

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD MINUTES
REGULAR MEETING – October 9, 2018**

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 Lisa Roselli at 7:00 PM. After reading the Open Public Meetings Act of 1975 she led all present in the flag salute.

ROLL CALL:

Members:

TJ Belasco	absent	Kevin O’Neill	present
Peter Burke	present	Lisa Roselli	present
Bob Hewitt	present	Carol Sabo	present
Doris Jacobsen	present	<u>Alternates:</u>	
Art Joblin	present	Lindsay Casale	present
Paul Mulligan	present	Barbara Lamb	absent

Also Present:

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

ORDINANCES:

Ordinance #553-18, Amending Section 27 of Borough Code Regarding Side Yard Bulk Regulations

The Board members discussed this ordinance at length. Some felt it unnecessary and some expressed concerns with the R-1 Zone becoming unbuildable and therefore an issue with the Master Plan. Board Member Joblin asked if research to determine the impact on each zone could be presented and expressed his opposition to this amendment. Board Member Sabo explained that the commissioners were looking at ways to improve light, space and air flow as well as density and impact on neighbors. She said the intent is to improve the quality of life for residents in the middle of all the new development. Board Member Mulligan asked if the change would create a large amount of new non-conforming lots. Board Engineer Roberts explained that it would be considered an existing non-conformity and therefore it would not create any disadvantage. Board Member Mulligan also expressed his opposition to the amendment as it stands, and suggested that an amendment to lot size might be more beneficial. Vice Chair Roselli felt the intent was consistent with the Master Plan but not for the R-1 Zone. Ultimately the majority view was for the commissioners to reconsider adoption of the ordinance and to research other means to satisfy the master plan objective for preservation of light, air, and open space.

A motion to deem this ordinance substantially consistent with the West Cape May Master Plan was made by Bob Hewitt, seconded by Art Joblin, and determined on roll call vote as follows: four members present voting in the affirmative and five members voting in the negative.

MINUTES:

September 11, 2018 Regular Meeting

On motion of Carol Sabo, seconded by Art Joblin, the Minutes of September 11, 2018 Regular Meeting were approved, on roll call vote as follows: all members present voting in the affirmative.

RESOLUTIONS:

Resolution #0016-18 Approving Minor Site Plan with Variance Relief, for Steven Ferra, 414 Park Blvd., Block 7, Lot 15, App 010-18

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

APPLICATIONS:

Application 012-18, Francis P. Walls & Beth Ann Trust, 603 Sunset Boulevard, Block 67, Lot 21, New Application - Minor Subdivision & Waiver from Site Plan

Attorney Ron Gelzunas introduced himself as attorney for the applicants Frank and Beth Walls. He produced additional photographs, requested by the board engineer, which were marked as Walls Exhibit 1. Mr. Gelzunas said the property is a 125 X 161.7 square foot lot in the R-1 Zone and the proposal is a minor subdivision that is referred to as by-right because it would create two conforming lots.

Mr. William Sweeney, professional land surveyor in NJ, was sworn in. Board Member Mulligan asked that the DEP permit be discussed. Mr. Gelzunas said the DEP permit expires May 2, 2022 and provides for a filling and grading of an area of wetlands in the rear of the property. It was obtained prior to the sewer extension down McCullough Alley but still needed because of buffering requirements if not filled. Mr. Sweeney testified that he indicated on the plans the area of wetlands that will be filled.

Mr. Gelzunas said there would be two minor revisions to the plans, to correct the lot to 21.02 and the zone to R-2. He said they would supply a tree inventory and they will install the monuments prior to filing the plan. Mr. Gelzunas also said the plan will be revised to reflect a setback of 8 and 8 to be consistent with the DEP permit, as requested by the board engineer.

Board Member Bob Hewitt asked if the lot will be a conforming, buildable lot, since there were wetlands present. He was advised by Board Engineer Roberts that it would be. Board Member Hewitt asked when the sewer would be hooked up. Mr. Sweeney testified that they are currently working on it. Mr. Roberts explained that the sewer extension will permit nine single family dwellings along the alley to be serviced by sewer.

Mr. Ray Roberts, board engineer was sworn in and testified that the applicant has addressed the issues in his report and satisfied his concerns. He said the only comment he has is that the

monuments must be set prior to signing off on the plans for filing.

Board Member O'Neill asked what kind of materials are used to fill the wetlands. Mr. Roberts said it is usually a drainable material and that it is subject to DEP inspection.

Board Member Bob Hewitt questioned the impact of the sewer for the nine homes. Mr. Roberts said any lot under 35,000 square feet cannot have a septic system so this gives the owners of these homes a chance to tie into the sanitary sewer system. Hewitt also asked about the impact on indigenous species and Mr. Roberts advised him that the DEP would have run the TWA application by all their departments for review before the sewer permit would have been approved.

Board Member Roselli expressed her concern and frustration with the DEP process for approval. She said she lives near the property and knows it must have southern grey tree frogs which are an endangered species because she has so many on her property.

The floor was opened to residents within 200 feet and beyond. Lynn Dudinsky of 601 Sunset, was sworn in and testified that he generally does not oppose the project but has concerns about where storm water will go once the wetlands are filled in, and asked if his back yard will flood as a result of the filling. Mr. Roberts explained the grading permit process and how the ordinance protects neighboring properties.

Doris Woloszin of 102 S. Bayshore and her son, Louis Woloszin were both sworn in. Mr. Woloszin said he and his mother had no objection to the subdivision but they wanted to know what waiver the from site plan on the application meant. Mr. Roberts explained that Borough Code specifically exempts single and two family homes from site plan review.

Judy Smith of 408 Third Avenue, was sworn in and testified that she was concerned that the trees and vegetation will be clear cut without proper permit. She mentioned landscapers and builders cutting things down at night or on weekends without proper permit.

When no one else expressed a desire to speak, the public portion was closed.

Board Solicitor Brock Russell advised the Board this would be minor subdivision approval; subject to all conditions noted in Mr. Roberts' review letter as well as those made during testimony, including the installation of monuments prior to filing the plan and any other required outside approvals.

On motion of Art Joblin, seconded by Kevin O'Neill, the aforementioned application was approved on roll call vote as follows: Doris Jacobsen voting in the negative and all other members present voting in the affirmative.

Application 013-18, Richard Burke, 206 Columbia Ave., Block 58, Lot 4.01 & 4.03, New Application - Minor Subdivision- Lot Line Adjustment

Mr. Richard Burke owner of the property at 206 Columbia Ave, and William Sweeney

professional land surveyor were both sworn in by the Board Solicitor. Mr. Sweeney testified that the subdivision proposed tonight will not be creating any new lots, it will just convey a small portion of lot 4.03 to lot 4.01. He said the purpose is to allow the neighbor to have more room to move trees away from his garage and square off the lot line. Mr. Sweeney testified that both lots would still be fully conforming because lot 4.01 will total 9,138 square feet and lot 4.03 will total 13,811 square feet.

Board Member Art Joblin clarified for the record that the applicant was simply taking a small portion of his lot and giving it to the neighbor.

Board Engineer Raymond Roberts was sworn in and asked the applicant if they agree to make the changes listed on page three of the review letter. Mr. Sweeney testified that he would. Mr. Roberts asked if the property markers would be set prior to submitting the plans for review. Again, Mr. Sweeney testified that would be done. Mr. Roberts advised the board members about the pre-existing non-conforming setback of the garage on page two of the plans. The applicant testified that the garage was shown on the plan at the time that he obtained his building permit. Solicitor Russell confirmed that if the applicant properly obtained a permit, then a variance would not be required tonight.

The floor was opened to residents within 200 feet and beyond, when no one expressed a desire to speak the public portion was closed.

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

PRIVILEGE OF THE FLOOR:

The board members discussed lot size, zoning ordinance, sewer service area, and possible early review of the Borough Master Plan. They agreed that if a change to lot size were to be discussed they would need to do so as a review or reevaluation of the Master Plan.

When no one else wished to speak, the meeting was adjourned at 8:54 PM, carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary