

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – MAY 7, 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	<b><u>Alternates:</u></b>	
Lisa Roselli	present	Lindsay Casale	present
Paul Mulligan	present		

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

**MINUTES:**

**April 2, 2019 Regular Meeting**

On motion of Lisa Roselli, seconded by Bob Hewitt, the Minutes of April 2, 2019 Regular Meeting were approved on roll call vote as follows: Bob Hewitt, Lisa Roselli, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

**RESOLUTIONS:**

**Resolution #0011-19 Approving Minor Site Plan with Variance Relief for Lazos Investments LLC, 102-104 Sunset Blvd., Block 30, Lot 4, App 003-19**

On motion of Carol Sabo, seconded by Lisa Roselli, the aforementioned resolution was approved on roll call vote as follows: Art Joblin abstaining, and Bob Hewitt, Lisa Roselli, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

**Resolution #0012-19 Approving Amended Final Major Site Plan and Conditional Use for West Sunset Retail LLC, 110 Sunset Blvd., Block 32, Lot 3, App 005-19**

On motion of Lisa Roselli, seconded by Peter Burke, the aforementioned resolution was approved on roll call vote as follows: Bob Hewitt, Lisa Roselli, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

**Resolution #0013-19 Approving Variance Relief for Virginia Logan & Joseph Petrille, 611 Second Ave., Block 68, Lot 12, App 002-19**

On motion of Peter Burke, seconded by Lisa Roselli, the aforementioned resolution was approved on roll call vote as follows: Bob Hewitt, Kevin O'Neill, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

**Resolution #0014-19 Approving Minor Subdivision with Variance Relief for MECA Investments LLC, 750 Park Blvd., Block 21, Lot 42, App 004-19**

On motion of Bob Hewitt, seconded by Lisa Roselli, the aforementioned resolution was approved on roll call vote as follows: Bob Hewitt, Lisa Roselli, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

**APPLICATIONS:**

**Application 007-19, Francis P Walls and Beth Ann Trust, 603 Sunset Blvd., Block 67, Lot 21, Extension of Approval-(previous app #012-18, approving Res. No. 0023-18)**

Beth Walls was sworn in by Solicitor King. Ms. Walls testified that she was before the board because her plans and approving resolution were given to her surveyor in October and she is still waiting for him to make the required revisions. She said she found out by chance that the deadline to file her plans is May 18, 2019.

It was confirmed that a sewer extension permit was still pending approval and it was also confirmed that the applicant was requesting a six month extension.

No one in the public expressed a desire to speak.

On motion of Art Joblin, seconded by Bob Hewitt, the aforementioned application to allow a six month extension of approval, was approved on roll call vote as follows: all nine members present voting in the affirmative.

**Application 006-19, Rebecca DeTorre & Dennis Grubb, 324 Broadway, Block 36, Lot 19, New Application – Variance Relief – Use, Hardship & Substantial Benefit**

Board Members Carol Sabo and Peter Burke recused themselves because of the D1-use variance.

Anthony Monzo introduced himself as attorney for the applicant. David DeTorre, project manager and brother of Rebecca DeTorre, Matthew Sprague, project architect and Raymond

Roberts, board engineer were all sworn in by Solicitor King. Mr. Monzo introduced photos of the site, depicting existing conditions which were marked as exhibit A-1.

Mr. Monzo said the property exists in the commercial district which allows one and two family dwellings. He said a single family home currently exists on the corner along with another separate structure along Broadway. The structure along Broadway has undergone some historical changes through the years, however in recent years it has been used as a residential unit. Mr. Monzo said this structure has a second story of unusable space. Because the applicant would like to convert this unusable space and create additional residential space, this project has become an expansion of a non-conforming use. Mr. Monzo said they were also seeking a floor area ratio variance and a maximum gross floor area variance, but that the need for those variances were based on calculations for the entire second floor space. He said upon further review, the second floor would still have 300 square feet of unusable space and that new calculations, acknowledging this unusable space, eliminate the need for the floor area ratio and maximum gross floor area variances. Mr. Monzo said originally the plans supported the two main dwellings, a garage and a fourth structure but they have decided to eliminate the fourth structure. Mr. Monzo said there are pre-existing conditions that will not be exacerbated in any way because there are no plans to change the footprint or the height of any of the existing structures.

Mr. DeTorre said he will be the one to build the project, if approved, and testified that the original use of the building was a dry goods store. He believes it was built in the late 1800's, after many years it may have also been used for gold beating, and for the last 20 years it has been a residential use. Mr. DeTorre said he would love to restore the structure and honor the historic value, much like they have done with the main dwelling. He said the main purpose would be to allow family members to visit, a place where they could be together. Mr. DeTorre addressed the engineer's comment about the extension of the sidewalk by proposing raised planters, on each side, instead of modifying the curb.

Board Engineer Roberts, said he is not opposed to the planters but advised that they would need to be on the property and not in the ROW. Mr. DeTorre testified that there is ample room.

Board Member Art Joblin said the previous owner used the dwelling as an active business for his artwork, and he commended Mr. DeTorre on the rehab work on the main structure. Mr. Joblin asked if the outline of the property would remain the same, for instance no dormers added, no change to the roofline at all. Mr. DeTorre testified that it will remain the same with the exception of the re-positioning of some windows and doors.

Board Member Lisa Roselli asked for clarity on the dwelling because it is referred to as a two story and other times as a one and a half story structure. Mr. DeTorre testified that currently it is like an attic, hence the unusable space.

Board Member Bob Hewitt asked about parking. Mr. DeTorre testified that they have three, possibly four, off-street parking spaces.

Matthew Sprague, licensed architect, testified that the shell of the building will remain the same.

He said the attic will be framed so it will be more like a half story, because the exterior walls will have a very limited ceiling height, about two feet. Mr. Sprague testified that because of the limited ceiling height, the proposal is compliant with the floor area ratio and gross floor area requirements. He said his calculations are based on ceiling height of less than five feet being considered non-usable space.

Mr. Sprague commented on the use variance saying that by maintaining the character of the existing house, and being surrounded by residential properties, the public health, safety and general welfare are being promoted. He mentioned some structural upgrades and he said not increasing the footprint in any way speaks to the no detriment aspect of granting the approval. Mr. Sprague also pointed out that the uses are permitted, except for the fact that the dwellings are detached.

Mr. Monzo said the pre-existing variances are side yard and total side yard for the smaller dwelling, which is the subject of the half floor addition, as well as front yard and side yard for the recently renovated dwelling, and distance to side lot line and rear lot line for the garage. Mr. Sprague discussed how the pre-existing variances qualify as hardships. Mr. DeTorre testified that the garage was replaced with a shed of smaller size and is actually currently compliant, however the survey is not current and shows the dimensions for the old garage. He said the setbacks for the shed are six and six, as required. Similarly, the second shed on the old survey does not exist.

Mr. Monzo advised the board that one of Mr. Roberts' requirements is an updated survey of existing conditions on the property and they will provide this.

Mr. DeTorre testified that HPC approval was acquired. The Board asked that they provide a copy of the approval with their updated plans.

Mr. Sprague said allowing the three stacked parking spaces would be a better solution than making the spaces wider because you will lose vegetation and off street parking due to a curb cut.

Board Engineer Roberts said one parking space per unit is required. He said they could potentially have two onsite spots, or the board could grant variance for the three stacked spaces. The Board agreed they would rather keep the tree and vegetation and grant the variance. Mr. Roberts advised the Board that he has no objection to the waiver of site plan approval.

Mr. Roberts asked how far the overhang at the front of the building is from the property line and asked the applicant to testify that it will not extend any further towards the street line than it does today. The applicant agreed it will not. Mr. Roberts asked what the height of the shed is, the applicant testified about nine feet in height. Mr. Roberts discussed the revisions that must be added, the applicant agreed.

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

The applicant summarized.

The Board asked that the applicant use dark skies approved lighting, subject to review and approval by the board engineer, the applicant agreed.

It was clarified that although there is a waiver of site plan approval, the applicant must still provide a revised plan with all the revisions as well as an updated survey. The applicant understands he must submit six final plans for Board Engineer review.

The Board requested a deed restriction to state the property will never be turned into condo-ownership, that it would be single ownership only. The applicant was agreeable to this type of deed restriction.

Board Solicitor King, said this will be a motion to approve site plan waiver, to grant a use variance for two single family dwellings, to expand a non-conforming use, with associated bulk variances and parking variance. He said approval is subject to all conditions, waivers, and recommendations in the Board Engineer's report as well as any made during testimony. Mr. King reminded the board and the applicant this requires an affirmative vote of five members.

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

## **PRIVILEGE OF THE FLOOR:**

Paul Mulligan talked about his week at the OEM conference, particularly the fire prevention section for residential properties and the flood prevention portion. Carol Sabo said we are closing in on getting into the CRS program, thanks to Lou Belasco.

Bob Hewitt shared the success of the electronic waste program saying there was about 15 tons of waste collected and that we will be getting a percentage of the funds raised.

Lisa Roselli asked for an update on the property at Fifth and Bayshore. She said they seem to be digging very close to the marsh. Mr. Roberts indicated that the property was finally approved for grading and it could be related to that work. Carol Sabo suggested that Lisa go to the zoning office and ask Norm for an update.

Solicitor King asked for a copy of the Borough's Master Plan, the board secretary will provide this.

There was some discussion over applicants not submitting revised plans in time for the meeting. The Board agreed it is better to have the revised materials and the revised engineer's report to look at during an applicant's presentation.

When no one else wished to speak, the meeting was adjourned at approximately 8:47 PM on motion of Bob Hewitt and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó  
Board Secretary