

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – MARCH 8, 2016**

The Regular Meeting of the Borough of West Cape May Planning-Zoning Board, held at the Municipal Building, 732 Broadway, was called to order by Chairman Mulligan at 7:00 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

ROLL CALL:

Members:

Doris Jacobsen	present	Kevin O’Neill	present
Art Joblin	present	Diane Rea	present
Pam Kaithern	present	Carole Sabo	present
Mark Kulkowitz	absent	Alternates:	
Barbara Lamb	present (7:22)	TJ Belasco	present
Paul Mulligan	present	Lisa Roselli	present

Also Present: Brock Russell, Esq., Board Solicitor
Ray Roberts, Board Engineer
Theresa Enteadó, Board Secretary

MINUTES: On motion of Carol Sabo, seconded by Art Joblin, the minutes of February 9, 2016 Regular Meeting were approved as amended on roll call vote as follows: Joblin, Rea, and Belasco abstaining, all remaining members present voting in the affirmative.

APPLICATIONS:

Application 002-16, Scott Peter, Block 21, Lot 43.02, 724 Park Blvd.:

Board Chairman Mulligan invited the applicant to the front table but Mr. Peter was no longer present. Board Attorney Russell indicated for the record that he had spoken to Mr. Peter, he explained the deficiency with his notice, and that he would need to re-publish and re-notice and that Mr. Peter understood. He advised the Board that there would be no action taken except to decide to table the application indefinitely. Also noted for the record, Kevin O’Neill is recused from this application, as he resides within 200 feet of the property. On motion of Art Joblin, seconded by TJ Belasco, and carried unanimously on roll call vote, the application was postponed until Tuesday, April 12, 2016 at 7:00 pm.

Application 001-16, Richard Burke, Block 35, Lot 4, 105-107 Second Avenue:

Board Chairman Mulligan invited the applicant to the front table and for the record, noted that Barbara Lamb had arrived and that Lisa Roselli would not be voting as second alternate, due to her arrival. Board Attorney Russell swore in Mr. William Sweeney, professional land surveyor of New Jersey, and asked that he be deemed as an expert. The board agreed. Mr. Jeffery Barnes, with Barnes Law Group LLC, introduced himself as attorney for the applicant, Mr. Richard Burke. Mr. Barnes stated the applicant was proposing to create a two lot subdivision and all the lots would be conforming in accordance with the Borough’s Ordinances. Mr. Barnes explained that the house on 4.02 would remain and the other lot would be subject to a potential single family home that would meet all the bulk and area requirements in the event of any type of

construction and/or come to the Board for any type of variance relief if needed. Mr. Sweeney testified that the existing Block 35 Lot 4 was to be subdivided into two conforming lots. The lot to the left would be new lot 4.01 and will measure 50 X 150, and total 7,500 square feet. He added that the lot is vacant and the shed on this property is no longer being relocated but removed, pending approval. Mr. Sweeney said the lot to the right would be new lot 4.02 at 5,000 square feet with an existing dwelling. He added, the lot does currently have municipal water and sewer connections and that there are pre-existing non-conformities; for the dwelling they are front and side yard and for the shed, rear and side yard. Mr. Sweeney testified that these pre-existing non-conformities would not be exacerbated by the proposed subdivision. Mr. Sweeney noted that the shed on 4.01 will not be relocated, it will be removed, and he would revise the subdivision plan to show 6 feet on the left or west side and 10 feet on the right or east side. Board Engineer Roberts explained that the subdivision map and the architectural map did not agree and Mr. Sweeney agreed to correct the side setbacks on the subdivision plans. Mr. Roberts added that he should also include the North arrow on the plan. Board Attorney Russell swore in Board Attorney Roberts who summarized his report stating, the applicants had demonstrated there are existing non-conformities that are not going to be impacted by this subdivision and that both proposed lots would be in conformance with the Borough's regulations for bulk requirements. He noted that the shed on lot 4.01 was being demolished not relocated and added if the shed were demolished prior to filing the subdivision there would be no need for a performance bond, but if the subdivision goes in before the removal of the shed, bond would need to be posted. Lastly, Board Engineer Roberts said the side yard discrepancy must be corrected. Chairman Mulligan stated he noticed a pattern for the neighborhood that seemed to be 6 feet on the east and 10 on the west side. Mr. Barnes advised the Board that his client would most likely be agreeable to the dimensions being on either side. Board Chairman, Mulligan asked if there were any other questions for the applicant or our engineer. Board member Doris Jacobsen wanted to know if they planned on appearing before the Historic Preservation Committee, Mr. Barnes said yes they did. Board Attorney Russell clarified the subdivision would not be contingent on HPC approval but the building permit would be. Board member Pam Kaithern asked whether or not the applicant would consider removing or relocating the shed on proposed lot 4.02 as well. Mr. Barnes could not offer a certainty without consulting with his client but did state that his client wants to be as neighborly and reasonable as possible and that he may be open to that suggestion. Board member Kaithern also asked if the applicant could consider saving as many large trees as possible and said it would go a long way and be much appreciated by the community. When there were no other questions Chairperson Mulligan opened the public hearing to anyone within 200' of the subject property, then to the general public. Attorney Russell submitted that this would be a simple resolution to approve a minor subdivision without variances, except those that are pre-existing conditions that aren't affected by the application, with conditions that the Board Engineer had reviewed and the applicant had accepted. When no one else wished to speak, the public hearing was closed on motion of TJ Belasco, seconded by Lisa. Roselli. Chairperson Mulligan asked for a motion to approve, on motion of Art. Joblin, seconded by Kevin. O'Neill, the aforementioned application was approved unanimously on roll call vote.

Application 003-16, Kubiak/Mitchell, Block 50, Lots 1.01, 1.02, 2, 4th 5th & Bayshore:

Board Chairman Mulligan invited the applicant to the front table and for the record, noted that Board Member Diane Rea must recuse herself from this application. Mr. Thomas Hillegass,

with Monzo, Catanese, Hillegass, introduced himself as attorney for the applicant and advised that testifying on behalf of the applicant would be Mr. Brian Murphy, NJ licensed engineer and land planner as well as Mr. William Sweeney, NJ licensed land surveyor. Attorney Hillegass and the Board discussed the 2012 application and the granting of a continuation then as well as the decision that there was a substantial change and therefore a new application needed now. Board member Kaithern and Chairman Mulligan mentioned the absence of the photos that were indicated as submitted according to the checklist as well as missing surveys of the existing condition. Board Attorney Russell advised the applicant and the board that this was now moving from answering a question to, discussing the application and therefore swore in Mr. Murphy and Mr. Sweeney. Attorney Russell advised Mr. Hillegass that while the resolution from 2012 did state it was pending DEP approval, there have been substantial changes to the plan. He further advised the Board that they must decide if they can rely on the original application documents or if they need more information and should table the hearing to the next meeting. Chairman Mulligan pointed out that no one had the original documents with them and only three board members present heard the application in 2012. After some discussion it was agreed that the hearing would be tabled to the next meeting date and that new pictures and surveys would be submitted. Attorney Russell submitted that the hearing would be tabled to the next meeting and that no further publication or notice would be necessary. Chairman Mulligan asked for a motion to postpone, on motion of Barbara Lamb, seconded by TJ Belasco, and carried unanimously on roll call vote, the application was postponed until Tuesday, April 12, 2016 at 7:00 pm. When no one else wished to speak, the public hearing was closed on motion of Lisa Roselli, seconded by Barbara Lamb.

PRIVILEGE OF THE FLOOR: No comments.

When no one wished to speak the meeting was recessed into closed session at 8:18 PM and reconvened at 8:42 PM.

On motion of Chairman Mulligan, and carried by unanimous voice vote, the meeting adjourned at 8:43 PM.

Respectfully submitted,

Theresa Enteadó
Board Secretary