

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – December 16, 2014**

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 7:08 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	present
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, Esq., Board Solicitor
Ray Roberts, Board Engineer
Elaine Wallace, Recording Secretary

MINUTES: On motion of Doris Jacobsen, seconded by TJ Belasco, the minutes of November 25, 2014 Regular Meeting were approved on roll call vote as follows: Rea abstaining, all remaining voting members present voting in the affirmative.

Resolution 011-14, Wayne W. Hoffman, Block 60, Lot 6, 410 Fourth Avenue: On motion of Art Joblin, seconded by Carol Sabo, the aforementioned Resolution was approved on roll call vote as follows: Rea abstaining, all remaining voting members present voting in the affirmative.

Resolution 0012-14, Lawrence Pray Builders, Inc., Block 41, Lots 16.01 & 16.02, 208 Fifth Avenue: On motion of Art Joblin, seconded by TJ Belasco, the aforementioned Resolution was approved on roll call vote as follows: Rea abstaining, all remaining voting members present voting in the affirmative.

Resolution 0013-14, Claudio Pawlus, Block 9, Lot 10, 185 E. Mechanic Street: On motion of TJ Belasco, seconded by Art Joblin, the aforementioned Resolution, amended to eliminate the words “in fact” from paragraph 15, was approved on roll call vote as follows: Jacobsen, Kaithern, Lamb, and Rea abstaining, all remaining voting members present voting in the affirmative.

Application 005-14, George Suleta, Block 9, Lot 25, 615 Broadway

George Suleta of 615 Broadway was sworn in by Solicitor Brock Russell as was Mike Sheehan, General Contractor for the owner. The applicant was seeking a C1 variance for front yard setback to be able to install a 8’ x 27’ grade-level deck on the front of his house which would encroach 3’ into the front yard setback. Applicant has already received HPC approval. Ray

Roberts reviewed his report, stating it is a straightforward application and would not need County Planning Board approval. The Chair opened a public hearing, first to anyone within 200' of the property and then to the general public. When no one wished to speak, the public hearing was closed on motion of TJ Belasco, seconded by Art Joblin. Art Joblin made a motion to approve a hardship variance for front yard setback relief of 3' with conditions in Mr. Roberts report and submission of the HPC approval. TJ Belasco seconded the motion which was approved unanimously on roll call vote.

Application 006-14, Gerald P. Valentine, Block 6, Lot 9, 146 Emerald Avenue

Gerald Valentine of 146 Emerald Avenue was sworn in by Solicitor Russell. The applicant was seeking C1 hardship variances for side yard, rear yard, and fence height. Mr. Valentine testified that he made improvements to his property including having a shed installed on the rear and side property lines, extending an existing deck, building a trash enclosure and installing a fence in the rear of the property that is 6'3" in height. And all this was done without knowing he should have gotten a zoning permit. Mr. Valentine was not aware that he needed a zoning permit until the zoning officer issued a stop work order. He immediately submitted an application for variances to bring him into compliance and applied for and received HPC approval. He apologized to the Board and Borough for his actions and requested the board consider approving retroactively the work he had done. Mr. Valentine gave a history of his ownership of the property and explained his lot is an undersized lot that is only 26' wide at the widest, tapering to 21' at the narrowest point. Because of the configuration of the lot and building he can't place the shed anywhere else and he really needs the storage. He included with his application letters of support from his neighbors who are pleased with the improvements to the property. The applicant placed pictures of the property, other fences within 200' of his property, and sheds in the neighborhood. The photos were marked Valentine Exhibits 1-22. Ray Roberts reviewed his report. He noted the 1989 survey did not show the outdoor shower or that the original deck was only 4' and it is now 8'. Mr. Valentine had installed the shower and extended the original deck in the past. Mr. Roberts stated these items should be addressed in the request for variance and any resolution of approval that may be given. The lot coverage should also be adjusted to 57% instead of 56% because of the shower. Mr. Roberts was satisfied the applicant addressed all the concerns contained in his report. Art Joblin questioned the status of Railroad Avenue, and felt that because that land is not buildable, the issue of the shed being on the property line isn't as troublesome. The three properties on the other side of Railroad Avenue all have sheds on the property line. Pam Kaithern agreed the property had been improved, but proper permits weren't received and the board usually tries to bring properties into conformance wherever it can. She was especially concerned with the increase of lot coverage. She asked if there was any way to stop any more building such as no roof or enclosure on the porch, no electricity to the shed, etc. to make sure the problem isn't compounded in the future. Mr. Valentine was willing to put in writing his agreement to do whatever it takes to get the problem rectified. Brock Russell explained the board resolution will be legally binding and limiting and if anything additional is done in the future, it would be a matter for enforcement in municipal court with imposition of fines. The Chair opened a public hearing to anyone within 200', then to the general public. When no one wished to speak, the public hearing was closed on motion of Art Joblin, seconded by Doris Jacobsen. In closing, Mr. Valentine again apologized for doing work without a permit and promised never to do so again. He felt his improvements have beautified the neighborhood and letter from the neighbors corroborate that claim. Art Joblin made a motion, seconded by

Kevin O'Neill, to approve a C1 hardship variance for side yard and rear yard setbacks, lot coverage and fence height. The motion was carried unanimously on roll call vote.

Discussion of Zoning Changes: The board decided to address these question in the upcoming year during the master plan review.

Solicitor Russell advised the board there had been a decision in the Riccio case. The judge found the board acted correctly, but the applicant should have applied for a use variance for the lot that will have the driveway access because it is a non-permitted primary use.

PRIVILEGE OF THE FLOOR:

Barbara Hoepf, 509 Fourth Avenue Unit 2, wanted to hear the discussion on the sheds and porches. As a member of the HPC, she was involved in a good discussion about the topics and she wanted to hear what the planning zoning board members had to say.

When no one else wished to speak, the meeting was adjourned at 8:49 PM on motion of TJ Belasco, seconded by Doris Jacobsen, and carried by unanimous voice vote.

Respectfully submitted,

Elaine L. Wallace
Recording Secretary