

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 17 July 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, absent; Levy, absent; Seijas, present; Stuart, absent; Mettler, present; 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 19 June were distributed for review and approval or correction. Mr. Tenaglia moved to approve the minutes as distributed; Mr. Vogdes seconded. Roll call: Rosenfeld, abstain; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, abstain; Seijas, yes. Minutes approved as distributed.

There were three applications to come before the Board:

ZB-18-07-01: 9405 Bayview Drive, LLC, blk. 185, lot 19; seeking “c” variance relief to construct a single-family home on an undersized (40’ x 80’) lot in the R-1 Zoning District. Applicant represented by Jeffrey P. Barnes, Esq. Mr. Barnes approached the Board and described the property as currently vacant noting this is an undersized lot for development in the R-1 Zone, requiring variance relief for lot frontage, lot width, lot area, side yard setback and rear yard setback to construct a two-story single-family home. He said relief is sought from Land Use Ordinance section 85-28. Mr. Barnes explained that Ordinance section 85-67 allows for building a downsized structure on an undersized lot, but as this application does not comply with all requirements of that section, relief is sought from the prevailing ordinance section. Mr. Barnes said the application for 9407 Bayview is essentially the same and asked if the Board would permit reliance on this testimony for the following application. The Board agreed.

Blane Steinman, architect, was sworn in and recited his credentials into the record. He described the proposed structure as a two-story single-family home with three bedrooms on the first floor, with the living area and kitchen on the second floor as well as a master bedroom suite. He said parking will be provided for two cars with a garage and driveway. He noted attempting to design in compliance with section 85-67 yielded 7’ ceilings and a 4/12 roof pitch, therefore, variance relief is required. He added the design as presented has varying roof pitches lending an esthetically pleasing “coastal New England” look. Addressing the rear yard setback, Mr. Steinman said under ordinance section 85-67 a 10’6” rear yard setback would be permitted where section 85-28 from which relief is sought requires a 16’ rear yard setback; the proposed rear yard setback is 10’8”. Zoning Official Patrick Malia noted relief can only be granted from section 85-28 as 85-67 addresses exceptions. Mr. Steinman said two offstreet parking spaces will be provided as required. In answer to queries from Mr. Barnes, Mr. Steinman opined that the benefits of granting variance relief outweigh the detriments; it is an appropriate use of the land; it lends a pleasing visual environment; it is keeping with the character of the neighborhood; and provides no detriment to the zone plan. Vice-chairman Mettler reminded the Board that there is currently a recommendation from the Planning Board to the Board of Commissioners to require front entrances, eliminating side entrance design.

Zoning Official Patrick Malia read his report (attached hereto and made part hereof) into the record.

In the public portion, Eric Morey, resident of 120 W. Newark Ave. was sworn in and approached the Board. He expressed concern about the rear yard setback as it would situate the structure close to a property line.

William Morey, resident of 121 W. Jefferson Ave. was sworn in and approached the Board. He said his property borders the rear property line of the subject property and expressed concern about run-off and drainage issues.

Carolyn Morey, resident of 120 W. Newark Ave. was sworn in and approached the Board. She expressed concern about two single family residences on undersized lots and questioned the marketability of the homes with an entrance facing the Borough recycling depot.

Chairman Seijas asked Mr. Steinman to address drainage. Mr. Steinman said all ground water would be handled on site and would not exacerbate conditions on neighboring properties. He said this a design element to be shown on construction plans.

Board members questioned the rear yard setbacks and relief from 85-28 in this regard.

Mr. Barnes explained the ordinance sections. Discussion ensued regarding section 85-67.

Mr. Vogdes asked if a drainage could be made a condition of approval.

William Morey clarified that the wall of his house facing the subject property contains a sliding glass door and reiterated his concern about drainage.

Carolyn Morey pointed out there are no other 40' x 80' lots on the street.

Mr. Barnes replied the design of the proposed houses would not create an anomaly on the street.

Chairman Seijas asked the Board to express opinions on the application. Mr. Tenaglia said he does not see developing on 40' lots as beneficial in the R-1 Zone. Mr. Mettler said the sideyard setbacks are not problematic, but the rear yard setback is a cause for concern. Mr. Vogdes said the design is pleasing, but he is concerned about drainage. Mr. Franco expressed with the drainage and setback issues. Mr. Seijas said he feels the benefits outweigh the detriments noting the design conforms with many of the requirements of section 85-67, and single-family development is desirable.

Solicitor Belasco asked Mr. Barnes if the applicant is agreeable to making a drainage plan a condition of approval. The applicant agreed.

Mr. Belasco read the findings of fact into the record including the condition that a grading and drainage plan will be submitted and subject to review by Borough Engineer Marc DeBlasio.

Further, the relief sought is from section 85-28; and the applicant sited special reasons i and g and identifying those who spoke in the public portion.

Mr. Rosenfeld moved to accept the findings of fact; Mr. Tenaglia provided the second. Roll call: Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, yes; Seijas, yes. Findings accepted.

Mr. Rosenfeld moved to approve the application with the conditions that a grading and drainage plan will be submitted; Mr. Tenaglia provided the second. Roll call: Rosenfeld, yes; Tenaglia, no; Franco, no; Vogdes, yes; Mettler, no; Seijas, yes. Application denied.

ZB-18-07-02: 9407 Bayview Drive, blk. 185, lot 18; LLC, seeking "c" variance relief to construct a single-family home on an undersized (40' x 80') lot in the R-1 Zoning District. Applicant represented by Jeffrey P. Barnes, Esq. By request of the applicant, this hearing was adjourned to the meeting of 21 August without need for the applicant to readvertise or renote and with the applicant's consent to waive all time constraints on the Board and memorialized as Resolution ZB-A-18-12 on unanimous voice vote of the Board.

ZB-18-07-03: Francis A. McGlone, owner of the property located at 102 W. Fern Ave.; blk 58, lot 25; seeking "c" variance relief to elevate and expand an existing single-family home on a 30' x 100' lot in the R-2 Zoning District. Applicant represented by Jeffrey P. Barnes, Esq. Mr. Barnes approached the Board and described the existing property as a single-family dwelling on a 30' x 100' lot in the R-2 Zone. He said relief is sought for pre-existing conditions – lot frontage, lot width, lot area, front yard setback, side yard setback and setbacks to an accessory structure. The house has been elevated to current FEMA standards. He said the proposed addition will not impact the setbacks. Scott Brown of Guzzi engineering was sworn in and related his credentials; he was qualified as an expert. He described existing conditions on site and the proposed addition as being in the front of the building on the second floor with a deck in the rear noting the front landing will be replaced by a covered porch. Michael McGlone, owner of the property, was sworn in. Mr. Barnes entered Exhibits A-1 – A-8 photos depicting the property and neighborhood. In answer to a question from Vice-Chairman Mettler, Mr. McGlone said the 1.8' side yard depicted is to the foundation with a cantilever above. He said there is no change proposed for that side of the building, and there is a brick fence along that property line. Exhibit A-9, a photo showing the fence, was presented. Mr. McGlone said his aunt purchased the home in the 1960's, and it has

been used a family vacation home since. Mr. Barnes noted effort has been made to comply with current flood standards. Mr. McGlone said they intend to install new siding, adding the footprint of the front porch will not change. Mr. Barnes said they intend to add 321 sq. ft of living space including a small bedroom and bathroom, as opposed to an attic saying most of the relief sought is for pre-existing conditions under the "c"1 criteria. He said this is an undersized lot with a structure which has been raised and the owners propose to improve making it more useful and esthetically pleasing. He added there are two existing offstreet parking spaces which will remain. Mr. Barnes opined the benefits of granting relief outweigh the detriments, there is no negative impact on the neighborhood, zone plan or zoning ordinance. This concluded his presentation. Zoning official Patrick Malia read his report, attached hereto and made part hereof, into the record.

In deliberation, Board members agreed granting the variance relief would be good for the neighborhood and improve property values, it would benefit the Borough, and most of the relief sought is for pre-existing conditions.

Solicitor Belasco read the findings of fact into the record, describing the variance relief sought, reiterating existing setbacks, and noting ordinance section 85-66 regarding limiting addition to a structure on an undersized lot to 10% of the floor area.

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

Mr. Vogdes moved to approve the application; Mr. Mettler provided the second. Roll call: Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, yes; Seijas, yes. Application approved with conditions.

There was one resolution memorializing Board action:

ZB-18-11 memorializing approval with conditions application ZB-18-06-01: Matthew Shook, owner of the property located at 129 E. Palm Rd; a/k/a blk 57, lots 7.02&8 was adopted on motion of Mr. Tenaglia, second by Mr. Franco and roll call vote: Rosenfeld, abstain; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, abstain; Seijas, yes.

There were no administrative resolutions.

There was no old business.

There was no new business.

No members of the public spoke.

The Board will meet on 21 August; there will be one application to come before the Board on that date.

On motion of Mr. Tenaglia, second by Mr. Vogdes, the Chairman adjourned the meeting by affirmative voice vote at 6:50 p.m.

Secretary