

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – November 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	present
Art Joblin	present	Diane Rea	absent
Pam Kaithern	present	Carole Sabo	present
Mark Kulkowitz	absent	Alternates:	
Barbara Lamb	present	TJ Belasco	present
Paul Mulligan	present	Lisa Roselli	present

Also Present: Brock Russell, Board Solicitor  
Ray Roberts, Board Engineer  
Elaine L. Wallace, Recording Secretary  
Theresa Enteadó, Administrative Secretary

**Ordinance 405-15 An Ordinance Amending Section 27:27-15 of the West Cape May Borough Code Governing Outdoor Dining Standards:** On motion of Mr. Joblin, seconded by Mr. Belasco, the aforementioned ordinance was deemed substantially consistent with the Master Plan.

**Minutes:** On motion of Mr. Joblin, seconded by Mr. Belasco, the minutes of October 13, 2015 were approved unanimously on roll call vote.

**Resolution 0021-15, Scott Peter, Application 012-15, Block 9, Lot 23, 126 Leaming Avenue:** On motion of Barbara Lamb, seconded by Doris Jacobsen, the aforementioned resolution was approved on roll call vote as follows: Lisa Roselli abstaining, all remaining members present voting in the affirmative.

**Resolution 0022-15, B & A Restaurant Group, Application 013-15, Block 37, Lot 9 & 11, 422 Broadway:** On motion of Kevin O’Neill, seconded by Carol Sabo, the aforementioned resolution was approved on roll call vote as follows: Lisa Roselli abstaining, all remaining members present voting in the affirmative.

**Application 011-15, Nicholas Caruso, Block 21, Lots 47.01 & 47.02, 717 Broadway:** Nicholas Caruso, applicant and Ted Wilkinson, Engineer were sworn in by Solicitor Russell. Mr. Wilkinson submitted green cards for the 200 list mailings to the Board Secretary. Mr. Wilkinson thanked everyone for meeting with them, advised that he made the necessary revisions and had additional documentation that he would like to submit. He asked the Board if he could bring them up. Solicitor Russell advised to label the revision documents as Caruso

Exhibit One and they were given to the Board Secretary to distribute. Mr. Wilkinson described the revised plans. Mr. Caruso added that he felt he did his best to cut the size of the deck as encouraged by the board. Mr. Wilkinson referred to the 2<sup>nd</sup> page of Caruso Exhibit One and explained the variance would allow the land to be more usable, that currently it is not usable at all. Mr. Wilkinson said it would improve the land since the slopes are so extreme and noted that they would not want to disturb the existing historical tree on the property. Photos were labeled as Caruso Exhibit Two; the page with four (4) photos and Caruso Exhibit Three; the page with two (2) photos. Mr. Wilkinson walked the Board through the photos by explaining the top left photo was actually taken from his property which is the abutting south corner of Mr. Caruso's property, and it shows the small deck that is there today. The picture next to it shows the property line and just to the right of the line the side wood fence which is basically only 7 to 8 feet of open space along that side of the deck. The bottom left picture was of the deck and showed the four feet wide deck and just how narrow it is. Finally, Mr. Wilkinson noted that the last picture on that page illustrated how you can only fit one chair on the deck. Mr. Wilkinson explained that the second set of pictures showed the swale and buffer or rear yard setback that holds storm water. He pointed out that these pictures illustrate how the deck will be raised and over what is essentially unusable land and that Mr. Caruso will be turning unusable land into free open usable surface space for his family, to be used for many years. Mr. Roberts, Board Engineer, was sworn in by Solicitor Russell. Mr. Russell advised the applicants they would need to address first, the rear yard setback because 11.6 was the previous application, second, the recession of the hot tub would be a condition of the approval if there was to be one, and lastly the lattice work would need to be removed from the plans. Board Chairman, Mr. Mulligan asked if there were any other questions for the applicant or our engineer. When there were no other questions Chairperson Mulligan opened the public hearing to anyone within 200' of the subject property, then to the general public. Solicitor Russell submitted that the request fits more under C1 rather than C2 Variance allowing a rear yard setback which would be a 6 foot variation. When no one else wished to speak, the public hearing was closed on motion of Mr. O'Neil, seconded by Mr. Belasco. Chairperson Mulligan asked for a motion to approve, on motion of Mr. Belasco, seconded by Mr. O'Neill, the aforementioned application was approved on roll call vote as follows: Kaithern, Lamb, Sabo, and Roselli voting in the negative and all remaining members present voting in the affirmative.

**Privilege of the Floor:** Eugene Cathrall stated his girlfriend (Lissy Fritz who lives on Pearl Street) wanted the Board to know that her neighbor has engaged in illegal building activity. She was in to see Norm and he found out she got HPC approval for these non-standard windows, he would like to know how this decision was reached. Solicitor Russell instructed Mr. Cathrall that the Planning Board has no power or right to discuss something that was not brought before the Board and that this was not the forum in which to resolve a dispute. Mr. Cathrall wanted the Board to be aware that variances are being given to people and they are building monster homes, and causing water pooling in several yards. He wanted the Board to know he felt variances were being given away much too liberally. Solicitor Russell pointed out that Mr. Cathrall may have some legal remedies for what he saw as problems but reminded him this meeting wasn't the place for it. Mr. Cathrall wanted to know if the Borough had a building inspector and if so who because if it was just the Township of Lower that they don't care about the Borough. Chairperson Mulligan indicated that if the property owner had to come before the board, the engineer would have to...and at this point he was interrupted by Mr. Cathrall who stated that,

that in fact was the point, they didn't come before the Board, they just built it and no one has done anything about it. At this time Mr. Russell pointed out that the Board does not have jurisdiction to enforce zoning permits. Mr. Cathrall stated that he thought that was the job of the Code Enforcement Officer and asked who that was. Mayor Kaithern advised it was Mr. Norman Roach. Mr. Cathrall also wanted to point out that the HPC approved windows for a property but wouldn't approve the same ones when he wanted to install them on his property. Chairperson Mulligan advised Mr. Cathrall that the HPC Committee was not appointed by the Planning Board but by the Governing Body. Mr. Cathrall was instructed by Chairperson Mulligan that this was not a Commissioner's Meeting, this was a Planning Board meeting. Mr. Cathrall said he just wanted the Boards and Commissioners to be aware of these things. At this time Lissy Fritz, 132 Pearl, wanted the Board to know that we have a lot of extraordinary development happening in the Borough. Homes are exploding into huge monster homes, the construction is creating flooding and asked if the Board was aware of any of this. Chairperson Mulligan stated that the Board does have criteria that must be met if a variance is needed and being requested. Mayor Kaithern added, when plans are received and approval is granted by the Board, they are still followed up on and final site investigations are done. Mayor Kaithern also stated that yes certain construction may change a feel of a place and the demographics, but that doesn't always mean the owner wasn't in compliance. Ms. Fritz said she feels the rate of construction is very alarming to her and she wanted to know the Board is aware of the things going on in the Borough. Chairperson Mulligan thanked Ms. Fritz and said the Board would keep all that in mind in the future. He advised Ms. Fritz that each application has to be reviewed and weighed in on its own merit. Mayor Kaithern advised Ms. Fritz that she could come to the Borough at any time and look at any block and lot. Chairperson Mulligan suggested that she come to meetings when she saw a 200 foot notice in the papers.

When no one else wished to speak, and on motion of Kevin O'Neill, seconded by Carol Sabo, and carried by unanimous voice vote, the meeting adjourned at 8:18 PM.

Respectfully submitted,

Theresa Entead  
Administrative Secretary