

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – April 8, 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	present	Kevin O’Neill	absent
Art Joblin	present	Diane Rea	present
Pam Kaithern	present	Carole Sabo	present
Mark Kulkowitz	present	Alternates:	
Barbara Lamb	present	TJ Belasco	present
Paul Mulligan	present	Lisa Roselli	absent

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

**RESOLUTION 006-14 Trevor Hampton, 205 Columbia Avenue, Block 43, Lot 6:** On motion of Carol Sabo, seconded by Art Joblin, the aforementioned resolution was approved on roll call vote as follows: Jacobsen and Rea abstaining, all remaining members present voting in the affirmative.

**MINUTES:** On motion of TJ Belasco, seconded by Mark Kulkowitz, the minutes of March 11, 2014 Regular Meeting were approved on roll call vote as follows: Jacobsen and Rea 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, Pam Kaithern, and Carol Sabo recused themselves. Attorney Mike Pender joined applicant Susan McGrail at the table. Susan McGrail was sworn in by Solicitor Russell. The applicant originally gave testimony on her application on March 11, 2014 but was required to provide a current survey of her property before a decision could be rendered. She has submitted a new survey that shows all conditions on the property. She is seeking a D variance to allow an accessory apartment over her 3 car garage and a C variance for lot coverage and side and rear yard setbacks. Ray Roberts re-reviewed his report. Two family uses are permitted in the zone, but accessory apartments aren’t permitted. With the new survey and the applicants testimony about the parking spaces, Mr. Roberts determined the requirement for 4 spaces have been met. All the sheds on the survey encroach into the setbacks, but one encroaches onto the neighboring lot. He asked if there was an easement agreement or if the applicant planned to move or remove that shed. It was suggested that moving the shed to bring the property more into conformity would be viewed favorable for the applicant. Ms. McGrail said she could move the shed. Art

Joblin asked questions about the lean-to, how it was used and how it was configured. Doris Jacobsen testified that she listed to the recording of the previous meeting during which the applicant gave testimony. She asked the owner if she was planning to rent the apartment. Ms. McGrail said she is planning to use it for visitors and family. Mrs. Jacobsen asked if the board could prohibit her from renting as part of her resolution. Engineer Roberts explained that if the apartment is approved, then the board doesn't have the power to limit the use of it. There was more discussion about the lean-to and sheds. The applicant was willing to move the two sheds, but not the lean-to which houses her solar panels and plumbing for the pool.

Chairperson Mulligan opened a public hearing to anyone within 200' of the subject property. When no one wished to speak, the public hearing was opened to the general public.

Norman Roach, Zoning Official, was sworn in by Solicitor Russell. He wanted to clarify that there were 3 nonconformities on the property – lot coverage over 40% (49%), side yard and rear yard setback.

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

Mike Pender summarized the application stating there are several accessory apartments on the applicants block and two family homes are a permitted use in the zone. He asserted there is no detriment to the public good and no impact on neighbors. Parking will all be onsite. No expansion or changes to the exterior are being requested.

Mark Kulkowitz made a motion, seconded by Barbara Lamb, to approve a D variance to allow an accessory apartment on the second floor of the garage. The motion was carried unanimously on roll call vote. Belasco, Kaithern, and Sabo were recused.

Art Joblin made a motion, seconded by Mark Kulkowitz, to approve a C variance with conditions for existing lot coverage and a lean-to encroaching into the setbacks, with requirement that the 2 non-conforming sheds in the upper left corner be removed or moved. The motion was carried unanimously on roll call vote. Belasco, Kaithern, and Sabo were recused.

TJ Belasco, Pam Kaithern, and Carol Sabo rejoined the board at the dais.

**PRIVILEGE OF THE FLOOR:** No comments

**RESOLUTION #007-14 Closed Session – Pending Litigation.** On motion of Doris Jacobsen, seconded by TJ Belasco, the aforementioned resolution was unanimously approved on roll call vote. The meeting was then recessed into closed session at 8:15 PM. On motion of TJ Belasco, seconded by Mark Kulkowitz, the regular meeting was reconvened at 8:42 PM.

**Authorize Brock Russell to respond to Wilde v. Riccio et als.** On motion of Art Joblin, seconded by Mark Kulkowitz, Brock Russell was authorized to respond to Wilde v. Riccio et als on behalf of the West Cape May Planning Zoning Board.

On motion of Art Joblin, seconded by TJ Belasco, and carried by unanimous voice vote, the meeting adjourned at 8:44 PM.

Respectfully submitted,

Elaine L. Wallace  
Recording Secretary