

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – FEBRUARY 19, 2019**

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

ROLL CALL:

Members:

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

ALSO PRESENT: Raymond Roberts, Board Engineer
Richard M. King Jr., Board Solicitor
Theresa Entead, Board Secretary

MINUTES:

February 12, 2019 Regular Meeting

On motion of Art Joblin, seconded by Peter Burke, the Minutes of February 12, 2019 Regular Meeting were approved on roll call vote as follows: Lisa Roselli abstaining and all other members present voting in the affirmative.

February 12, 2019 Closed Session

On motion of Carol Sabo, seconded by Bob Hewitt, the Minutes of February 12, 2019 Closed Session Meeting were approved on roll call vote as follows: Lisa Roselli abstaining and all other members present voting in the affirmative.

APPLICATIONS:

Application 018-18, Stacey Wiswall, 6 Congress St., Block 31, Lot 7, New Application - Variance Relief

Stacey Wiswall, owner of the subject property, and James Bratten, builder for the project, were both sworn in by Solicitor King. Ms. Wiswall testified that she bought the property about two years ago, and said the lot is a flagpole shaped one with existing non-conformities when purchased. She said she just wants to create an outdoor space for her family, since most of the

lot was just dirt. She said she is claiming hardship as the reason for her request for relief from variances for side yard setback, distance from structure, and lot size. Ms. Wiswall testified that she is proposing a 16 X 24 foot deck, with an outdoor shower, and also a screened-in portion.

For clarity, Solicitor King asked the applicant if she was requesting a C-1 Variance because the shape of the lot creates a hardship. Ms. Wiswall confirmed that was correct. Solicitor King also asked the applicant to expand on the impact, if any, to the neighborhood. Ms. Wiswall testified that the deck will not be too close to any neighbors, there would be no lighting that would shine on neighboring properties, and the remaining portion of her lot that goes into Fow Avenue will remain open space.

Board Member Lisa Roselli, mentioned an error on the Engineer's chart, it should read 40 foot frontage on Congress. Board Engineer Roberts, was sworn in and agreed it should be 40 feet.

Engineer Roberts asked the applicant if the height of the screened unit was measured from the ground or from the deck and explained that the maximum height above grade is 15 feet. The applicant's builder, Mr. Bratton, testified that he understood and that the height will comply. Engineer Roberts said the variances being requested due to the deck are: the deck has 2 foot side yard setbacks where 6 feet is required, and it is located 3.4 feet from the existing building when 6 feet is required. Mr. Roberts advised the Board that the side yards for the shed are at 6.2 on one side and 5.6 on the other, when a 6 foot setback on each is required. He also said the lot coverage, when calculating the deck, is at 42.9% when the allowable coverage is 40%. Mr. Roberts asked the applicant if the ceiling fan/light will be in the screened unit of the deck. The applicant testified it will be. Mr. Roberts asked if the shed was for storage only or if it would be used as a garage. Ms. Wiswall testified it is for storage only and there would be no access to the shed from Fow Avenue.

Board Member Art Joblin asked if the calculation for 42.9% lot coverage was inclusive of everything that exists and everything proposed to exist. Board Engineer Roberts confirmed it was. Mr. Joblin wanted to know the impact of the deck alone. Board Member Carol Sabo asked about a portion of space behind the porch, that if used might lessen the relief required. Mr. Roberts said the lot coverage without the deck is 33 – 34% and with it 42.9%. Board Member Lisa Roselli asked about the measurements on the screened room, she said it shows 12 on one edge and 16 on another. James Bratten testified that was an error on his part and that the applicant wants it to be 12 feet. Chairman Belasco pointed out that the screened room will be on top of the deck, and so this will not have an effect on the lot coverage. Mr. Roberts said 40% lot coverage would require the deck to be reduced by 130 square feet.

After some discussion about what work has already been completed versus what is proposed, the Board Solicitor reminded Board members they do not have jurisdiction over enforcement issues. He added that the fact that some of the work may have been done prior to approval, should not have an impact on the zoning analysis.

Ms. Wiswall testified that the previous contractor helped her with a smaller shed in a location that did not require variances. She also said that without her knowledge, permission, or payment the same contractor went ahead with the construction of the deck and the shower, and that she is

here in order to make things right.

Board Member Bob Hewitt asked about trees on the property as well as the roof leaders. Ms. Wiswall testified there are no trees on her property. Board Engineer Roberts advised the applicant that because of the short distance between side yards, the roof leaders would have to be put into some sort of recharge system so no water runs off and onto neighboring properties. James Bratten testified that they are proposing a larger retention well. There will be a stone driveway from Fow Avenue towards the shed. Engineer Roberts asked for the depth of stone. Mr. Bratten testified it would be 6 inches throughout. Mr. Roberts advised the applicant that if approved, the details and location of the drainage must be identified on the survey map.

Board Solicitor King asked for confirmation about access to Fow Avenue. It was confirmed that access was always from Fow Avenue and further confirmed by the applicant, that the stone driveway is to serve as a recharge system as well as a parking area.

The floor was opened to residents within 200 feet and beyond. Ms. Mary Lindemann, owner of 314 Fow Avenue, was sworn in and testified that her main concern is drainage. She explained that the previous shed was situated so that the roof slant directed water to drain onto their property but now it will drain onto hers. Ms. Lindemann also expressed her opposition to creating a driveway on Fow Avenue. She was also concerned with the lighting on the shed and testified that it is a nuisance to her property. Ms. Lindemann submitted a picture for the record labeled exhibit L-1.

Norm Roach, Borough Zoning Official, was sworn in and testified that the applicant was given a violation for completing work without proper permit, he said the judge gave the applicant the option to appear before this Board to ask for the relief required. Mr. Roach indicated that the contractor was also fined.

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

Stacey Wiswall testified that she is willing to work with her neighbor and will remove the lights on the shed. She also agrees to install down spouts on the shed in order to tie into the drainage system being proposed.

Board Solicitor King advised the Board the motion would be to approve variance relief as detailed by the Board Engineer in his chart. He said it will be subject to all conditions, waivers, and recommendation in the Board Engineers report as well as any made during testimony.

Board Engineer Roberts reminded the applicant that every change discussed must be added to the final map that is to be submitted for review.

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

Application 021-18, David Mendo, 276 Sixth Ave., Block 52, Lot 20.01, New Application – Preliminary and Final Site Plan

Board Chair Belasco recused himself, as his property is within 200 feet of the subject property, and Vice Chair Roselli served as acting Chairman. The Board's Class I member and Class III member were recused as well due to the previously approved Use Variance.

Attorney Ronald Gelzunas introduced Mark Gibson PLS, PE, project engineer and David Mendo, owner of the property, and they were both sworn in by Solicitor King. Mr. Gelzunas reminded the board of the prior meeting where the proposal to construct a habitable unit above the detached garage was approved. He said the application before the board tonight is the site plan portion and that the required elevations and floor plans of the proposed structure were submitted.

Mark Gibson, said this is a straight forward residential application. He testified that the new structure will be in the same footprint of the existing garage and will comply with the previously approved 8.7 foot rear yard variance. Mr. Gibson also testified that improvements to the property include four designated parking spaces, as permitted by Borough Ordinance. He said they are removing approximately 600 square feet of impervious coverage. Mr. Gibson testified that the applicant has agreed to shielded lighting so there will be no glare off-site and said the revised plans show the boxed lighting and soffit lighting that is directional. He testified that there is no drainage issue at all, that the site drains the rear of the property to the street. Mr. Gibson said there are two waivers suitable for this type of application, one for an environmental impact study as well as a traffic study. Mr. Gelzunas added the waiver for a landscape plan as well and asked Mr. Gibson if there were any safety concerns. Mr. Gibson testified the application does not present any unsafe conditions, nor will it adversely affect the neighborhood. Mr. Gibson mentioned the proposed walkway from the driveway to the garage apartment and said it will be composed of pervious concrete.

Board Engineer, Roberts said that his review of the site plan showed no deficiencies.

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

Solicitor King said the motion will be to approve preliminary and final site plan.

On Motion of Paul Mulligan, seconded by Bob Hewitt, the aforementioned application was approved on roll call vote as follows: Art Joblin, Bob Hewitt, Kevin O'Neill, Lisa Roselli, and Paul Mulligan voting in the affirmative.

Application 001-19, Lawrence A Pray Builders, 740 Maple Ave., Block 21.02, Lot 34, New Application – Minor Subdivision

Attorney Lyndsy Newcomb, with Monzo, Catanese, Hillegass P.C., introduced Mr. Lawrence A. Pray, applicant/contract purchaser and Mr. William P. Sweeney, professional land surveyor. Both gentleman were sworn in for testimony.

Ms. Newcomb said the property is located in the R-1 zoning district and the proposal is for a minor subdivision of the lot into two fully conforming lots. She said one proposed lot is large enough to construct a single family home and the other is large enough for a duplex.

Mr. Sweeney testified that the lot is currently known as block 21.02, lot 34 and the proposed lots are 34.01 and 34.02. He said there is currently a dwelling on the property that will be demolished. Mr. Sweeney testified that both lots being proposed will fully comply with the Borough of West Cape May Zoning Ordinance.

Mr. Pray testified that the existing building will be demolished before filing the plan, but in the event it was not, he would post the necessary bond. Mr. Pray testified the he plans to work with the neighboring property owner regarding the encroachment of a chain-link fence on proposed lot 34.01.

Board Member Bob Hewitt asked about possible conditions in order to protect any existing trees and/or shrubs prior to the demolition of the existing dwelling. Board engineer Roberts said his review of the site did not indicate that there would be any issue with disturbing existing trees during the demolition. Mr. Roberts said the final subdivision map will be required to show the existing trees on the lot. He added that at the time of development they would then be subject to the Borough's tree ordinance. Mr. Hewitt explained he was particularly asking about the protection of the trees and their root systems during the demolition process. Mr. Roberts explained that would be an issue for enforcement.

Ms. Newcomb advised the Board that Mr. Sweeney revised his survey to include all existing trees on the property and the revised plan was submitted as exhibit A-1. Mr. Hewitt expressed to the applicant, his concern was not about the footprint as much as the collateral damage caused by the machinery.

Mr. Roberts advised the board that no variances are needed, and that lot 34.01 meets all requirements for a single family dwelling and lot 34.02 meets all the requirements for a two family dwelling. Mr. Roberts discussed the bond and escrow requirements necessary if the demolition and setting of the monuments occurs after the submission of the final plat plan.

The floor was opened to residents within 200 feet and beyond. Kevin O'Neill recused himself as a board member and spoke as a member of the public and a resident within 200 feet of the subject property. Mr. O'Neill expressed his concern with limited parking on the street and asked if the dumpsters could be kept on site.

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

Ms. Newcomb asked for clarification that the condition on the record will be to keep dumpsters on site and not on the street and nothing about the driveways at this point. Mr. King confirmed that was correct.

Solicitor King said this will be a motion for minor subdivision approval that seems to be a by-right subdivision. He said the approval is for the subdivision only not the use on those lots and it

will be subject to all conditions and recommendations in the engineer's report as well as those made during testimony.

On Motion of Peter Burke, seconded by Bob Hewitt, the aforementioned application was approved on roll call vote as follows: Art Joblin, Bob Hewitt, Lisa Roselli, Paul Mulligan, Peter Burke, Carol Sabo, and Thomas Belasco voting in the affirmative.

PRIVILEGE OF THE FLOOR:

When no one wished to speak, the meeting was adjourned at approximately 8:53 PM carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary