

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

draft

Board Solicitor Robert Belasco 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, absent; Rosenfeld, present; Seijas, absent; Stuart, absent; Tenaglia, present; Franco, present; Vogdes, present. Solicitor Robert T. Belasco, Esq., present; Secretary Rogers, present. A quorum was declared.

Minutes from the meeting of 15 December 2020 were distributed for review and approval or correction. Mr. Tenaglia moved to approve the minutes as distributed; Mr. Rosenfeld seconded. Roll call: Levy, abstain; Rosenfeld, yes; Tenaglia, yes; Vogdes, yes; Franco, yes; Bumbernick, abstain. Minutes approved as distributed.

Oath of office was affirmed by the Board.

Solicitor Belasco presided over the election of officers for the 2021 calendar year.

On motion of Mr. Vogdes, second by Ms. Levy and unanimous voice vote, Resolution ZB-A-21-01 memorializing election of Officers; Chairman William Bumbernick and Vice-Chairman Vincent Tenaglia for the 2021 Calendar Year was approved.

Chairman Bumbernick presided for the remainder of the meeting.

On motion of Ms. Levy, second by Mr. Vogdes and unanimous voice vote, Resolution ZB-A-21-02 memorializing hiring of Deborah Rogers as secretary for the 2021 Calendar Year was approved.

On motion of Mr. Vogdes, second by Ms. Levy and unanimous voice vote with Mrs. Franco abstaining, Resolution ZB-A-21-03 memorializing hiring of Robert T. Belasco, Esq. as solicitor for the 2021 Calendar Year was approved.

On motion of Mr. Tenaglia, second by Mrs. Franco and unanimous voice vote, Resolution ZB-A-21-04 memorializing hiring of DeBlasio Associates and the services of Marc DeBlasio as engineer for the 2021 Calendar Year was approved.

On motion of Mr. Vogdes, second by Mr. Stuart and unanimous voice vote, Resolution ZB-A-21-05 memorializing dates, place, and publication of meetings for the 2021 calendar year was approved.

On motion of Ms. Levy, second by Mr. Tenaglia and unanimous voice vote the Annual Report was accepted for submission to the Planning Board and memorialized as Resolution ZB-A-21-06. The secretary informed the board the Board of Commissioners has retained Avery Teitler, Esq as conflict attorney for the Land Use Boards.

Lyndsy Newcomb, Esq. of the office of Monzo, Catanese, Hillegass introduced herself and approached the board. Ms. Newcomb requested board review of resolution ZB-20-15 James Mikula, owner of the property located at 507-515 E Orchid Rd, condition of approval "d" be modified to reflect a minimum rental period of one week per ordinance section 85-57A.1.a. The board discussed whether the intention of the board was reflected in the resolution. It was decided Andrew Catanese, attorney for the applicant, and Board Solicitor Belasco will listen to the recordings of the hearings and recommend any amendments to the resolution.

There were two applications to come before the Board:

ZB-20-12-02: James Mikula, contract purchaser of the property located at 407-415 E Atlanta Ave, a/k/a blk 98.02, lots 7-12, in the M-1B zoning district, seeking "d"5 and "c"2 variance relief to construct a 24 unit multi-family dwelling with excessive building and lot coverage. Applicant represented by Andrew D. Catanese, Esq. continued from the meeting of 15 December 2020.

Lyndsy Newcomb, Esq. of the office of Monzo, Catanese, Hillegass approached the board on behalf of the applicant. It was noted for the record, Ms. Levy has read the minutes of the meeting

and listened to the audio recording and therefore has standing to vote on any proceedings. Ms. Newcomb asked for the board's consent to withdraw the application. Solicitor Belasco reminded the board at the previous meeting the applicant had concluded the presentation, members of the public had testified, the findings of fact had been approved and deliberation had concluded when the applicant asked to adjourn the application. He also noted no revised plans have been received and explained withdrawal would allow the applicant to refile the same application, while a vote from the board would be definitive as to the outcome. In a poll, board members agreed previously stated opinions of the application are valid as no revisions have been received; Mrs. Franco moved to vote on the application as presented, Ms. Levy seconded; members agreed by unanimous voice vote to proceed with a vote on the application. Mr. Tenaglia moved to approve the application with conditions, Ms. Levy provided the second. Members stated the reason for their votes during roll call: Levy, no; Rosenfeld, no; Tenaglia, no; Vogdes, no; Franco, no; Bumbernick, abstain. Application denied with members agreeing the proposed density was not suitable for the site, and the application was not in keeping with the Borough Master Plan.

ZB-21-01-01: Shannon Michael Nelson, owner of the property located at 110 W Fern Rd., a/k/a blk 58, lots 21 & 22.01 in the R-2 zoning district; seeking relief to expand a nonconforming structure and pre-existing nonconforming conditions. Applicant represented by Lyndsy M. Newcomb, Esq. Ms. Newcomb described the application and introduced Matthew Sprague, architect, who has been previously qualified as an expert; Mr. Sprague was sworn in. Mr. Sprague showed the proposed improvements to the structure saying all will be within the existing footprint. He said a duplex currently exists and the structure will be maintained as a duplex. He said the parking situation on the lot will improve as a masonry wall will be removed creating more space. Ms. Newcomb said if approved there will be four parking spaces on the lot. Mr. Sprague indicated on the plans where the exterior entry stairs will be replaced and described proposed changes to the façade including the creation of a deck across the front of the building at the second floor level which requires variance relief. Mr. Sprague opined purposes of the act "a", "c", "i" and "h" will be promoted and the benefits of granting the relief will outweigh any detriments. Answering board questions Mr. Sprague showed the location of the stairs, and the duplex use will be retained.

Joe Womack of DeBlasio and Associates entered the engineer's report (attached hereto and made part hereof) into the record, citing requirements therein. The applicant's attorney and architect agreed to the conditions.

No members of the public spoke.

Solicitor Belasco read the findings of fact into the record, describing the proposed project and conditions of approval. Mr. Rosenfeld moved to accept the findings, Mr. Tenaglia provided the second. Roll call: Levy, yes; Rosenfeld, yes; Tenaglia, yes; Vogdes, yes; Franco, yes; Bumbernick, yes. Findings accepted.

In deliberation board expressed opinions this will be an improvement to the neighborhood, does not harm the zone plan and the benefits will outweigh any detriments.

Ms. Levy moved to approve the application with conditions, Mrs. Franco provided the second. Roll call: Levy, yes; Rosenfeld, yes; Tenaglia, yes; Vogdes, yes; Franco, yes; Bumbernick, yes. Application approved.

There was one resolution to be memorialized: ZB-21-07 memorializing approval of application ZB-20-12-01: Michael & Shannon Cunningham, owners of the property located at 118 E Palm Rd., a/k/a blk 60, lot 30.02, in the R-2 zoning district seeking "c"2 variance relief to increase curb cut to 17' feet in width. Mr. Vogdes moved to memorialize the resolution, Mr. Rosenfeld provided the second. Roll call: Levy, abstain; Rosenfeld, yes; Tenaglia, yes; Vogdes, yes; Franco, abstain; Bumbernick, abstain. Resolution memorialized.

There were no further administrative resolutions.

There was no old business.

Under new business the secretary asked for board support in requesting the Board of commissioners consider ordinance change to increase escrow fees. After discussion, the board agreed in support.

The secretary informed the Board there are two applications to come before the Board in February; the Board will meet 16 February at 5 p.m.

On motion of Ms. Levy, second by Mr. Vogdes, the meeting adjourned by affirmative voice vote at 6:12 p.m.

_____ Secretary