

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – APRIL 11, 2017**

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 Vice Chair Belasco at 7:03 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

ROLL CALL:

Members:

TJ Belasco	present	Kevin O’Neill	absent
Doris Jacobsen	present	Lisa Roselli	present
Art Joblin	present	Carole Sabo	present
Pam Kaithern	present	<u>Alternates:</u>	
Barbara Lamb	present	Lindsay Casale	present
Paul Mulligan	present	Janet Payne	present

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

MINUTES:

March 14, 2017 Regular Meeting

On motion of Paul Mulligan, seconded by Pam Kaithern, the minutes of March 14, 2017 Regular Meeting were approved on roll call vote as follows: Art Joblin abstaining and TJ Belasco, Doris Jacobsen, Pam Kaithern, Barbara lamb, Paul Mulligan, Lisa Roselli, Carol Sabo, and Janet Payne voting in the affirmative.

RESOLUTIONS:

Resolution #0004-17 Approving Minor Subdivision with Bulk Variances for Pre-existing Conditions, for Kim & Bob Properties LLC, 7 Landis Ave, Block 55, Lot 7, App 001-17

On motion of Carol Sabo, seconded by Lisa Roselli, the aforementioned resolution was approved on roll call vote as follows: Doris Jacobsen, Art Joblin, Pam Kaithern, TJ Belasco, Barbara Lamb, Lisa Roselli, Carol Sabo, and Paul Mulligan, voting in the affirmative.

Resolution # 0005-17 Deeming Ordinance No. 520-17 “An Ordinance Amending the WCM Zoning Ordinance Regulating Satellite Televisions and Antenna” consistent with the Master Plan

On motion of Lisa Roselli, seconded by Carol Sabo, the aforementioned resolution was approved on roll call vote as follows: Doris Jacobsen, Art Joblin, Pam Kaithern, TJ Belasco, Barbara Lamb, Lisa Roselli, Carol Sabo, Paul Mulligan, and Janet Payne voting in the affirmative.

Resolution # 0006-17 Approving Variance for Lot Frontage for, William Riccio, 122 Stevens Street, block 73, Lot 4, App 002-17

On Motion of Carol Sabo, seconded by Paul Mulligan, the aforementioned resolution was approved on roll call vote as follows: Pam Kaithern and Carol Sabo abstaining and Doris Jacobsen, Art Joblin, TJ Belasco, Barbara Lamb, Lisa Roselli, Paul Mulligan, and Janet Payne voting in the affirmative.

Resolution # 0007-17 Approving Use Variance for Access Road and Variances for Lot Frontage, for William Riccio, 138, 140, & North of RR Stevens Streets, Block 73 Lot 5 & 7.01 and Block 74 Lot 1, App 003-17

On Motion of Lisa Roselli, seconded by Barbara Lamb, the aforementioned resolution was approved on roll call vote as follows: Pam Kaithern and Carol Sabo abstaining and Doris Jacobsen, Art Joblin, TJ Belasco, Barbara Lamb, Lisa Roselli, Paul Mulligan, and Janet Payne voting in the affirmative.

APPLICATIONS:

Application 006-17, West Cape Cottages LLC, 715 Broadway Rear, Block 21, Lot 44, Revision – Amended Major Subdivision/Site Plan Approval

Attorney Ron Gelzunas presented the application on behalf of the applicant. He gave a brief history of the project, reminding the Board that Major Subdivision Approval was granted by resolution 0019-15 with the condition that an Amended Landscape Plan be submitted. He stated that the Landscape Plan was approved by resolution 0012-16, but because the applicant wanted changes made to the driveways, the applicant was required to return for Amended Subdivision approval. Mr. Gelzunas further stated the applicant was not seeking variance or site plan waiver for relief from the requirement of sidewalks, but only the ability to install the sidewalks in stages, after each residence is completed, in order to avoid damage from the construction process.

Matthew Hender, LLP, LPP, LA from EDA was qualified as an expert. He testified on behalf of the client and said the revised Subdivision Plan shows each individual unit with its own driveway. Mr. Hender testified that each driveway would accommodate two parked vehicles and be located on the side of each unit. He further testified that all RSIS parking requirements are satisfied with this plan. Mr. Hender asked for the ability to install sidewalks after each house was constructed in order to avoid damage and referred to the applicants remaining performance bond as guarantee.

There was brief discussion over the rationale for requiring sidewalks first. Paul Burgin, principal of West Cape Cottages LLC, was sworn in and testified that he would need to do a lot of excavation in the area where the sidewalks would be located and asked that he be allowed to install them in stages, as each building is completed.

Board Member Pam Kaithern agreed that trucks driving over the sidewalks could cause damage but questioned Mr. Burgin's comment about some not having sidewalks. Mr. Burgin testified that there would still be an apron to drive over. Mrs. Kaithern also wanted to know what materials would be used for the driveways. Mr. Burgin said pervious materials like stone would be used. Mrs. Kaithern asked about the planting schedule. Mr. Burgin advised that trees in the front would be planted tomorrow and planting in the back would start in a couple months.

Board Member Lisa Roselli asked if there would be room for potential owners to put in a garage. Mr. Burgin replied that there would be.

Raymond M. Roberts, Board Engineer, testified that his review letter stated a waiver was required because he thought the applicant's intent was to not install sidewalks when actually it was only a request to install them at different times. Mr. Roberts agreed that with this distinction made, a variance was not required. He wanted to point out to the Board that the ordinance requiring sidewalks is discretionary. Mr. Roberts testified that there were no other issues that he saw, and the amended subdivision plan to correct and remove the easement for garages should be re-filed if approved.

The floor was opened to residents within 200 feet of the proposed property. Ted Wilkinson of 711 Broadway was sworn in and testified that he was here to represent himself and five adjoining neighbors who were not noticed, in error, for the original hearing. Mr. Wilkinson testified that he felt the removal of the shared driveways was a great idea but he still had concerns. He felt there should be buffering between this property and the neighboring properties. Mr. Wilkinson provided pictures, marked TW1 and TW2, of his back yard as it was prior to this project. He wished to show how heavily wooded the area was. He testified that it was all removed as a result of the applicant's construction and requested that the applicant be made to recreate a natural buffer of considerable height, around ten feet. Mr. Wilkinson also asked what the easement was for.

Mr. Burgin explained that red cedars were approved as part of his landscape plan to be used to create a buffer and that the easement was a drainage easement. Mr. Burgin also said he was agreeable to meet with Mr. Wilkinson to discuss the tree size and any other issues.

Board Member Pam Kaithern wanted to point out to Mr. Wilkinson that the Board did work extensively with the applicant and his expert to create and approve a landscape plan.

Mr. Roberts, Board Engineer, said the landscape plan required some offsite planting of trees, and suggested that Mr. Wilkinson and the five other neighbors may wish to receive some. Seeing no one else with a desire to speak, the public portion was closed.

Mr. Gelzunas closed by stating the only issue before the Board was an amendment of the Subdivision Plan pertaining to driveways and the request to install the sidewalks as each building is completed.

Solicitor Russell advised that this was an Amendment of Major Subdivision that requires no variances. He said the applicant was not seeking relief from the ordinance pertaining to sidewalks but rather a request to install them in phases.

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

Application 004-17, Glen & Janet Deloach, 321 Third Avenue, Block 44, Lot 1.03, New – Variance Relief/Substantial Benefit

Attorney Ron Gelzunas appeared on behalf of the applicants. He said the applicants purchased the home in 2015, and it is ranch style, most likely from the 1950's, and that they wish to renovate the home and make it fit in more with the neighborhood. Mr. Gelzunas said the question was how to make this home fit considering the limitations the subdivision created. He said the applicants decided on a wrap-around porch that would tie into the existing side porch. They feel this will create a front entrance on Third Avenue, since currently the side is the front of the property. Mr. Gelzunas said a single variance is needed.

James McAfee, RA, was qualified and sworn in, also sworn in were Glen and Janet Deloach, the applicants and owners of 321 Third Avenue. Mr. McAfee testified that the applicants are proposing the addition of a six foot wide front porch. He said they would like to

extend the roof with an open gable design to allow light in, and to also add a set of French doors which would give the home a front façade, more in keeping with the character of the neighborhood. Mr. McAfee testified that a front yard setback variance would be required for the porch. He further testified that the open configuration of the deck promotes the purposes of zoning because it creates open air and space, and it makes the property fit in better with the neighboring homes. Mr. McAfee testified that also required is a side yard setback for an existing non-conformity which will not be affected at all by the proposed addition. He said another requirement would be a lot coverage variance, which after a recalculation was discovered to be only 52.8%. Mr. McAfee testified that there would be no substantial detriment to the zoning ordinance.

Janet Deloach testified that she and her husband looked in Cape May and found their way into West Cape May and fell in love with the area. She said they ride their bikes everywhere, sit on their porch, drink coffee, talk with neighbors, and want to retire here.

Board Member Art Joblin wanted clarification on the layout and was advised that yes the intent is to make the French doors the main entrance.

Board Member Lisa Roselli wanted to know what the side door opens to and was told it opens to a large foyer.

Board Member Carol Sabo said the Board likes to encourage porches and suggested the homeowners look into Hardie Board Siding.

Board Member Pam Kaithern echoed Ms. Sabo's sentiment about porches being encouraged and asked that the applicant replace the concrete driveway with pervious materials. She questioned what seemed to be an illusion on the drawing of the gable, and wanted confirmation that the right pillar was actually set back. Ms. Kaithern also asked about one of the sheds and how close to the property line it sat.

Mr. Gelzunas advised the Board that the applicants would be agreeable to the removal of the concrete driveway, and replacing it with pervious materials but want to keep the apron concrete. The applicants said they would also remove the walkway and one of the sheds on the property. Mr. McAfee confirmed Ms. Kaithern's question about the pillars.

Raymond M. Roberts, Board Engineer, was sworn in and testified that the front yard setback is the only variance needed that is not due to pre-existing conditions. He noted, however that the exact lot coverage isn't yet known and would need to be calculated in the applicants revised site plan. Board Solicitor Brock Russell asked for Mr. Roberts to confirm that lot coverage variance was not required, the applicant only needed to show the lot coverage after the agreed removal of driveway, walkway, and shed. Mr. Gelzunas spoke on behalf of his clients and said they would seek variance for lot coverage, as he did not want the applicant to have to come before the board again.

The floor was opened to residents within 200 feet of the proposed property. William Oetinger of 315 Third Avenue was sworn in and spoke in favor of the applicants. He said the 13 homeowners on his block are all friendly and join each other on their porches and talk. He expressed his opinion of how important the front of the home is and said he supported this application.

Robert Tumas, of 319 Third Avenue testified that he lives next door to the applicants and that he is all for this addition. He said it would be a positive addition to the street and the neighborhood.

When no one else expressed a wish to speak, Board Member Pam Kaithern asked if the applicants were keeping the large cedar tree. Janet Deloach said yes, she loves the tree.

Board Member, Paul Mulligan asked about downward facing light fixtures. The applicants were agreeable to researching different choices and said they already have downward facing lights on their property.

Board Solicitor Russell advised the Board that this would be approval; or not, for bulk variances, for front yard setback relief, pre-existing non-conforming side yard setback, and lot coverage.

On motion of, Art Joblin, seconded by Paul Mulligan, the aforementioned application was approved, subject to conditions, on roll call vote as follows: all members present voting in the affirmative.

PRIVILEGE OF THE FLOOR:

Discussion on Roberts Rules of Order

Board Member Art Joblin wished to discuss the subject of an email that was circulated to the various commissions regarding Roberts Rules of Order, particularly the point about meetings and voting on minutes. The email stated that persons who did not attend a meeting can still vote to approve the minutes from that meeting. Mr. Joblin strongly disagreed with this and said he does not feel as though a board member who missed a meeting should be permitted to approve the minutes.

Solicitor Russell explained to the Board how the Commissioners must follow Roberts Rules of Order because they are bound to by Ordinance. He suggested that the Board discuss adopting bylaws that specifically state rules and regulations of the Board.

Discussion of pending state legislation

Board Member Pam Kaithern wanted to bring to the Board's attention, the pending state legislation co-sponsored by Senator Van Drew that would modify requirements for preliminary site plans and subdivisions under Municipal Land Use Law. She referred the members to an article in the current New Jersey Planner.

When no one else wished to speak, the meeting was adjourned at 8:57 PM on motion of Paul Mulligan and carried by unanimous voice vote.

Respectfully submitted,

Theresa Entead
Board Secretary