

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – APRIL 12, 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 7:10 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	present	Alternates:	
Barbara Lamb	present	TJ Belasco	absent
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 Art Joblin, seconded by Pamela Kaithern, the Minutes of March 8, 2016 Regular Meeting were approved unanimously on roll call vote. On motion of Art Joblin, seconded by Doris Jacobsen, the Minutes of March 8, 2016 Closed Session Meeting were approved unanimously on roll call vote.

RESOLUTIONS:

Resolution 0004-16, Richard Burke, Block 35, Lot 4, 105-107 Second Avenue:

On motion of Doris Jacobsen, seconded by Carol Sabo, the aforementioned resolution was approved on roll call vote as follows: all members present voting in the affirmative.

APPLICATIONS:

Application 015-15, Susan Crossan, Block 5, Lot 12, 136 Pearl Avenue:

Susan Crossan and George Rohanna were sworn in by Board Solicitor Russell. Mr. Rohanna testified that he initially constructed an addition to this property for the applicant’s disabled husband who is now deceased. Mr. Rohanna also testified that he did a lot of work for the husband in the past and it was understood between them that the husband always obtained the necessary permits. Mr. Rohanna said he found out from the Zoning Officer that permits were not obtained for the work that he performed to close in the deck and the application that Ms. Crossan submitted was done so in order to obtain the necessary permits.

The Board Engineer, Mr. Raymond Roberts, testified that the applicant requires a side yard variance for 3.7 feet where 6 feet is required but that this non-conformity is a pre-existing condition. Mr. Roberts advised the Board that if they approve the request, certain conditions should be attached, and they are: revising the plan, requiring HPC Approval, requiring building

permit for the new screened porch, and waiver of the vegetation plan due to heavy vegetation already existing on the lot.

During the public portion of the hearing, Elisabeth Fritz of 132 Pearl Avenue spoke in opposition of the application. After being sworn in, Ms. Fritz testified that she is the next door neighbor and she has never seen any permits displayed for any work that has been done on the property. She testified to seeing lumber delivered and cement poured for work that was never permitted. She also said electrical work was done without the necessary permit. Ms. Fritz testified that the only permit she ever saw was for work that was done years ago.

Eugene Cathrall of 1137 Broadway, self-described fiancée of Elisabeth Fritz and construction contractor, was sworn in and testified that while the addition built on the property may have been properly permitted, the applicant did roof work on the shed without a permit. He also testified that the deck work done in 2013 was much larger than what was approved. Mr. Cathrall added that enclosing the deck created habitable space only 3 feet from the property line and that no building permit was issued for this. He said since creating this space, and adding electricity there has been a considerable amount of noise. He also testified that the HVAC platform on the side of the property is within the side yard setback. He believes the lot coverage to be over the maximum allowed and the side yard setback to be less than 12 feet due to the HVAC platform. Mr. Cathrall also stated the overhang of the eaves of 6 inches should be counted in calculating the side yard setback of the property. Chairman Mulligan noted that the 3.27 side yard setback is a pre-existing condition.

Norman Roach, the Borough Zoning Officer, was sworn in and testified that the necessary permits were obtained for the new addition to the property. He also testified that the application currently before the Board did not involve that project, it was for the enclosure of the deck. Mr. Roach clarified that the 2012 approval was for the addition and that involved a separate deck on the property. Mr. Roach added that the HVAC platform would require a side yard setback variance for 13 feet instead of the 16 feet that is required. Mr. Roberts, Board Engineer, testified that it would require a total side yard variance of 12 feet, given the location of the platform.

Board Solicitor Russell clarified that the applicant constructed a larger deck at the rear of her property than what was applied for and permitted, and later enclosed this deck with a screen without a permit. He advised the Board that they must consider the positive and negative criteria and determine whether a C-1 variance is appropriate. Solicitor Russell stated the resolution would be for three variances with conditions. When no one else wished to speak, the public hearing was closed on motion of Doris Jacobsen, seconded by Art Joblin. Chairperson Mulligan asked for a motion to approve, on motion of Kevin O'Neill, seconded by Barbara Lamb, the aforementioned application was approved unanimously on roll call vote.

A short break was observed from 8:45 PM to 8:53 PM.

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

Board member Kevin O'Neill recused himself from this application. Scott Peter of 745 W. Montgomery Avenue in Wildwood, contract purchaser, was sworn in by Board Solicitor Russell. Mr. Peter testified he was seeking minor subdivision with relief on frontage and width. Mr.

Peter also testified that he wants to take the existing lot and create two single family lots, the first proposed lot to be 48 X 144 and the second 44 X 164. He pointed out that he could build very large multi-units that would not require variance or relief but he did not want to do that, he opted for the single family homes in order to allow for more open space. Mr. Peter supplied a display of the proposed homes and this display was entered as Scott Peter Exhibit one.

The Board Engineer, Mr. Raymond Roberts, testified this application only requires variance for lot frontage and lot width. Mr. Roberts advised the applicant should have the surveyor confirm the correct lot number. He also stated that since the contractor is proposing to demolish current structures the timing may be such that a performance bond would be needed depending on the options the owner may take if the application is approved. Mr. Roberts also noted the plans show no construction planned for the area marked as wetlands buffer.

Public portion was opened to those within 200 feet of the property. Barbara Fischer of 750 Park Boulevard was sworn in. Ms. Fischer testified that she lives next door to the property and wished to speak in opposition of the application. She provided 24 photos that were accepted and marked as Barbara Fischer exhibit one. She testified that she and her husband have lived in their home for the past twenty one years and every year they have tended to and at times expanded their gardens. The first set of pictures show her gardens and various wildlife. Ms. Fisher explained that she is very concerned about the proposed buildings not allowing enough sunlight or open space which would create a lack of air circulation that could cause mildew, fungus growth, and other issues. Ms. Fischer commented on the yard of the property, stating the owners fully sodded and had some sort of drainage put in and still a problem exists with flooding and the next set of pictures conveyed this.

Board member Barbara Lamb suggested that Ms. Fischer contact the DEP as they have jurisdiction and are the authority where wetlands are concerned. Ms. Fischer admitted that she thinks it is a good idea but she that she wasn't sure it would be fruitful because she was aware of a violation already issued by the DEP to the owners of the property for removal of trees. Ms. Fischer again stressed that she is very concerned for her property, and others on her block, about flooding if this application is approved. She feels only one home should be built on the lot. Mr. Peter stated that he was unaware of any violations and he assured Ms. Fischer and the Board that he would address that with the owners.

After some further discussion the Board decided it would be in the best interest of everyone involved if the application were to be tabled pending DEP permits and any other necessary approvals. The applicant, Mr. Peter, was agreeable to this determination. He was reminded by Board Solicitor Russell that re-notice would be necessary. On motion of Art Joblin, seconded by Mark Kulkowitz, the aforementioned application was tabled unanimously on roll call vote.

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

The Board elected to postpone this hearing to the next meeting date, with the stipulation that this application would not need further notice and they would be the first application heard. On motion of Mark Kulkowitz, seconded by Art Joblin, the application was postponed to Tuesday, May 10, 2016 on roll call vote as follows; Diane Rea recused, Carol Sabo voting in the negative and the remaining members voting in the affirmative.

PRIVILEGE OF THE FLOOR: No comments.

When no one wished to speak the public portion was closed on motion of Mark Kulkowitz, seconded by Art Joblin. On motion of Chairman Mulligan, and carried by unanimous voice vote, the meeting adjourned at 10:25 PM.

Respectfully submitted,

Theresa Enteadó
Board Secretary