

**WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 19 November 2019
Borough Hall, 6101 Pacific Avenue**

draft

Chairman Alan Seijas 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, absent; Rosenfeld, present; Seijas, present; Stuart, present; Tenaglia, present; Franco, present; Vogdes, present. Solicitor Robert Belasco, Esq., present; Board Engineer, present; Planner, Scott Taylor, present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 17 September were distributed for review and approval or correction. Ms. Levy moved to dispense with the public reading of the minutes and approve and as distributed, Mr. Tenaglia provided the second. Roll call: Levy, yes; Rosenfeld, abstain; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes. Minutes approved as distributed.

There were two applications to come before the Board:

ZB-19-11-01: David B. and Ulita A. Nonemaker, owners of the property located at 8104 Seaview Ave., a/k/a block 124, lot 3; seeking "c" variance relief for lot area, lot width, and lot frontage to expand a nonconforming structure in the R-2 zoning district. Mr. Nonemaker was sworn in. He presented six photographs (marked as Exhibit A-1) and described the property as an over/under duplex which he purchased two years ago. He said they use it primarily for family but might want to rent in the future. He explained they propose to create an interior stair, moving the stairwell to the back right corner of the structure; add a bathroom and redo the decks. The approximately 33 sq ft addition requires a 6' bump out which would eliminate one parking space. He pointed out on the renderings (marked as Exhibit A-2) that the wall jog would occur at 32' as this is the only suitable location, a covered entrance would be created, and a pergola would be added over the deck. He mentioned esthetic enhancements including Bermuda shutters and landscaping. He said nothing has been done to improve the property for many years. He noted most of the relief sought is for pre-existing conditions, however, additional relief is sought for the placement of the wall jog, reduction of parking, and expansion of a nonconforming structure. He noted the building and lot coverage will remain less than permitted. Mr. Nonemaker opined the benefits of granting relief outweigh any detriments as it would improve the neighborhood and increase property values. In answer to a question from Chairman Seijas Mr. Nonemaker said all fencing will comply with ordinance, and the front fence will be 42" picket. In answer to Mr. Stuart, Mr. Nonemaker said the addition will not compromise the total required sideyard setbacks. Mr. Nonemaker added the existing total lot coverage is approximately 35% and will increase to 40%, where 65% is permissible. Mr. Vogdes asked if Mr. Nonemaker intended to create a triplex as there are "lock outs" shown on the plan. Mr. Nonemaker said no. In answer to Board queries, Mr. Nonemaker reiterated the parking will decrease from four spaces to three.

Board Engineer Marc DeBlasio read his report (attached hereto and made part hereof) into the record.

Solicitor Belasco read the variance relief required into the record: roof pitch, lot area, lot width, front yard setback, wall modulation (jog), and parking with additional conditions requiring landscape plans and architectural elevations per the engineer's report.

The Board entered into deliberation with Mssrs. Seijas, Rosenfeld and Franco looking favorably upon the relief, although Mr. Seijas said he was concerned about the parking issue; Mr. Vogdes expressed concern about the "lock offs" saying he was not in favor of granting relief; Mr. Stuart, Ms. Levy and Mr. Tenaglia concurred noting concern about parking. Mr. Seijas asked the Board to consider if the proposed improvements offered sufficient benefit to outweigh the relief for parking.

Solicitor Belasco read the findings of fact into the record, listing variance relief sought and required conditions. Mr. Stuart moved to accept the findings, Mr. Tenaglia provided the second.

Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes; findings accepted.
Mr. Rosenfeld moved to approve the application with conditions as noted, Mr. Franco provided the second. Roll call: Levy, no; Rosenfeld, yes; Stuart, no; Tenaglia, no; Franco, yes; Vogdes, no; Seijas, yes. Application denied.

ZB-19-11-02: Seashore Island Investors, LLP, owner of the property located at 7011 Pacific Ave., a/k/a block 65.01, lots 11 & 12, seeking "c" variance relief (lot area, lot frontage, lot width and rear yard setback) and "d"1 and "d"5 variance relief (use not permitted in zone and density) and site plan waiver to construct a three unit dwelling on an undersized 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 having eighteen rental/dwelling units and various nonconformities. He said the intention is to demolish the existing structure and build a three-unit building. He said they are applying under the "c"2 (flexible "c") and "d" criteria and will address the special reasons for granting relief. Mr. Catanese introduced Harry Mitchell as a principal in the LLP which owns the subject property. Mr. Mitchell was sworn in and recited his personal history working with planning and zoning into the record. Mr. Mitchell said changes to the Master Plan in 2005 rendered this property nonconforming. He described conditions on the property when he purchased it in June of this year, saying it was being marketed as suitable for six condominium owned units. The most recent mercantile license issued was for eighteen rental units. Mr. Mitchell described existing conditions on the property as related to bulk requirements including eave height, setbacks, insufficient parking and lot coverage. Photos marked as Exhibits A-1 and A-2 were submitted. Mr. Catanese submitted revised plans p. Z-1 – Z-8 and marked as Exhibit A-3 showing revisions in response to the engineer's report. Mr. Mitchell said the unit fronting on Pacific Ave is now designed with four bedrooms, the two units facing Primrose Rd are designed with three bedrooms in each, adding all changes are interior with no change to the site plan. Mr. Catanese entered lists of violations from the Police, Fire Prevention and Code Enforcement Departments as Exhibit A-4 noting problems with the property and occupants. Mr. Mitchell described the proposed plan for the new structure as having setbacks on the north side of the building of 16'3"; the front on Primrose at 10'3"; the front on Pacific at 12'6" to the stairs – saying the building jogs back at the corners – and east (rear) setback at 9'6". Mr. Catanese opined the setbacks, undulations and open porches contribute to light, air and open space. Mr. Catanese pointed out the varying rooflines and gable dormers, saying some pitches are close to 7/12. He said variance relief is needed for eave height. Planner Scott Taylor said most pitches are 3 and 7/8"/12, not meeting the required 5/12, also noting the proposed roof height is 29'9" where 32' is permitted. Mr. Catanese said the increased setbacks mitigate the eave height variance, pointing out the many "jogs". Mr. Taylor said the north elevation 2nd floor has no "jog". Mr. Taylor noted the plans show reduced building coverage as opposed to existing. Mr. Mitchell said the parking will comply with two spaces provided for each unit, and two additional spaces will be created on Primrose Rd. Mr. Catanese showed an aerial view of the surrounding neighborhood (marked as exhibit A-8), and Mr. Mitchell explained the number of units in each property, noting the character of the neighborhood. Chairman Seijas commented on the current structure, pointing out the number of violations, saying the proposed will more closely comply for fire and safety considerations as well as light, air and open space, and density. He said he perceives no impairment of the neighborhood as it already contains many nonconforming structures. Mr. Mitchell said the existing structure has approximately 14,000 sq ft of floor area, and the proposed would have approximately 8,500 sq ft of floor area and less volume. In answer to Board questions Mr. Mitchell again described the parking; he said the roof pitch creates architectural interest and raising the roof would take away from the dormer look; the architect was trying to avoid the "cookie cutter look" which has become prevalent in the borough. Mr. Taylor pointed out a discrepancy in the elevations, asking if it showed a mansard design with a flat roof behind adding no roof plan had been provided. Mr. Seijas asked if raising the roof could require a height variance. Mr. Catanese said there are various roof pitches with a minimum of 2 7/8" on 12. Mr. DeBlasio said based on the slope, the proposed roof height might not be accurate. Mr. Taylor said they should consider naming the roof heights and perhaps should not be held to the 29' as proposed but permitted to go to 32' as allowed with the eaves at 27'. Mr. DeBlasio read highlights

and pertinent sections of his report (attached hereto and made part hereof) into the record, noting he had done a site plan review and included it in same, not waiving site plan as requested by the applicant as site plan is called for. He also noted Pacific Ave is under moratorium for street opening and the applicant must comply. Mr. Mitchell said existing hook-ups should be sufficient and no new sanitary sewer or water connections should be needed. Mr. DeBlasio said it will be necessary to supply plans showing sight triangles, grading and drainage, and landscaping and these should be a condition of approval. He reminded the applicant that if this project is approved a performance guarantee and escrow monies will be required. Mr. Taylor said, addressing the relief requested, that the "d"5 (density) variance is not necessary as it is subsumed by the "d"1 (use) variance. The Solicitor concurred.

Solicitor Belasco read the relief into the record: "d"1 – density, "c" for roof pitch, eave height, "jog", lot area, lot frontage and width, rear yard setback, number of floors and building coverage. As site plan was performed, there will be no waiver.

In the public portion members of the public were sworn in:

William J. Carr, owner of 120 E Primrose Rd spoke in favor of the relief, saying the existing property and the tenants have been devastating to the neighborhood.

Beverly Clancy, owner of the property at 6910 Pacific Ave said she is in favor of demolishing the existing structure but has issues with the proposed density and concerns about increased parking problems.

Frederick Kowski, an owner at 7005 Pacific Ave asked if a 6' fence could be erected between their condominium-owned property and the subject property.

Will J. Ferraco, owner of the property at 301 E. Primrose Rd said the fence height might be limited to 4'.

Mr. Catanese said the applicant will amend the application to accommodate the neighbors regarding the fence and note same on future plans.

Solicitor Belasco read the findings of fact into the record including variance relief and conditions: "d"1 – density, "c" for roof pitch, eave height, "jog", lot area, lot frontage and width, rear yard setback, number of floors and building coverage. As site plan was performed, there will be no waiver. As conditions it will be necessary to supply plans showing sight triangles, grading and drainage, and landscaping; a fence will be erected at 6' where a 5' fence is the maximum and approvable by the zoning official.

In deliberation, all board members were in agreement the proposed structure and use are in keeping with the character of the neighborhood, improve light, air and open space, serve the public good through enhanced safety, promote a desirable visual environment and promotes appropriate population density. Mr. Seijas thanked the public for their participation.

Mr. Tenaglia moved to accept the findings of fact, Mr. Rosenfeld provided the second. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes; findings accepted.

Mr. Vogdes moved to approve the "d"1 variance relief, Ms. Levy provided the second. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes; "d"1 variance approved.

Mr. Tenaglia moved to approve the site plan, "c" variances and conditions of approval as stated, Mr. Vogdes provided the second. Roll call: Levy, yes; Rosenfeld, yes; Stuart, yes; Tenaglia, yes; Franco, yes; Vogdes, yes; Seijas, yes; site plan and "c" variances approved.

There were no resolutions memorializing Board action.

There was no old business.

Under new business the Solicitor reminded the Board of the JIF pamphlet which has been distributed as mandatory reading, and told the Board it will be a subject of discussion at the December meeting.

No members of the public spoke.

The Board will meet on 17 December. There is one application to come before the Board on that date.

On motion of Mr. Rosenfeld, second by Mr. Vogdes, the meeting adjourned by affirmative voice vote at 7:40 p.m.

Deborah Rogers
Secretary, Zoning Board of Adjustment