

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – FEBRUARY 13, 2018**

The Regular Meeting of the Borough of West Cape May Planning-Zoning Board, held at the WCM Fire Hall 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:

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

Also Present: Brock Russell, Esq., Board Solicitor
Raymond Roberts, Board Engineer
Theresa Enteadó, Board Secretary

MINUTES:

January 23, 2018 Regular Meeting

On motion of Paul Mulligan, seconded by Peter Burke, the Minutes of January 23, 2018 Regular Meeting were approved on roll call vote as follows: Peter Burke, Bob Hewitt, Doris Jacobsen, Paul Mulligan, Lisa Roselli, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative and Art Joblin abstaining.

January 23, 2018 Closed Session Meeting

On motion of Paul Mulligan, seconded by Carol Sabo, the Minutes of January 23, 2018 Closed Session Meeting were approved on roll call vote as follows: Peter Burke, Bob Hewitt, Doris Jacobsen, Paul Mulligan, Lisa Roselli, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative and Art Joblin abstaining.

RESOLUTION:

Resolution #0002-18 for Sean Scott and Jennifer Radano, 313 Fow Ave., Block 29, Lot 5, Application for Waiver from Site Plan & Variance Relief, Approved.

On motion of Paul Mulligan, seconded by Peter Burke, the aforementioned resolution was approved, as amended, on roll call vote as follows: Peter Burke, Bob Hewitt, Doris Jacobsen, Paul Mulligan, Lisa Roselli, Carol Sabo, and Barbara Lamb, voting in the affirmative.

Resolution #0003-18 for Marc Alary & France Devost, 136 Leaming Ave., Block 9, Lot 21, Application for Waiver from Site Plan & Variance Relief for an Accessory Use, Approved.

On motion of Peter Burke, seconded by Doris Jacobsen, the aforementioned resolution was approved, as amended, on roll call vote as follows: Peter Burke, Bob Hewitt, Doris Jacobsen, Paul Mulligan, Lisa Roselli, Carol Sabo, and Barbara Lamb, voting in the affirmative.

APPLICATIONS:

Application 015-17, Stacey Wiswall, 6 Congress St., Block 31, Lot 7, New Application – Waiver from Site Plan & Variance Relief

Stacey Wiswall, owner and resident of 6 Congress Street, was sworn in and testified that she was requesting relief from variance so she could build a screened porch and a shed. Ms. Wiswall said she purchased the lot as is and because of its irregular shape she is unsure of what she can do or what would be acceptable especially in the flag pole shape portion. She said she wants to add a screened porch to the side of the home and replace an old dilapidated shed that is 8 X 10 in measurement. Ms. Wiswall testified that she would like to remove the existing shed and replace it a little further down the flag pole portion of the lot with a 14 X 16 foot shed. Ms. Wiswall said she would address some concerns in the engineer report, she said the first item was the impact on light and air circulation. She testified that lot 9 is minimally affected by the screened porch on all sides so air circulation should not be a problem. She also said the porch would not extend past a vinyl fence that already exists. Ms. Wiswall testified that she was considering two lights inside the porch that would be downward facing and none outside and the fence would shield most if not all of any lighting from the porch. She said the shed would have gutters that would filter into her yard and not the neighbor's at lot 8, and that French drain edging around the shed would be considered if needed. Ms. Wiswall testified that this would be used as a shed only, not a garage.

Ray Roberts, Board Engineer, was sworn in and testified as to the variances being requested. He said side yard variances were required for both the screened in porch and shed. He said the applicant must indicate the exact placement of the shed and the distance to the lot lines on her plans. He suggested that the side yards for the shed be an equal distance. Mr. Roberts said the shed must be at least 20 feet from the Fow Avenue property line. He also advised the Board that the lot coverage is at 41.9% but is required to be 40% and this should be revised on the plan as well. Mr. Roberts recommended that the French drain around the shed also be added to the revision. It was determined that the height of the proposed shed must be added as well.

Board Member Lamb asked what size shed would fit in the setbacks. Mr. Roberts advised that as shed with width of 8 feet instead of 14 feet would comply. Ms. Lamb pointed out to the applicant that the 8 feet width would eliminate the need for variance and it would reduce the lot coverage as well.

The applicant, Ms. Wiswall clarified to the Board that for some reason the survey included a storage pod that has since been removed.

The floor was opened to residents within 200 feet and beyond. Mary Lindemann, representing her mother, Sylvia Lindemann owner of 314 Fow Avenue, was sworn in and testified that her

mother owns lots 8 and 9. She testified that the strip between her mother's lots, or the flagpole portion of lot 7 was grandfathered to the property owner of lot 7 many years ago due to a septic tank that was necessary for that lot. Ms. Lindemann said her biggest concern was the water or drainage. She said putting something in that area that is already wet and under water would be very problematic. She asked that the placement of the shed be considered by the Board because according to the plan there would not be much room to enter the shed. She also pointed out that the shed would be directly outside the kitchen and bedroom windows of her mother's home and that instead of being able to look over to their garden on lot 8 they would be looking at a shed. She mentioned that the garden was certified as a wildlife sanctuary and it would be a shame not to be able to enjoy it.

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

The applicant testified that she could be open to a smaller size shed, as well as to the placement of the shed. Ms. Wiswall mentioned wanting to construct an outside shower as well. The Board agreed that with nothing definitive and additional items like the shower not on the plans, it would be very hard to make a decision. Solicitor Russell advised the applicant that the Board would be more comfortable tabling the application until the plan could be revised to include all the details discussed, including dimensions and exact placements of the shed, porch, and shower and detailed drainage plans.

On Motion of Paul Mulligan, seconded by Art Joblin, the application was tabled to the March 13th meeting with no new notice or publication required, approved on roll call vote as follows: all members present voting in the affirmative.

Application 016-17, Sapore Italiano LLC, 416 S. Broadway, Block 30, Lot 1, New Application – Minor Site Plan and Variance Relief

Attorney Sal Perillo with Nehmad, Perillo & Davis law firm, presented himself as attorney to the applicant and said the proposal for Sapore Italiano Restaurant is a modest expansion that will add 14 seats to what is currently a very small, tight area with a step down that is not an ideal situation. Mr. Perillo said the proposed addition will eliminate the step down and will increase the ceiling to a more standard commercial height.

Joseph Courter, AIA, architect and Tiffany Morrissey licensed professional planner along with Perparim "Rimi" Bici, owner of Sapore Italiano Restaurant, were sworn in by Board Solicitor Russell. Mr. Perillo described his exhibits as: A-1 Site Plan, A-2 Seating Plan, A-3 Proposed Seating Plan, A-4 Rendering of the addition to the building, and A-5 Picture of the step down currently in the restaurant.

Mr. Courter pointed out the addition on the site plan and testified that it is off the existing closed porch and is a total of 8 feet by 34 ½ feet. Mr. Courter pointed out the current seating plan compared to the proposed seating plan. He said the elimination of the step down will be a much better, more open, floor plan that will not only create a safer condition for guests but it will be more functional for the serving staff as well. He also explained the addition of more wall space rather than all windows will create a more seamless look versus the current look of the porch. Mr. Courter testified that they will be adding to the landscaping, the HVAC system will be

camouflaged with rhododendrons and the existing trees will remain. Mr. Courter also testified that the maximum number of additional seating will be 14. Chairman Belasco asked if the applicant would consider native landscaping rather than the rhododendrons and Mr. Courter testified that he would be happy to refer to the Borough Ordinance that lists native species.

Ms. Morrissey testified that the restaurant exists in the Borough's C-1 Zone. She said the property has a front yard setback along Broadway where the main entrance to the restaurant is located, and that the setback is over 59 feet to the building so it is a substantial front yard. Ms. Morrissey also testified that Congress Street is the side where the proposed 8 feet by 34 ½ feet addition will be located and frontage exists on Fow Avenue as well. She said to the north is the C-3 Zone with the liquor store and shopping center existing in that area, across the street on Congress is a vacant lot in the area of where the restaurant parking lot is, and a residential structure located on the corner. Ms. Morrissey said the application proposes to reduce the setback to Congress Street and the closest point to the property line will be 7 feet. Ms. Morrissey pointed out that this is the fourth restaurant at this location and it has proven successful, she said the applicant wishes to improve the conditions of the restaurant and also the overall dining experience for their guests. She said that in addition to the setback variance they are also asking to increase the impervious coverage that is currently at 68.77% to 69.97% when the C-1 requires 60%, making this a 1.2% increase of the existing condition. Ms. Morrissey pointed out that the property is in a block that is split zone with the C-1 and C-3, C-3 being to the north and 80% coverage is permitted in that zone. She also said the property has substantial open space and frontage with nice landscaping and entrance space that adds to and minimizes the requested variance. Ms. Morrissey testified that the open space at 30.03% does not satisfy the ordinance requirement of 35%, because of the lot coverage but vegetation will be added. She went on to describe the pre-existing non-conforming conditions of the parking location in the front yard, and the free standing sign both of which will not be changed in any way. Ms. Morrissey acknowledged the need for variance for parking spaces since 27 parking spots are required while 22 will be provided. Ms. Morrissey explained that both hardship and substantial benefit can be applied in this instance. She said the hardship must relate to the property itself and this property has three street frontages, she went on to say that if this were a normal lot with a side yard setback the proposal would conform. Ms. Morrissey said the other hardship deals with the floor plan, she said the addition couldn't be flipped to the other side because the kitchen would then be in the middle of the dining room. She testified that the addition will improve the aesthetics on that side of the property and the removal of the step down will improve safety, while the extra room will provide a more satisfactory dining experience.

Ray Roberts, Board Engineer was sworn in and advised the applicant that the building was in the Historical Preservation District and that they would need to apply to the HPC. He then went on to question the amount of parking spaces provided saying he believes the total to be 20 not 22. Ms. Morrissey explained that she counts the handicapped space and the delivery space as well because it is available for parking during off peak delivery hours. Mr. Roberts was satisfied with the explanation. He then asked about the sidewalk pavers on the plans because they seem to go across the right of way and for safety reasons would not be permitted. Mr. Courter advised that he revised the drawings to show a concrete sidewalk. Mr. Roberts clarified the different setbacks and requirements for the various zones for the Board's benefit. Mr. Roberts asked about drainage coming from the addition and suggested that the Board's approval if they so choose to

approve, include the submission of a detailed plan for an underground recharge system to take care of the increased impervious area. Mr. Roberts suggested that any changes and details to the landscaping be revised on the plans as well.

Board Member Sabo asked about lighting, the applicant testified that they were maintaining what lighting is currently there and not adding any additional outside lighting with the exception of the required exit sign.

Board Member Hewitt said there are 5 existing trees on the side of the restaurant and wanted to know if they were being protected. Mr. Roberts indicated that review would fall under the construction office but pointed out that the applicant did already testify that the trees will remain. Mr. Courter confirmed this and said the addition will not impact any of the trees. Mr. Roberts said the applicant can be required to include on the revised plans a safety fence that will be constructed around the trees to protect them.

The floor was opened to residents within 200 feet of the property. When no one expressed a desire to speak the floor was opened to all residents.

Mr. Allen Mitchell of 113 Myrtle Avenue was sworn in and testified that he was concerned with adding seats to an already parking space deficient facility in what he called a parking space deficient area. Mr. Mitchell expressed his feeling that the parking issue is constantly being exacerbated and said if the bike path and round-about county projects are implemented more spaces would be lost.

Pam Kaithern of 207 Stevens Street, was sworn in and asked for clarity on whether or not the property was in the Historic District. Mr. Roberts confirmed that it is. Ms. Kaithern said she thought there was a federal designation of the structure as historic and suggested the Board ask the applicant to speak to that. Ms. Kaithern also mentioned there are provisions in the ordinance that allow for parking funds, in order to create funds to provide for additional parking areas.

Board Member Sabo wished to express that alternative methods of transportation such as walking and bicycling are encouraged to help alleviate the parking issues as well.

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

Board Member Roselli asked if the applicant would consider a bike rack on the property and the applicant was agreeable.

Board Member Joblin asked if the applicant had to apply to the HPC, it was determined they must do so, and the applicant agreed they would.

The Board discussed the ordinance and the parking fund donation, the applicant decided to decrease the number of additional seats from 14 to 12 and to donate \$10,000.00 to the parking fund over a five year period per the ordinance.

Solicitor Russell advised the Board this would be a motion to approve minor site plan not major,

so approval would be in one step, along with variance to increase lot coverage, variance for side yard setback on Congress Street, and variance for off street parking. He said there would be several conditions such as HPC approval, possible federal approval, parking fund contribution, and other conditions placed on the record.

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

Application 002-180, Mark Lukas & Edward Celata, 119 Myrtle & 123 Broadway, Block 4, Lots 4, 20.01, New Application – Preliminary and Final Major Site Plan and Variance Relief-Preexisting Conditions

A five minute recess was observed before the third hearing began. Dorothy Bolinsky, attorney for the applicant said they are seeking preliminary and final major site plan approval for a boutique hotel with 23 units, a restaurant and other amenities as well as other on site infrastructure improvements. Ms. Bolinsky pointed out that while the application is similar to the prior one, it is a new application before the Board with changes. She introduced the applicant and professional team; Mark Lukas, applicant and owner, Pamela Fine of Fine Architecture, and Vincent Orlando with EDA, licensed planner. All were sworn in by Solicitor Russell who recommended that they be deemed experts in their fields.

Ms. Bolinsky said the property is in the C-1 zone and is a conforming use and that there are some variances for preexisting nonconformities. She said a technical matter is that the two lots are separately owned by the co-applicants who are partners, but they are willing to consolidate the lots if given approval and make it one complete lot.

Pam Fine pointed out the existing historic building on the plans and the proposed first, second and third floors. She testified that on the existing structure the front porch will remain, and inside will be the front lobby that leads to the restaurant, and on each side of the lobby will be a lounge breakfast room. Ms. Fine said these are all existing areas of the historic structure. She said beyond the restaurant will be the kitchen, restrooms and a corridor that leads down the center. Towards the back, in the addition, there will be 8 guest rooms, two stairs and an elevator as well as a rear exit. She went on to the second floor where there will be 4 guest rooms, two stairs and an elevator then in the back an additional 8 guest rooms and again two stairs and an elevator. On the third floor there will be a guest room an elevator a stair as well as spa/gym and restrooms. This floor leads up to an open pool deck with the pool in the center and seating around the pool with another restroom toward the back. Ms. Fine said the total square footage of the building will be 17,570 square feet with the existing structure at 3,792 square feet and the addition 13,778 square feet. Ms. Fine said the basement will consist of the owner's quarters, laundry, storage space, and a stair. She noted that nothing is being added to the basement, it is all pre-existing space that is being re-designed. Ms. Fine testified that the addition will be a seamless one with much attention to detail that will continue the architecture of the existing structure.

Vincent Orlando testified that with these revised plans for this new application, they have

eliminated the variance relief they were seeking in the previous application but he admitted that some preexisting nonconforming conditions do still exist. Mr. Orlando said the building will be serviced by a driveway that will remain on Myrtle Avenue with one parking space designated as the owner's space. The main parking area is located off of Broadway and will contain two handicapped spaces as required, and an additional 12 spaces. The remaining spaces are parallel spaces located on the north and south sides of the property and they are serviced by an 18 foot wide drive aisle and each space is 8 X 22. The buffer has been increased on both sides to five feet on the north side and 6 feet on the south with landscaping and a 4 foot high fence. Mr. Orlando testified that with the elimination of the prior variances the building coverage and lot coverage are now permitted and the vegetative cover is consistent with the ordinance. Mr. Orlando said they have designed a drainage system that will be an underground infiltration system that will handle the 100 year storm. He testified that in addition they propose to install a porous concrete that will also allow infiltration but they have not counted that in the total for coverage and have designed the drainage system as if the porous concrete was impervious. Mr. Orlando believes there will be no runoff onto neighboring properties. Mr. Orlando testified that the lighting will be downward facing with LED bulbs. Mr. Orlando testified that the Borough's ordinance states a 10 foot wide drive aisle but does not indicate if that is a one way or two way aisle. He cited other standards including those for RSIS and made comparisons. Mr. Orlando feels the configuration they are proposing meets the purpose and intent of the parking requirements and that no variance is needed. Mr. Orlando said there are 30 parking spaces and 1 for the owner, bringing the total to 31 which complies with the ordinance. Mr. Orlando spoke about Broadway being a county road and the site triangle requirements, he wanted the Board to know that Borough requirements are met, in fact exceeded, even though the county requirements would prevail. Mr. Orlando testified that he agreed with Mr. Roberts about the variances under the C-1 criteria, frontage, width, and front yard setback. He said they are hardships as they are preexisting exceptional situations that will exist whether or not the application is approved. Mr. Orlando indicated that he has had conversations with the WCM Fire Chief, and that Chief McPherson is satisfied with the plan and that it meets his requirements for fire safety. Mr. Orlando testified that there is adequate water and sewer on site, that the drainage plan supersedes requirements and the existing house will enter into the containment system as well.

Board Member Joblin asked for clarity on the parking dimensions and the details of pulling in and out. Mr. Orlando said they have incorporated an area where a vehicle can k-turn and drive forward out of the lot. Mr. Joblin asked Mr. Orlando if there was a safety concern about guests trying to back out onto Broadway. Mr. Orlando said he did not feel that would be a concern that it was a very improbable situation. Mr. Joblin asked if there could be some type of unobtrusive signage to direct people to pull forward and k-turn in order to exit. Mr. Orlando was agreeable to a small sign.

Board Member Hewitt said a holly tree on the property line back by the barn that has to be relocated, and a tree on the back corner owned by three people, are both protected by ordinance. Mr. Hewitt noted that the roots must be protected as well. Mr. Orlando testified that both trees would be protected and went on to say the landscape plan far exceeds the Borough's requirements.

Mark Lukas said he and Mr. Celata have owned the property for over 15 years and together they

spent considerable time and resources on reviving the home to its current condition today. He talked about keeping the history of the building alive by naming it the Ewing. Mr. Lukas said they want to keep the Colonial Revival details and create a seamless romantic addition, something that doesn't currently exist in the area. He said it will be a mix of 19th Century with modern touches and a much needed choice based on consumer behavior today.

Ray Roberts, Board Engineer, was sworn in and asked Mr. Orlando to address the comment about the existing concrete curb along the property line between the proposed property and lot 5 that stops short of the right of way. Mr. Orlando said the reason it stops is if they continued with it, that property owner would not be able to access his driveway safely or effectively. Mr. Roberts asked if the landscaping around the pool area was counted in the 35% vegetation coverage requirement. Mr. Orlando testified that it was not counted in the total and is in addition to it. In answer to additional questions of Mr. Roberts, Mr. Orlando stated that HPC approval was obtained with the original application but they will return to the HPC with the new application. He said the pool deck is part of the third floor and not a rooftop deck. He said the lots will be consolidated, and he testified that the gaslight feature is limited in scope and is for signage purposes only. Mr. Orlando and Mr. Lukas gave testimony to the height of the sign and indicated it was at 8 feet but now they are proposing a 6 foot sign in order to be compliant. Ms. Fine testified that all HVAC units will be buffered. Mr. Orlando said the trash area is enclosed by two sides of the building and a vinyl fence.

Board Member Joblin asked the Board Engineer, Mr. Roberts, if he felt the parking configuration was safe and Mr. Roberts said yes.

Board Member Hewitt asked how service would get to the hotel when Myrtle is closed for Wilbraham Park events. Mr. Roberts pointed out that there are currently two Bed and Breakfast facilities on the street that have managed without issues as far as he knows. Mr. Orlando said the facility is small and the linens would be done onsite, he said it was his understanding that the street is closed for two of the festivals that are held on Saturdays. He said if they had to a delivery truck could enter off Broadway.

Board Member Burke spoke about the owner's parking space also being the designated delivery area and asked how it could be a designated space and then not be available. Mr. Orlando explained that the owners could coordinate during deliveries and move their vehicle to the end of the lot, and said they would be agreeable to moving the delivery area if the Board preferred.

The floor was opened to residents within 200 feet of the property.

Jim Labrusciano of 127 Myrtle Avenue was sworn in and asked if vehicles can enter and exit through Broadway. The applicant explained they cannot. He asked if the lobby would be off Myrtle and if guests had to walk through the restaurant in order to check in. Ms. Fine explained the entryway as in her prior testimony. Mr. Labrusciano expressed concerns with traffic on Myrtle and had no further comments.

Terrance McBrien of 112 Yorke Avenue was sworn in and testified that the Broadway intersection is the busiest intersection in WCM and expressed his concern with what he referred

to as an overflow of traffic. He expressed his concern with the speeding on Broadway. Mr. McBrien said he liked the project but was opposed to it in this location. He also expressed concern that traffic will back up and vehicles will turn down Yorke and speed and pose a severe safety hazard.

Todd Cecchini of 127 Broadway was sworn in and spoke in opposition to the application. He asked for the dimensions of the parking lot and Mr. Orlando provided them. He expressed concern about his property being directly next to the parking lot and how it may de-value his property. Mr. Cecchini expressed grave concern over safety and traffic as well. He said if approved it will decrease property values, increase traffic, create safety issues and change the neighborhood.

Paul Niemczura of 121 Broadway was sworn in and testified that he feels it to be disingenuous to go from asking for so many variances to now requesting none. He said the reduction of the fence does not create a better situation for him and his home. He asked if the Board realizes the burden that approving this application would create for the community and wanted to know if the Board only looks at numbers and the proposed site alone rather than in terms of the overall impact to the neighbors and the community as a whole. He expressed much concern over living next to the construction if approved. He also expressed his concern with traffic and safety.

Robert Morris of 133 Yorke Avenue was sworn in and testified as to his concerns about traffic specific to deliveries on Myrtle which is one lane with a bike path. He mentioned traffic backup and Yorke being chosen as an alternate route to avoid such traffic. Mr. Morris also believes employees for the hotel will park along Yorke. He also disagreed with the pool deck not being considered a rooftop deck.

Alan Mitchell of 113 Myrtle wanted to suggest something to the Board, he was advised he had to come to the table. He was sworn in and suggested that the Board open the floor to all residents so those who have traveled and will not be able to return can have a chance to be heard.

Doug Carnes of 133 Myrtle Avenue was sworn in and testified that when he received notice for this hearing he thought they were only asking for the hotel units since the notice did not mention the restaurant and he asked if that was sufficient notice. Ms. Bolinsky testified that the letter notes accessory use and they aren't seeking variance for the restaurant so felt it sufficient. Board Solicitor Russell reviewed the notice letter and deemed it sufficient as well. Mr. Carnes wanted the record to reflect that the first application notice mentioned the restaurant and the second application notice did not. Again Mr. Russell explained that the first application was seeking variance for the restaurant and this one is not.

John Stradling of 110 Yorke Avenue was sworn in and testified that he is concerned, since he is directly behind the property, at what he described as pushing maximum density into an area that is finite. He said not enough attention is being given to the impact of the surrounding community. Mr. Stradling mentioned an accident he witnessed on Yorke that involved a speeding vehicle and a child on a bike and said it will only get worse once we increase the density of the traffic in that area.

Scott Wolf of 277 Fifth Avenue was sworn in and wanted to know the height of the original

structure and the addition in relation to it. Ms. Fine replied stating the original structure is 35 feet from grade and the addition will be the same throughout. Mr. Wolf was pleased to hear they would be returning to the HPC.

Ed Creenan of 635 Fourth Avenue was sworn in and testified that deliveries and trash collection trucks are too big for Myrtle Avenue and will cause traffic and safety issues. He hopes the landscaping of non-invasive plants will be enforced if approved. Mr. Creenan expressed concern over drainage and where the water will end up. He testified that he is not against the idea but he is against the location, he said it is the wrong place and safety is too big a concern.

Katherine Creenan of 635 Fourth Avenue was sworn in and testified to what she considered incorrect assumptions by the applicant, in that deliveries are made by tractor trailer not box-trucks. Ms. Creenan said the project is a beautiful idea but it is the wrong property. Ms. Creenan said if approved it will disrupt the neighborhood and the quality of life for those in it.

Janet McMahon of 201 Pacific Avenue was sworn in testified in favor of the application. She said she also has a home on Perry Street in Cape May and she believes traffic is an issue everywhere especially in the summer months and she doesn't believe this project will make it any worse.

On motion of Carol Sabo, seconded by Paul Mulligan, the public portion was closed on roll call vote as follows: everyone present voting in the affirmative.

Solicitor Russell cited case law and advised the Board that they are not permitted to deny an application based on offsite traffic issues.

On motion of Peter Burke, seconded by Paul Mulligan, the motion to table the hearing to the February 27, 2018 meeting at 7:00 PM was approved on roll call vote as follows: Peter Burke, Bob Hewitt, Doris Jacobsen, Art Joblin, Paul Mulligan, Lisa Roselli, Carol Sabo, Lindsey Casale, and TJ Belasco voting in the affirmative.

PRIVILEGE OF THE FLOOR:

When no one else wished to speak, the meeting was adjourned at 10:51 PM on motion of Paul Mulligan, and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary