

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 21 August 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, absent; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 17 July were distributed for review and approval or correction. Mr. Tenaglia moved to approve the minutes as distributed; Mr. Mettler seconded. Roll call: Bumbernick, abstain; Levy, abstain; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, yes; Seijas, yes. Minutes approved as distributed.

There was one application to come before the Board:

ZB-18-07-02: 9407 Bayview Drive, LLC, blk. 185, lot 18; 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. Mr. Barnes submitted ten photographs (marked Exhibit A-1) showing aerial views of the surrounding neighborhood and homes on Bayview Drive and commented on the “hodgepodge” nature of the area. 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. Blane Steinman, architect, was sworn in and recognized as an expert. 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 could not meet the required 5/12 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 featuring cement board siding and asphalt shingle roofing adding a single-family home on a 40’ X 80’ lot is not anomalous in the neighborhood. 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”. Mr. Steinman said two offstreet parking spaces will be provided as required. Mr. Steinman presented a graphic (marked Exhibit A-2) indicating the differences in building to the standards of Section 85-28 as opposed to Section 85-67. Mr. Steinman said buffering to the adjacent Public Works Recycling Depot will be provided through fencing and plantings. Answering a query from chairman Seijas Mr. Steinman said storm water will be retained on the property and not affect surrounding properties, adding it should improve any drainage issues in the area. Board member Bumbernick noted that while the design and lot size are consistent with homes on Bayview Drive, it is not so with nearby homes on Jefferson Avenue. Vice-Chairman Mettler pointed out that most of the homes on Bayview Drive are in the R-1A Zoning district, not R-1 as is the subject property. 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 as it will be a well-maintained nice house; it is in keeping with the character of the neighborhood; and provides no detriment to the zone plan. Vice-Chairman Mettler asked if the rear yard setback impacts the height of the building to which Mr. Barnes responded no height variance is sought. Mr. Mettler expressed concern about the rear-yard setback with Mr. Barnes responding they are

trying to build to accommodate the needs of the market. In answer to a query from Board Member Levy, Mr. Barnes revisited Exhibit A-2 depicting building to the standards of 85-28 as opposed to 85-67. Chairman Seijas initiated a discussion of the “c”1 and “c”2 variance criteria.

In the absence of the Zoning Official, Secretary Rogers entered his report into the record.

Mr. Barnes requested a recess at 6:15 p.m.

The hearing reconvened at 6:30 p.m.

Mr. Barnes asked to reserve his closing remarks until after the public portion.

In the public portion, 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 the rear yard setback saying the proposed structure would be in close proximity to his house. He noted they are in a “special situation” because of the DPW.

Carolyn Morey, resident of 120 W. Newark Ave. was sworn in and approached the Board. Mrs. Morey thanked the Board for their diligence. She said she is in favor of a nice home being built, but feels it should be kept in character with the homes on Jefferson Ave., not Bayview Dr. She noted the unique aspects of the surrounding neighborhood as a “best kept secret”.

The public portion was closed.

Mr. Barnes said the applicant is willing to amend the application to comply with the required setback of 20% of the lot depth – 16’ – and an increase to the permissible height of 30’ above BFE. Mr. Barnes thanked the board for their consideration. He said the location next to the recycling depot presented drawbacks, but the project would provide a buffer between the DPW property and the neighborhood, adding it will be visually desirable with a façade on Jefferson Ave. and opining the benefits outweigh any detriments.

In deliberation, most Board members stated they were “on the fence” regarding approval of the application, however, the compromise offered by the applicant and the benefits to the Borough including the additional ratable and safety of a new structure were noted. Board members also referenced the public testimony.

Solicitor Belasco read the findings of fact into the record listing the variance relief sought as lot area, lot frontage, lot width, side yard setback, noting the rear yard setback and building height will be compliant with Section 85-28. Mr. Belasco noted the exhibits and identified the public and their testimony. A condition was added that the plan submitted to the Zoning Official will be similar to the plans shown at the meeting.

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

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

There were two resolutions memorializing Board action:

ZB-18-13: reflecting denial of application 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 was memorialized on motion by Mr. Mettler, second by Mr. Tenaglia and roll call vote: Bumbernick, abstain; Levy, abstain; Rosenfeld, abstain; Tenaglia, yes; Franco, yes; Vogdes, abstain; Mettler, yes; Seijas, abstain.

ZB-18-14: reflecting approval with conditions of application 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 was memorialized on motion of Mr. Rosenfeld, second by Mr. Franco and roll call vote: Bumbernick, abstain; Levy, abstain; Rosenfeld, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, yes; 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 18 September; there are no applications 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 7:15 p.m.

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