

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – MARCH 14, 2017**

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 Chair Belasco at 7:06 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

ROLL CALL:

Members:

| | | | |
|----------------|---------|----------------|---------|
| TJ Belasco | present | Kevin O’Neill | absent |
| Doris Jacobsen | present | Lisa Roselli | present |
| Art Joblin | present | Carole Sabo | present |
| Pam Kaithern | present | Alternates: | |
| Barbara Lamb | present | Lindsay Casale | absent |
| Paul Mulligan | present | Janet Payne | present |

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

OATH OF OFFICE:

New Board Member Janet Payne was sworn in by Board Solicitor Brock Russell.

ORDINANCES:

Ordinance 520-17

The Board discussed and agreed that Ordinance 520-17, regulating satellite television dishes and antennas, is consistent with the Borough of West Cape May Master Plan. Motion to accept this determination was made by Art Joblin, seconded by Paul Mulligan and approved on roll call vote as follows: Doris Jacobsen abstaining, and all remaining members present voting in the affirmative.

DISCUSSION OF STEPS/SETBACKS:

Board Engineer Ray Roberts, discussed various situations where perhaps a few steps wouldn’t necessarily be considered “steps” that would count when considering setback. Board Member Paul Mulligan wanted clarity and asked if it was Mr. Roberts’ opinion that stairs coming off a porch count towards setback since that was the original question. Mr. Roberts confirmed that yes they would count. Mr. Roberts noted that the Zoning Official, Mr. Roach, should have been present to discuss this topic. Mr. Roberts indicated that Mr. Roach had concerns related to a house being raised for flood protection or due to base flood elevation requirements. Board Member Pam Kaithern wondered if application for variance would, or should be, different for such cases. Vice Chair TJ Belasco suggested, and the Board agreed, that this topic be revisited with Mr. Roach present for discussion.

MINUTES:

February 14, 2017 Regular Meeting

On motion of Paul Mulligan, seconded by Carol Sabo, the minutes of February 14, 2017 Regular Meeting were approved on roll call vote as follows: Art Joblin, Pam Kaithern, Paul Mulligan, Lisa Roselli, Carol Sabo, and TJ Belasco voting in the affirmative.

RESOLUTIONS:

Resolution #0003-17 Granting One Year Extension of Final Approval, 110 Sunset Boulevard, Block 32, Lot 3, Application 004-15

<Noted here for the record: the March 14, 2017 Agenda was revised to correctly name applicants Bashaw & Wright and not Riccio. The Resolution was correctly stated, no amendment needed.>

On motion of Lisa Roselli, seconded by Art Joblin, the aforementioned resolution was approved on roll call vote as follows: Art Joblin, Pam Kaithern, Paul Mulligan, Lisa Roselli, Carol Sabo, and TJ Belasco voting in the affirmative.

APPLICATIONS:

Application 001-17, Kim & Bob Properties LLC, Block 55, Lot 17, 7 Landis Avenue, New – Minor Subdivision & Variance Relief:

Attorney Ron Gelzunas introduced himself as attorney for the applicant. Kim Russell, of Kim & Bob Properties at 1135 Idaho Avenue in Cape May, was sworn in by Solicitor Russell. Mr. Gelzunas said the application is a subdivision by right, that the lot is oversized and will be divided into two lots, each of which will be conforming. He said a couple variances would be required; front yard and side yard setbacks. For proposed lot 17, the lot with the existing house, the house is not being demolished or removed but renovated and probably sold. Mr. Gelzunas said the variances are for pre-existing conditions and will not change or be exacerbated as a result of this subdivision.

Mrs. Russell testified that her company only does work in Cape May and West Cape May, they do mostly small home remodels, and that she is a Certified Master Green Builder. She stated she tries to do as much green building as her clients will allow and informed the Board of a home she did on the 200 block of Second Avenue.

Mr. Gelzunas advised the Board of the following changes made to his client's plan as a result of the Board Engineer's review letter. First, the framed garage on lot 17.01 on the right side of the lot will be re-located somewhere and it will be in conformance with any/all setbacks. The Hedge in the front is to be removed. The chicken coop/shed in the rear of lot 17 will be removed to a new site off the property. Parking on lot 17 will be shown on the right hand side of the building. The side yard setbacks on lot 17.01 have been flipped so the wider one is now on the right hand side. And, finally, a landscape plan for lot 17.01 will be submitted as part of the construction permitting process to the Zoning Officer.

Kim Russell testified that they are building one new single family home and renovating the existing single family home. She said the footprint of the existing home will not change except for the addition of a porch.

Mr. Gelzunas added that the pins and monuments have both been set and FAR and building height will both be added to the plan. He said the existing structure conforms and the proposed structure will comply with regulations.

Mr. Ray Roberts, Board Engineer, was sworn in and testified that Mr. Gelzunas had

answered his questions and addressed his concerns. He was happy to see they were flipping the side yards so there would be more room between the neighboring home. The revised plans and changes that Mr. Gelzunas was referring to were not made available to the Board before the meeting, so Mr. Roberts advised Board Members that the only material change was the reversal of the side yard setbacks.

Vice Chairman TJ Belasco asked about a point on the house on lot 17 that seemed to come out further and into the setback. Mrs. Russell agreed it could be that way. Solicitor Russell reminded the Board that would be a pre-existing condition.

Board Member Pam Kaithern mentioned the many mature trees on the site and asked what they had planned for those trees. Mrs. Russell testified that they would possibly remove one tree in the front, but that all others would remain. Mrs. Kaithern also asked if the garage was being replaced on the same lot, and Mrs. Russell said she was not sure yet but it would be kept on one of the lots. Solicitor Russell reminded the Board that Mr. Gelzunas already stated that wherever the garage goes, it will conform. Mrs. Russell testified that yes it would conform. Mrs. Kaithern asked if they had a plan to access utilities. Mrs. Russell said she had no plans and added that if she had to wait for the moratorium to be lifted she would.

The floor was opened to residents within 200 feet of the property. Mr. Ryan Griffin of 3 Landis Avenue was sworn in and spoke in favor of the application. He said he was excited for the project, that the applicants build pretty homes, and the project would be a great improvement to the streetscape.

When no one else wished to speak, the public hearing was closed on motion of Paul Mulligan, seconded by Art Joblin and approved unanimously on roll call vote.

Mr. Gelzunas closed his presentation by saying he can't imagine a more reasonable application. He said everything on site was being saved including as many trees as possible, and the application would be a beautiful contribution to that street.

Solicitor Russell advised the Board that this is approval for a minor subdivision application which is conforming in all respects, save two setback non-conformities that are pre-existing, and will be there whether this approval is granted or not.

On motion of Paul Mulligan, seconded by Art Joblin, the aforementioned application was approved unanimously on roll call vote.

Application 002-17, William Riccio, Block 73 Lot 4 122 Stevens St., New – Variance Relief & Application 003-17, William Riccio, Block 74 Lot 1 Stevens St., Block 73 Lot 5 138 Stevens St., Block 73, Lot 7.01 140 Stevens St., New – Use & Variance Relief:

For the record, Pam Kaithern and Carol Sabo were recused due to the Use Variance and Art Joblin was recused due to his 200 foot notification.

Board Solicitor Brock Russell took the liberty to give a summary of the prior applications and approving resolutions. Mr. Russell reminded the Board of the Complaint in Lieu of Prerogative Writs filed by an objector, and of Judge Mendez's Order which affirmed the Board's decision, but found that the applicant had neglected to apply for certain necessary variances. Solicitor Russell also advised the Board that the objector appealed but before an appellate decision was made, settlement was reached and therefore, Judge Mendez's decision is the law that the Board must follow in this case.

Attorney Anthony Monzo spoke on behalf of the applicant. Mr. Monzo identified exhibits for the application and requested that the Board re-adopt the approving Resolutions from the prior hearing.

Vincent C. Orlando, of Engineer Design Associates P.E., CME, LPP, was sworn in by Solicitor Russell. Mr. Orlando testified that Lots 4.01 and 4.02 were part of a subdivision previously approved by the Board. Lot 4.01 required a D Variance because it resulted in an expansion of a pre-existing non-conforming use. As a result of the subdivision, newly created Lot 4.02 did not have any frontage on Stevens Street. Access to Stevens Street was provided by an access easement over Lot 5 which would then connect to an access easement along an old farm road running back from Stevens Street on Lot 7.01. Mr. Orlando said Block 73, Lot 5 is a four acre lot with a farm stand and proposed single family home. He said, this access way also provides access to the 32 acre parcel known as Lot 1 in Block 74. Block 74, Lot 1 is a 32 acre parcel that is currently being farmed with various farm buildings and which accesses the gravel road that is the subject of the Use Variance. He also said this Use variance would allow a stand-alone access roadway on a lot which does not have a permitted principal use.

Mr. Orlando testified that Lot 4.02 is located in both the R-4 and R-5 Zoning Districts and the lot frontage requirements are 100 feet and 150 feet respectively. Mr. Orlando testified that the variance was appropriate given the fact that both newly created lots are substantially oversized and of irregular configuration. Mr. Orlando testified that Block 73 Lot 7.01 and Block 74 Lot 1 also require lot frontage variances. According to Mr. Orlando Lot 5 would require 100 feet of street frontage while Lots 4.01 and Lot 1 would require 150 feet of lot frontage.

He further testified that the purposes of zoning were advanced because the parcel is to be developed for agricultural use which will provide a food source for the community and therefore promote the general welfare. He further testified that there was no substantial impairment to the Zoning Plan because both lots are oversized and the sites are being used for agricultural purposes. He feels the public will not be harmed in anyway, so no negative criteria. Mr. Orlando said the same benefits and purposes apply to both applications. He testified that the applicant is agreeable to all of the comments and recommendations contained in the Board Engineer's Review Letter.

Board Engineer Ray Roberts was sworn in and advised the Board that all issues were addressed by the testimony. Mr. Roberts wanted to stress the importance of having two separate maps for the Borough's record.

Board Member Barbara Lamb wanted to know who would maintain the access road. Attorney Monzo advised that the deed of easement would be shared by all three property owners as part of Judge's order.

The floor was opened to residents within 200 feet of the property. Debra Crossley of 11 Pond Creek Lane was in favor of the application. She admitted she was not an expert but said she felt, as a very close property owner, that granting the variances would be a benefit.

Maureen Bhermann of 125 Stevens Street testified that she thought the farm was beautiful. Her only concern was that over the years Stevens Street has had more and more traffic and wanted to know if there was a plan for parking.

Curtis Bashaw, one of the applicants, agreed by saying he feels there is more activity on Stevens Street and so yes, more parking. He said in response to the overcrowding on Stevens Street, they created many more spaces for parking on site and in addition, they put up no parking signs on Stevens St. when they have festivals. Mr. Bashaw also wanted to point out that they will be open all the time instead of just for seasonal festivals and expects this to effect the intensity of the parking issue. Mr. Bashaw said they also were considering charging a fee to park in the hopes it would encourage biking and/or carpooling to the site.

Janice Conwell of 120 Stevens Street stated the farm is a lovely addition to the neighborhood but she is concerned with what is happening on Stevens Street and feels it should be widened.

When no one else wished to speak, the public hearing was closed on motion of Paul Mulligan, seconded by Lisa Roselli and approved unanimously on roll call vote.

Attorney Monzo addressed the Board and said his clients are willing to do whatever is necessary and whatever they can for neighbors and the community.

Solicitor Russell advised the Board that approval/disapproval for application number 002-17 would be for a Bulk Variance from the street frontage requirements. He also advised the Board that application number 003-17 was requesting approval for Use Variances for an access to an easement across Lot 5 and Lot 7.01 in Block 73, together with Bulk Variances for lot frontage for Lots 5 in Block 73 and Lot 1 in Block 74.

On motion of Paul Mulligan, seconded by Lisa Roselli, the Board re-adopted its previous Amended Resolutions No. 0003-14 and No. 0004-14, on roll call vote as follows: TJ Belasco, Doris Jacobsen, Barbara Lamb, Paul Mulligan, Lisa Roselli, and Janet Payne all voting in the affirmative.

On motion of Lisa Roselli, seconded by Barbara Lamb, the application number 003-17, for Use Variance together with Bulk Variances was approved on roll call vote as follows: TJ Belasco, Doris Jacobsen, Barbara Lamb, Paul Mulligan, Lisa Roselli, and Janet Payne all voting in the affirmative.

On motion of Paul Mulligan, seconded by Lisa Roselli, the application number 002-17, for Bulk Variance was approved on roll call vote as follows: TJ Belasco, Doris Jacobsen, Barbara Lamb, Paul Mulligan, Lisa Roselli, and Janet Payne all voting in the affirmative.

PRIVILEGE OF THE FLOOR:

Recused Board Members re-assembled. Pam Kaithern suggested a Proclamation to honor Diane Rea for her service on the Board, the other Members agreed. When no one else wished to speak, the meeting was adjourned at 8:43 PM on motion of Paul Mulligan and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary