

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REORGANIZATION MEETING – January 23, 2018**

The Regular Meeting of the Borough of West Cape May Planning-Zoning Board, held at the WCM Fire Hall Building, 732 Broadway, was called to order by Chairman O’Neill at 7:00 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

ROLL CALL:

Members:

TJ Belasco	absent	Kevin O’Neill	present
Peter Burke	present	Lisa Roselli	present
Bob Hewitt	present	Carol Sabo	present
Doris Jacobsen	present	Alternates:	
Art Joblin	absent	Lindsay Casale	absent
Paul Mulligan	present	Barbara Lamb	present

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

OATHS OF OFFICE FOR MEMBERS:

New Board Member Bob Hewitt was sworn in by Solicitor Russell.

RESOLUTION:

0001-18 for Closed Session to Discuss Personnel Issues:

On motion of Paul Mulligan, seconded by Carol Sabo, the aforementioned resolution was approved unanimously on roll call vote. The meeting was recessed into closed session at 7:16 PM and reconvened at 7:28 PM.

REORGANIZATION:

Appointment of Chairperson

Paul Mulligan nominated TJ Belasco for Chairperson. Carol Sabo seconded the motion which was carried on roll call vote as follows: all members present voting in the affirmative.

Appointment of Vice Chairperson

Paul Mulligan nominated Lisa Roselli as Vice Chairperson. Carol Sabo seconded the motion which was carried on roll call vote as follows: Roselli abstaining, all remaining members present voting in the affirmative.

Appointment of Board Secretary

On motion of Carol Sabo, seconded by Lisa Roselli, the board unanimously approved the appointment of Theresa Enteadó as Board Secretary.

Appointment of Board Engineer

On motion of Paul Mulligan, seconded by Kevin O'Neill, the board unanimously approved the appointment of Raymond M. Roberts of Remington & Vernick Engineers as the planning board engineer.

Appointment of Board Solicitor

On motion of Doris Jacobsen, seconded by Kevin O'Neill, the board unanimously approved the appointment of Brock Russell as planning board solicitor.

Approval of Meeting Dates and Official Newspapers for Publications

On motion of Kevin O'Neill, seconded by Lisa Roselli, the board unanimously approved the meeting dates for 2018 and the official paper as Cape May Star & Wave, and the secondary paper as the Press of Atlantic City.

Approval of 2017 Annual Report

On Motion of Kevin O'Neill, seconded by Paul Mulligan, the board approved the 2017 Annual Report on roll call vote as follows: Peter Burke and Bob Hewitt abstaining, and Doris Jacobsen, Paul Mulligan, Lisa Roselli, Carol Sabo, Barbara Lamb, and Kevin O'Neill voting in the affirmative.

MINUTES:

December 12, 2017 Regular Meeting

On motion of Carol Sabo, seconded by Barbara Lamb, the Minutes of December 12, 2017 Regular Meeting were approved on roll call vote as follows: Doris Jacobsen, Paul Mulligan, Lisa Roselli, Carol Sabo, Barbara Lamb, and Kevin O'Neill voting in the affirmative.

RESOLUTION:

Resolution #0016-17 for Mark Lukas & Edward Celata, 119 Myrtle Ave & 123 Broadway, Block 4, Lot 4, 20.01 Application for Preliminary and Final Major Site Plan with Variances, Denied.

On motion of Carol Sabo, seconded by Barbara Lamb, the aforementioned resolution memorialization was approved, as amended, on roll call vote as follows: Doris Jacobsen, Paul Mulligan, Lisa Roselli, Carol Sabo, Barbara Lamb, and Kevin O'Neill voting in the affirmative.

APPLICATIONS:

Application 013-17, Sean Scott & Jennifer Radano, 313 Fow Ave., Block 29, Lot 5, New Application – Waiver from Site Plan & Variance Relief – Substantial Benefit

Jennifer Radano of 313 Fow Avenue was sworn in and testified that she bought the home in July of 2017. She said the property had a shed in the rear, and about a month after closing on the property the insurance company said the roof of the shed had to be replaced or they would be dropped from the policy. Ms. Radano testified that it would not be worth the expense to replace the roof and instead wanted to replace the entire shed. She testified that she spoke to the Borough Zoning Officer and was informed she would need to request variance relief. Ms. Radano said she is asking to replace the shed in its existing footprint, as it was previously but would need variance from the setbacks for accessories. She said the shed would be located less than a foot from the rear northeast corner of the property. She said they currently have no

outside storage as the shed has been demolished and they do not have a garage. Ms. Radano said they would also need lot coverage relief because they are currently at 48 percent and once the shed is replaced would be an additional 4 percent bringing the total to 52 percent.

Board Member Sabo asked if the proposed shed would be bigger than the old one. Ms. Radano replied that the old shed was 6 X 8 in dimension and they are proposing an 8 X 10 size shed.

Board Member O'Neill asked if neighbors were noticed, the Board Secretary replied that the applicants had properly noticed and advertised.

Raymond Roberts, Board Engineer, was sworn in and testified that the application was fairly straight forward as the applicant had presented, and the only issue he saw was to have the applicant explain why the shed cannot be installed to meet the requirements of the setbacks. Ms. Radano replied that 6 feet, per the requirements, would place the shed on their concrete patio and pretty much right up against the house. Mr. Roberts referred to the map that was submitted with the application and on it he showed an area where there is a 16 foot expanse, wherein the shed could fit with no variance required. Ms. Radano replied that existing landscaping and mature trees would be destroyed if placed there. She added that there is also a path and HVAC units that would have to be disturbed and/or moved in the location Mr. Roberts indicated. It was determined that the area would be more like 10 feet not 16 when you consider the pathway. Board Member Hewitt asked if the shed could be spun around to fit. Mr. Roberts said it would still require variance that way. Acting Chairman Roselli asked if the map was a clear indication of where the neighbors' sheds were actually situated. Ms. Rodano testified that it was a clear indication, and also replied to another question that yes, the old shed had already been removed in August of 2017. Mr. Roberts asked the applicant if there would be lighting on the shed, the applicant testified there would be none. Mr. Roberts explained that with the enlargement of the shed there will be more runoff and asked if the shed would have rain gutters on it. Ms. Radano replied that she couldn't answer that because they currently do not have a plan for the shed. Mr. Roberts advised the applicant that the shed should have either gutters or a stone trench, or French drain, around it and advised the Board that this should be a condition of the approval.

The applicant was asked if the old shed had lighting. At this time Sean Scott, of 313 Fow Avenue was sworn in and answered the question about lighting stating that there was only a wireless motion detector on the old shed. Mr. Scott indicated that about two to three feet of stone already exists where the old shed was located and asked if that qualified as a French drain. Mr. Roberts explained that he would have to know the width and depth in order to make that determination.

Board Member Lamb asked Mr. Roberts if he addressed the lot coverage. Mr. Roberts testified that although the zone requires 40%, because it is a non-conforming lot the applicant is allowed 48%. He said the applicant originally was at 48% with the old shed, but with the increased size of the shed, it is at 50.5%.

Board Member O'Neill asked if they had any idea what type of shed they wanted. Ms. Radano replied they looked at Seashore Sheds catalogs and they know that they want it to be modeled after the home. Again the question was asked about turning the shed to perhaps lessen the

variance request. Mr. Scott replied that they were trying to mirror the adjacent properties and turning it would be doing the opposite. Acting Chairman Roselli said she felt that if no adjacent property owners are here opposing the application, it should stay where the applicants have proposed and be the same as the neighboring properties.

Solicitor Russell asked for clarification on the storm water issue, he wanted to know if Mr. Roberts would still be recommending a plan if the shed was the old size of 6 X 8. Mr. Roberts replied yes, it would still be a recommendation because runoff onto adjacent properties has been a very big issue in the Borough and the commissioners have passed a grading ordinance to help address the issue. Mr. Roberts replied to a Board question stating that for the size of the structure the drainage trench would need to be approximately 2 feet wide and 2 feet deep.

The floor was opened to residents within 200 feet and beyond. When no one expressed a desire to speak, the public portion was closed.

Board Member Mulligan said he did not see an issue with the placement of the shed, he said it was in line with the neighboring properties and it is better than creating dead space in his opinion.

Mr. Roberts advised that if the motion is approved, the applicant would be required to submit revised plans and in this case he suggests they provide a catalog copy of the particular shed they are putting in and revised plan indicating their plan for runoff/drainage.

Solicitor Russell advised the motion would be to approve an 8 X 10 sized shed in the location shown on the drawing the applicant prepared, with conditions as recommended by the Board Engineer. Those conditions are rain gutters with downspouts that feed into a drywell, or a French drain around the building, or a rain barrel as well as a revised plan showing the as built location of the shed and also the storm water features. Mr. Russell said it should be a revised sealed plan for the records.

On Motion of Kevin O'Neill, seconded by Paul Mulligan, the aforementioned application was approved on roll call vote as follows: all members present voting in the affirmative.

Application 014-17, Marc Alary & France Devost, 136 Leaming Ave., Block 9, Lot 21, New Application – Waiver from Site Plan & Variance Relief for an Accessory Use

France Devost and Mark Alary both having the primary residence of 26 N. Chancellor Street in Newtown PA, and secondary residence of 136 Leaming Avenue in WCM, were sworn in by Solicitor Russell. Ms. Devost testified that they were requesting variance relief from rear and side yard setbacks with their proposal to create an addition over the existing garage. Ms. Devost said it would not change the footprint of the building in any way. She said currently the garage has a flat roof that is in need of repair and they are concerned about flooding but do not have the resources to raise the home. She said if damage did occur from flooding they would have the addition to live in while repairs to the rest of the home were being made. Ms. Devost said the proposal would make the building more solid and hurricane proof since it will be on six piers inside the garage. She testified that the purpose was to create a sculpting studio with a shower, toilet, and sink as well as a gas fireplace.

Board Member Sabo asked if the proposed room would be connected to the rest of the second floor. Ms. Devost said yes the room will be connected. A Board Member asked if they were putting in a kitchen. Ms. Devost answered stating it was not a kitchen, just a sink. The Board explained the concern that this space could be rented out and used as a second unit and both Mr. Alary and Ms. Devost testified that is not the idea, and said they do not intend to rent this or any part of their property now or in the future. Acting Chairman Roselli asked if the garage would still be used as a garage, Ms. Devost said yes, there would be no change there.

Mr. Ray Roberts, Board Engineer was sworn in and testified that the proposed addition does not in any way expand any non-conformities because it will be over the existing footprint of the garage. Mr. Roberts said the only bulk requirement is the gross floor area, he explained that it is an expansion of the non-conformity for gross floor area. Mr. Roberts advised the Board that the application requires site plan approval but Borough regulation does allow this requirement to be waived, and he would have no objection to such a waiver since the addition will be on the same footprint. He wanted to add that although the height of the addition complies, it will have a slight impact on light and air circulation.

Board Member Sabo asked if the application required HPC approval. The applicant replied that they have already been heard by the HPC and approved.

Board Member Hewitt asked if the Board could require the applicant to tie into the existing down spouts. Mr. Roberts said yes that is all that would be necessary as the addition will not increase the existing lot coverage.

Ms. Devost presented additional materials that were accepted by the Board Solicitor and marked. Devost exhibit no. 1 included pictures that depict the height of the neighboring house to the left, the height of the subject property, and the flat roof. Devost exhibit no. 2 consisted of drawings prepared by the applicant to show dimensions of the existing building, the proposed addition, and the shed. Devost exhibit no. 3 was a signed letter from the adjacent neighbors stating they had no objection to the application. Devost exhibit no. 4 was a copy of the easement agreement included with the purchase of the property by the applicant.

The floor was opened to residents within 200 feet and beyond. When no one expressed a desire to speak, the public portion was closed.

Board Member Hewitt suggested that it be a condition of approval that renting this unit would not be permitted. Solicitor Russell agreed that would be a good idea.

Solicitor Russell instructed the Board that this would be a motion to approve the variances being sought by the applicant, all of which are pre-existing with the exception of maximum gross floor area, which does not include the space that is used as a deck. Mr. Russell said conditions would be placed on the resolution, one stating the addition not be used as a separate living unit or apartment and the other, that HPC approval be required.

On Motion of Paul Mulligan, seconded by Bob Hewitt, the aforementioned application was

approved on roll call vote as follows: all members present voting in the affirmative.

PRIVILEGE OF THE FLOOR:

Board Member Mulligan wanted to let Mr. Roberts know that the applicant for 321 Third Avenue, noted here for the record as PZB application number 004-17, has not, in his opinion, installed downward facing lighting on the porch as promised. Mr. Roberts duly noted the comment and will follow up.

When no one else wished to speak, the meeting was adjourned at approximately 8:18 PM on motion of Paul Mulligan, and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary