

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – MARCH 10, 2015**

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	absent
Art Joblin	present	Diane Rea	present
Pam Kaithern	absent	Carole Sabo	present
Mark Kulkowitz	present	Alternates:	
Barbara Lamb	present	TJ Belasco	absent
Paul Mulligan	present	Lisa Roselli	present

Also Present: Brock Russell, Esq., Board Solicitor
Ray Roberts, Board Engineer
Dianne Rutherford, Recording Secretary

Review and Determination of Ordinance 494-15 Tree Removal Ordinance: On motion of Carol Sabo, seconded by Barbara Lamb, the above ordinance was deemed consistent with the master plan on roll call vote as follows: Joblin abstaining, all remaining members present voting in the affirmative.

MINUTES: On motion of Art Joblin, seconded by Doris Jacobsen, the minutes of February 10, 2015 Regular Meeting were approved on roll call vote as follows: Kulkowitz abstaining, all remaining members present voting in the affirmative.

On motion of Carol Sabo, seconded by Lisa Roselli, the minutes of February 24, 2015 Workshop Meeting were approved on roll call vote as follows: Kulkowitz and Lamb abstaining, all remaining members present voting in the affirmative.

RESOLUTIONS:

0005-15 James Atkins, Block 72, Lot 5.02, 713 Sunset Boulevard

On motion of Doris Jacobsen, seconded by Carol Sabo, the above referenced resolution was approved on roll call vote as follows: Kulkowitz and Roselli abstaining, all remaining members present voting in the affirmative.

006-15 Ordinance 492-15 is Found to Be Substantially Consistent with the Borough’s Master Plan

On motion of Carol Sabo, seconded by Doris Jacobsen, the above referenced resolution was approved on roll call vote as follows: Joblin and Roselli abstaining, all remaining members present voting in the affirmative.

007-15 Paul Burgin, Block 21, Lot 44, 715 Broadway (rear)

On motion of Art Joblin, seconded by Mark Kulkowitz, the above referenced resolution was approved on roll call vote as follows: Roselli abstaining, all remaining members present voting in the affirmative.

Application 001-15, Beach Plum Farm, Block 73, Lot 5, Stevens Street:

Art Joblin recused himself because he's an adjacent property owner. Lou Dwyer, attorney for applicant, and Vincent Orlando, project engineer and planner, appeared before the board and was sworn in by Solicitor Russell. Mr. Orlando was recognized as an expert witness. The applicant wishes to build a new farm stand building with a greenhouse on each side. One of the existing greenhouses would be removed. The proposed building will be 25', which is the height limit, but they would like a cupola on the top which would require a variance because it would be roughly 8-10 feet higher, but would add architectural and aesthetic value to the building. Mr. Orlando testified it would not interfere with light, air or open space to adjacent properties. The applicant would also need a variance for lot size, which is slightly less than the 5 acres necessary for a farm, and is a preexisting condition. Applicant is also seeking variance for side yard setback. The existing buildings are already nonconforming preexisting conditions because they are less than 40' from the side property line. Mr. Orlando explained the property owner has a footprint of disturbance issued by the NJDEP which limits the area that can be developed. There are also existing gardens on the farm that the applicant is trying to avoid having to destroy to build the new structure. The applicant will also require a variance for frontage, and one was previously granted by the board. Lastly, the applicant is seeking a waiver on final site plan. Board Engineer Ray Roberts was sworn in and reviewed his report and the variances being sought: frontage, lot area, side yard setback and a c variance for the cupola if the board wishes to approve it. Diane Rea asked if the applicant has submitted an application to the County Health Department for the proposed canning room. The applicant is waiting for its septic permit first, and then they will apply to Health Department. Robert Shepanski, Jr., project manager, was sworn in by Solicitor Russell and testified to the use of the greenhouses. Paul Mulligan questioned the proposed use for the second floor because bathrooms and showers are shown on the plans. Mr. Shepanski stated the bathrooms are for cleanliness of the workers and to wash eggs and prepare produce. Mostly, the second floor is for storage, but the bathroom facilities will be for the convenience of the employees. The floorplan was submitted to the board and Mr. Mulligan was pleased to be able to see what is being proposed before any approval is considered. He felt the uses were consistent with farming and doesn't want it to be repurposed for a non-permitted use for the neighborhood.

Chairperson Mulligan opened the public hearing to anyone within 200' and then to the general public.

Caroline Christensen, 122 Stevens Street, asked to see the plans so she could see where the proposed building is in relation to her property. The applicant showed her the drawings and she was satisfied.

When no one else wished to speak, the public portion was closed on motion of Mark Kulkowitz, seconded by Carol Sabo.

Lou Dwyer made his closing remarks stating the applicant is a successful farm, the use is good for the community. It has been designed to fit with the use and neighborhood and will not be detrimental to the residences. The variances being sought are mostly because of the shape of the lot and the DEP regulations. Mark Kulkowitz made a motion to approve variances for side yard setback, frontage, lot size, and height for the cupola and to waive the site plan requirement subject to the conditions placed on the record which include the second story of the building for farming uses only, no residential uses and the plans modified to show a building height of 25'. Carol Sabo seconded the motion which was approved on roll call vote as follows: Rea abstaining, all remaining members present voting in the affirmative.

PRIVILEGE OF THE FLOOR: No comments

Paul Mulligan reminded everyone to review the master plan and to be prepared to discuss the reexamination at the workshop meeting on March 24th

When no one wished to speak, the meeting was adjourned at 8:12 PM on motion of Carol Sabo seconded by Mark Kulkowitz and carried by unanimous voice vote.

Respectfully submitted,

Elaine L. Wallace
Recording Secretary