

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 15 August 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; present; Cava, present; Seijas, absent; Stuart, absent; Levy, present; Mettler, present; Tenaglia, absent; Rosenfeld, present; Bumbernick, absent; Solicitor Robert T. Belasco, Esq., present; Zoning Officer Malia, present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 20 June were distributed for review and approval or correction. Mr. Mr. Mettler moved to approve the minutes; Mr. Rosenfeld seconded. Roll call: Carr, abstain; Levy, abstain; Mettler, yes; Rosenfeld, yes; Cava, abstain; minutes approved.

There were two applications to come before the Board.

ZB-17-08-01: Kirk Hewitt, owner of the property located at 5712 Pacific Ave.; a/k/a blk 17, lot 1; located in the R-2 zone, "c" variance relief to construct a single family home. Applicant represented by Andrew D. Catanese, Esq. Mr. Catanese approached the Board and explained how and why this application came to be in front of the ZBA. He said the applicant is acting in the interest of promoting single family construction on the main streets. Mr. Catanese explained the site plans (entered as exhibits A-1 and A-2) noting the pages pertinent to this application as those denoted as A 1.2 and A 4.2. Architect Matthew Sprague and Engineer Dante Guzzi were sworn in and qualified as experts. Property owner Kirk Hewitt was sworn in. Mr. Sprague testified the concept for the design was in the context of the neighborhood. He described the design and orientation of the proposed dwelling, saying although the address of the property orients it to Pacific; the design orients the entry and garage to Heather Rd. He noted design elements to compliment the neighborhood pointing out the dramatic roofline and esthetic profile. Mr. Catanese noted the other properties on the same intersection have the driveways oriented to the side streets with Mr. Sprague adding that as the driveway is oriented to the side of the property with a 100' street frontage, the applicant is requesting relief to install a 20' curb cut as would be permissible on a lot with a 100' frontage. The curb cut will be utilized to access the garage and a parking pad adjacent to the garage (west side) which will accommodate two cars. Variance is sought from Ordinance requiring a 20' setback to a garage door as the design includes a 12' setback to the garage. Mr. Sprague said the structure could have been oriented to Pacific Ave with a typical design with a recessed garage and driveway on the main street. He opined that this is a much prettier design with a pleasing façade on both street fronts and provides off street parking for three cars where Ordinance requires parking for two. Mr. Catanese submitted rendering SD-1 depicting the site plan for the project; it was marked Exhibit A-3. Engineer Dante Guzzi approached the Board and described the site plan. In answer to Board members' questions, Mr. Guzzi said the proposed location for the hvac units places these 4' from the property line which complies with Ordinance requirement, but the trash corral and shower enclosure are not compliant. After discussion, the applicant offered to revise the size of the trash corral and shower enclosure as a condition of approval. It was agreed upon the trash corral could be 4.5' from the property line, and the shower enclosure 4'. Mr. Guzzi reiterated the variance relief sought. Zoning Official Malia read his report (attached hereto and made part hereof) into the record noting the Borough Land Use Ordinance reference to habitable space on the third floor of a dwelling. Mr. Catanese reminded the Board that they are seeking relief under the "c"2 criteria. Mr. Guzzi opined granting the relief would advance the purposes of zoning in that it meets criteria c. providing light, air and open space; i. promoting a desirable visual environment; and b. securing safety from fire, flood, panic and other disasters as well as a. promoting public safety and the general welfare of the community. He added he sees no detriment. Discussion ensued among the members of the Board and the applicant and his representatives regarding the configuration of the upper story of the house as to whether the configuration meets the definition

of a “half story” or “loft” as permitted in the Borough Land Use Ordinance. Mr. Sprague said lacking clear definition in the Ordinance he had relied upon construction Code language for guidance. Zoning Official Malia (who is also the Borough Construction Official) said as this is an application for relief under the zoning regulations, the conditions of the Ordinance should be met or relief should be sought from those. Solicitor Belasco directed the Board to focus on the habitable area as defined in the Land Use Ordinance. Discussion continued involving the habitable third floor area and open deck at that level. Mr. Mettler said the third floor could be partitioned into storage and habitable areas thereby solving the problem. Mr. Catanese said the applicant put a lot of time, money and effort into the plan. **Mr. Mettler left the meeting at 6:25 p.m.** In deliberation, Board members said they were pleased with the overall plan and liked the look of the proposed structure; they were satisfied with the agreed-upon setbacks of the trash corral and shower enclosure; they were satisfied with the location and configuration of the driveway and parking pad and they were in agreement the benefits of granting the variance relief outweigh the detriments. The Board asked that as a condition of approval the applicant limit the habitable area of the third floor to one-third of the area of the floor below in keeping with Ordinance.

No members of the public spoke for or against the application.

Solicitor Belasco summarized the variance relief: setback to the garage door at 12’, curb cut to be 20’, trash corral setback at 4.5’, shower enclosure setback at 4’, the habitable space on the third floor not including the area of the open porch will be limited to one-third of the habitable area of the floor below; the Zoning and Construction Official will be review plans for compliance with these conditions.

Solicitor Belasco read the findings of fact into the record. Mr. Carr moved to accept the findings; Mr. Rosenfeld provided the second. Roll call: Carr, yes; Levy, yes; Rosenfeld, yes; Cava yes. Findings accepted.

Mr. Carr moved to approve the application with the conditions as outlined; Ms. Levy provided the second. Roll call: Carr, yes; Levy, yes; Rosenfeld, yes; Cava yes. Application approved.

ZB-17-08-02: Kirk Hewitt, owner of the property located at 5710 Pacific Ave.; a/k/a blk 17, lot 2; located in the R-2 zone, “c” variance relief to construct a single family home. Applicant represented by Andrew D. Catanese, Esq. The applicant requested tabling until the meeting of Sept 19 without the need to re-advertise or re-notice and waiving all time constraints on the Board; this action was memorialized as Resolution ZB-A-17-19 on motion of Mr. Carr; second by Mr. Rosenfeld and unanimous vote of the Board.

There were no resolutions memorializing Board action.

There were three administrative resolutions:

ZB-A-17-15: Recommending hiring of Mark DeBlasio as Board Engineer for the remainder of 2017, effective 1 August; approved on motion of Mr. Carr, second by Ms. Levy and unanimous roll call vote.

ZB-A-17-16: Return \$600.00 escrow collected for application ZB-17-04-01 to Mary McKenna; approved on motion of Mr. Carr, second by Ms. Levy and unanimous roll call vote.

ZB-A-17-18: Return \$600.00 escrow collected for application ZB-12-08-01 to Kees & Angela Guerds; approved on motion of Mr. Carr, second by Ms. Levy and unanimous roll call vote.

Under old business, the Solicitor brought the Board members up to date on the status of the Alfe litigation.

There was no new business.

No members of the public spoke.

There is one continued application to come before the Board on Sept 19.

On motion of Ms. Levy, second by Mr. Cava, and unanimous voice vote the Chairman adjourned the meeting by affirmative voice vote at 6:50 p.m.

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