

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 16 May 2017
Borough Hall, 6101 Pacific Avenue

draft

Chairman Pete Cava called the meeting to order at 5:10 pm, led the Pledge of Allegiance, and read the Open Public Meetings Act and announced emergency exits.

Secretary Rogers took roll call: Carr; absent; Cava, present; Hornsby, present; Seijas, present; Stuart, present; Levy, absent; Tenaglia, present; Rosenfeld, present; Bumbernick, absent; PB member Alvarado, present; PB member Mettler, present; Solicitor Robert T. Belasco, Esq., present; Zoning Officer Malia, present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 25 April were distributed for review and approval or correction. Mr. Seijas noted a correction to the minutes on page 2; the ninth sentence was corrected to read Mr. Seijas said he feels the Board should follow the lead of the Zoning Official and support his opinion in agreement with his findings. Mr. Seijas moved to approve the minutes as corrected; Mr. Stuart seconded. Roll call: Hornsby, abstain; Seijas, yes; Stuart, yes; Tenaglia, abstain; Rosenfeld, yes; Alvarado, abstain; Mettler, abstain; Cava, yes. Minutes approved.

There were two applications to come before the Board:

ZB-17-04-02: Besst in the Crest, LLC, owner of the property located at 7200 Ocean Ave.; a/k/a blk 94.02, lots 2>9.01; seeking "d" variance relief to place a takeout window within the exterior wall of an existing motel coffee shop; represented by Andrew Catanese, Esq. Siting conflicts, Mr. Stuart recused. Mr. Catanese introduced Vince Orlando and asked that he be qualified as an expert. Mr. Orlando and Philip John, operator of the restaurant, were sworn in. Mr. John described the proposed project and explained that currently takeout services are provided through the main entrance to the restaurant and cause congestion at the entrance. He said having a separate takeout area would provide better customer service. He added the restaurant is primarily a sit-down establishment. Mr. Orlando described the proposed takeout as an 8'x8' area with a pull-down garage style glass door that will be separate from the rest of the restaurant. He said an ADA compliant ramp will be constructed for access. Mr. Orlando added that two parking spaces currently exist against the building, and it was planned to convert one into an ADA compliant spot, however, it does not meet the ADA standard. He said a small planter will be installed as a buffer for convenience and safety. Defending the application, Mr. Orlando opined that the proposal satisfies the purposes of zoning points a, g and m as it promotes the general welfare of the community through better providing better service, it is an appropriate location for this development (service), and it is an efficient use of the land as they are proposing to create an additional restaurant. He said it will enhance the public use of the restaurant as takeout use has increased in society. He added he perceives no detriment to the zone plan. Mr. Catanese and Mr. Orlando added their opinions that the general welfare of the community will be served as this will enhance the tourism based economy, and provide a better opportunity to service existing clientele. Answering questions from board members Seijas and Tenaglia, Msrs. Orlando and Catanese said the hope is always to increase business, but no projections have been done; the change will not affect seating in the restaurant as the area is now a large wait-station; and this proposal provides a better use of the space.

Zoning Official Malia read his report, attached hereto and made part hereof, into the record. He noted that the parking situation on the premises exists although it does not meet today's requirements.

In the public portion, Paul Chiolo was sworn in. He spoke in favor of the application, saying Mr. John operated the restaurant at his former motel, the Sand Castle, and there is a real need for these services.

Mr. Catanese summarized briefly.

Solicitor Belasco reviewed the variance relief requested, and reiterated the criteria to grant such relief to the Board. Board member Seijas opened deliberation saying it appears the criteria for

granting relief have been met; the general welfare of the community would be served; businesses need to be supported; and granting the relief would provide better service and relieve congestion. He saw no detriment. Mr. Mettler agreed, asking if there is space to provide a bike rack. Mr. Rosenfeld added this would be an asset to the community. Mr. Tenaglia agreed, adding there is a need for this type of service. Mr. Alvarado agreed saying he had no further comment. Mr. Hornsby said this would make the current operation better for public use. Mr. Cava noted the benefits of granting relief outweigh any detriments.

The solicitor read the findings of fact into the record, noting pre-existing conditions and the testimony of the applicant.

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

Mr. Seijas moved to approve the application; Mr. Tenaglia provided the second. Roll call: Hornsby, yes; Seijas, yes; Tenaglia, yes; Rosenfeld, yes; Alvarado, yes; Mettler, Cava, yes. Mr. Alvarado and Mr. Mettler were thanked by the Board for their service at this hearing and left the meeting.

Mr. Carr entered the meeting at 5:55 p.m.

ZB-17-05-01: Kona Kai Condo Association, 410 E. Orchid Rd., a/k/a blk 95.02, lots 6.02,8 and 10; requesting Certificate of Nonconformity; represented by Andrew Catanese, Esq. Mr. Catanese said the Kona Kai was constructed in 2007 and is twelve unit multi-family structure held in condominium ownership. He said lenders are requesting a Certificate of Nonconformity as twelve units could not be constructed on the parcel under current zoning, and they are seeking assurances. He explained the ramifications of a Certificate of Nonconformity.

Mr. Seijas moved to approve the issuance of a Certificate of Nonconformity by the Zoning Official; Mr. Rosenfeld provided the second. Roll call: Carr, yes; Hornsby, yes; Seijas, yes; Tenaglia, yes; Rosenfeld, yes; Cava, yes. Issuance of a Certificate of Nonconformity approved.

There were three resolutions memorializing Board action:

Resolution ZB-17-10 memorializing approval of application ZB-17-04-04: Seven Shes Development, LLC; contract purchasers of the property located at 451 E Louisville Ave, a/k/a blk 100.02, lots 15,17,19; seeking extension of approvals memorialized as ZB-14-20 was approved on motion of Motion of Mr. Carr, second by Mr. Seijas. Roll call: Carr, yes, Hornsby, abstain; Seijas, yes, Tenaglia, abstain; Rosenfeld, yes; Cava, yes.

Resolution ZB-17-11: memorializing denial of application ZB-17-04-01: Mary McKenna, owner of the property located at 113 E Nashville Ave.; a/k/a blk 113, lot 9; seeking "c" variance relief to expand front porch into front yard setback, and increase lot coverage was approved on motion of Mr. Carr, second by Mr. Seijas. Roll call: Carr, yes, Hornsby, abstain; Seijas, yes, Tenaglia, abstain; Rosenfeld, yes; Cava, yes.

Resolution ZB-17-12: memorializing approval of application ZB-17-04-03: 308 E Stanton Ave, LLC owner of the property located at 308 E Stanton Ave.; a/k/a blk97.01, lot 16; seeking "c" variance relief to extend first floor roof into the front yard setback was approved on motion of Mr. Rosenfeld, second by Mr. Carr. Roll call: Carr, yes, Hornsby, abstain; Seijas, yes, Tenaglia, abstain; Rosenfeld, yes; Cava, yes.

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 that there will be meeting on June 20.

On motion of Mr. Rosenfeld, second by Mr. Carr, and unanimous voice vote the Chairman adjourned the meeting by affirmative voice vote at 6:10 p.m.

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