

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – October 14, 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	absent
Pam Kaithern	present	Carole Sabo	present
Mark Kulkowitz	present	Alternates:	
Barbara Lamb	absent	TJ Belasco	present
Paul Mulligan	present	Lisa Roselli	present

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

**MINUTES:** On motion of Carol Sabo, seconded by Art Joblin, the minutes of August 12, 2014 Regular Meeting were approved unanimously on roll call vote.

**Change of December 9, 2014 meeting date due to Special School Election:** On motion of TJ Belasco, seconded by Carol Sabo, the board approved changing the December 9, 2014 meeting to December 16, 2014.

**Application 003-14, Claudio Pawlus, Block 9, Lot 10, 185 E. Mechanic Street:**

Applicant Claudio Pawlus was sworn in by Brock Russell. Mr. Pawlus was requesting a variance for front yard setback and rear yard setback. He will be reducing the encroachment into the rear yard setback by moving the door and steps to the side, but because of where the house sits on the lot, it will still be in the setback. Mr. Pawlus went before the Historic Preservation Commission because the house is in the historic district and they recommended he change the front steps to come straight to the sidewalk instead of off to the side. He provided pictures that show the front of the house as it currently is as well as two photographs from his neighbor from around 1945 which shows the steps were originally in the front. Solicitor Russell marked the new photos as Pawlus #1-#9. Mr. Pawlus installed the steps as proposed with the understanding he would remove them if he did not get approval. After being sworn in by Solicitor Russell, Board Engineer Roberts reviewed his report. He asked the applicant to provide a complete survey of the property. The one provided with the application is incomplete, unsealed and shows it is a multi-family dwelling, which is not what his application said. Included on that survey should be delineation of the off-street parking being provided. There was then discussion on whether the property is a single family or multi family dwelling. The application said single family, but Mr. Pawlus stated there is an existing first floor apartment that he has decided to

keep, instead of converting it to a single family home. He further stated the property was at one time 4 units because he found 4 electric meters. There is one water meter but 2 sewer laterals. At a quick look, Engineer Roberts felt the property would meet the bulk requirements for a two-family dwelling, with the exception of the pre-existing non-conformities. However, a second dwelling unit will require a separate parking space that cannot be stacked with the first. Solicitor Russell expressed concern that the application and the HPC approval both state single family and an approval of a two-family could be confusing where someone to look at the file in the future. Doris Jacobsen, HPC representative, was unsure how the HPC would feel about the change in facts from their application and approving resolution. Pam Kaithern suggested the applicant provide a landscaping plan and advised him the Borough prefers native vegetation and impervious surfaces for driveways wherever possible. Also, if there will be two units, then a separate water meter should be installed. Mr. Pawlus agreed to these conditions.

Chairperson Mulligan opened the public hearing to anyone within 200' of the property.

Marilyn Kearns, 16 Mechanic Street, was sworn in by Brock Russell. She asked if any other buildings were being proposed on the property and how large the side deck would be. There is no consideration for additional buildings at this time and the side deck is 8' x 18'.

Karen Simpson, 4669 Windstar Drive Destin, FL, daughter of Marilyn Kearns, was sworn in by Solicitor Russell. She asked where the driveway would be and whether a garage could be placed on the property. She was advised it could be anywhere on the side yard between the building and the setback. Also, it will have to be at least 18' x 18' to accommodate two cars. At this time no garage is being contemplated, but one could be installed without board approval if it meets all zoning requirements. Ms. Simpson asked where the steps to the apartment would be. Mr. Pawlus advised they are in the front of the building and are concrete steps that go below grade under the front porch. This created some confusion among the board members who did not realize the first floor is partially below grade and the front porch is really on what Mr. Pawlus would consider the second floor of the property. He is planning to live on the second and third floors with his family and keep the partially, below-grade first floor apartment. Pam Kaithern expressed concern that 5 months ago his application to the HPC and his application to the PZB both stated single family, and now the request is being made for two-family. She felt more clear information should be provided before the board could make a decision. Mr. Pawlus was confused because the house had the apartment when he purchased it and he isn't making any changes requiring variances except for changing the front steps as the HPC suggested. He also felt the HPC approval is valid because the HPC doesn't govern how many buildings or dwelling units are on the property, only whether they are compliant with HPC guidelines. Solicitor Russell felt a site plan should be provided with more detail than the survey that was provided with the application. By providing a completed, sealed survey as well as site plan, it will give the information the board is missing that is keeping them from making a clear decision. Mr. Russell would like to see the inconsistencies corrected before the board takes any action. Realizing the public hearing had gotten off track, Chair Mulligan asked Ms. Simpson if her questions had been answered to her satisfaction.

When no one else from within 200' wished to speak, the hearing was opened to the general public. When no one wished to speak, the hearing was closed on motion of TJ Belasco,

seconded by Mark Kulkowitz.

Solicitor Russell advised the applicant he had three options: withdraw his application and resubmit it with accurate information and documents, table the application and bring supplemental documents to the next meeting, or to proceed and ask the board to make a decision based on the evidence provided at this time. Mr. Russell also suggested he contact a land use attorney for advice. Mr. Pawlus asked the board to table his application until the next meeting to allow him time to collect the documentation necessary to clearly show the board what he is doing on his property. The Board tabled the application on motion of Mark Kulkowitz, seconded by Art Joblin and carried unanimously on roll call vote. Solicitor Russell announced the application has been tabled and will resume at the November 25, 2014 meeting at 7:00 pm.

**Informal Review for Tom O'Hara, Sunset Liquors:** Solicitor Russell explained the provision of the MLUL allowing for informal presentations and that no decisions can be made or advice given. Mr. O'Hara would like to put a neon sign in his liquor store window, but the borough's ordinance prohibits them. He asked what he could do. He was told he first had to apply for a zoning permit. If his sign does not meet the zoning code, then he'd have to change the type of sign or apply for a variance.

**PRIVILEGE OF THE FLOOR:**

A member of the audience thanked the board but advised them it was very difficult to hear from the audience.

When no one else wished to speak, the meeting was adjourned at 8:33 PM on motion of Mark Kulkowitz, seconded by Doris Jacobsen, and carried by unanimous voice vote.

Respectfully submitted,

Elaine L. Wallace  
Recording Secretary