

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – May 10, 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 Chairman Mulligan at 7:12 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	present	Carol Sabo	present
Mark Kulkowitz	present	<u>Alternates:</u>	
Barbara Lamb	present	TJ Belasco	present
Paul Mulligan	present	Lisa Roselli	present

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

ORDINANCE:

The Planning-Zoning Board discussed and determined that the intent for Ordinance No. 510-16 was to encourage open porches and community and to give a bonus of FAR (floor area ratio) only, and that the wording of lot coverage added to FAR was a typographical error. The Board agreed a correction to remove “lot coverage” from Ordinance No. 510-16 would be substantially consistent with the land use plan element and the housing plan element of the Master Plan of the Borough of West Cape May.

MINUTES: On motion of Mark Kulkowitz, seconded by Art Joblin, the minutes of April 12, 2016 Regular Meeting were approved as amended on roll call vote as follows: TJ Belasco abstaining, all remaining members present voting in the affirmative.

RESOLUTIONS:

Resolution 0005-16, Susan Crossan, Block 5, Lot 12, 136 Pearl Avenue:

On motion of Carol Sabo, seconded by Mark Kulkowitz, the aforementioned resolution was approved on roll call vote as follows: TJ Belasco abstaining, all members present voting in the affirmative.

APPLICATIONS:

Application 003-16, Kubiak/Mitchell, Block 50, Lots 1.01, 1.02, 2, 4th 5th & Bayshore:

Mr. Thomas Hillegass, attorney for the applicant and Mr. Brian Murphy engineer for the applicant were both sworn in by solicitor Russell. Mr. Hillegass reminded the Board that the applicant’s prior attorney appeared in 2012 when the application request was to create nine (9)

lots and, at that time, was advised by the Board, it was too difficult to assess in the absence of DEP approvals. Board Chairman Mulligan asked Mr. Hillegass to explain the ownership of the lots. The Board was advised that Daniel Kubiak owns Block 50, Lot 2 and the other two lots are owned by the Estate of Elizabeth Mitchell, with a Mr. Lance Macon as the executive of the estate. Mr. Hillegass confirmed that he does represent both parties. Mr. Murphy went on to explain the property. He stated the current lots and zones, pointed out the wetlands and buffers, and described the current applicant's intent to create six (6) new lots for residential use, which he also stated, is a permitted use. His plan was marked as Kubiak Exhibit A-1 by solicitor Russell. Mr. Murphy stated the proposed plan met bulk requirements with the exception of lot depth along Bayshore. Mr. Murphy also explained the plan to have a manhole on proposed lot 1.10 that would run parallel to Bayshore Road and onto proposed lot 1.09, and continue up Bayshore and down Fourth Avenue to the existing sewer at Fourth and State streets. Mr. Murphy described the existing low spot on Bayshore Road as the center of this proposed development, and his intent to eliminate this low spot and any need to capture storm water by overlaying Bayshore. The Board and applicants discussed other low areas, as well as the wetland buffer agreement with the DEP and confirmed that four permits were issued. They also discussed the wildlife assessment and observation and the Borough's tree ordinance and if the plan took into consideration the heavily wooded area in relationship to soil drainage. Mr. Murphy advised the Board that a Mr. Lomax was the individual involved with acquiring the permits from the DEP. The Board expressed concern over maintaining conservation restrictions and Mr. Hillegass assured that it would be part of the deed restrictions and therefore run with the land. Board Engineer, Ray Roberts, reminded the Board that there would be pre-development and post-development calculations. Mr. Murphy reminded the Board that this was a subdivision application only and with major subdivisions such as this one, homes come later. The Board wanted to know if impervious surfaces were calculated to determine the size of the proposed dwellings. Mr. Hillegass stated he had no problem with requiring a deed restriction about pervious materials. The Board indicated that they would like a tree inventory done prior to any removals/demolition. Mr. Hillegass agreed that this could be a condition for final site plan and assured that he would fully comply with the ordinance. The Board wanted to make it clear that they were very concerned with the flooding and wanted to know that everything would be in writing so a builder in the future would not be able to change or dispute any condition or restrictions. Mr. Hillegass agreed this was important as well and had no objection with writing these into the resolution. Board Engineer Roberts reminded the board that before anyone could buy and build a lot, improvements would have to be done and performance bond would be required to be posted as insurance. Mr. Murphy provided his summary that the proposed plan would promote the general welfare of the area and the benefits would outweigh the detriments. Board Solicitor Russell advised the Board that they must apply the negative and positive criteria. Board Engineer Roberts provided his engineer's report and some more discussion on negative and positive criteria followed. Mr. Hillegass advised the Board that he would like to continue to next month, submit a site plan, and have Mr. Lomax available for questions. He added that the site plan would show the building envelopes only, not the actual buildings, but it would include driveways, driveway materials, and other details. The Board was agreeable and thanked Mr. Hillegass for this offer. Board Solicitor Russell announced to the public this application would be continued at the next scheduled Planning-Zoning Board meeting on Tuesday, June 14, 2016 at 7:00 PM in Borough Hall and no further advertisement or notice was required. On motion of Mark Kulkowitz, seconded by TJ Belasco, the application was continued to Tuesday, June 14,

2016 on roll call vote as follows; all members present voting in the affirmative.

PRIVILEGE OF THE FLOOR: No comments

When no one wished to speak, the meeting was adjourned at 9:42 PM on motion of Mark Kulkowitz, seconded by TJ Belasco, and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary