

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – October 8, 2013**

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
Tina Johnson	present	Carole Sabo	present
Pam Kaithern	present	Alternates:	
Mark Kulkowitz	absent	TJ Belasco	present
Paul Mulligan	present	vacancy	

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

**MINUTES:** On motion of Art Joblin, seconded by Doris Jacobsen, the minutes of September 10, 2013 were approved unanimously on roll call vote.

**RESOLUTIONS**

**Heather Wertley, Block 5, Lot 9.2, 145 York Avenue** On motion of Tina Johnson, seconded by TJ Belasco, Resolution 007-13 was approved on roll call vote as follows: Rea abstaining, all remaining members present voting in the affirmative.

**Patricia Burton, Block 63, Lot 2, Third Avenue** On motion of Tina Johnson, seconded by Art Joblin, Resolution 008-13 was approved on roll call vote as follows: Jacobsen abstaining, all remaining members present voting in the affirmative.

**NEW BUSINESS:**

**Ann Butchart/Marian Luongo, Block 35, Lot 14, 107 Goldbeaten Alley**

Solicitor Russell advised the application is for a D variance. Kaithern and Sabo recused themselves. Ann Butchart, Attorney Louis Dwyer, Architect Susan Boehret and Builder Paul Burgin appeared for the application and were sworn in by Solicitor Russell. Lou Dwyer summarized the application which is to raise the house to meet FEMA requirements and add a second floor to increase the functionality for the owners without increasing the footprint. The applicant plans to create a porch and use LEED points to reduce the amount of the variance needed. The applicant is confident they can further reduce the FAR variance to about 2% over the allowable limit. Susan Boehret testified that the renovation would bring the property more into keeping with the neighborhood. She also testified the property could accommodate the additional square footage without any negative impact on the neighborhood because the footprint

isn't changing. She showed the proposed plans to the immediate neighbors and one expressed concern over drainage and HVAC units. The applicant agreed not to place HVAC units on his side of the building and to make sure drainage does not run toward his property. She asked Kevin Soler, the neighbor in question, be allowed to speak prior to the normal public hearing because he has another engagement. The Board agreed to allow him to speak and he was sworn in by Solicitor Russell. Mr. Soler, 116 Third Avenue, stated his concerns were accurately represented. The applicant agreed to address his concerns and was satisfied the applicants agreed to address his concerns as conditions to the application. Board Engineer Ray Roberts was sworn in and reviewed his report. A variance would also be needed to allow the applicant to build a deck and porch within the setback area. He asked the applicant to provide revised plan showing the actual FAR calculation once all the LEED points are determined and a LEED checklist must be provided to the construction official. Art Joblin asked if the proposed height on the plans includes the flood elevation. Ms. Boehret stated it includes both the raising of the building to meet FEMA regulations and the added second floor. Tina Johnson asked about if any landscaping has been planned. Ms. Boehret stated it would be include on the final plans and the applicant will try to use low-water native plants as much as possible. Paul Mulligan asked about existing encroachments. Mr. Dwyer explained the shed and patio that are encroaching on the neighboring property will be removed, which only leaves the fence which is preexisting. Ray Roberts explained the fence would be a matter between the neighbors, not the board. The chair opened the public hearing to anyone within 200' of the property.

Louis Troiano, 212 Broadway, was sworn in by Solicitor Russell and spoke in favor of the project.

The chair opened the hearing to the general public. When no one else wished to speak, the hearing was closed on motion of Art Joblin, seconded by Kevin O'Neill.

Art Joblin made a motion to approve the application for variances including FAR, the exact percentage over FAR will be provided on the final plans, with conditions as requested by the neighbor and those listed in the engineer's report, all upon condition the application is approved by the HPC. TJ Belasco seconded the motion which was carried unanimously on roll call vote.

#### **Andrew Charchalis, Block 21, Lot 11, 701 Grand Avenue**

Applicants Andrew Charchalis and Tania Charchalis of P.O. Box 31 Phoenixville, Maryland, were sworn in by Solicitor Russell. Mr. Charchalis gave a summary of the application. The current house is in disrepair and is on a nonconforming lot. The applicant would like to extend the left side of the building along the existing footprint and take that to within 5' of the neighbor's property line and to add a second floor bathroom and extend the gable across the length of the house. The applicants also plan to demolish the existing shed and garage. Engineer Roberts reviewed his report and asked the applicant to provide revised architectural drawings to show the material for the sidewalk, driveway and what looks like an at-grade patio in the rear of the house. They must also show the actual proposed lot coverage. The proposed plans would reduce the lot coverage, but it will still be nonconforming. Mr. Roberts also stated side yard setback variances are not necessary, but a rear yard setback variance would be necessary because the addition would be within 5' of the property line. Mr. Roberts asked the applicant if they were planning to install any fencing. Mr. Charchalis asserted they are not planning to install

fencing but are considering a trench to keep other growth from encroaching onto their property. Ray Roberts explained that part of the USDA project on Central is clearing the public right-of-way, which may eliminate the encroaching bamboo. The applicant will consult with the Audubon Society or Nature Center of Cape May on what species to plant to create a natural barrier. There was some discussion about a discrepancy between what the plans show as lot coverage and what the testimony of the applicant was concerning the removal of the garage and the existing concrete pads for the driveway and rear patio. After some discussion, Mr. Charchalis testified he was willing to build to the plans prepared by the architect and provided to the board with the application. Pam Kaithern asked if any trees will be planted to replace one that was removed previously. The applicant will be planting two trees, per the Shade Tree Commission, but would like to wait until after the construction is finished. The chair opened the public hearing to anyone within 200', then to the general public.

Norman Roach, Zoning Officer, questioned the effect on the setback if the proposed gable overhangs. Engineer Roberts determined the existing non-conforming side yard setback shown as 12'9" on the plans would actually be around 8-9' depending on the depth of the eaves, which is an increase in the nonconformity.

When no one else wished to speak, the public hearing was closed on motion of TJ Belasco, seconded by Doris Jacobsen.

Kevin O'Neill made a motion to approval the application for variances, including a side yard setback of 8-9' due to eaves, and lot coverage of approximately 42%, reduced from 52%, subject to all conditions set forth including replacement of driveway and patio with permeable material. Carol Sabo seconded the motion which was approved unanimously on roll call vote.

The Board took a break at 8:29 and reconvened at 8:34 on motion of Pam Kaithern, seconded by Tina Johnson.

### **Robert Klenk, Block 33, Lot 6, 310 First Avenue**

Solicitor Russell advised the application is for a D variance. Kaithern and Sabo recused themselves. Applicants Robert and Beth Klenk, Attorney Louis Dwyer, and Professional Planner Matthew Hender appeared for the application and were sworn in by Solicitor Russell. The applicants were originally seeking variances for preexisting nonconformities as well as one for FAR in order to add a second floor on the same footprint as well as add a small addition on the garage side of the building to house an elevator and stairway. Upon further consideration, the applicants decided to reduce the size a little, to use LEED points to gain a the square footage bonus, as well as one for a porch, which will eliminate the need for a FAR variance. Revised drawings reflecting these changes will be provided. The lot size is larger than typical in the area and most of the houses in the neighborhood are much larger and were built before FAR was adopted. Matthew Hender testified that that large lot can accommodate the increased size and the site is surrounded by larger buildings that were built before FAR was adopted. The proposed house would fit the character of the neighborhood. He also stated he saw no negative impact on the community if the application were approved. Engineer Roberts reviewed his report and asked about water runoff from the additional roof. The applicant is proposing using rain barrels

to catch water so no additional water will run onto First Avenue. When asked, Mr. Hender advised low-level lights will be used around the doors and no pole mounted lights are being proposed. The applicant also plans to leave the existing chain link fencing. Mr. Dwyer entered CAFRA permit as exhibit Klenk #1. The chair opened a public hearing to anyone within 200' of the applicant.

Jeffrey Gott, 324 First Avenue, was sworn in by Solicitor Russell and spoke in support of the project and feels it will be a vast improvement.

The chair opened the public hearing to the general public. When no one else wished to speak the public hearing was closed on motion of Art Joblin, seconded by Doris Jacobsen.

Attorney Dwyer gave final summary of the application. The applicants would not need a FAR variance, but will need one for maximum floor area. Art Joblin made a motion to approve variances for preexisting conditions as well as one for maximum floor area subject to conditions stated including submission of revised plans. Tina Johnson seconded the motion which was carried unanimously on roll call vote.

**PRIVILEGE OF THE FLOOR:** No comments

On motion of Tina Johnson, seconded by Diane Rea, and carried by unanimous voice vote, the meeting adjourned at 9:01 PM.

Respectfully submitted,

Elaine L. Wallace  
Recording Secretary