

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – March 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 7:06 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

**ROLL CALL:**

Members:

Doris Jacobsen	absent	Kevin O’Neill	absent
Art Joblin	present	Diane Rea	absent
Pam Kaithern	present	Carole Sabo	present
Mark Kulkowitz	present	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

**RESOLUTION 005-14 Barbara Hoepf, Block 48, Lot 4:** On motion of Art Joblin, seconded by TJ Belasco, the aforementioned resolution was approved on roll call vote as follows: Kaithern, Kulkowitz, Sabo and Roselli abstaining, all remaining members present voting in the affirmative.

**MINUTES:** On motion of TJ Belasco, seconded by Carol Sabo, the minutes of February 11, 2014 Regular Meeting were approved on roll call vote as follows: Kulkowitz abstaining, all remaining members present voting in the affirmative.

**NEW BUSINESS:**

**Application 014-13, Trevor Hampton, 205 Columbia Avenue, Block 43, Lot 6**

Attorney Tom Phelan, Wardell Hampton, and Surveyor Tom Deneka joined the board. Mr. Phelan was representing the Hampton family. Mr. Deneka and Mr. Hampton were sworn in by Solicitor Russell. The applicant was seeking major subdivision approval for 4 lots, all 7,500 square feet, which is well in excess of the minimum requirement in the R-1 zone. There is an existing house on lot 6, which would be on newly created lot 6.01. The remaining lots will be vacant. The front porch on the existing house creates a preexisting non-conforming front yard setback of only 13.8 feet. Mr. Phelan argued that proposed lot 6.01 not be considered a corner lot because Goldbeaten Alley is not paved in the area in question. There was some confusion caused by the survey showing setbacks on each lot that didn’t meet the requirements of the zone. The applicant testified that there is no building being proposed. Solicitor Russell explained that since the applicant isn’t planning to develop the lots at this time, then the proper setbacks should be shown. If, when development is being considered, variances are needed, then the owners can make application to the board at that time. Engineer Roberts reviewed his report on the

application. He asked that the site plans be revised to show the proper setbacks for the zone and that it be clear that the building envelope exceeds the permitted lot coverage. He asked that a note be placed on the plans stating building cannot exceed 40% lot coverage. If the plans are revised to show the proper setbacks, no new variance would be necessary. Mr. Phelan expressed concern that if Goldbeaten Alley is treated as a street and the sideyard setback has to be 15' instead of 6', then that would restrict future building. Goldbeaten Alley is listed as a street on the official tax maps of the Borough and Mr. Russell suggested the setbacks conform at this time and if future building is proposed, then the matter be decided at that time. Mr. Roberts also asked that lot 6.01 show the proper site triangle on the corner of Goldbeaten Alley. Chairperson Mulligan opened a public hearing to anyone within 200' of the subject property, When no one wished to speak he opened to general public. When no one wished to speak, the public hearing was closed on motion of Mark Kulkowitz, seconded by Carol Sabo. Engineer Roberts advised the board they could give preliminary and final site plan approval as long as the applicant revises the plans as stated and contingent on Engineer review. Carol Sabo made a motion to give preliminary and final site plan approval and a variance for preexisting nonconforming front yard setback. Art Joblin seconded the motion which was carried unanimously on roll call vote.

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

TJ Belasco, Pam Kaithern, and Carol Sabo recused themselves. Susan McGrail was sworn in by Solicitor Russell. Mr. Russell then explained to the applicant that a D variance requires her to testify to special reasons or conditions that makes her property suitable to the particular use she is proposing. She also needs a variance for setback, as well. Ms. McGrail is proposing an accessory apartment over her three car garage, which is not a permitted use in the R-2 zone. She would like to have a studio apartment for overflow when friends and family are visiting. The exterior will not change at all. The apartment would use the existing door that will lead to the stairway up and would be separated from the garage by a wall. She proposed an open room with walls only for the bathroom. Engineer Roberts reviewed his report and asked what the plans are for the lean-to which encroaches into the setback. Ms. McGrail explained it is only a roof that houses the solar panels for her pool. The pool was not shown on the site plan, but the applicant testified it was in front of the shed. Mr. Roberts also stated the site plan has to show parking for 4 vehicles. The garage has three bays, but a fourth space will have to be shown and adequate space for turning around will have to be provided. Ms. McGrail stated there is room for 6 or 8 cars on her driveway. When asked about a shaded area on the site plan, Ms. McGrail explained it used to be pavers, but is now an addition to the house that goes all the way to the end of the building as it's shown. Mr. Roberts explained an accurate site plan should be provided because the existing one does not show all the conditions that exist on the property and the board can't make an informed decision without all the facts. He felt confident from the testimony that there is adequate space to meet the parking requirements, but a correct site plan should be provided. Mr. Roberts also stated the site plan does not show the height of the garage, which is not changing, but appears to be above the limit. Ms. McGrail explained a variance was obtained when it was built to exceed the height limit. She did not understand the need for a new survey since she isn't planning to make any changes to the garage or parking areas. Chairperson Mulligan explained it is not possible for the board to make a decision without documents that clearly show the conditions on the property. The board works with applicants but the lack of photos and the incomplete survey make it hard for the board to render judgement. She must provide the evidence the board can use to consider her request. A D variance is significant and

has higher criteria that must be met. The ordinances and D variance require an accurate site plan. Ms. McGrail agreed to provide a current survey showing all structures and conditions on the property. The applicant asked that the matter be tabled and heard at the next meeting. On motion of Mark Kulkowitz, seconded by Art Joblin, and approved unanimously, the application for D variance was tabled without prejudice and it will be heard on April 8<sup>th</sup> at 7:00 pm. The change was announced publicly and no additional noticing will be necessary.

**PRIVILEGE OF THE FLOOR:** Zoning Officer Norman Roach advised the Board the regulations state a current survey is necessary when someone applies for a zoning permit. If a survey is not current and accurate, then he will not issue a permit.

On motion of TJ Belasco, seconded by Art Joblin, and carried by unanimous voice vote, the meeting adjourned at 8:34 PM.

Respectfully submitted,

Elaine L. Wallace  
Recording Secretary