

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 9 April 2019
Borough Hall, 6101 Pacific Avenue

draft

Vice-Chairman Fred Mettler called the meeting to order at 5:00 pm, led the Pledge of Allegiance, read the Open Public Meetings Act and announced emergency exits.

Secretary Rogers took roll call: Bumbernick, absent; Levy, present; Mettler, present; 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 19 March were distributed for review and approval or correction. Mr. Stuart moved to approve the minutes as distributed; Mr. Tenaglia seconded. Roll call: Levy, abstain; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, abstain; Vogdes, abstain; Mettler, abstain. Minutes approved as distributed.

There were four 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 continued from the meetings of January, February and March. Carolyn Mavromates approached the Board and was sworn in. Ms. Mavromates noted the revisions to the plan; the redesigned pool is smaller having a width of 6’ to comply with setbacks, the planned pavers will not be installed creating less lot coverage, the pool equipment will not be relocated but the intent is to place it on the existing platform with the air conditioning equipment. Three photographs were presented and marked as exhibits: A-1 showed the side of the house where the platform is located, A-2 showed the view from the neighbor’s yard, and A-3 was a larger photo of the platform. She said the filter from the previous pool is still on the platform. Ms. Mavromates said they have never received a complaint about noise from the filter. Jennifer Moran, sister of Carolyn Mavromates, was sworn in. Mesdames Mavromates and Moran expressed displeasure with the Board saying they took Board questions and actions personally. Solicitor Belasco explained that certain test must be met in order to grant variance, and the Board was following the process. Rosemary Franco of Anthony and Sylvan Pools was sworn in. She said the previous plan (from 2007) shows the equipment at 4’ to the property line. Board member Vogdes asked if the platform had been installed in the wrong spot as the plan shows it at 6’. Solicitor Belasco reiterated the variance relief being sought as side yard setback for the platform at 4’, building coverage and lot coverage.

No members of the public spoke.

Solicitor Belasco read the findings of fact into the record including the variance relief sought, the revised plans, noting proposed lot coverage as 72%, the requirement of a resolution from the condo association approving the pool, the fact that there were no professionals involved in the application, and no members of the public spoke. Mr. Rosenfeld moved to accept the findings, Mr. Tenaglia seconded. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, abstain. Findings accepted.

Mr. Stuart opened deliberation saying the pool equipment is still in its original location, but the deck as depicted has changed. Ms. Mavromates interjected the equipment platform was constructed of the decking materials when it was removed. In response to Board concern, Ms. Franco said the proposed pool will be 186 sq. ft. Mr. Vogdes and Mr. Tenaglia expressed their opinions agreeing this appears to be too much in a small area. Remaining Board members expressed agreement.

Mr. Rosenfeld moved to approve the relief with conditions including a resolution from the condo association, Mr. Tenaglia provided the second. Roll call: Levy, no; Rosenfeld, no; Stuart, no; Tenaglia, no; Franco, no; Vogdes, no; Mettler, abstain. Application denied.

ZB-19-03-02: Pyramid Resort Corporation, owner of the property located at 8105 Atlantic Ave.; a/k/a blk 125.02, lots 1,3&5 in the M-1B zone, seeking "d" variance relief to construct an accessory structure was continued to the April meeting at the request of the applicant. The applicant was represented by Doreen Corino, Esq. Ms. Corino approached the Board and introduced Vince Orlando who was recognized as an expert and sworn in, and Tom Cvetkovski, principle of the Pyramid Motel Corp. Ms. Corino said the structure for which relief is sought has been partially built, but variance relief is needed as an accessory structure is not a permitted use in the M-1B Zone. She said there was a storage building in another location when the motel was purchased in 2013; the building was in disrepair and was dismantled. The owner felt he was replacing a building and did not realize permits were needed. She described the proposed structure as approximately 214 sq ft and intended to be used for storage in the winter and limited food service in the summer, saying pre-packaged foods, coffee and cold beverages would be available to motel guests only. A coffee shop is not permitted on the premises as Borough Land Use Ordinance requires a minimum of forty motel units to support a coffee shop; the Pyramid has twenty-seven units and living quarters. She said access for food service will be only from the pool area. Mr. Orlando distributed down-sized site plans (marked as Exhibit A-1). Mr. Orlando provided photographs (marked Exhibits A-2, A-3, and A-4) showing the previous shed, the site and existing conditions. He reiterated Ms. Corino's description of the use of the proposed structure. He said it is intended in the season that a coffee maker, cold beverages, popcorn maker, microwave oven, hot dog warmer, a dishwasher and freezer will be housed in the building. Mr. Orlando opined in defense of granting the "d" variance relief that the Ordinance is restrictive, and motels should be able to provide minimal services for guests. He further opined that special reasons a. and m. are met, and there is no significant detriment to the zone plan or public good. Ms. Corino added that "c" variance relief is for pre-existing conditions. In answer to questions from Ms. Levy, Tom Cvetkovski said the original shed was approximately 100 sq ft., and the entrance to the new building is in the upper right corner. Mr. Orlando clarified saying the entrance door faces Atlantic Ave., a service window faces the pool; the other door is for access to an ice machine. In answer to Board queries, Mr. Cvetkovski said the intent was to clean up the property, consolidate services away from the office as it becomes too crowded, and the finish on the proposed structure will be stucco to match the motel.

No members of the public spoke.

Solicitor Belasco read the findings of fact into the record noting the variance relief sought and describing the property as pre-existing nonconforming. Ms. Levy moved to accept the findings, Mr. Franco provided the second. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, yes. Findings accepted.

In deliberation, Board members were in agreement that the special reasons to grant relief had been fulfilled, the addition of the accessory structure will enhance the property and meet the demands of the modern guest.

Mr. Stuart moved to approve the application with conditions, Mr. Vogdes provided the second.

Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Mettler, yes. Application approved.

ZB-19-03-01: Keen Construction Group. LLC, owner of the property located at 119 W. Palm Rd.; a/k/a blk 58, lot 10; in the R-2 Zone, seeking "c" variance relief to construct a single-family dwelling on a 30' X 100' lot. Board member Brian Stuart recused. Applicant represented by Andrew Catanese, Esq. Mr. Catanese said the principles of the LLC were present. He said the use of the lot for a single-family dwelling is compliant, and "c" variance relief is sought for eave height, sideyard setback, building coverage and design standards for the location of the front entrance. Matthew Sprague, Architect, was sworn in and recognized as an expert. Mr. Sprague described the proposed structure as having parking at grade with mechanicals located above the BFE in the garage, bedrooms will be located on the first living level with the living room and kitchen on the third level. He said the trash enclosure and outdoor shower will be located within the building envelope. In answer to Mr. Catanese, Mr. Sprague said in order to create sufficient living space 4' setbacks are needed on a 30' wide lot, otherwise it would create an 18' wide lot. He said the setbacks vary from 4' to 6' as a jog in the walls is required, although the jogs as designed are not located and of required length to meet the ordinance. Mr. Catanese added the

eave height variance is needed to provide ceiling heights; a height of 8'4" is proposed in the garage to accommodate modern vehicles and allow for the mechanicals to be raised. He noted the building and lot coverage exceeds the requirements of the ordinance. Mr. Sprague explained the wall length to the jog saying it is to provide space for the entry, stairs and elevator shaft. He opined the distinctive roofline provides a focal point on the façade. Mr. Catanese said the curb cut length will be amended to 10', the front yard landscaping will comply with the Land Use Ordinance, and adequate drainage will be provided. Mr. Catanese opined the relief can be granted under the "c"1 and "c"2 criteria, as the strict application of the ordinance creates hardship, and special reasons c. and i. are fulfilled, and benefits of granting relief outweigh any detriments. A rendering of the proposed house was shown and labeled Exhibit A-1. Mr. Vogdes asked about the number of parking spaces to which Mr. Catanese replied under the RSIS there are two compliant spaces, although three cars could "stack" in the garage and driveway.

Solicitor Belasco read the Zoning Official's report into the record.

In the public portion, Leroy Cardile who resides at 110 W. Fern Rd. was sworn in and asked about setbacks and fire walls. Mr. Sprague explained the setbacks and said any walls within 5' of the property line will be fire-rated. He said the rear yard setback exceeds ordinance requirements. No other members of the public spoke.

Solicitor Belasco read the findings of fact into the record, reiterating the variance relief sought as lot area, lot width and frontage, sideyard setbacks, eave height, modulation in the walls, front façade offset, building coverage, and noting curb cut and landscaping will comply.

In deliberation, Board members expressed concern about a big house on a small lot, saying a dwelling can be designed to fit a 30' lot. Conversely, Board members said the proposed structure is well-designed and enhances the neighborhood.

Mr. Tenaglia moved to approve the application with conditions, Mr. Rosenfeld provided the second. Roll call: Levy, yes; Rosenfeld, yes; Stuart, recuse; Tenaglia, no; Franco, yes; Vogdes, no; Mettler, yes. Application approved with conditions.

ZB-19-04-02: 7405 New Jersey Avenue Condominium Association, 7405 NJ Ave; a/k/a blk 110, lot 18; located in the R-1A Zoning District; proposing to expand a nonconforming use through the extension of front deck. Applicant represented by Jeffrey P. Barnes, Esq. Mr. Mettler recused as he lives in the 200' notification area. Mr. Barnes introduced himself and described the property as a two-story over-under two unit dwelling in condominium ownership built in 1984. He noted the duplex use is no longer permitted in the R-1A Zone, therefore expansion of the nonconforming use necessitates variance relief under "d"2. Mr. Barnes described the neighborhood facing Sunset Lake as having a number of new construction large single-family homes. He said Gregory Stezzi, owner of the second-floor unit, is acting on behalf of the condo association which has issued an approving resolution. Mr. Barnes said they propose to remove the front decks and reconstruct a larger deck by reducing the size of a front planting bed to take advantage of the views, also a new access stair meeting current code requirements is proposed as the existing stairway is steep and narrow. He opined this will create a safer property. He noted pre-existing nonconforming conditions on the property. Mr. Barnes said the applicant intends to remove a section of concrete to create greenspace resulting in total lot coverage of 64.6%. Gregory Stezzi was sworn in. Mr. Stezzi said he purchased the unit five years ago; he added the intention is to re-side the structure with cedar impression on the front and install more modern decks with metal or vinyl railings. He said eventually there will be more plans to modernize the property. In answer to queries from Board member Vogdes and Levy, he said lot coverage is 64.6%, and there is offstreet parking for two cars.

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

No member of the public spoke.

Mr. Barnes summarized outlining the variance relief sought and citing the special reasons for granting relief; he said "c" relief is sought for pre-existing conditions and a minor encroachment that will be created through the installation of a wider entry stair.

In deliberation, Board expressed general support for the granting of relief, saying the proposal would upgrade, update and beautify the structure and borough.

Ms. Levy moved to approve the application with conditions, Mr. Tenaglia provided the second. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, no; Franco, yes; Vogdes, no; Mettler, recuse. Application approved with conditions.

Mr. Mettler re-entered the meeting.

There were no resolutions to be memorialized.

There were no administrative resolutions.

There was no old business.

Under new business the Solicitor summarized the memo from Borough Solicitor Ron Gelzunas regarding a proposal to permit an alcoholic beverage license in the Borough. He said it is felt that offering alcohol at a restaurant in the proposed Central Business District would help revitalize the downtown. Zoning Board, Planning Board, Green Team and Wellness Committee members are asked to attend Board of Commissioners meetings to express opinions in this regard.

No members of the public spoke.

The Board will meet on 21 May. The secretary informed the Board there is an application to come before the Board in June.

On motion of Mr. Rosenfeld, second by Mr. Tenaglia, the meeting adjourned by affirmative voice vote at 7:55 p.m.