

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – February 11, 2014**

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

ROLL CALL:

Members:

Doris Jacobsen	present	Kevin O’Neill	present
Art Joblin	present	Diane Rea	present
Pam Kaithern	present	Carole Sabo	present
Mark Kulkowitz	absent	Alternates:	
Barbara Lamb	present	TJ Belasco	present
Paul Mulligan	present	Lisa Roselli	present

Also Present: Brock Russell, Esq., Board Solicitor
Ray Roberts, Board Engineer
Elaine Wallace, Recording Secretary

OATH OF OFFICE for New Member

Lisa Roselli was sworn in by Solicitor Russell.

ANNUAL REPORT:

On motion of Carol Sabo, seconded by Doris Jacobsen, the Annual Report for the year 2013 was unanimously approved.

RESOLUTIONS:

003-14 Riccio, William, Block 73, Lots 5 & 7.01, Block 74, Lot 1

On motion of Carol Sabo, seconded by TJ Belasco, the foregoing resolution was approved on roll call vote as follows: Joblin, Rea, and Roselli abstaining; the remaining members present voting in the affirmative.

004-14 Riccio, William, Block 73, Lot 4

On motion of Doris Jacobsen, seconded by TJ Belasco, the foregoing resolution was approved on roll call vote as follows: Joblin, Kaithern, Rea, Sabo, and Roselli abstaining; the remaining members present voting in the affirmative.

MINUTES: On motion of Art Joblin, seconded by Doris Jacobsen, the minutes of January 7, 2014 Reorganization were approved on roll call vote as follows: Rea and Roselli abstaining; all remaining members present voting in the affirmative. On motion of Pam Kaithern, seconded by Art Joblin, the minutes of January 7, 2014 Closed Session were approved on roll call vote as follows: Rea and Roselli abstaining; all remaining members present voting in the affirmative.

NEW BUSINESS:

Application 012-13, Susan McGrail, 272 Sixth Avenue, Block 52, Lot 20.02

TJ Belasco, Pamela Kaithern, and Carol Sabo recused themselves. Ms. McGrail provided copies of her notice and mailing proofs to the secretary. Solicitor Brock Russell reviewed same and determined the notice was inadequate because it did not put the public on notice that a use variance is being requested and considered. The applicant withdrew the application without prejudice and will be scheduled after readvertising.

Application 015-13, Barbara Hoepf, 509 Fourth Avenue, Block 48, Lot 4

Pamela Kaithern and Carol Sabo recused themselves. Attorney Louis Dwyer appeared on behalf of the applicant. Barbara Hoepf was sworn in by Solicitor Russell. The property in question is a corner lot on Fourth and Oak which is only one block long and contains a single family home built circa 1880. Previously, the applicant received planning board approval to build a studio behind the house with the condition that it could not be used for a dwelling unit. The original purpose was to use it as an art and crafting studio but in recent years, because of her physical issues, it has been used as a garage. The applicant has had changes in her health and circumstances and is seeking relief from this condition. She would like to convert the use into an apartment so she could use it while renting out the main house when possible in order to generate income. She does not want to put an addition on the existing home to add a separate dwelling unit because she doesn't want to change the integrity of the historic structure. Ms. Hoepf stated there is adequate parking on Oak Street and she would prefer to have a waiver for on-site parking rather than eliminating all the existing landscaping to accommodate 4 cars. Engineer Roberts reviewed his report and the existing non-conformities and the variances being sought. His main concerns were the parking and the need to separate the utilities for the two dwellings. He could see a parking waiver as a reasonable request. The owner explained all utilities are combined at this time but she will separate them if approval is granted. Also, Ms. Hoepf had stone laid along the shoulder of the road to provide a parking area for one car. Barbara Lamb asked for clarification on parking requirements. Brock Russell explained the RSIS suggests 2 spaces per dwelling but allows for some to be on-street if reasonable. Art Joblin felt 2 or 3 cars on the street in that area wouldn't be a burden. Lou Dwyer requested a waiver from site plan approval, but will be happy to provide plans for the utilities or anything else the board requests.

The Chair opened a public hearing to anyone within 200' of the subject property.

Wayne Stewart, 603 Fourth Avenue, was sworn in by Solicitor Russell. He stated there is plenty of on-street parking in the neighborhood. He felt it would be an undue hardship to require the owner to destroy her beautiful landscaping in order to have parking for 4 cars.

Benji Swan, 420 Oak Street, was sworn in by Solicitor Russell. She sympathized with the owner but wanted to remind the board that in 2005 Ms. Hoepf testified the building would only be used as a studio. Ms. Swan had concerns over escalating development and uses causing parking issues and problem with stormwater runoff because of the quantity of wetlands in the area.

The Chair opened the public hearing to the general public.

Janet Payne, 3 Melody Court, was sworn in by Solicitor Russell. Ms. Payne lived with the

applicant for about a month. During that time she parked on Oak Street every day and never had a problem and never had a complaint.

The public hearing was closed on motion of Art Joblin, seconded by Doris Jacobsen.

Attorney Dwyer stated his client did agree to the restrictions on the studio building in 2005, but her circumstances have changed that would allow the board to consider the relief she is seeking. He also felt since the zone isn't strictly single family, it tempers the relief being sought. He argued putting parking on-site would be detrimental and using the street for parking would not be a burden to the neighborhood. Lastly, he felt the uniqueness of the circumstances should allow the board to permit the request. Art Joblin felt there would be no change, visually, from the street if the board approved the request. TJ Belasco asked if we could make a condition that no other impervious structures could be built that could create a problem of increased runoff. The applicant was agreeable, but Brock Russell stated the property is currently built out.

Solicitor Russell suggested the board vote on the D variance then, if approved, decide on the site plan waiver. In order to approve a D variance the board would have to find special reasons the lot is particularly suited to the use and there is no substantial impairment of zoning if allowing a detached 2 family use. Art Joblin made a motion, seconded by Diane Rea, to approve the D variance and relief from the 2005 restriction. The motion was approved on roll call vote as follows: Kaithern and Sabo recused, Roselli not voting; all remaining members present voting in the affirmative. Art Joblin made a motion, seconded by Doris Jacobsen, to waive the site plan requirement. The motion was approved on roll call vote as follows: Kaithern and Sabo recused, Roselli not voting; all remaining members present voting in the affirmative. Lastly, Art Joblin made a motion, seconded by TJ Belasco, to waive on-site parking and approve existing nonconformities. The motion was approved on roll call vote as follows: Kaithern and Sabo recused, Roselli not voting; all remaining members present voting in the affirmative.

Informal Hearing: Scott Peter did not appear.

PRIVILEGE OF THE FLOOR: No comments

On motion of Pam Kaithern, seconded by Doris Jacobsen, and carried by unanimous voice vote, the meeting adjourned at 8:16 PM.

Respectfully submitted,

Elaine L. Wallace
Recording Secretary