

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 19 October 2021
Borough Hall, 6101 Pacific Avenue

draft

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

Secretary Rogers took roll call: Bernstein, present; Bumbernick, present; Levy, present; Mettler, absent; Rosenfeld, absent (recused); Stuart, present; Tenaglia, present (entered the meeting at 5:05 p.m.); Franco, absent; Vogdes, present. Acting Solicitor David Stefankiewicz, Esq., present; Board Engineer, Joseph Mohnack, present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 17 August were distributed for review and approval or correction. Mr. Bernstein moved to approve the minutes, Ms. Levy provided the second. Roll call: Levy, yes; Stuart, yes; Vogdes, abstain; Bernstein, yes; Tenaglia, yes; Bumbernick, yes. Minutes approved as distributed.

There was one application to come before the board:

ZB-21-10-01: Leonard Lynch, owner of the property located at 8906 Atlantic Ave, a/k/a blk 163.01, lot 3; located in the R-1 Zone, seeking "c"2 variance relief for excessive height <10%. Applicant represented by Andrew D. Catanese, Esq. Mr. Catanese approached the board and described the application, saying demolition of the existing structure is to begin 20 October. He said there is current zoning approval to construct a single family home of compliant height, but the applicants would like to increase the ceiling height on the (second) living floor to 9' which requires a height variance for 1'. He noted the adjacent zone to the east, M-1B, permits single family development at a height of 39', and per the engineer's report advertising included the existing excess curb cut. Christina Amey, architect, was sworn in and recognized as an expert. She testified the proposed structure will be situated on an 80' X 80' lot in the R-1 zoning district saying the structure is designed to provide 36.5% lot coverage where 45% is permissible, and total lot coverage will equal 56% where 65% is permissible. Ms. Amey said the proposed rear yard setback is 30', where 16' is permissible. She opined these contribute to light, air, and open space. Ms. Amey described the design and structure as "modest", adding the geometry of designing a 5/12 roof pitch was difficult if maintaining 34' of height for the structure; adding 1' of height allows compliance with the pitch requirement. Ms. Amey said the driveway is proposed to remain on Charleston Ave. Mr. Catanese reiterated her testimony opining purposes of the act a., c., and i. are fulfilled. Ms. Amey added she sees no detriment to the zone plan if the relief is granted.

Responding to board questions, Ms. Amey said the height at the top of block will be 12', with the peak of the ridge at 35'. Prompted by Solicitor Stefankiewicz, Mr. Catanese testified the existing 20' curb cut, pointed out in the engineer's report, is intended to remain and was included in the current zoning approval. Ms. Amey said the proposed driveway using this curb cut will not affect greenspace on the property. Answering Mr. Bumbernick, Ms. Amey said to accommodate a lower ceiling and maintain the roof pitch requires more height. She illustrated by drawing the interior of the third floor gambrel roof area reiterating proposed ceiling height of 8' on the first floor, 9' on the second and useable 7' on the third floor loft area. Mr. Catanese said their presentation was concluded.

Board engineer Joseph Mohnack read his report (attached hereto and made part hereof) into the record. Mr. Mohnack noted providing three off-street parking spaces satisfies the RSIS (although this has not been adopted by the borough) and pointed out "housekeeping" items in the report and outside agency approvals saying the swimming pool installation must comply with borough ordinance section 85-81. Mr. Catanese replied the pool complies and was included in the original zoning approval. Mr. Stefankiewicz concurred with the report.

Chairman Bumbernick opened the public portion. Michele Dawson, owner of the property located at 319 E Charleston Ave. said while this development could be seen as progress such things

often “go south”. She expressed concern about changes to the community and that this house will be rental.

Heidi Dawson (daughter of Michele) questioned the meaning of the 9% reduction in footprint and expressed concern about the “changing landscape” of the borough and the possibility of a change in ceiling and building heights during the course of construction opining once a permit has been issued “all bets are off” as to what will be constructed.

Chairman Bumbernick addressed her concerns about the 9% reduction. Secretary Rogers (speaking in her capacity as technical assistant to the construction official) explained the inspection process and system of checks and balances during construction, saying any deviation from approved plans could result in the need for additional variance relief.

Denise D’Antonio, owner of the property located at 9002 Atlantic Ave., spoke in favor of granting the relief.

Acting Solicitor Stefankiewicz read the findings of fact into the record. He described the variance relief sought, listed professionals and members of the public who testified. Mr. Stefankiewicz noted purposes a., c., and i. of the act would be fulfilled in the opinion of the applicant, and testimony that granting the relief outweighs any detriment.

Mr. Bernstein moved to accept the findings of fact, Mr. Stuart provided the second. Roll call: Levy, yes; Stuart, yes; Vogdes, yes; Bernstein, yes; Tenaglia, yes; Bumbernick, yes. Findings accepted.

In deliberation, board members expressed support for the project and relief saying it is a “great plan”, does not propose maximum lot coverage, and provides more than adequate setbacks.

Mr. Vogdes moved to approve the application with conditions as outlined in the engineer’s report and findings, Mr. Tenaglia provided the second. Roll call: Levy, yes; Stuart, yes; Vogdes, yes; Bernstein, yes; Tenaglia, yes; Bumbernick, yes. Application approved.

There were no resolutions memorializing board action.

There were no administrative resolutions.

There was no old business.

Under new business Mr. Vogdes expressed concerns about condominium-owned motels abandoning motel amenities without zoning compliance. This is an enforcement issue and would best be addressed by the board of commissioners.

The secretary reminded the board the Planning Board is in the preliminary process of master plan review saying there will be future open public meetings at which they can express any concerns or observations for inclusion in this process.

The next regular board meeting is scheduled 16 November, there is one application to come before the board on that date. There is also one application for the meeting of 21 December.

On motion of Ms. Levy, second by Mr. Vogdes, the chairman adjourned the meeting by affirmative voice vote at 6:10 p.m.

Karen Duffy
Zoning Board Secretary