

**WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 21 January 2020
Borough Hall, 6101 Pacific Avenue**

draft

Board Solicitor Robert Belasco 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.

It was announced Joseph Franco, Jr. has resigned from the Board due to a conflict with School Board meetings and has been replaced by Kelly Franco as second alternate. Secretary Rogers took roll call: Bumbernick, present; Levy, absent; Mettler, absent; Rosenfeld, present; Seijas, absent; Stuart, present; Tenaglia, present; Franco, present; Vogdes, present. Solicitor Robert T. Belasco, Esq., present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 20 December 2020 were distributed for review and approval or correction. Mr. Tenaglia moved to approve the minutes as distributed; Mr. Bumbernick seconded. Roll call: Bumbernick, yes; Rosenfeld, yes; Stuart, abstain; Tenaglia, yes; Franco, abstain, Vogdes, abstain. Minutes approved as distributed.

Oath of office was affirmed by the Board.

Solicitor Belasco presided over the election of officers for the 2020 calendar year.

On motion of Mr. Vogdes, second by Mr. Tenaglia and unanimous voice vote, Resolution ZB-A-20-01 memorializing election of Officers; Chairman Alan Seijas and Vice-Chairman William Bumbernick; for the 2020 Calendar Year was approved.

On motion of Mr. Vogdes, second by Mr. Stuart and unanimous voice vote, Resolution ZB-A-20-02 memorializing recommending hiring of Deborah Rogers as secretary for the 2020 Calendar Year was approved.

On motion of Mr. Vogdes, second by Mr. Bumbernick and unanimous voice vote, Resolution ZB-A-20-03 memorializing recommending hiring of Robert T. Belasco, Esq. as solicitor for the 2020 Calendar Year was approved.

On motion of Mr. Vogdes, second by Mr. Stuart and unanimous voice vote, Resolution ZB-A-20-04 memorializing recommending hiring of DeBlasio Associates and the services of Marc DeBlasio as engineer for the 2020 Calendar Year was approved.

On motion of Mr. Vogdes, second by Mr. Stuart and unanimous voice vote, Resolution ZB-A-20-05 memorializing dates, places and publication of meetings for the 2020 calendar year was approved.

On motion of Mr. Vogdes, second by Mr. Tenaglia and unanimous voice vote the Annual Report was accepted for submission to the Planning Board and memorialized as Resolution ZB-A-20-06. The secretary informed the board the Board of Commissioners has retained Avery Teitler, Esq as conflict attorney for the Land Use Boards.

There was one application to come before the Board:

ZB-20-01-01: Joseph & Mary Nell Murphy, owners of the property located at 317 E. St. Louis Ave., a/k/a block 164, lots 6 & 7 in the R-1 Zoning District, seeking "c"1 and "c"2 variance relief for side yard setback, rear yard setback, building coverage and lot coverage to install an inground swimming pool. Applicants represented by Christopher Gillin-Schwartz, Esq. Mr. Gillin-Schwartz approached the Board and introduced the project engineer, John Helbig of Guzzi Engineering, and Joseph and Mary Nell Murphy, owners of the property. Mr. Helbig was recognized as an expert and all three were sworn in. Mr. Helbig described the project saying the applicants would like to install an inground pool in the rear yard of their property adding many of the variances sought are for pre-existing conditions. Mr. Murphy testified they bought the house which was built in the 80's in 2002 and would like to install a pool for their children. Mr. Gillin-Schwartz the area is constrained by existing structures and entered Exhibit A-1 consisting of two photos showing existing conditions on the property. Mr. Helbig said this is an oversized lot at 6400 sq ft with three

pre-existing conditions – nonconforming side yard setback on the east side of 6.1’, rear yard setback of 11.4’ and 41% building coverage where 35% building and 45% total structural coverage are permitted. He opined the “c”2 variance relief sought is for de minimus consideration – 4’ setback to pool apron on the west side, and 5’ to the apron in the rear where 6’ is required. He said permitted lot coverage is 65%, 71% exists and 75% is proposed. He opined the benefits of granting relief would be there is no visual impact as the project is confined to the rear yard, there is an existing 6’ vinyl fence shielding the pool from neighboring properties, the side yard will remain open and current onsite parking (which exceeds ordinance requirements) will be preserved. He added all drainage will be to St. Louis Ave. Under the negative criteria Mr. Helbig said there will be no substantial detriment to the zone plan and no significant impact as all proposed amenities are in the rear. He said a swimming pool is a permitted use in the zone. He opined granting relief fulfills the purposes of the act: a. promotes public safety through the placement of the pool, the 6’ fence and latching gates; c. provides adequate light, air and open space; and e. promotes appropriate population density as there is no proposed increase in living space. Mr. Gillin-Schwartz added the setbacks to the water are 7’ from the rear and 6’ from the side. Solicitor Belasco quoted Land Use Ordinance section 85-61 6 addressing residential pools. Mr. Bumbernick asked the applicant to address the engineer’s report regarding roof, pitch, height and modulation of building walls. Mr. Gillin-Schwartz said these are pre-existing conditions and no change is proposed to the principle structure. Mr. Helbig added the building has character. In answer to a query from Mr. Bumbernick, Mr. Murphy said the water dimensions are 10’ X 20’. Solicitor Belasco read pertinent sections of Engineer Marc DeBlasio’s report into the record noting the variance relief.

In the public portion, Joseph Vallese, 310 E St Louis Ave, said there are no flooding or drainage issues on the street. He felt that the swimming pool was a good fit for the area.

Joseph Nangle, 311 E St Louis Ave, agreed with Mr. Vallese adding he had no problem with the variances and felt allowing the pool would be good for the neighborhood.

David McCallion, 311 E Trenton Ave, said he felt the pool would be an improvement to the area and in keeping with the character of the neighborhood.

Bill Winter, 307 E St Louis Ave, was in agreement and said the pool would be good for the family. In closing, Mr. Gillin-Schwartz said Mr. Helbig had covered everything and agreed to have the pre-existing nonconforming conditions recognized noting the structure is not being modified.

Solicitor Belasco said he will reference this in the resolution.

Solicitor Belasco read the findings of fact into the record noting the variance relief sought, exhibits, public and variance requirements per the engineer’s report.

Mr. Stuart moved to accept the findings; Mr. Tenaglia provided the second. Roll call: Bumbernick, yes; Rosenfeld, recuse; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes. Findings accepted. In deliberation Mr. Stuart said he felt the benefits of granting the relief outweigh any detriments; Mr. Bumbernick a smaller pool would be unusable; remaining Board members were in agreement.

Mr. Vogdes moved to grant the relief sought with conditions and recognizing pre-existing conditions; Mr. Tenaglia provided the second. Roll call: Bumbernick, yes; Rosenfeld, recuse; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes. Application approved.

There was one resolution to be memorialized:

ZB-20-07 memorializing approval of application ZB-20-11-01. Mr. Bumbernick moved to memorialize the resolution; Mr. Tenaglia provided the second. Roll call: Bumbernick, yes; Rosenfeld, recuse; Stuart, abstain; Tenaglia, yes; Franco, abstain; Vogdes, abstain. Resolution memorialized.

There were no further administrative resolutions.

There was no old business.

Under new business Board members asked for clarification of the requirements in Land Use Ordinance section 85-81 specifically regarding setbacks. The secretary will bring this matter to the Planning Board and Zoning Officer.

No members of the public spoke.

The secretary informed the Board there are no applications to come before the Board in February; the Board will meet to memorialize action taken at this meeting.

On motion of Mr. Vogdes, second by Mr. Tenaglia, the meeting adjourned by affirmative voice vote at 6:05 p.m.

_____ Secretary