

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

Also Present: Brock Russell, Esq., Board Solicitor
Ray Roberts, Board Engineer
Dianne Rutherford, Recording Secretary

NOTICE: William Riccio Application that was advertised for a hearing tonight will not be heard until the April 14, 2015 AT 7:00 PM.

ORDINANCE 492-15 was reviewed by the Board and was determined to be substantially consistent with the Master Plan on motion by Mr. Kulkowitz, seconded by Mr. Belasco. Roll call vote as follows: Roselli abstaining, all remaining members present voting in the affirmative.

ANNUAL REPORT: was reviewed and approved by the Board by Resolution 0004-15 on motion by Art Joblin, seconded by Mark Kulkowitz. Roll call vote: alternates didn’t vote, all remaining members present voting in affirmative.

MINUTES: On motion of Carol Sabo, seconded by Art Joblin, the minutes of December 16, 2014 Regular Meeting were approved on roll call vote as follows: Kulkowitz abstaining, all remaining members present voting in the affirmative.

On motion of Mark Kulkowitz, seconded by Art Joblin, the minutes of January 13, 2015 Reorganization Meeting were approved as amended on roll call vote as follows: Jacobsen and Belasco abstaining, all remaining members present voting in the affirmative.

On motion of Art Joblin, seconded by Carol Sabo, the minutes of January 13, 2015 Closed Session were approved as amended on roll call vote as follows: Jacobsen and Belasco abstaining, all remaining members present voting in the affirmative.

On motion of TJ Belasco, seconded by Doris Jacobsen, the minutes of January 27, 2015 Workshop Meeting were approved on roll call vote as follows: Joblin, Kulkowitz and Rea abstaining, all remaining members present voting in the affirmative.

Application 008-14, James Atkins, Block 72, Lot 5.02, 713 Sunset Boulevard:

Mr. & Mrs. Atkins appeared before the Board. Mr. Atkins was sworn in by Brock Russell. The Applicant is seeking approval for a variance to allow a two car garage with waiver of height restriction. Mr. Atkins expressed his desire to move to West Cape May as his primary residence and in so doing will need a garage for storage space. He testified his property is a single family home with little storage space. To address concerns of the Board, Mr. Atkins testified that the garage would not be suitable for habitation in the future. He explained the structure would not meet International Building Code 7 foot minimum height restrictions for habitable space. He stated his structure would have a 6.5 foot high space on the second floor. Also, Mr. Atkins will not be providing a sink, toilet or shower which is required by IBC for habitable space. Mr. Atkins further testified that his septic system is located in the front of his residence and the garage will be built in the rear of his property. It would be impossible to connect the garage to the existing septic system. Mr. Atkins addressed the Board Engineer's concerns regarding the location and direction of the garage. He testified the garage would be located with the doors facing south towards Sunset Boulevard and that it will not be visible from the Street and no additional driveway will be added. The other concern the Board Engineer had was the placement of the garage and the need to remove a couple of trees. Mr. Atkins engaged an architect to determine whether or not the garage could be located in a different part of the property to save the two cedar trees. Unfortunately, the location could not be moved because of the location of a well head. After being sworn in by Brock Russell, Mr. Ray Roberts, P.E., Borough Engineer testified that the applicant addressed all of his concerns but questioned the location of the proposed garage. Mr. Atkins responded by again stating that the well head would interfere with the garage and further a turning radius of at least 40 feet is required and this would prevent the garage being moved closer to the residence. Mr. Roberts testified that the location of the garage is 31 feet from Lot 5.03 and 20 feet from Lot 5.01 and that this mitigates any detriment associated with the deviation from the height variance being requested. Barbara Lamb asked the applicant if he would be replacing the two trees he would be cutting down. The applicant stated that his lot was mostly in a natural state with lots of trees. Ms. Lamb stated they were large trees. Mr. Atkins testified that one of the trees was previously damaged by Sandy and that he would be happy to replant but the property is completely full. Carol Sabo asked where the septic was located and Mr. Atkins answered that it was in the front yard which would prevent the location there. He also stated he had planted several trees since purchasing the property. Ms. Lamb asked if he was planning on replacing the trees and Mr. Atkins stated he was not. Mr. Joblin wanted to know the livable square footage and if there was an attic space. Mr. Atkins answered that the residence was 1800 square feet and was built on a raised piling had a cathedral ceiling so there was no attic or basement storage. Mr. O'Neil asked the size of the lot. Solicitor Russell stated the lot was substantially oversized at 39,477 square feet and that the height of the garage would be 19 feet in height. The Board asked if the garage would be seen from the street. Mr. Atkins stated that his house is 24 feet and the garage would be 19 so he felt it would not be seen. He also stated that the surrounding homes are at least two or three stories. Ms. Lamb asked about wetlands in this area. Mr. Roberts stated that this garage would be outside the wetlands buffer. On motion of Carol Sabo and Seconded by Mark Kulkowitz the Co-Chair

opened the hearing to the public within 200 feet and then to the general public. When no one wished to speak, on motion of Carol Sabo, seconded by Art Joblin the public portion was closed. On motion of Carol Sabo, seconded by Mark Kulkowitz the board approved a variance allowing a 19' height on an accessory structure with the conditions that there be no occupancy in the garage or used as a residence. Roll call vote: Mulligan recused himself, all remaining members voted in the affirmative.

Application 007-14, Paul Burgin, Block 21, Lot 44, 715 Broadway (rear):

Applicant Paul Burgin and Vince Orlando of EDA, applicant's engineer, were sworn in by Brock Russell. Mr. Burgin is being represented by Attorney Lou Dwyer. The applicant is seeking approval for preliminary major subdivision. Mr. Burgin testified that he is a resident of West Cape May and has been a resident for the past 15 years. He also testified that he has constructed over 30 homes in the area. Mr. Burgin stated that his vision for this development would be a cottage row. Single family homes with one or one and half stories consisting of 2,000 square feet of living space or less. No variances are being sought. The applicant also testified that one of the lots would be for his residence. An artist rendering of the styles of home was introduced as Exhibit A-1. Doris Jacobsen asked if a traffic study has been performed on Central Avenue. Mr. Orlando stated that a study had not been performed. He also stated that the proposed development would have approximately 120 trips per day being split by two access streets with 60 on each. Applicant is willing to pay his share of any improvement mandated by the Borough or County to either Grand or Maple Avenues. Ms. Jacobsen also questioned the DEP buffer between the wetlands and building site. Mr. Orlando stated the off-site wetland is considered a small isolated wetland and applicant is seeking a fill permit from the DEP to deal with this particular wetland. Mr. Orlando presented aerial photographs marked as exhibits A-2, A-3 and A-4. He also presented the subdivision plan marked up with a conceptual colorized drawing depicting the proposed new home as Exhibit A-5. Mr. Orlando testified that the proposed subdivision is consistent with area lots. He also testified that the plan is to interconnect Grand Avenue and Maple Avenue with stop signs at each to meet all RSIS standards for residential streets. Mr. Orlando reviewed and explained all of the exhibits to the Board. Mr. Orlando testified a sidewalk will be installed on the South side but not on the North side of the property. This will require a waiver from RSIS. However, if the Board requires, a sidewalk on that side will be installed. Also, the subdivision will have shared driveways allowing all the garages to be in the rear of each dwelling so as not to be visible from the street. This design will promote a desirable visual environment. Mr. Orlando also testified that collection basins will be installed along the new street. The water flows from north to south and the collection basins will collect water in an underground infiltration system located behind the proposed homes. Water will then be piped to and discharged onto Park Avenue. This design will improve water collection on Leaming Avenue. Further, Mr. Orlando testified that the applicant is willing to accept all comments and recommendations contained in the Board Engineer's Report. Mr. Orlando also reviewed the Tree Ordinance requiring the replacement of trees. He asked the Board to make this plan a condition of the building permit so the exact placement of the new trees can be determined by the location of the homes. Not knowing now the exact style and placement of each home would make it difficult to determine this plan. Mr. Orlando testified that the underground filtration system will be covered with a wildflower mix. Mr. Orlando also discussed the removal of trees and the need to save as many trees as possible with house placement. Mr. Orlando testified that the proposed development would be located within the town center and would be a

walk-able community. Each home will have two or three off street parking spaces in either a garage or parking area behind the homes and 12 new on street parking spaces. Mr. Raymond Roberts, Board Engineer was sworn in by Brock Russell and then reviewed his report. He recommended that the technical comments in his written report of January 19, 2015 be incorporated as a condition of approval. Mr. Roberts also testified that the Board cannot ask for more restrictions than what is provided under the RSIS. He stated the proposed development meets all RSIS standards. He also recommended that no sidewalks be installed across the new street. He also stated that a traffic study would not be helpful and should be waived. Also, Mr. Roberts testified that the Stormwater Management Plan conforms to all state regulations. Mr. Russell and Mr. Dwyer explained to the Board that this hearing is for a preliminary approval only and several conditions must be met before final approval can be made including DEP approvals. Mr. Roberts explained further the Stormwater Management requirements and asked Mr. Orlando to elaborate. Mr. Orlando addressed this and further testified that the applicant was agreeable to the imposition of a condition of approval that there be a ten-year maintenance guarantee on the jelly fish bladder which are used for cleaning and treating the stormwater. Mr. Orlando answered Mr. Roberts question regarding necessary easements to convey stormwater to Park Boulevard by stating the applicant had secured agreements with the neighbors. He will supply these if required by the Board. The Board had concerns with the common driveways and the proposed wildflower mix and the type of plants used in the landscape plan. The applicant agreed to use only native species. In addition, Mr. Dwyer stated that cross easements and recorded deeds will be provided for the Boards review and approval. The Board is concerned with surrounding wetlands and DEP approvals. The applicant will apply for all necessary DEP approvals. After Mr. Burgin, Mr. Orlando and Mr. Dwyer addressed all the concerns of the Board, the Chair opened the public hearing to anyone within 200' of the applicant.

Barbara Fischer of 750 Park Boulevard testified that she is opposed the application because she thought that it was bad for the environment.

Clarence White of 732 Willow Avenue testified that he wants Willow Avenue to remain a dead end and does not want Willow Avenue used as an additional access to the proposed subdivision. In response, the applicant placed on record its agreement to the imposition of a condition on any approval that there be an 11 foot buffer from the end of Mr. White's property to the curbing of the new street. Mr. White testified that he was in favor of the proposed application. Applicant placed on record its agreement to a condition that he will contact all adjoining property owners to the new street to determine whether or not they desire to have curb cuts and will in any event provide a curb cut allowing Mr. White to have access from his property to the new street.

Lou Riccio of Maple Avenue testified that he has confidence in Paul Burgin as a developer, but is concerned with the large number of units and believes another access road is necessary.

John Sands of 246 Central Avenue testified that he was concerned about the impact the proposed development would have on the environment.

Kevin O'Neil of 747 Maple Avenue testified that his property is located right next to the proposed development and he would like to see the number of residential lots reduced due to the impact on traffic.

Erica O'Neil of 747 Maple Avenue also testified that she would like to see a reduction in the number of homes.

When no one else within 200 feet wished to speak the Chair opened the floor to the general public.

Peter Burke of 238 4th Avenue testified of his concern that only native plants be utilized.

When no one else wished to speak a motion by Thomas Belasco and seconded by Art Joblin was made to close the public portion. Mr. Dwyer thanked everyone for their comments and concerns. He felt he had addressed all the Engineer's comments and has no objection to opening the third access road if that is the Board's decision. Mr. Dwyer also stated that this subdivision falls within all the zoning ordinances and does not require any variances. The Applicant also answered more questions and concerns from the Board regarding side yard setbacks. He also stated that if he can't meet all the requirements of the DEP and other agencies, a final approval cannot be made and the need to come back to the board with a plan will be necessary. During further discussions of cost of development and reducing the amount of homes, it was determined by the applicant that reducing the amount of homes would not be feasible. Mr. Russell again explained preliminary vs final approvals.

A motion by Mark Kulkowitz seconded by Art Joblin to approve preliminary major subdivision with all the conditions set forth; roll call vote all in the affirmative with the exception of Mr. O'Neil who recused himself.

PRIVILEGE OF THE FLOOR: No comments

When no one wished to speak, the meeting was adjourned at 10:30 PM on motion of Carol Sabo seconded by Art Joblin and carried by unanimous voice vote.

Respectfully submitted,

Dianne Rutherford
Recording Secretary