

**WILDWOOD CREST LAND USE BOARD MEETING**  
**ZONING BOARD OF ADJUSTMENT**  
**Meeting Minutes – 20 October 2020**  
**Borough Hall, 6101 Pacific Avenue**

**draft**

Chairman Seijas 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, present; Rosenfeld, present; Seijas, present; Stuart, present; Tenaglia, absent; Franco, present; Vogdes, present. Solicitor Robert T. Belasco, Esq., present; Secretary Rogers, present, Cody Stanford of DeBlasio & Associates, present; Michelle Taylor of Taylor Design Group, present. A quorum was declared.

Minutes from the meeting of 15 September were distributed for review and approval or correction. Mr. Mettler moved to approve the minutes as distributed; Mr. Bumbernick seconded. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Stuart, yes; Vogdes, yes; Franco, yes; Bumbernick, yes; Seijas, abstain. Minutes approved as distributed.

There was one continued application and one new application to come before the Board:  
ZB-20-07-02: James Mikula, owner of the property located at 507-515 E Orchid Rd., a/k/a blk 94.03, lots 5.02 & 7-15 odd, seeking “c”1 and “d” variance, preliminary and final site approval to convert an existing 60 unit motel to a 32 unit multifamily residence, with vertical expansion to the west side of the building with no expansion of the footprint; represented by Andrew D. Catanese. Esq. Solicitor Belasco noted board members present at previous meetings were present at this meeting, and further Chairman Seijas has read the minutes and listened to the recordings of the previous meetings. Mr. Catanese introduced Vincent Orlando, licensed engineer and planner; and Matthew Sprague, licensed architect; both of whom were sworn in. Mr. Orlando and Mr. Sprague have previously been qualified as experts. Mr. Sprague showed and described the updated plans saying interior and exterior storage and coat closets have been added. He said there will be a small expansion on the west side to accommodate individual storage lockers, and a laundry room featuring five stacked washer/dryers will be added on the east side, noting the larger dwelling units will have laundry facilities. Mr. Bumbernick asked about exterior colors; Mr. Sprague said this hasn’t changed since earlier renditions. In answer to Mr. Vogdes Mr. Sprague said they propose twenty-eight large and four small storage lockers for a total of thirty-two. Mr. Mettler asked if the only room will be on the first floor to which Mr. Sprague replied this is the current plan, but there is room on the other floors to add laundry rooms if needed. Mr. Sprague reiterated testimony from previous meetings saying the building will be fully sprinklered. Mr. Orlando described the site plan showing the expanded and gated trash area, the laundry area and racks for thirty-six bicycles. Answering Ms. Levy and Mr. Seijas, he said the addition of the storage area will not impact parking. Mr. Orlando directed the board’s attention to general note #4 on the site plan saying compliant plans will be submitted as a condition of approval. Answering Mr. Vogdes, he said all curbs and sidewalks will be replaced with sufficient pedestrian walkways preserved. Answering Mrs. Franco and Mr. Bumbernick, Mr. Orlando said the trash enclosure will be enlarged and gated, and the trash container(s) can be rolled to the curb on pick-up day. Solicitor Belasco reminded the board of Mr. Orlando’s previous testimony as fulfillment of the purposes of the act.

Mr. Catanese addressed the concerns of the board about storage saying the applicant will agree to language in the resolution stating there shall be no net decrease in the number of closets in the final plan as a condition of approval.

Mr. Orlando concluded his testimony citing the purposes of the act saying he feels this a question of balance and a thirty-two unit residential use is better than a fifty-seven unit motel and will have less impact on the community.

Cody Stanford of DeBlasio and Associates referenced the engineer’s report and noted there are sixteen “c” and one “d” variances requested, saying the applicant had addressed the changes. Mr. Orlando said they take no exception to the report.

Michelle Taylor of Taylor Design Group asked about the cubic footage of the storage lockers to which Mr. Sprague replied approximately sixty square feet for the large lockers. Mrs. Taylor noted the site is proposed to have 100% lot coverage and no green space, saying the building is highly reflective with no buffering. Answering Mr. Vogdes about the change of use from motel to residential, Solicitor Belasco said a use variance is not needed as multi-family residential use is permissible in the zone; the "d" variance is for density. Chairman Seijas thanked the board professional for their reports.

In the public portion, William DiAntonio of 7200 Ocean Ave was sworn in stating this is the third time he has attended a hearing for this application. He expressed his support for the application saying he sees no impact on the convention center funding as recent conventioners have been renting condos through online sources, and the proposed use is better than what is there.

Mr. Catanese summarized opining the application has come a long way, the use is conforming, impact on the neighborhood will be mitigated, parking will be improved, the proposed use will have less negative impact and be better for the borough.

Solicitor Belasco read the findings of fact into the record including a description of the application, variance relief required, professionals' reports, public testimony and agreed to conditions. Ms. Levy moved to approve the findings, Mr. Rosenfeld seconded. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Stuart, yes; Vogdes, yes; Franco, vote not needed; Bumbernick, yes; Seijas, yes. Findings accepted.

The board called a five minute recess.

Opening deliberation, Chairman Seijas encouraged board members to express their opinions, noting opinion does not necessarily indicate vote. Vice-chairman Bumbernick began saying the applicant has taken the proposal from unacceptable to palatable, adding he sits on the GWTIDA board and online rentals do not fund the convention center as these are not subject to local fees. Chairman Seijas and board members Levy and Rosenfeld agreed adding the benefits of granting relief outweigh the detriments; the Borough is not served by deteriorating beachfront properties; concern was expressed about the dimensions of parking spaces, greenspace, adequacy of laundry facilities; it was noted most "c" variance relief is for pre-existing conditions; public response was favorable; the property needs to be upgraded.

It was agreed by the board and applicant to vote on the "d"5 relief first, then proceed to a vote on the "c" relief, and preliminary and final site plan approval.

Mr. Rosenfeld moved to approve the "d"(5) [density] variance, Mr. Stuart seconded. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Stuart, yes; Vogdes, yes; Franco, vote not needed; Bumbernick, yes; Seijas, yes. "d" variance approved.

Mr. Stuart to approve all "c" variances, and preliminary and final site plan with conditions as outlined in the findings, Ms. Levy seconded. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Stuart, yes; Vogdes, yes; Franco, vote not needed; Bumbernick, yes; Seijas, yes. "c" variance relief, preliminary and final site plan approved with conditions.

ZB-20-10-01: Andrew J. Borowsky, owner of the property located at 305 E Stockton Rd; a/k/a blk 98.01, lot 7; seeking "c"2 variance relief to construct a single family home on a conforming lot in the R-2 zoning district. Applicant represented by Andrew D. Catanese, Esq. Mr. Catanese approached the board and described the existing structure as a three unit dwelling on a 40'X100' lot with setback deficiencies, 100% lot coverage, two curb cuts; he said the proposed single family dwelling is a permitted use. Mr. Catanese showed the photograph as distributed with the application.

Matthew Sprague, architect, was introduced, sworn in and qualified as an expert. Mr. Sprague described the proposed single family structure as an upside down house with a garage, three bedrooms and an entry foyer on the first floor; a living room, kitchen, dining area, and master suite on the second floor, and a den on the third floor; there are decks at each level. He said relief is sought for modulation at the first floor level only, the other floors comply, in order to accommodate a car and walk-around space in the garage. The variance sought for increased living space coverage amounts to 1.6%.

Mr. Catanese reiterated the variances sought, noting the proposed setbacks are conforming or exceed conforming with rear yard at 24', and proposed lot coverage at 50%. Mr. Sprague agreed he feels purposes of the act a. promotes the general welfare; b. secures safety from fire, flood,

etc.; e. promotes appropriate density in the zone; and h. promotes the free flow of traffic. He further opined granting the variance does not harm the zone plan or the public good.

In answer to board questions, Mr. Sprague described the proposed parking as one vehicle in the garage and one in the driveway, with one existing curb cut removed, creating in increased on-street parking. Answering Mr. Stanford, he said the total proposed floor area is 1370 sq. ft. on the first and second levels, and 420 sq. ft. on the third level; and the roof pitch is an average of 5/12 with 6/12 in the front and 9/12 in the rear.

Mr. Stanford read the engineer's report into the record.

No members of the public spoke.

Solicitor Belasco read the findings of fact into the record, describing the application, noting the variance relief sought and no further conditions have been imposed. Mr. Vogdes moved to accept the findings, Mr. Bumbernick seconded. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Stuart, yes; Vogdes, yes; Franco, vote not needed; Bumbernick, yes; Seijas, yes. Findings accepted.

Mr. Mettler opened deliberations saying the variance relief requested is minor, the current setbacks are not working and reducing the use to single family makes sense. Board member were in agreement elimination of the triplex is good and the improved parking will be beneficial.

Ms. Levy moved to approve the application with usual conditions, Mr. Rosenfeld seconded. conditions have been imposed. Mr. Vogdes moved to accept the findings, Mr. Bumbernick seconded. Roll call: Levy, yes; Mettler, yes; Rosenfeld, yes; Stuart, yes; Vogdes, yes; Franco, vote not needed; Bumbernick, yes; Seijas, yes. Application approved.

Ms. Levy left the meeting at 7 p.m.

There were no resolutions memorializing board action.

There were no administrative resolutions.

There was no old business.

Under new business Solicitor Belasco explained why polling board members regarding voting is important.

In the public portion Andrew Catanese asked the board to consider including the variance necessity created by the current building wall modulation in garages in the annual report. Secretary Rogers said this is on the radar.

Board member Stuart commented on enforcement of conditions imposed as part of approvals.

There are no applications to come before the Board on 17 November, the board will meet on that date.

On motion of Mr. Vogdes, second by Mrs. Franco, the meeting adjourned by affirmative voice vote at 7:15 p.m.

Deborah Rogers, Secretary