drums of waste cooking oil from the restaurant, and noted every inch of the property is used. Mr. Kornick opined that both "c"1 and "c"2 criteria apply. He said "c"1 relief is sought because of the location of the sheds in the setbacks, and "c"2 applies as the relief poses no detriment to the public good and promotes light, air and open space. Exhibit A-2, a photo of the conditions on the property, was distributed.

Zoning Official Patrick Malia read his report, attached hereto and made part hereof, into the record, adding a variance is required for the proposed walkway.

Chuck Endicott of DeBlasio and Associates, Borough Engineers, addressed the application including the timber walkway and stair.

Discussion ensued about the fence between the subject property and the multi-family to the south. Mr. Cicchitti said the fence is mutually owned and maintained. Mr. Gillin-Schwartz said the applicant would agree to a condition of approval that the fence be retained.

In the public portion, Rodman Meyer, owner of the property located at 137 W Sweetbriar Rd was sworn in. Mr. Meyer expressed concern about the parking situation on the subject property, and spoke of the impact on his parking and parking on the street.

Joe D'Urso, owner of 6210 Park Blvd. was sworn in. Mr. D'Urso said he is the next-door neighbor of the subject property, and the shed on the bulkhead provides privacy for his deck. He noted some people parking on the street are using the public fishing pier. He said he has no objection to the application.

In deliberation, Board members discussed the sheds and asked if it would be possible to move the eastern-most shed to restore the parking space in that location. There were questions regarding the need for two sheds, as well as the need for the small booth on the corner. The Board again addressed the possibility of moving the eastern-most shed to increase parking. Board members spoke of being in favor of the application in general, but concerned about the sheds. Chairman Seijas closed deliberation saying that this use in the Mc Zone is beneficial to the town, as is all business, and reminded the Board of the prior appearance of the property. He noted that needs come to light (such as need for storage sheds) during construction, adding that parking is a long-standing problem, and the next-door neighbor has no objection.

Solicitor Belasco read the findings of fact into the record listing conditions of approval as maintenance and retention of the fence on the south side of the property, evaluation of moving shed #2 (eastern-most) to create an additional parking space.

Ms. Levy moved to accept the findings of fact, Mr. Rosenfeld provided the second. The secretary noted for the record that it would not be necessary for Mr. Vogdes (Alternate #2) to vote on this application as there are six regular Board members and Alternate #1 Joseph Franco present. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Mettler, yes; Seijas, yes. Findings accepted.

At the discretion of the applicant, the Board voted on each aspect of the application separately:

Ms. Levy moved to allow shed #1 to remain in the sideyard setback and its present location on the bulkhead, Mr. Tenaglia provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Mettler, yes; Seijas, yes. Motion carried.

Mr. Tenaglia moved to allow shed #2 to encroach into the sideyard setback, Ms. Levy provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, no; Franco, yes; Mettler, yes; Seijas, yes. Motion carried.

Mr. Mettler moved to allow construction of the wooden walkway and stair as depicted on the site plan, Mr. Rosenfeld provided the second. Roll call: Bumbernick, yes; Levy, no; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Mettler, yes; Seijas, yes. Motion carried.

Mr. Mettler moved to approve the amended site plan, Mr. Bumbernick provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, no; Franco, yes; Mettler, yes; Seijas, yes. Motion carried.

There were two resolutions memorializing Board action.

ZB-18-08 memorializing approval with conditions of application 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. Ms. Levy moved to accept the resolution, Mr. Bumbernick provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, abstain; Seijas, yes. Resolution memorialized.

ZB-18-09 memorializing approval with conditions of application 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. Mr. Bumbernick moved to accept the resolution, Mr. Franco provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Tenaglia, abstain; Franco, yes; Vogdes, abstain; Mettler, abstain; Seijas, yes. Resolution memorialized.

There were no administrative resolutions.

There was no old business.

Under new business Chairman Seijas presented Certificates for the Completion of the Basic Course in Land Use Law and Planning to Mssrs. Franco and Vogdes.

No members of the public spoke.

The Board will meet on 15 May; there are no applications to come before the Board on that date.

On motion of Ms. Levy, second by Mr. Rosenfeld, the Chairman adjourned the meeting by affirmative voice vote at 6:25 p.m.

\_\_\_\_\_Secretary