

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – NOVEMBER 5, 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 4:00 PM. After reading the Open Public Meetings Act of 1975 he led all present in the flag salute.

ROLL CALL:

Members:

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

Also Present:

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

NEW BUSINESS:

2020 Meeting Dates

The meeting dates for the CY 2020 were introduced with no action taken at this time.

MINUTES:

October 1, 2019 Regular Meeting

On motion of Art Joblin, seconded by Lisa Roselli, the Minutes of October 1, 2019 Regular Meeting were approved on roll call vote as follows: Art Joblin, Bob Hewitt, Lisa Roselli, Paul Mulligan, Carol Sabo, and TJ Belasco voting in the affirmative.

APPLICATIONS:

Application 010-19, Chad Desatnick, Sixth Ave., Block 55, Lot 24, New Application – Variance Relief – Hardship & Substantial Benefit

Board Solicitor King announced that the hearing for this application would be tabled to

the next meeting date of December 3, 2019 at 7:00 PM in Borough Hall. Additional notice for lot 23.04 is required.

Application 012-19, Walls, 603 Sunset Blvd., Block 67, Lot 21, New Application – Request Extension of Time for Filing Final Plat

Beth Walls was sworn in and testified that the County Engineer required that revisions be made to her final plans. She said those revisions would involve a coordinated effort from the surveyor of record and her engineer. These delays have also caused difficulty obtaining the sewer permit. Ms. Walls said she is unsure how long the coordinated efforts will take and would like to request an extension. It was agreed that a one year extension from November 5, 2019 would be acceptable.

On motion of Carol Sabo, seconded by Bob Hewitt, the aforementioned application to allow a one year extension of filing, was approved on roll call vote as follows: all members present voting in the affirmative.

Application 011-19, Ronald Baker, 122 Eldredge Ave., Block 7, Lot 23, New Application – Minor Subdivision with Variance Relief

Andrew Catanese introduced himself as the applicant's attorney, he said Mr. Baker, the applicant/property owner, could not attend because of a prior engagement at which he was booked as a public speaker. Mr. Catanese said the lot was of irregular shape but also substantially oversized and in the R-1 zoning district. The proposal is to subdivide into two lots. Variances include frontage and side yard setback.

Mr. Dante Guzzi, of Guzzi Engineering Associates, was sworn in by Solicitor King. Mr. Guzzi said the property is an oversized lot about 140 X 97, and is currently developed with an existing older home built approximately in 1872. He said the existing home is located on the east side of the property and does not meet the required side yard setbacks. Mr. Guzzi testified that the proposal is to create two lots, the lot with the existing home will conform with the exception of the existing non-conforming side yard setback and lot frontage. The second lot will be to the west with frontage on Eldredge and will contain a fully conforming single family dwelling. Mr. Catanese introduced exhibits A-1 through A-4, pictures that were submitted with the application, as well as exhibit A-5, a copy of the historic site report of the WCM HPC.

Board Chairman Belasco asked about the side yard setback for the second lot mentioning the discrepancy with the Engineer's report. Mr. Catanese said the dwelling would comply either by having two eight foot setbacks or by having six feet on one side and ten on the other. He said the applicant would like to save as many mature trees as possible and as such, wanted to leave that flexibility for the time of construction. Solicitor King wanted it to be clear that approving the building envelope would not somehow be interpreted as approval to remove trees. Mr. Catanese said future construction would comply with the Borough's tree ordinances.

The Board expressed their concern with the very large building envelope, positioned against a large amount of mature trees. Solicitor King explained the presentation to the Board by the Shade Tree Commission and their arborist, in particular the part about construction damage to the roots of trees that are not removed. After some discussion the applicant's attorney

agreed to have the applicant's engineer consult with the arborist prior to any construction. Board Member Joblin was worried the resolution would not run with the land. Solicitor King advised Mr. Joblin that a condition of approval can be made that any deed and/or final plat for this lot will refer to the approving resolution. The applicant's attorney was agreeable to these terms including the arborist's review/approval.

Mr. Guzzi continued his testimony, saying the existing home is quite narrow and the variance exists on the east side near the corner of the covered porch. He testified that the existing non-conforming conditions would not change or be exacerbated in any way. Mr. Guzzi presented an aerial photograph of the area, marked as exhibit A-6, that depicted other narrow lots with homes. He testified that several of these lots are non-conforming and many were irregular in shape with odd angles. He said it is not atypical of the neighborhood for frontage and side yard setbacks to be non-conforming, and also added that the large lot is not typical for the area. Regarding the hardship criteria, he testified that the home, which has been here for about 100 years, is situated all the way to the east, only three and a half feet away from the property line. The angles of the home also create an issue. Related to the criteria for substantial benefit, Mr. Guzzi testified that the fact that the lot is extremely oversized promotes adequate light, air, and open space. The size of the lot can easily support two lots and still be larger than the average lot size of the neighborhood. As far as promoting a desirable visual environment, the proposal is to keep as many trees as possible while preserving a 100 year old historic home. He said the R-1 zone is meant to support the smaller lot sizes and the proposed subdivision will create lots that conform to the rest of the neighborhood. Mr. Guzzi testified that the proposal does not create a substantial detriment.

Board Engineer Roberts asked the applicant to confirm that a revised map will show a ten foot side yard setback on the parcel where the tree line exists. Mr. Catanese confirmed that would be done. Mr. Roberts confirmed that for the lot with the existing dwelling, the applicant requires variance relief for frontage and width as well as total side yard. Mr. Roberts advised the Board that requiring the ten foot side yard on the other lot would be beneficial because of the two, fifteen diameter trees on that side of the property.

The floor was opened to residents within 200 feet of the subject property. Mr. Ronald Morgan, of 114 Eldredge Avenue, was sworn in and submitted a partial copy of a survey that was marked as exhibit O-1. Mr. Morgan submitted the survey so the Board could see there is only a four foot setback between his home and the property line for Mr. Baker's lot. He expressed his concern that the building envelope at six feet from his property line, combined with the four foot setback, leaves a distance of only ten feet from the exterior wall of his home to the proposed home. If approved, Mr. Morgan feels the home should be built as far away from his home as possible for flooding and fire safety reasons. He recognizes that locating the building envelope away from his home will impact the ability to preserve the trees on the other side of the lot, however he has mature trees on his property line as well. It is Mr. Morgan's opinion that construction of a narrow home could be a solution. He believes maintaining open space is a key factor of the Borough's Master Plan and does not feel the development of the proposed property would promote that. Mr. Morgan said the Board Engineer review letter notes that no off street parking currently exists, however there are two existing curb cuts for proposed lot B. He said there was parking on site, prior to Mr. Baker having a fence installed and he has

recently seen a car in the garage.

Mr. Catanese and Solicitor King discussed the need for a variance for parking. It was agreed that without Mr. Baker present to give testimony as to the parking, the curb cuts, and the fence, the circumstances were unclear. Solicitor King said as it stands, without testimony from the applicant, a parking variance is required. He asked Mr. Catanese if he had any objection to a continuation. Mr. Catanese did not object as long as he did not have to start the process from the beginning. Solicitor King agreed that there has been sufficient testimony for the Board to grant or deny the subdivision and the only area that is deficient is that regarding the parking variance.

Mr. Morgan finished his testimony by stating once again that he is encouraging a plan where the home is built as far away from his property as possible with adequate air and space for fire safety reasons, and protection from drainage onto his property. Mr. Morgan also expressed his belief that the testimony to support granting relief of the C variance was not adequate, he does not see any hardship that exists.

Ms. Barbara Morgan, of 114 Eldredge Avenue, was sworn in and testified that there is a break in the fence, wherein the fence opens like a gate and can accommodate a car. She said this opening is by the curb cut and leads to the garage.

The floor was opened to other residents within 200 feet and beyond. Norman Roach, the Borough Zoning Official, was sworn in. He wanted the Board to know that the protection of the trees outside the footprint, during construction is what he has been working on with the Shade Tree Commission and what he is implementing on new construction. It is about protecting the root system. Mr. Roach also wanted the public to know that a grading plan is required on all construction and it must be approved by the Borough Engineer prior to the issuance of any permit. When no one else expressed a desire to speak the public portion was closed.

Mr. Catanese agreed to return with revised plans that will address all or most concerns. Solicitor King announced this application will be continued to the next meeting date of December 3, 2019, with no further notice or advertisement required, this announcement is to serve as notice.

PRIVILEGE OF THE FLOOR:

Chad Desatnick, 289 Sixth Avenue, asked if it was certain that his application would be heard on December 3, 2019. He was advised yes, he would be on the agenda for that date.

When no one else wished to speak, the meeting was adjourned at approximately 6:07 PM on motion of Bob Hewitt, seconded by Lisa Roselli, and carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary