

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – OCTOBER 11, 2016**

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 Vice Chairman O’Neill at 7:08 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	absent	Diane Rea	absent
Pam Kaithern	present	Carol Sabo	present
Dick Rigby	present	<u>Alternates:</u>	
Barbara Lamb	absent	TJ Belasco	present
Paul Mulligan	absent	Lisa Roselli	present

Also Present: Brock Russell, Esq., Board Solicitor
Ray Roberts, Board Engineer
Theresa Enteadó, Board Secretary

MINUTES:

September 13, 2016 regular meeting:

On motion of Pam Kaithern, seconded by TJ Belasco, the minutes of September 13, 2016 Regular Meeting were approved, as amended, on roll call vote as follows: Dick Rigby abstaining, Pam Kaithern, and Carol Sabo approving with the exception of the portions where they were recused, and all remaining members present voting in the affirmative.

RESOLUTIONS:

Resolution 0011-16, Peter Lance and Bethany Johnson, Block 56, Lot 19, 121 Stimpson Lane, Minor Site Plan approval together with Bulk Variances:

On motion of Lisa Roselli, seconded by TJ Belasco, the aforementioned resolution was approved on roll call vote as follows: Doris Jacobsen, Kevin O’Neill, TJ Belasco, and Lisa Roselli voting in the affirmative.

Resolution 0010-16, Lawrence A. Pray Builders Inc., Block 26, Lot 1, 847 Broadway, Amended Major Site Plan approval together with Bulk Variances:

On motion of Doris Jacobsen, seconded by TJ Belasco, the aforementioned resolution was approved on roll call vote as follows: Doris Jacobsen, Kevin O’Neill, TJ Belasco, and Lisa Roselli voting in the affirmative.

APPLICATIONS:

Application 007-14, Paul Burgin, Block 21, Lot 44, 715 Broadway, Continuation:

Vice Chair Kevin O’Neill was recused and Board Member Lisa Roselli stepped in as acting Chair on motion of Pam Kaithern, seconded by TJ Belasco and approved unanimously.

Attorney Ronald Gelzunas spoke on behalf of his client. He indicated that Mr. Nemeth could not make the meeting but he supplied a cover letter for the revised plan. Mr. Gelzunas said, as suggested at the last meeting, he and his client returned with a revised plan that showed a reduction in the amount of trees. He said once Mr. Nemeth had more flexibility he was able to create a more attractive plan that provided a healthier condition. Mr. Gelzunas pointed out that the trees and shrubs principally eliminated were dogwoods and red cedars, which were two of the smaller species used, and that this allowed Mr. Nemeth to retain bigger species. He said because of this, there wasn't much biomass lost. Mr. Gelzunas also explained his client was able to procure agreements with neighboring property owners for an additional 34 trees and 16 shrubs in order to spread the improvement throughout the neighborhood. Mr. Nemeth's cover letter was marked as Burgin Exhibit One.

Mr. Russell, Board Attorney, asked if the revised plan was dated. Mr. Gelzunas said it was not but it was called Subdivision Plan, Alternate Driveway and Layout. Board Member Kaithern asked for an explanation. Mr. Roberts, Board Engineer said it was appropriate at that point in time for the applicant to layout any changes to the plan. Mr. Gelzunas said the original approved subdivision plan contained 20 foot easements that were shared between adjoining properties for the purpose of a shared driveway to access garages. He said the revised plan does not show those 20 foot easements, it shows the driveways upfront and the garages have been eliminated from the plans. Mr. Gelzunas said that if the landscape plan was approved that he and his client would be coming back for an amended site plan approval and added that he hoped it could be approved tonight with that condition.

Board Member Kaithern said by her calculations, the trees were reduced by 119 and shrubs by 125, then immediate neighbors would take 34 trees and 16 shrubs, which would leave a deficit of 75 trees and 109 shrubs. Mr. Roberts said he noticed a discrepancy with the number of shrubs on the plans and the applicant agreed the correct number should be 302. Board Member Carol Sabo pointed out that at the last meeting it was agreed to look less at sheer numbers and more at the health of the planting. Ms. Kaithern said she understood that the agreement was to be more flexible on the property but she really wanted to get back to the original numbers somehow. She asked if the applicant would be agreeable to place trees throughout the community and not just immediate neighbors. Mr. Burgin agreed, but asked that the Borough assist, as far as advertising and acquiring names of residents who would be interested, and the Board agreed.

Eventually it was agreed that 72 trees or 144 shrubs or a combination, thereof, would be planted offsite over a five year period.

Mr. Roberts, Board Engineer, said two issues remained. First was that the applicant would need to return with an amended subdivision plan that would eliminate the access driveways that were initially approved. Second was that the applicant's site plan would need to be amended and re-submitted so the Borough would have a record of what has been approved. Mr. Roberts added that the revised site plan would be required to show 2 parking spaces so the driveways would have to be at least 36 feet long.

Chairman Roselli opened the floor to residents within 200 feet of the proposed property. Louis Riccio, of 722 Maple Avenue was sworn in. He wanted someone to easily explain to him,

what made less trees acceptable and more attractive. He was advised that the topic was discussed at length at a prior meeting and it was agreed that some flexibility would be reasonable in order to allow for a healthier environment. Mr. Riccio said he understood and thanked everyone for the explanations. He also wanted to know if the applicant intended to prohibit garages due to the conversation about omitting them from the plan. Mr. Burgin explained that while he did not intend to make them part of the plan, an owner could decide to have a garage built in the future. Mr. Riccio then asked if there would be enough room to add garages. Mr. Burgin replied that there would be enough room. Mr. Riccio's last concern was that if garages were to be built that they match the homes. Mr. Burgin assured him they would be built the right way and Mr. Riccio was satisfied with this reply.

The floor was opened to residents beyond 200 feet of the proposed property. Seeing no one, a motion to close the public portion was made by TJ Belasco, seconded by Carol Sabo, and approved on roll call vote as follows: Kevin O'Neill recused and all remaining members present voting in the affirmative.

Board Attorney Russell advised the Board this would be a resolution to approve a landscape plan as an amendment to a site plan that was previously approved by the Board. Conditions would be to return with an amended subdivision plan showing garages and the new driveway configurations without the easements. Another condition would be to plant offsite 72 trees or 144 shrubs or a combination of the two with a 2 to 1 ratio over a period of five years.

On motion of Carol Sabo, seconded by TJ Belasco the aforementioned application was approved on roll call vote as follows: Kevin O'Neill recused and all remaining members present voting in the affirmative.

Application 009-16, John Brown POA for Paula Brown, Block 58, Lot 4, 206 Columbia Avenue, New – Minor Subdivision & Variance Relief:

Kevin O'Neill resumed his seat as Chair for the Board.

Mr. Jeffrey Barnes introduced himself as attorney for the applicant, and stated the property at 206 Columbia Avenue is in the R-2 Rural Residential Zone and the current lot size is 30,450 square feet. He described the current use as a single family home with a detached garage. Mr. Barnes said the application was to create 3 residential lots. The proposed lot where the existing home sits would be 14,117 square feet, proposed lot A would be 7,500 square feet, and proposed lot B would be 8,833 square feet. He went on to say the lot itself is irregular in shape, it measures 150 feet in width along Columbia, along Goldbeaten Alley 223 feet, and on Third Avenue 183 feet. Mr. Barnes calculated this to be a 40 foot difference between the sides and at the rear the difference becomes 155.24 feet. He said as a result there would be variances required for each lot. For the lot with the dwelling and garage, a pre-existing side yard setback of 5.9 feet where 20 feet is required, for proposed lot A, a lot depth variance of 120 feet where 150 is required, and for proposed lot B, a rear yard setback variance of 6 feet where 20 feet is required.

Mr. Dante Guzzi, a NJ licensed professional engineer, was sworn in and testified on behalf of the applicant. Mr. Dante said he prepared the Survey and Subdivision Plan. He testified that the

application proposes subdividing the existing lot 4 into three new lots and each would conform to the required lot area. He re-iterated the square footage and variances of each new lot, just as Mr. Barnes had, and testified that there would be no impact to the neighborhood. Mr. Guzzi testified that the lot depth variance would allow a new house to be centered on the new proposed lot and would be more aesthetically pleasing. He said a hardship exists due to the irregular shape of the lot and the location of the existing structure, and because of this, the positive criteria for a bulk variance for lot depth was satisfied. Mr. Guzzi also testified that proposed lot B would be oversized but because of the shape, a rear yard setback variance would be required. Mr. Guzzi testified that no other variances would be required.

A photograph of the neighborhood was marked as John Brown Exhibit One. Mr. Guzzi used this photograph to demonstrate the depth of adjacent lots, and the size of the existing lot versus the utilization. He testified that this along with the irregular shape and the location of the existing structures supported the granting of a hardship variance. He also testified that a C-2 Variance was appropriate because the application proposes to preserve the existing historic house and garage.

Mr. Raymond Roberts, Board Engineer, testified that he had no objection to waivers from the subdivision checklist. Mr. Roberts said nothing in the Borough Ordinance addresses the configuration of this particular lot but suggested that the boundary line at the back of proposed lot A from Third Avenue, be considered as a rear yard. Mr. Roberts also advised the Board that because this application is to create three new single family lots, it was exempt from site plan review. He recommended that a performance bond be provided unless monuments were to be installed prior to the filing of the subdivision plan.

Board Member Pam Kaithern asked Mr. Roberts to explain the site plan waiver. Mr. Roberts advised that it was not required because the applicant was only seeking subdivision relief and explained that site plan issues would be addressed by the Construction Code Official when a building permit was sought.

Board Member Kaithern asked if the applicant would agree to a tree inventory submitted by a professional Arborist and Mr. Barnes said the applicant would agree to this as a condition.

After some discussion the applicant's attorney also agreed to the condition that an encroachment agreement be prepared to address the existing driveway that encroaches on the Borough right of way known as Goldbeaten Alley. This agreement will be subject to the review and approval of the Board's Engineer and Solicitor.

Chairman O'Neill opened the floor to residents within 200 feet of the proposed property.

Judy Smith of 408 Third Avenue was sworn in and testified that she lives next door to the proposed property and has lived there for 34 years. Ms. Smith said she spoke to the builder, a Mr. Rick Burke, who told her he does not clear cut properties that he develops. She testified that she agreed a tree inventory should be a requirement and questioned why a Letter of Interpretation by the DEP was not submitted. She testified that the area was known to have wetlands.

The floor was opened to residents beyond 200 feet of the proposed property. Seeing no one, a motion to close the public portion was made by TJ Belasco, seconded by Dick Rigby, and approved on roll call vote as follows: all remaining members present voting in the affirmative.

Mr. Barnes agreed to the condition of approval that his applicant obtain and submit a Letter of Interpretation ruling out wetlands buffers from the site. Mr. Barnes also agreed to the condition that the new proposed lot A, have a Columbia Avenue address.

Board Attorney Russell, advised the Board that this motion would be to approve Minor Subdivision with Bulk Variance Relief with conditions to submit a tree inventory, to obtain and submit an LOI from the DEP, and to revise the plan to show new lot A with a Columbia Avenue address.

On motion of TJ Belasco, seconded by Lisa Roselli, the aforementioned application was approved unanimously on roll call vote.

PRIVILEGE OF THE FLOOR:

When no one else wished to speak, the meeting was adjourned at 8:48 PM on motion of Pam Kaithern, seconded by Lisa Roselli, and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteado
Board Secretary