

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – July 14, 2015**

The Work 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 7:10 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	absent
Pam Kaithern	absent	Carole Sabo	present
Mark Kulkowitz	absent	Alternates:	
Barbara Lamb	present	TJ Belasco	absent
Paul Mulligan	present	Lisa Roselli	present

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

**MINUTES** On motion of Carol Sabo, seconded by Art Joblin the minutes of June 9, 2015 were approved on roll call vote as follows: Doris Jacobsen abstaining, all remaining members present voting in the affirmative.

**NEW BUSINESS:**

**Resolution #0013-2015, Application 002-15, Margaret Steger, Block 34, Lot 14, 102 Second Avenue** On motion of Art Joblin, seconded by Lisa Roselli, the aforementioned resolution was approved on roll call vote as follows: Doris Jacobsen abstaining, all remaining members present voting in the affirmative.

**Application #004-15, Curtis Bashaw & Jack Wright, Block 32, Lot 3, 110 Sunset Blvd** Lou Dwyer, applicants’ attorney, asked for a postponement till Tuesday, August 25, 2015 as there were only five voting members present for this ‘D’ variance hearing. All members unanimously approved.

**Application #006-15, Ryan Griffin, Block 55, Lot 16.02, 3 Landis Avenue** Per written request the applicant asked for an adjournment till Tuesday, August 11, 2015 at 7:00 p.m. The board unanimously approved and will notice the change in hearing date.

**Application #007-15, Patricia V. Pierce & Christine Mueller, Block 55, Lot 13, 128 York** Carol Sabo recused herself because the application was made for a D variance. Applicants Pierce & Mueller as well as their attorney, Lou Dwyer and professional planner and land surveyor, Harold Noon, were all sworn in by Solicitor Brock Russell. The subject property is located in the R-2 Zone and is oversized at 10,580 sq ft where the minimum lot size allowed for a single family residence is 5,000 sq ft and the minimum lot size for a two family residence is

7,500 sq ft. Mr. Dwyer stated the main house dates from the 1880's and the secondary structure is from the 1930's. At some unknown time, the second structure was converted into a residence. When the applicants purchased the home 15 years ago it was being used as a second residence. There is no history of mercantile licensing on this property. The owners use this building as a guest house. Mr. Dwyer also stated that the Zoning Officer was not able to certify the two residential primary uses as being a lawful pre-existing non-conforming use. The applicant is seeking two primary residential uses for this property.

Patricia Pierce presented five photos, marked as Exhibit A-1 and testified that the photos are properties on her block and all use stacked parking except for one. Ms. Pierce uses stacked parking on her lot as well. She also stated that these houses all have between two and four residential units. Another photo presented, marked as Exhibit A-2 shows the gardens on her property. If she were to increase the parking area, she would have to disturb her gardens and trees.

Harold E. Noon, Jr., LS, was recognized as an expert professional planner and land surveyor. He testified that the property is private, large, well maintained, and heavily landscaped including fencing. He also testified that the property substantially exceeds the required square footage for a permitted two family attached use.

Board Engineer Ray Roberts was sworn in by Solicitor Russell and reviewed his report. Mr. Roberts noted that the applicant required a design waiver based on the fact that the secondary structure is 6 feet from an existing fence where 15 feet is required. He also recommended the FAR calculations for the two buildings be shown on a revised site plan. Further he stated a design waiver for stacked parking will be needed.

Ms. Pierce stated when she and her partner purchased the property the secondary building was equipped with a kitchen and bathroom. Also, she stated neighboring properties that have more than one unit are not attached.

Mr. Dwyer agreed that the stacked parking would not be adequate in the event the two primary units became owned by different owners under a condominium deed. He and his clients are in agreement of a deed restriction being recorded to require another planning/zoning board hearing to review parking if the owners sought to turn the property into condominiums.

Chairperson Mulligan opened the public hearing to anyone within 200 feet.

James McPartlin of 124 York Avenue supported the application. He stated both structures have been there for at least the 15 years that he has owned his property. Also, he stated that most of the parking in the area is stacked and he did not want to see the applicants' beautiful gardens be turned into a parking area.

Coleen Bolger of 127 York Avenue is also in support of the application. She has lived there for over 14 years and stated there are no parking issues and the garden is beautiful.

Robert Morris of 133 York Avenue stated he disagrees with the neighbors regarding parking. He

stated there is a problem with parking on York Avenue and the applicants' driveway is not being used for stacked parking because it is too narrow. He also stated that the second structure was not built in the 1930's but rather in the 1960's and was originally used as a shop.

Harold E. Noon, Jr., LS stated that the width of the driveway is 10.5 feet and is sufficient for stacked parking.

Kathleen Newman of 140 York Avenue testified that she supported the application.

Chairperson Mulligan opened the public hearing to the general public.

Norman Roach, Zoning Officer for the Borough of West Cape May and Administrative Officer of the Historic Preservation Commission stated that the applicant was not required to come before the HPC because it was not proposing any improvements to the property.

When no one else wished to speak the public hearing was closed on motion of Art Joblin seconded by Barbara Lamb. Attorney Lou Dwyer summarized the application.

Solicitor Russell gave an overview of the application and the variances, waivers and conditions being sought. He advised the board to vote first on the D variance. If it passes, the board can vote on the other waivers, variances and conditions.

Art Joblin made a motion, seconded by Lisa Roselli, to approve the D variance allowing two existing primary uses on one lot. The motion was approved unanimously on roll call vote.

Kevin O'Neill made a motion, seconded by Art Joblin to approve minor site plan together with a FAR variance from the maximum per unit standard, bulk variances and design waivers with conditions. The motion was approved unanimously on roll call vote.

**PRIVILEGE OF THE FLOOR:** No comments

On motion of Art Joblin, seconded by Doris Jacobsen, and carried by unanimous voice vote, the meeting adjourned at 8:25 PM.

Respectfully submitted,

Dianne Rutherford  
Recording Secretary