

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – NOVEMBER 29, 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 7:06 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

ROLL CALL:

Members:

Doris Jacobsen	absent	Kevin O’Neill	present
Art Joblin	present	Diane Rea	absent
Pam Kaithern	present	Carol Sabo	absent
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

NEW BUSINESS:

PZB Meeting Dates for 2017:

Calendars were provided and tentative meeting dates introduced. Approval of the dates will take place at the re-organization meeting.

Ordinance 514-16:

Ordinance 514-16 Amending/Supplementing the Planning Zoning Board Fees, was deemed to be in line with the Borough’s Master Plan, on roll call vote as follows: all members present voting in the affirmative.

MINUTES:

October 11, 2016 regular meeting:

On motion of TJ Belasco, seconded by Lisa Roselli, the minutes of October 11, 2016 Regular Meeting were approved, on roll call vote as follows: Pam Kaithern, Dick Rigby, Kevin O’Neill, TJ Belasco, and Lisa Roselli voting in the affirmative.

RESOLUTIONS:

Resolution 0012-16, Paul Burgin, Block 21, Lot 44, 715 Broadway, Landscape Plan Amendment to Previous Site Plan Approval With Conditions:

On motion of Pam Kaithern, seconded by TJ Belasco, the aforementioned resolution was approved on roll call vote as follows: Pam Kaithern, Dick Rigby, TJ Belasco, and Lisa Roselli voting in the affirmative.

Resolution 0013-16, John Brown POA for Paula Brown, Block 58, Lot 4, 206 Columbia Avenue, Minor Subdivision Approval together with Bulk Variances:

On motion of Pam Kaithern, seconded by Kevin O'Neill, the aforementioned resolution was approved on roll call vote as follows: Dick Rigby abstaining, and Pam Kaithern, Kevin O'Neill, TJ Belasco, and Lisa Roselli voting in the affirmative.

APPLICATIONS:

Application 002-16, Scott Peter, Block 21, Lot 43.02, 724 Park Blvd.:

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

Scott Peter, of 745 West Montgomery Avenue, Wildwood NJ, was sworn in and testified that he was contract purchaser and applicant for the 724 Park Boulevard proposal. Mr. Peter testified that he was seeking approval for Minor Subdivision and Hardship Relief for lot frontage. He testified the current lot is in the R1 Zone and therefore a 50 X 100 feet, or 5,000 square foot requirement exists. He said he was proposing two lots, one to be 48 X 184 and the other 48 X 164 feet. Mr. Peter testified that the lots were slightly shallow in the front by just about 2 feet, but the square footage for both would far exceed the requirement. Mr. Peter also testified that he intends to build a single family home on each lot and both homes would meet all other setback requirements. He said he originally thought of a duplex or multi family dwelling but felt it did not fit well with the neighborhood and decided single family homes would be a much more consistent use. Mr. Peter testified that all the trees currently on the lot would remain, only one or two relocated possibly. He wanted the Board to know the owners did fill in a small area in the back that has some wetlands and they did obtain the DEP permit as was requested. Lastly, Mr. Peter testified that the single family use would be more energy efficient and the proposal would be of no detriment to the Borough's Master Plan.

Mr. Roberts, Board Engineer, testified that the applicant was seeking variance for lot frontage and lot width, and the two proposed lots each had a frontage deficit of no more than 2 feet, so a very small request. He said the procurement of the DEP permit satisfied the previous requirement that arose due to the wetlands and buffer areas. Mr. Roberts asked the applicant to address the issue of the demolition of the existing building. Mr. Peter testified that he would demolish the building prior to submitting the final map. Mr. Roberts then asked about the monuments and Mr. Peter testified that all monuments would be placed prior to the final map as well. Mr. Roberts summarized that the final map would be submitted to him and it would show that all six monuments, 4 concrete and 2 iron pins, were placed, at which time an inspection would be made prior to signing off on the maps.

Commented [DR1]: Added the word deficit – this is the only amendment

Board Solicitor Russell, asked for clarification of the proposed lot sizes and Mr. Roberts testified that both the figures on his Engineers Report as well as Mr. Sweeney's survey were accurate.

Board member Pam Kaithern wanted to point out that at the last meeting a neighbor expressed grave concern about the water issues and the prior violations which led to the applicant agreeing to get the DEP approvals. She also wanted the record to reflect the fact that the property was a fully wooded lot with full mature trees that were stripped out and violations were issued prior to this proposal. Mrs. Kaithern also wanted the applicant to be aware of the many resident

complaints of flooding issues from new development near and around the proposed property. She explained that water from new construction was finding its way into people's homes and yards and asked that he be fully aware of this and how important trees are. She also asked the applicant to consider other native trees and shrubs because although very pretty she wasn't sure how sturdy or how long the Leyland Cypress would last.

Mr. Peter testified that he was unaware of what was removed prior to him coming onto the project but he gave his word that what exists today would remain on the site. Mr. Peter also said he would keep water runoff from leaving his site by implementing, grading, down spouts, retention areas, and stone basins.

Mr. Roberts advised the Board that single family homes are not subject to site plan but suggested that a condition that a grading plan be submitted at the time of application for a building permit, would be a good idea. Solicitor Russell asked the applicant if he would be agreeable to such a condition and Mr. Peter said he would.

Chairman Belasco opened the floor to residents within 200 feet of the proposed property. Kevin O'Neill, resident of 747 Maple Avenue, was sworn in and testified that he was opposed to the application. He expressed sincere concern over what he referred to as recent over development. He stated he was very concerned about flooding, conservation of open space, endangered wildlife. He also expressed his strong dissatisfaction with what has been approved and developed in his neighborhood. Mr. O'Neill, however, also testified that he didn't think this applicant should be denied or penalized because of other development and stated two more homes would not be a detriment.

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 Lisa Roselli, seconded by Art Joblin, and approved on roll call vote as follows: Kevin O'Neill recused and all remaining members present voting in the affirmative.

Board Member Lisa Roselli wanted to go on record, she stated she feels continually betrayed by the DEP and feels forced to vote in favor of things she doesn't want to allow. She said people commit violations and get free passes from the DEP. She also wanted the record to show that she feels sorry for everyone in that neighborhood because it is a mess.

Board Member Art Joblin agreed with Ms. Roselli's statement and added that it is very frustrating. He too, felt as Board Members they are left with no ability to make a decision and wondered if perhaps the Board needs to review ordinances and increase lot sizes in some areas.

Solicitor Russell advised the Board this would be a resolution to approve a Hardship Variance, a Minor Subdivision with Variance for lot frontage and width subject to conditions.

On motion of Art Joblin, seconded by Dick Rigby 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 010-16, Cape Island Investments LLC, Block 67, Lot 6, 608-610 Second Avenue, New – Minor Subdivision:

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

Mr. Ron Gelzunas introduced himself as attorney for the applicant, and stated the existing lot 6 is substantially oversized at 16,170 square feet and so the applicant would not require any variances. Mr. Gelzunas pointed out that although the applicant submitted request for lot coverage in the application, it was not needed. He also said this was a by right subdivision and as such all bulk requirements would be met. Mr. Gelzunas said his client was requesting a waiver of landscaping plan.

Mr. William P. Sweeney was qualified as an expert and sworn in. He testified that the proposed lot coverage should be 40% not 50% and they will comply with the 40% and no variance would be required. Mr. Sweeney wanted to know if the trees needed to be shown on the plans or if a tabulation only was needed.

Ray Roberts, Board Engineer, answered that the subdivision map must show the trees that are currently on the site and those that will be remaining on the site, regardless of the number. Solicitor Russell asked if that would be an additional revision of the plan and Mr. Roberts said yes it would. Mr. Roberts clarified by stating, the map should show the trees that are over three inches in diameter both to remain and to be removed, only if there are no trees to be removed from the footprint would showing only trees to remain be acceptable. Mr. Gelzunas indicated that his client would be agreeable to that condition.

Board Member Art Joblin inquired as to why the Board was looking at setbacks when there were no buildings yet. Solicitor Russell informed him that this was to show the building envelopes that would be required for each lot.

Brian Sullivan of 14 Hannah Drive, Cold Springs was sworn in and testified that he was co-owner of the property. He said he thought it best to design the home first in order to save as many trees as possible. This he said would allow them to only take out what is necessary. Mr. Gelzunas explained that, the construction would most likely be smaller than the envelope so removing all trees in the envelope would possibly be destroying more than needed.

Board Engineer Ray Roberts testified the three inch diameter is used in the Borough's Ordinance. He said what needs to happen is the subdivision will show all trees to remain on the property, then the plan for the building permit will show which ones will be removed.

Board Member Kaithern wanted to explain the sensitivity surrounding trees and landscape plans, she said what makes the Borough of West Cape May unique is what is being taken away lot by lot and asked the applicant to keep this in mind when trying to retain as many trees as possible.

Mr. Gelzunas asked Mr. Roberts to confirm that what he needed to show was all trees that currently exist, the diameter and species included. Mr. Roberts said that was correct. Mr. Roberts asked if the monuments were to be placed and Mr. Sweeney testified that the monument would be placed prior to the plan.

Chairman O'Neill opened the floor to residents within 200 feet of the proposed property. Seeing no one the floor was opened to residents beyond 200 feet of the proposed property. Norm Roach, the Borough Zoning and Code Official, testified that it is normal practice for the footprint to be established on the development first, before a survey for what trees will remain is submitted.

Seeing no one else, a motion to close the public portion was made by Art Joblin, seconded by TJ Belasco, and approved on roll call vote as follows: all remaining members present voting in the affirmative.

Mr. Gelzunas and the applicants agreed to the conditions of approval.

Board Attorney Russell, advised the Board that this motion would be to approve Minor Subdivision, no variances required, with conditions and this was a by right application.

On motion of Art Joblin, seconded by Dick Rigby, 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 8:43 PM on motion of Pam Kaithern, seconded by Lisa Roselli, and carried by unanimous voice vote.

Respectfully submitted,

Theresa Entead
Board Secretary