

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 19 February 2019
Borough Hall, 6101 Pacific Avenue

draft

In the absence of the Chairman and Vice-chairman 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.

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

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

There were two applications to come before the Board:

ZB-19-02-01: Carolyn Mavromates, owner of the property located at 112 W Sweetbriar Rd., a/k/a blk 40, lot 41, C0112 in the R-2 Zone; seeking "c" variance relief to construct an inground swimming pool in the rear yard. Carolyn Mavromates, owner of the property, and her sister Jennifer Moran approached the Board and were sworn in. Ms. Mavromates said the property is side-by-side duplex and she previously owned both sides at which time there was a swimming pool in the shared rear yard, when she sold 110 W Sweetbriar Rd the swimming pool was removed. Ms. Mavromates is seeking variance relief to install a pool in the rear yard of her unit only. She opined the narrowness of the area uniquely affects the size and placement of the pool. She further opined this creates no detriment to the neighborhood. She pointed out the equipment platform still in place from the previous pool and is 4' from the property line where 6' is required. The variance relief being sought was summarized as lot coverage at 74.7% where 65% is permitted, setbacks in side and rear yard, building coverage at 49% where 45% is permitted. Board member Stuart asked why the previous pool was removed. Ms. Mavromates replied there were personal reasons for selling the adjacent unit and a shared pool was not desirable. Letters from the owners of the adjacent property and neighbors were submitted but ruled inadmissible. Solicitor Belasco noted as a condition of approval the condominium association must agree to the pool installation. Board member Tenaglia asked about the compliance of the previous pool. Ms. Mavromates said it had approvals when built. Discussion ensued regarding the setbacks and the variance relief.

Solicitor Belasco read the Zoning Official's report (attached hereto and made part hereof) into the record.

No members of the public spoke.

Solicitor Belasco read the findings of fact into the record noting the variance relief sought as pre-existing conditions for rear yard and side yard setbacks, building coverage and lot coverage; and setbacks to the proposed pool and equipment and increased lot coverage. The Solicitor noted no members of the public spoke regarding the application. Mr. Bumbernick moved to accept the findings of fact, Mr. Tenaglia provided the second. Roll call: Bumbernick, yes; Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes, Vogdes, yes. Findings accepted. In deliberation, Board member Tenaglia questioned the amount and composition of pavers on the property; Board member Stuart said the pool could be moved or made smaller and the pavers exacerbate the problem; Board member Bumbernick said they could build a tiny pool in the tiny yard; Board member Levy expressed concern about the amount of lot coverage; Board member Vogdes said it was too much in a small area; Board member Bumbernick noted the applicant proposes to replace a previous conforming pool with a nonconforming pool. Mr. Bumbernick opined that if the application were denied a substantially different design would be required for re-application. Solicitor Belasco said the applicant has the option to table the application as it

appeared the Board was not looking favorably upon the application. Ms. Mavromates said she wants the biggest pool for the money.

At the request of Board member Bumbernick, a five-minute recess was called.

Upon reconvening, the Solicitor explained the approach and viewpoint of the Board as lacking animosity and required to adhere to the standards of the MLUL regarding variance relief. The secretary explained the administrative ramifications of tabling as opposed to moving forward with a possible denial.

Ms. Mavromates requested tabling of the application to the meeting of 19 March waiving all time constraints on the Board and without the need to readvertise or renote. The Board agreed by unanimous voice vote. The Solicitor announced that this action taken in open public meeting serves as notice.

ZB-19-02-02: William Gianakopoulos, owner of the property located at 126 E Wisteria Rd., a/k/a blk 43, lot 37 in the R-2 Zone; seeking "c" variance relief to expand a nonconforming dwelling. Ms. Levy recused from the hearing as she lives within the 200' notification area. Applicant represented by Andrew D. Catanese, Esq. Mr. Catanese approached the Board, described the property and outlined the variance relief sought. He said this is a single family which was previously a duplex situated on an undersized 35'X100' lot where a 40' frontage is required in the R-2 Zone; variance relief is required as the proposed expansion is more than 10% of the existing floor area of the structure. Mr. Catanese said none of the existing nonconformities will be expanded as the proposed addition will be within the footprint of the structure over a rear flat roof. He said the proposed changes will meet or exceed bulk requirements. Property owner William Gianakopoulos was sworn in. Mr. Gianakopoulos said he has lived in the house his entire life and has taken over ownership from his parents. He said the house was a duplex at one time, but not in his lifetime, however, an outside excess stairway is still in place. Mr. Gianakopoulos said they intend to remove the stairway and create living space over the flat roof to contain a master bedroom. He said the interior will be renovated and the exterior while updated maintaining the original appearance of the structure which was built c.1940 to the street. There will be no changes in lot coverage. There were no questions from the Board.

Solicitor Belasco read the Zoning Official's report (attached hereto and made part hereof) into the record.

Mr. Catanese summarized saying the variance relief sought under "c"1 criteria is for the pre-existing condition of an undersized, isolated lot; under "c"2 criteria he listed purposes of the zoning act a. promoting the general welfare of the community; b. securing from fire, flood and natural disaster; and i. promoting a desirable visual environment. He further opined the benefits of granting the requested relief outweigh the detriments.

No members of the public spoke.

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

In deliberation Board members expressed agreement that the benefits of granting the relief outweigh any detriments and asked if the applicant would agree to the condition that the dwelling remain as a single family. Mr. Gianakopoulos agreed to the condition.

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

There were no resolutions to be memorialized.

There were no administrative resolutions.

There was no old business.

There was no new business.

No members of the public spoke.

The secretary informed the Board there is one continued application and two new applications to come before the Board in March.

On motion of Mr. Stuart, second by Mr. Tenaglia, the meeting adjourned by affirmative voice vote at 6:28 p.m.

Deborah Rogers, Secretary