

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING –JUNE 13, 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 Chairman O’Neill at 7:00 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

**ROLL CALL:**

Members:

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

Also Present:

Brock Russell, Esq., Board Solicitor  
Raymond M. Roberts, Board Engineer  
Theresa Enteadó, Board Secretary

**MINUTES:**

**May 9, 2017 Regular Meeting**

On motion of Lisa Roselli, seconded by Paul Mulligan, the minutes of May 9, 2017 Regular Meeting were approved, as amended, on roll call vote as follows: Paul Mulligan, Lisa Roselli, and Lindsay Casale voting in the affirmative.

**RESOLUTIONS:**

**Resolution #0010-17 Approving Hardship Variance, for Gary Sorin, 185 E. Mechanic, Block 9, Lot 10, App 007-17**

On motion of Lisa Roselli, seconded by Paul Mulligan, the aforementioned resolution was approved on roll call vote as follows: Paul Mulligan, Lisa Roselli, and Lindsay Casale voting in the affirmative.

**APPLICATIONS:**

**Application 008-17, Law, Lawrence A Pray Builders Inc., 315 Fifth Ave., Block 52, Lot 53.01, New Application – Minor Subdivision**

A revised subdivision plan with a tree survey was submitted and accepted by the Board and marked as Pray Exhibit #1. Mr. Andrew Catanese introduced himself as attorney for the applicant and said the applicant was seeking a minor subdivision that required no variances. He said the intention is to demolish the existing structure, create two wholly conforming lots, and build a single family dwelling on each new lot. Mr. Catanese noted that the lots were shown as separated at one point in time, but then consolidated again in the past. He said he knew his

presentation was short but he did not feel the need to belabor the Board with additional information.

Mr. William P. Sweeney, licensed land surveyor, was sworn in and testified that he prepared the survey and that both of the new lots conform to all the zoning ordinance requirements. Mr. Sweeney agreed there was not much else to present to the Board.

Mr. Raymond Roberts, Board Engineer, was sworn in and testified that the existing building has some pre-existing setbacks. He was advised by Mr. Catanese that the building was being demolished and Mr. Roberts agreed the existing setbacks were moot in that case. Mr. Roberts recommended that the plan be revised to show the maximum floor area ratio and maximum lot coverage requirements. Mr. Roberts testified that the applicant did submit, to him directly, the revised plan that included the tree survey. Mr. Roberts asked the applicant if he intended to demolish the building prior to the filing of the subdivision plat. Mr. Catanese indicated that the applicant did intend to do so but that the applicant would post the necessary bond needed in the event they filed the subdivision prior to the demolition. Mr. Roberts asked about the RSIS requirements for off street parking and Mr. Sweeney testified that the applicant will revise the plan to show that each lot will have two off street parking spaces.

Board Chairman Kevin O'Neill asked about conformity and Mr. Catanese said the applicant is proposing one hundred percent conformity.

The floor was opened to residents within 200 feet of the proposed property and Ms. Judith Smith, of 408 Third Avenue, was sworn in and testified that she has grave concerns about the trees on the property. She wanted to know if the planning board reviews the tree surveys to make sure they accurately represent the existing trees prior to any work. She said she feels builders clear cut lots and suffer no consequences. Furthermore, she expressed concerns about the protection of remaining trees and their root systems during demolition and construction processes.

Mr. Catanese said the trees that were planned for removal were not under the ordinance's protection and he assured the Board that the applicant will conform to the tree ordinance.

Mr. Norman Roach, zoning official for the Borough of West Cape May was sworn in and testified, for the record, that the demolition cannot start until September.

When no one else expressed a desire to speak, the public portion was closed on motion of Paul Mulligan, seconded by Lindsay Casale and approved unanimously.

Board Solicitor, Brock Russell, advised the Board that, if granted, this would be an approval for Minor Subdivision with conditions.

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

**Application 009-17, 307 Pittsburgh Avenue Realty LLC, 411 Pacific Avenue, Block 41, Lot 18, New Application – Minor Subdivision/Variance Relief – Substantial Benefit/Request for Waiver of Site Plan Review**

The applicant submitted, and the Board accepted, four photographs marked as Exhibit A-1 and a tree survey marked as Exhibit A-2. Attorney Ron Gelzunas spoke on behalf of the applicant, and said this is a minor subdivision by right and the proposal is to create two completely conforming lots. He said the applicant intends to preserve the large trees on the property and has completed the removal and proper cleanup of an oil tank in the rear of the property. Mr. Gelzunas also said the existing farmhouse will be restored to its original condition.

He said the subdivision does not exacerbate any pre-existing conditions in any way. Mr. Gelzunas expressed his disagreement with the engineer's recommendation that the setbacks be flipped because they intend to make this area the driveway area and wouldn't be able to preserve the trees if reversed.

Mr. William Sweeney, LLS, was sworn in and testified that the adjacent house was approximately five feet from the property line, and the tree marked as number three on the tree survey was about two feet from the property line. He said because of this, the six feet was put on this side so the driveway could be kept on the north side. Mr. Sweeney also indicated that the correct maximum coverage would be shown as well as the addition of floor area coverage.

Wendy Certo, of 25 Rachael Drive, Morganville NJ, was sworn in and testified that she is a principal owner of the subject property. She said the home is old and beautiful and she wants to bring it back to life. She said her intentions are to keep all the architecture and design and she admitted the subdivision and construction of a single family home on the additional lot would be needed in order for her to accomplish the restoration. Ms. Certo testified that she would keep the existing large trees and only trim them as needed.

Board Member Art Joblin wished to express his concern about the restoration and mentioned that in the past, promises were made to preserve a building and in the end you could not tell it was ever a historic building. Ms. Certo said she wished to be honest with the Board and expressed the fact that the building is covered with asbestos siding that will not be able to stay. She testified that the rear of the building will also change because of the oil spill cleanup that required the removal of the back of the building. Ms. Certo testified that the new home on the new lot would be smaller than permitted so it would fit in without destroying the existing trees.

Board Member Lisa Roselli asked about the windows, she felt they looked larger than they should be, and wanted to know if the applicant had any pictures of the original house. Ms. Certo indicated that she did not. Ms. Roselli asked what type of structure the applicant had in mind for the new lot. Ms. Certo testified that she would like to build a Nantucket style cottage.

Board Member Art Joblin asked Ms. Certo if she was sensitive to his concerns. Ms. Certo replied that she was and added she intends for this to be her retirement home.

Raymond Roberts, Board Engineer, was sworn in and testified that the subdivision map must be revised to show conforming lot coverage and FAR, as well as dimensions for the lot coverage and FAR of the lot where the existing house is to remain. Mr. Sweeney testified that the approximate coverage for the existing house is thirty percent. Mr. Roberts asked about parking for the existing house. Mr. Sweeney testified that there would be side by side driveways. Mr. Roberts recommended that the new lot have parking off of Fifth Avenue, Mr. Sweeney agreed that could be done, and Ms. Certo did not object. Mr. Roberts also advised the Board that the lots are subject to landscape plans per Borough Ordinance. Chairman O'Neill asked about the Historic District boundaries and Mr. Roberts answered that the boundary ends on the opposite side of the street from the property.

Board Member Art Joblin asked if there were any other non-conformities other than the pre-existing ones. Mr. Roberts confirmed there were only those associated with the existing house, a front yard setback of 17.4 feet and a side yard setback of 6.4 feet. He also said these pre-existing conditions would not affect the proposed subdivision.

The floor was opened to the public and Dr. George Petruncio, of 220 Fifth Avenue, was sworn in and testified that he has lived in West Cape May since the 70's and loved the small town friendly look and feel of the place. He voiced concerns about the many negative changes

all the new construction is creating. He wished to applaud the applicant for wanting to restore the home and said he was in favor of the rehab but opposed to the subdivision. Mr. Petruncio mentioned a home that was removed in the past and how devastating it was for the Borough. He would like the lot to stay as it is, he said to subdivide would change the nature of the neighborhood and negatively impact grading and water issues.

Board Member Paul Mulligan asked the Board Solicitor to speak to minor subdivisions for the benefit of the public. Solicitor Russell explained how minor subdivisions that require no variances are by right. Mr. Petruncio said he wanted to point out that rentals do not benefit the area, that the neighborhood he moved into is gone, and he wanted to go on record as opposing this subdivision.

Norm Roach, the Borough Zoning Official, was sworn in and testified about the history of the home and the oil leak. He said the back porch had to be removed but the roof was able to remain and the cleanup has been completed.

Mr. Gelzunas wanted to remind the Board that Ms. Certo cares about the neighborhood and that there is really no legal basis to deny the application.

The Board had a brief discussion about by right subdivisions and lot sizes. Board Member Barbara Lamb asked how the applicant intended to keep all the trees on the proposed new lot and build a home. Ms. Certo said the builder advised her he is confident a small cottage would fit.

When no one else wished to speak, the public portion was closed on motion of Paul Mulligan, seconded by Art Joblin and approved unanimously.

Solicitor Russell advised the Board that this would be approval for a minor subdivision with no variances being sought, subject to conditions.

On motion of Paul Mulligan, seconded by Lisa Roselli, the aforementioned application was approved on roll call vote as follows: all members present voting in the affirmative.

During open public record, Ms. Judith Smith of 408 Third Avenue, discussed the destruction of trees next to her property by the builder during construction. Ms. Smith expressed her frustration with the permit process for removal of trees for private homeowners versus the process for builders and what she sees as a lack of enforcement for builders. She also expressed concerns of damage to her home because of these trees. Mrs. Smith suggested that the Shade Tree Commission and the Zoning Ordinance be reviewed and become more unified.

When no one else wished to speak, the meeting was adjourned at 8:18 PM on motion of Paul Mulligan and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó  
Board Secretary