

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – September 10, 2013**

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	present
Tina Johnson	present	Carole Sabo	present
Pam Kaithern	present	Alternates:	
Mark Kulkowitz	absent	TJ Belasco	present
Paul Mulligan	present	vacancy	

Also Present: Brock Russell, Esq., Board Solicitor
Ray Roberts, Board Engineer
Elaine Wallace, Recording Secretary

MINUTES: On motion of Doris Jacobsen, seconded by Art Joblin, the regular and closed session minutes of July 23, 2013 were approved on roll call vote as follows: Kaithern, O’Neill, and Rea abstaining, all remaining members present voting in the affirmative.

NEW BUSINESS

Heather Wertley, Block 5, Lot 9.2, 145 York Avenue

Owner Heather Wertley and Architect Mark Lovell were sworn in by Solicitor Brock Russell. Andrew Catanese, attorney for the applicant, gave an overview of the application thus far. The applicant would like the board to remove a condition of the 2004 subdivision approval requiring the property to become a single family home, instead of a two family home. There are several pre-existing nonconformities. The applicant would like to remove a previous addition that encroaches on the adjacent property and build a new addition that would require a new rear setback and lot coverage variance. Heather Wertley testified the house was built in 1876 and has always been owned by her family. It was converted into a duplex in the 1940’s to accommodate a maiden aunt and has been a duplex ever since. Renovating the property as a single family home is not financially feasible for the applicant. The house is now a contributing building and the applicant is waiting to be heard by the HPC. She plans to comply with all HPC conditions and stipulations. Mr. Catanese provided two photos marked as Exhibits A, B and C showing the property now and as it was the previous fall. Mr. Lovell reviewed the existing non-conformities. The home does not meet the required flood elevation and the proposed plan would elevate the home and build a new foundation in the same location. All mechanical systems would be revamped to become code compliant and the home would become an asset to the neighborhood. The new addition, which will sit back from the original portion of the house and to the right, will help reduce the large right side yard setback, which is unusual in the neighborhood and from the

period when it was built and create an L-shaped building. Parking is required under current code and will be accommodated in front of the new addition. The applicant applied under both a hardship variance, because existing non-conformities make it difficult to comply with zoning which did not exist when the house was built, and under a broad C. Mr. Lovell stated the renovation would improve the safety and security of the property and would promote the welfare of the community and residents by promoting light and air and character of the neighborhood as well as being in keeping with the HPC. He testified he was not aware of any detriments the proposed plan would have, but felt the benefits would alleviate any that were presented. Board Engineer Robert reviewed his report dated March 27, 2013. He felt it important to note there will be an ADA compliant ramp that will be 6.9' from the side yard, but the total side yard setback will only be 11.5' and should be listed as a required variance. He also asked that revised plans show the existing elevation of the building rather than simply showing the new elevation as 35', and noted that if the height goes above 35' because of flood elevation, a new application would have to be made for height variance. Mr. Roberts also advised the applicant they must specify what LEED points they are using to get the bonus square footage needed because the proposed exceeds the allowed FAR by 3%. The applicant agreed to the condition. She also agreed to the requirement of providing a landscaping plan because lot coverage is being changed by more than 10%. The applicant had previously submitted responses on several of the comments in the engineer's report and included details on paves ad the handicapped ramp. However, exterior lighting will need to be addressed on revised plans. The engineer wants glare and overflow to be eliminated. He also wanted the applicant to address storm water so there is zero increase in runoff. The applicant agreed to that condition. Lastly, the engineer asked that fencing be shown on the revised plan. Pam Kaithern asked if the new parking area was going to require the removal of a large tree. The applicant stated the tree would have to be removed, but it was not that old, having been planted in about 2000. She will be doing a lot of landscaping and will be looking at other types of trees and plans to use native species and those that require low water usage. The Chair opened the public hearing to anyone within 200' and 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. Andrew Catanese summarized the applicant's case and thanked the board for their time. Art Joblin made a motion to approval site plan approval with variances for side yard setback, total side yard setback, preexisting front yard setback and relief from the condition imposed on 2004 subdivision approval, subject to previously noted conditions. Tina Johnson seconded the motion which was unanimously approved on roll call vote.

The board took a short break from at 8:01, resuming at 8:15 on motion of Tina Johnson, seconded by TJ Belasco.

Patricia Burton, Block 63, Lot 2, Third Avenue

Diane Rea stepped down from the hearing because she lives within 200' of the parcel. Prior to beginning to present the application the applicant and her attorney stepped out to discuss whether to apply for subdivision approval and a FAR variance. The applicant returned and decided to proceed with the subdivision and bulk variance approval but would wait to pursue a FAR variance, if necessary, when the project reaches the design stage. Property owner Patricia Burton, Environmental Consultant Kristin Wildman, and Engineer Brian Murphy were sworn in by Solicitor Russell. Ms. Wildman and Mr. Murphy were accepted as experts after stating their

credentials. The application is for minor subdivision for 2 lots. The applicant purchased the property in 1990 intending to build a family home. Since 2005, the applicant has been pursuing approval from the NJDEP to build on the parcel which has two areas of wetlands. The applicant is looking to subdivide the property and donate 90% of the land to the state as part of the Green Acres program. She is hoping to build a modest home on the property that would be in keeping with the surroundings. Ms. Wildman testified as to the process of obtaining NJDEP approval, establishing the wetlands delineation, doing a habitat assessment and flood hazard assessment. The process has taken 8 years, but the applicant believes the final plan is workable for all parties. Mr. Murphy reviewed an aerial photograph, marked Burton 1, showing the lot lines for the subdivision and the proposed placement of the house as well as the engineered septic system designed to meet DEP specifications. He also commented on the fact the property is in the R5 zone, directly adjacent to the R2 zone. He testified that the proposed house is in keeping with 35 or 40 other homes in the area and no variance would be necessary if the state wasn't requiring the owner to subdivide the lot. He also testified the preservation of the wetlands by donating it to the state is a benefit to the entire community. The applicant is requesting subdivision approval for lots 2.01 and 2.02; variances for lot frontage and width for 2.01 (being donated to state) and variances for lot area, lot depth and lot coverage for 2.02 (where home is to be built). The applicant is applying for variances under hardship and C2. The application would promote light and air, open space, maintain current density, fits with the rest of the neighborhood and will maintain a large area of open space. If not for the DEP requirement to donate 90% of the parcel, the applicant would not need to seek variances at all, which creates a hardship for the owner. Engineer Roberts reviewed his report. Many of his comments have since been met by the applicant who provided additional photos and information and the file is now complete. Mr. Roberts asked about landscaping and buffer material between the building lot and donated area. He also asked about the flow of storm water. Mr. Murphy explained that some will run into wetlands and some would run toward Morrison. Carol Sabo expressed concern over water flowing toward Morrison because there is a problem with flooding in that area already. Tina Johnson expressed concern over invasive plants being introduced and migrating into the wetlands and would like to see that avoided. Doris Jacobsen asked the applicant if she would still donate the land to green acres even if her application was denied. Ms. Burton had not considered that question. Art Joblin wanted to be clear that if the approval is granted, then the transfer of land to green acres would have to be done. Paul Mulligan suggested that be made a condition of approval. Pam Kaithern expressed concern over any increase of runoff because the area is prone to flooding and has existing drainage issues. She encouraged the applicant to make a zero increase in runoff. Mr. Murphy state he would be willing to work with the County and the Engineer to eliminate runoff as long as it wouldn't interfere with the DEP requirements. Mr. Roberts was confident that a solution could be worked out through grading and mechanical means. The Chair opened a public hearing to anyone within 200' and then to the general public. When no one wished to speak the public hearing was closed on motion of Art Joblin, seconded by Tina Johnson. Art Joblin made a motion to approval minor subdivision together with variances for lot width and frontage on lot 2.01 and lot area and lot coverage on 2.02, subject to all conditions placed on the record including the engineer's report and future runoff calculations and drainage elimination, and the stipulation that only non-invasion landscaping be used. TJ Belasco seconded the motion which was approved on roll call vote as follows: Jacobsen voting no, all remaining members present voting in the affirmative.

Informal Hearing: Thom Phelan

Mr. Phelan represents the owner of 205 Columbia Avenue, between Goldbeaten Alley and Third Avenue. His client is proposing to subdivide the parcel into 4 lots which would require major subdivision approval. There is one existing house, which would be on one lot and has an existing nonconforming front yard setback. The remaining lots formed would be fully compliant. No building is being proposed at this time, no wetlands exist on the property, and water and sewer are available to all the lots. Mr. Phelan will proceed with preparing a formal application for major subdivision approval and will address drainage as part of that application.

PRIVILEGE OF THE FLOOR: No comments

On motion of Art Joblin, seconded by Doris Jacobsen, and carried by unanimous voice vote, the meeting adjourned at 9:42 PM.

Respectfully submitted,

Elaine L. Wallace
Recording Secretary