

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – APRIL 2, 2019**

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 Belasco at 7:00 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

ROLL CALL:

Members:

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

*Member Kevin O’Neill left the meeting at approximately 8:45pm.

ALSO PRESENT: Raymond Roberts, Board Engineer
Richard M. King Jr., Board Solicitor
Theresa Enteadó, Board Secretary

MINUTES:

March 19, 2019 Regular Meeting

On motion of Carol Sabo, seconded by Bob Hewitt, the Minutes of March 19, 2019 Regular Meeting were approved on roll call vote as follows: Bob Hewitt, Lisa Roselli, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

RESOLUTIONS:

Resolution #0011-19 Approving Minor Site Plan with Variance Relief for Lazos Investments LLC, 102-104 Sunset Blvd., Block 30, Lot 4, App 003-19

The Board unanimously agreed, that due to the very short amount of time from the last meeting to this one, it would be reasonable to table the memorialization of this resolution to the next meeting date of May 7, 2019. Solicitor King will make sure applicant’s attorney is agreeable.

APPLICATIONS:

Application 002-19, Virginia Logan & Joseph Petrille, 611 Second Ave., Block 68, Lot 12, New Application – Variance Relief

Board Member Lisa Roselli lives within 200 feet of the application and recused herself from this hearing.

Ronald Gelzunas introduced himself as attorney for the applicants Virginia Logan and Joseph Petrille. Exhibit A-1, a photo of the concrete building that used to exist on the property, and Exhibit A-2, a color photo of the proposed shed were both submitted. Mr. Gelzunas said the property, when purchased, was vacant except for the concrete garage in the rear, he said the garage was demolished and the framework for a single family home has been constructed which complies with all the zoning regulations. Mr. Gelzunas said the proposal is to place a 12 X 12 foot storage shed, which has been referred to as a garage, on the property. He said it is not really a garage because it will not house any motor vehicles. Mr. Gelzunas said the property is on Goldbeaten Alley and therefore has two front yards, because of this variances are needed for front yard setback and an accessory structure in a front yard.

Virginia Logan and Joseph Petrille, applicant/owners, Mr. William McManus, applicant's planner, and the Board Engineer, Mr. Roberts, were all sworn in by Board Solicitor King.

Mr. McManus testified that the property has two frontages, one on Second Avenue and the other on Goldbeaten Alley. He said it is a smaller lot, for the area, at 50 feet wide and 159 feet deep. Mr. McManus testified that the garage and small block building that previously existed have been removed and a two story, single family, fully conforming dwelling is being constructed. He echoed Mr. Gelzunas' comments about the shed not being a garage, saying the architect simply identified it as a garage on the plans, however the intent is to store tools and other typical equipment for a single family home. He said they propose to place the shed in the rear yard, six feet off the right-of-way line off Goldbeaten Alley, where a 20 foot set back is required. He said the shed will technically be in a front yard, since this lot has two fronts, and so relief from the ordinance that prohibits accessories in front yards is required as well.

Mr. McManus testified that the variances being sought are classic C-1 and C-2 variances. C-1 because an exceptional practical difficulty exists with the narrowness of the lot and the septic system in the front yard. He testified that the applicant has received a permit from the County Health Department and a septic system will eventually be built. He argued that the actual development area is confined due to the narrow lot and the septic system. He also argued the case for a C-2 variance saying the proposal will advance the purposes of zoning by creating a desirable visual environment. Mr. McManus testified that the shed will be architecturally similar to the main dwelling and it is custom ordered, not something purchased at a local improvement store. He also argued that the project complies with the purpose of zoning in respect to light, air, and open space. The main dwelling is modest and the shed at 12 X 12 feet is small in size as well. He testified that there is no detriment to the public good, Goldbeaten Alley is not an improved road and there is vegetation serving as a buffer to the shed. He mentioned that neighboring homes have similar sheds and/or garages on their properties.

Virginia Logan testified that she was purchasing a custom made shed from Amish builders and that it would be compatible with the home.

Ray Roberts, board engineer, testified that the applicant has accurately identified the variances needed. He said the plan shows an outdoor shower and condenser unit next to the shed. He asked that the height of the principal building and the shed be confirmed. Mr. McManus said the height for both will be consistent with the architectural drawings.

The floor was opened to residents within 200 feet and beyond. Lisa Roselli, of 716 Third Avenue, was sworn in and expressed her concern about the grading and fill on the property. She said the lot was at an even grade prior to the construction of the home, and that now there are flooding issues. She asked that grading be addressed prior to the shed being added. She also noted that the applicants have made a vast improvement to what was there before.

Mr. Roberts indicated that the application to the DEP shows swales that direct water out to Second Avenue. He said once complete he will inspect the grading for compliance, and said the Borough has the right to have the applicant remove the shed and correct the grading should the work not be what was approved.

Joseph Grottola, of 716 Third Avenue, was sworn in and testified that the HVAC system and the shower are currently visible from the open space park area and asked that they consider some type of concealment. The applicant offered to shield the area with vegetation. Mr. Grottola also asked about drainage for the shower. Mr. Roberts indicated the drainage for the property would be inclusive of the shed and shower.

When no one else expressed a desire to speak, the public portion was closed.

Board Solicitor, Mr. King, advised the Board the motion would be to grant variance for the 6 foot where a 20 foot is required in a front yard setback and variance to permit an accessory structure in a front yard setback. He said it will be subject to all conditions, waivers, and recommendations in the Board Engineer's report as well as any made during testimony. Mr. King also said the engineer's report will reflect the removal of letter C under the additional comments section and all outside agency approvals will apply.

On Motion of Carol Sabo, seconded by Kevin O'Neill, the aforementioned application was approved on roll call vote as follows: Bob Hewitt, Kevin O'Neill, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

Application 004-19, MECA Investments LLC, 750 Park Blvd., Block 21, Lot 42, New Application – Minor Subdivision with Variance Relief

Board Member Kevin O'Neill lives within 200 feet of the application and recused himself from this hearing.

Ronald Stagliano introduced himself as attorney to the applicant, MECA Investments LLC, the contract purchaser of the subject property. He said the owners of the property, Stephen and

Barbara Fischer were present as well. Mr. Stagliano introduced Exhibit A-1, a copy of the Borough Tax Map and Exhibit A-2, a plan of the Hughes Tract from 1904. The Board introduced Exhibit B-1, a legal ruling regarding a Board member testifying before the Board.

Mr. Stagliano said the lot is larger than the surrounding properties and is irregular in shape with 74.88 feet of frontage and varying depths. He said it is located in the R-1 district, and currently consists of a single family dwelling with a detached garage, owned by the Fischers. He said the applicant proposes to demolish all existing structures and to subdivide the lot into two residential building lots. He said a C-1 variance for lot depth is also required.

Mr. Joseph Maffei, professional engineer and planner with Engineering Design Associates, Marcello Mogavero, of MECA Investments LLC, and Stephen and Barbara Fischer were sworn in by Solicitor King. Board Engineer Roberts, remains under oath.

Mr. Maffei testified that a C-1 variance must be considered. He said the subject lot is of irregular trapezoid shape, and just under 15,000 square feet, where most lots in the area are 5,000 to 7,000 square feet. He testified that this lot, along with only a few others, has a 75 foot right-of-way, where the rest have a 50 foot right-of-way. He said an attempt was made by the Fischers to acquire 25 feet from the Borough but that request was denied. He said the proposal is to create one fully-conforming lot and one that requires variance relief from lot depth. Mr. Maffei testified that there are currently two non-conformities, one for lot depth and the other for setback. He said the new structure will correct the setback but the lot depth deficiency will still remain.

Mr. Maffei argued the case for hardship, noting the shape of the lot and the larger right-of way. He also testified that there would be no detriment to the public good and no negative impact on the Zoning Ordinance.

Engineer Roberts, advised the board that he revised the zoning chart and this revision was included in the meeting packets. He said the applicant's proposal provides the best subdivision possible. He mentioned housekeeping issues, and the applicant agreed to them. He asked about setting the monuments and the demolition and the bonds required if done after filing the plans. The applicant understood the requirements. Mr. Roberts said the only variance required is that for lot depth.

The floor was opened to residents within 200 feet and beyond.

Cynthia Hickey, of 743 Maple Avenue, was sworn in and stated that she lives directly behind the property in question. She said she is once again, very concerned with drainage and flooding. She expressed frustration with open space and vegetation being replaced with structures and impervious materials, in the same area that already has flooding concerns from prior construction.

Kevin O'Neill, of 747 Maple Avenue, was sworn in. Solicitor King, at Mr. O'Neill's request, explained his position on the potential objection by a member of the Board. The Board, the applicant, and Mr. O'Neill all agreed they understood Mr. King's position and there were no objections. Mr. O'Neill said there is an over-development issue because 24 homes now stand

where only 3 once existed. He said the water run-off and flooding is a serious problem in this area in particular and feels another subdivision would prove detrimental to the neighborhood. He also understands the owners have certain property rights but feels 17 feet is a large variance.

Meg Kubiak who lives on the corner of Leaming and Park was sworn in. She gave a brief history of her time in West Cape May and described the Fischers as thoughtful neighbors. She spoke in favor of the application saying growth has been occurring for families throughout the Borough for years and has never been an issue. She feels contractors with huge developments are the issue. Ms. Kubiak also said Wetlands have always existed here.

Lou Riccio, of 722 Maple Avenue, was sworn in. He agrees that the property is beautiful but is very concerned with run-off and drainage. He testified that in the back yards of the properties to the immediate left of this application there is a retaining pond. It is Mr. Riccio's opinion that the addition of more structures will only add to the problem.

Barbara Fischer, current owner of 750 Park Boulevard, was sworn in agreed to speak without her attorney present. She wanted to explain that she intends to keep her property as beautiful as it is now, she would just like a smaller garden to tend to. She would love to subdivide the lot and build a larger home on one of the lots that could accommodate her children and grandchildren when they visit.

Mr. Stagliano summarized his presentation and reminded the board members that the 25 feet of the right-of-way that must remain open space, somewhat offsets the 17 feet deficiency in lot depth.

Solicitor King advised the Board that this will be a motion to grant subdivision approval with the associated lot depth variance subject to all conditions, waivers, and recommendations in the Board Engineer's report as well as any made during testimony.

On Motion of Carol Sabo, seconded by Lisa Roselli, the aforementioned application was approved on roll call vote as follows: Bob Hewitt, Lisa Roselli, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

Application 005-19, West Sunset Retail LLC, 110 Sunset Blvd., Block 32, Lot 3, New Application – Amended Final Site Plan and Conditional Use

Lyndsy Newcomb introduced herself as attorney for the applicant and said they were seeking final site plan approval and confirmation of the conditional use, which is a restaurant serving alcohol.

Mr. Joseph Maffei, professional engineer and planner with Engineering Design Associates, Robert Shepanski project manager, and Jack Wright one of the owners of West Sunset Retail LLC were all sworn in by Solicitor King. Board Engineer Roberts remains under oath.

Ms. Newcomb said all the issues and/or revisions in the engineer report have been made and asked Mr. Shepanski to go through them. Mr. Shepanski testified that the additional wooden

parking bollards were installed, the ADA ramp and curbing on the corner of First and Sunset were reconfigured, and regarding the onsite water retention plan, all the numbers and details have been provided and it is a work in progress. There would be 68 dining seats and 13 bar stools inside the restaurant for a total of 81 seats. After some discussion, it was decided that if the applicant wanted to have outdoor seating, the indoor seating must be reduced by the amount of outdoor seating so the total amount of seats in and out will always be 81, including the bar stools. It was agreed that the applicant will indicate on the plans where the outdoor seating will be, which is off Sunset only, and it will read "seasonal seating". It was also agreed that the applicant will obtain a patio permit each year along with the other mercantile licenses. The applicant understands that this will be subject to inspection and enforcement.

Engineer Roberts confirmed that the applicant has made the required changes discussed in the testimony. He said after a site inspection he noticed the downspouts on the First Avenue side of the building were placed so that the water would run across the sidewalk. The applicant has agreed to install a PVC pipe along the side of the building in order to connect it to the storm drainage system. Mr. Roberts recommended that the Board approve this pipe installation, and advised that it would require a 5 foot wide easement granted by the board of commissioners.

The floor was opened to residents within 200 feet and beyond.

Laura Mowery, of 404 Fow Avenue was sworn in and asked about the change in seating. She said the previous approving resolution stated that 56 seats were approved. She wanted an explanation about how it went from 56 to 81. Engineer Roberts explained that the change in seats allowed, is a result of the changes to the building. Different types of uses require different amounts of parking and the standard or formula used to calculate the number differs as well. The retail and office space is based on square footage and that space changed. Mr. Roberts further explained that the overall parking variance did not change. He said after careful calculation, considering all the changes that were made, he determined that for the number of parking spaces provided, 68 dining seats and 13 barstools are permitted.

Ms. Mowery expressed her concern with the outdoor and indoor seating, she did not feel it could be properly enforced. She asked about the conditional use and if it meant serving alcohol and about the hours of operation. Board Member Sabo explained the plenary liquor license, how it is tied to food sales and that hours of operation are included. Ms. Mowery also wanted to know about the additional signage that she previously requested. Engineer Roberts advised that all signage has been installed. Lastly, Ms. Mowery asked if the drainage has been improved. Mr. Roberts said the applicant has submitted revised drainage calculations to reflect the proposal on their latest drawings. He said the drawings include the PVC pipe that was previously discussed as well as the recharge system under the parking lot.

Solicitor King advised the Board that this will be a motion to approve amended preliminary and final major site plan as well as approval of the conditional use.

On Motion of Bob Hewitt, seconded by Peter Burke, the aforementioned application was approved on roll call vote as follows: Bob Hewitt, Lisa Roselli, Peter Burke, Carol Sabo, Lindsay Casale, and TJ Belasco voting in the affirmative.

PRIVILEGE OF THE FLOOR:

When no one wished to speak, the meeting was adjourned at approximately 9:51 PM on motion of Peter Burke and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary