

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REORGANIZATION MEETING – JANUARY 21, 2020**

The Reorganization Meeting of the Borough of West Cape May Planning-Zoning Board, held at the Municipal Building, 732 Broadway, was called to order by Acting 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	present	Peter Burke	present
Bob Hewitt	present	Carol Sabo	present
Kevin O’Neill	present	TJ Belasco	present
Jim Barnes	present	<b><u>Alternates:</u></b>	
Lisa Roselli	present	Deanna Kurkowski	present
Paul Mulligan	present	Allison Morgan	present

**Also Present:**

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

**NEW BUSINESS:**

**Oath of Office – New Board Members:**

The following members took their oath of office, administered by Chairman Belasco: Jim Barnes, Deanna Kurkowski, and Allison Morgan

**REORGANIZATION:**

**Appointment of Chairperson**

On motion of Paul Mulligan, seconded by Bob Hewitt, the board unanimously approved the appointment of TJ Belasco as Board Chairperson.

**Appointment of Vice Chairperson**

On motion of Carol Sabo, seconded by Art Joblin, the board unanimously approved the appointment of Lisa Roselli as Vice Board Chairperson.

**Appointment of Board Secretary**

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

**Appointment of Board Solicitor**

On motion of Kevin O’Neill, seconded by Lisa Roselli, the board unanimously approved the appointment Richard M. King Jr. as board solicitor.

**Appointment of Board Engineer**

On motion of Art Joblin, seconded by Lisa Roselli, the board unanimously approved the appointment of Raymond M. Roberts of Remington & Vernick Engineers as the board engineer.

**Approval of Meeting Dates**

On motion of Carol Sabo, seconded by Art Joblin, the board unanimously approved the meeting dates for 2020.

**Approval of Official Newspapers for Publications**

On motion of Lisa Roselli, seconded by Peter Burke, the board unanimously approved the Cape May Star & Wave as the official newspaper and the Press of Atlantic City as the alternate paper.

**Approval of 2019 Annual Report – Resolution No. 0002-20**

On Motion of Peter Burke, seconded by Lisa Roselli, the board approved the 2019 Annual Report on roll call vote as follows: all members present voting in the affirmative.

**MINUTES:**

**December 3, 2019 Regular Meeting**

On motion of Lisa Roselli, seconded by Art Joblin, the Minutes of December 3, 2019 Regular Meeting were approved on roll call vote as follows: Art Joblin, Kevin O’Neill, Lisa Roselli, Paul Mulligan, Peter Burke, Carol Sabo, and TJ Belasco voting in the affirmative.

**RESOLUTIONS:**

**Resolution #0022-19 Approving Minor Subdivision With Variance Relief for Ronald Baker, 122 Eldredge Ave., Block 7, Lot 23, App 011-19**

On motion of Art Joblin, seconded by Carol Sabo, the aforementioned resolution was approved on roll call vote as follows: Art Joblin, Kevin O’Neill, Lisa Roselli, Paul Mulligan, Carol Sabo, and TJ Belasco voting in the affirmative.

**Resolution #0023-19 Approving Minor Subdivision With Variance Relief for Brian and Tracey Conniff, 764 Park Blvd., Block 21, Lot 41 & 739 Maple Ave., Block 21. Lot 37, App 013-19**

On motion of Carol Sabo, seconded by Peter Burke, the aforementioned resolution was approved on roll call vote as follows: Art Joblin, Lisa Roselli, Paul Mulligan, Peter Burke, and Carol Sabo voting in the affirmative.

## APPLICATIONS:

### **Application 017-19, Kim & Robert Russell, 5 Landis Ave., Block 55, Lot 17.01, New Application – Waiver From Site Plan with Variance Relief – Side Yard & Height, & Use**

Kim Russell, applicant and co-owner of the subject property, was sworn in and testified that she and her husband also own the adjacent lot. She also owns Classic Coastal Contractors, a small home building and remodeling company and is a certified green builder. She mentioned the previous subdivision and how the market and her needs have changed since that application. She and her husband would like to retire, possibly purchase a second home out of state, then sell their home in Cape May, keep the one in West Cape May, and build an apartment for a maintenance person and in later years, a care-giver. She'd like parking behind the house and the second building to be detached from the home. She is not asking for relief from density or setbacks, only use and accessory height.

At this time, the Class I and Class III members were removed from the proceedings as it was clear the applicant was requesting a use variance. Ms. Russell continued discussing the proposal, stating the living quarters over a garage will make this a principal building and not an accessory building anymore. Solicitor King said a use variance is a high standard that requires special reasons and comparison to the Master Plan, which is hard to do without representation by professionals. He wanted the applicant to be aware it can be very challenging and will require a 5 vote majority. The applicant replied she would try and if not approved she would try again with professionals. She was advised that if the application was denied, she could not come back to the Board again asking for two principal buildings on one lot, the application would have to be substantially different. The applicant said she fully understands all points made.

Ms. Russell testified the proposal is to demolish an existing two-car garage and replace it with a single family home at the front of the property and a detached garage with an apartment dwelling above. She said the lot is in the R-2 Zone which permits attached two family dwellings on lots with 10,000 square feet area and 75 feet frontage. This lot has 10,600 square feet area and 50 feet frontage. She discussed special reasons, presented negative and positive criteria, and said the proposal poses no detriment to the public good. The density complies and no setback relief is being sought, so no harm to neighbors. The applicant submitted pictures for the record, they were marked as: Exhibit A-1 front design elevation from the street, A-2 elevated garage, A-3 a home she created on Second Avenue, and A-4 a home on South Broadway. Ms. Russell concluded saying the proposal is a better solution for her as well as the Borough, using less density than what is allowed.

Board Engineer Roberts was sworn in and reminded the Board the issue is the second building being a principal use that would require a use variance, as well as variance relief from height for the garage apartment. He said there is an eave with a one foot overhang that requires a variance as well. He said parking for two spaces has been provided and wanted the applicant to confirm the other two spaces will be in the garage. The applicant confirmed that is the case. Mr. Roberts said this development will increase the amount of run-off from the property and a storm water management plan will be required. The applicant testified they will provide this. A grading plan will also be required as well as a landscaping plan. Mr. Roberts clarified for the

Board that his review is based on what is allowed, which is a single family dwelling. Solicitor King further clarified by saying there is no part of Borough Ordinance that allows two principal dwellings on one lot, therefore there are no requirements that exist. The Board discussed the possibility of a deed restriction that would not allow separate ownership.

The floor was opened to residents within 200 feet and beyond. Ms. Cindy Franklin, of 720 Broadway, was sworn in and testified that she owns the garden center. She is very concerned about the shade that the height of the apartment will create. She feels it will negatively affect her plants and in turn, her livelihood, which is a use she has been operating for the past 18 years. Her second concern is that of security. She said the current house next to this property houses many students and she will not have line of sight to see if people are walking onto her garden center. She is worried about vandalism and theft.

Ms. Leila Barclay, of 11 Landis Avenue, was sworn in and testified that her property is immediately adjacent to the subject property. She has lived in the home for over ten years. She thinks the plan will change the character of the street in a negative way. She is concerned for the large tree on the property. Another concern is if the house and garage apartment will be rented because the house on the other lot of theirs is already rented to many young adults and already creates noise, security, and parking issues.

Mr. Ryan Griffin, of 3 Landis Avenue, was sworn in and expressed his concern for the potential to have two forms of ownership on one lot and admitted the Board has addressed the same concern. He is also concerned that the garage could be used as a business.

Ms. Mary Demaio, of 714 Broadway, was sworn in. She is directly adjacent to where the proposed garage and apartment will be built. She is concerned with the parking spaces right against her property and the increased traffic and noise as a result. She feels the single family home will be rented just like the current home on the other lot. She is very concerned that the new garage will be used to house construction materials and vehicles, and said the gentleman who told her he will be living in the garage apartment is already always parking his construction vehicle on the lot. She would hope deed restrictions could be applied to limit what the garage apartment can be used for and she would like a guarantee that Ms. Russell will use the property as she testified she would, as a retirement home.

Norman Roach, Borough Zoning Official, was sworn in and explained that as a condition of the prior subdivision approval, the garage that currently exists on the lot was supposed to be demolished because you cannot have an accessory use without a primary use. He said whether this application is approved or denied, the garage must be demolished. There was discussion regarding a chicken coop versus the garage, and in the end it was agreed the subdivision was filed correctly and the garage should have been relocated or demolished.

Carol Sabo, of 402 Broadway, was sworn in and said as a resident only, for 32 years, she is concerned with the rapidly growing development in the community.

Solicitor King read to the Board, the MLUL requirements for a use variance, in particular the definition of special use. He asked the applicant to confirm if they agree to one single vote.

The applicant agreed it should be one vote. He said the motion will be to grant the use variance with the house relocated to eliminate the overhang variance, subject to all recommendations and conditions noted in Mr. Roberts' review letter as well as those made during testimony, and any other required outside approvals.

On motion of Art Joblin, seconded by Bob Hewitt, the aforementioned application was denied on roll call vote as follows: Art Joblin, Bob Hewitt, Jim Barnes, Kevin O'Neill, Lisa Roselli, Paul Mulligan, and TJ Belasco voting in the negative.

**PRIVILEGE OF THE FLOOR:**

Carol Sabo discussed an email she received from the county after a request for an update of county projects. The round-about plans are finally moving forward.

When no one else wished to speak, the meeting was adjourned at approximately 9:20 PM carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó  
Board Secretary