

**BOROUGH OF WEST CAPE MAY  
PLANNING-ZONING BOARD  
REGULAR MEETING – MARCH 3, 2020**

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 Chair 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	absent	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

**MINUTES:**

**February 4, 2020 Regular Meeting**

On motion of Art Joblin, seconded by Paul Mulligan, the Minutes of February 4, 2020 Regular Meeting were approved on roll call vote as follows: Bob Hewitt, Jim Barnes, Lisa Roselli, Paul Mulligan, Peter Burke, Carol Sabo, Deanna Kurkowski, Allison Morgan, and TJ Belasco voting in the affirmative.

**RESOLUTIONS:**

**Resolution #0003-20 Denying Use Variance & Variance Relief –side yard & height, for Kim Russell, 5 Landis Ave., Block 55, Lot 17.01, App 014-19**

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

**Resolution #0004-20 Granting Minor Subdivision with Variance Relief – lot frontage and width, for Chad Desatnick, 289 Sixth Ave., Block 55, Lot 23.04 & 24, App 010-19**

On motion of Paul Mulligan, seconded by Peter Burke, the aforementioned resolution

was approved on roll call vote as follows: Bob Hewitt, Jim Barnes, Lisa Roselli, Paul Mulligan, Peter Burke, Carol Sabo, Deanna Kurkowski, Allison Morgan, and TJ Belasco voting in the affirmative.

**Resolution #0005-20 Granting Variance Relief – front & side yard, & accessory in front yard, for Eileen & William McDonald, 141 Eldredge Ave., Block 8, Lot 18, App 017-19**

On motion of Paul Mulligan, seconded by Bob Hewitt, the aforementioned resolution was approved on roll call vote as follows: Bob Hewitt, Jim Barnes, Lisa Roselli, Paul Mulligan, Peter Burke, Carol Sabo, Deanna Kurkowski, Allison Morgan, and TJ Belasco voting in the affirmative.

**Resolution #0006-20 Granting Remand Back To HPC with Direction, for Eileen & William McDonald, 141 Eldredge Ave., Block 8, Lot 18, App 015-19**

On motion of Jim Barnes, seconded by Bob Hewitt, the aforementioned resolution was approved on roll call vote as follows: Bob Hewitt, Jim Barnes, Lisa Roselli, Paul Mulligan, Carol Sabo, Deanna Kurkowski, Allison Morgan, and TJ Belasco voting in the affirmative and Peter Burke abstaining.

**APPLICATIONS:**

**Application 016-19, Nilo & Patricia Regojo, 200 Sixth Ave., Block 52, Lot 31, New Application – Variance Relief – Hardship**

The applicants, Nilo and Patricia Regojo, represented themselves and were both sworn in by the board solicitor. Mr. Regojo asked to enter two photos as exhibits, exhibit A-1 is a rendering of the proposed front porch and rear improvements, and exhibit A-2 is a diagram of adjacent properties with similar setback variances. Mr. Regojo presented a brief history of the property stating the house was built prior to the zoning ordinance and so, sits close to Pacific Avenue. Currently the front porch is a long narrow stoop with a railing, which he proposes to remove and replace with a covered front porch. He feels the new porch will be an improvement to the neighborhood and be more in line with what is encouraged by the commissioners. He does not believe it would impact his neighbors in a negative way, but instead be a visual improvement. He said the porch rendering also includes the revisions to the rear, which are being done by-right without board approval required. The lot is an exceptional wedge shape and is the much smaller portion of a subdivision done many years ago, which makes it quite difficult to expand or improve his home.

Board Engineer Roberts said his revised report indicates that the issues he had have all been resolved by the client. The only variance needed is the side yard variance on Pacific Avenue. He said lot area, lot frontage, front yard setback, rear yard setback, and lot depth are all preexisting nonconformities. He does not object to waiver of the key map and the project is exempt from site plan review.

The floor was opened to residents within 200 feet of the subject property and then to those outside of 200 feet. When no one expressed a desire to speak, the public portion was closed.

Solicitor King advised the Board this will be a motion to approve the variance for the front porch with all the existing nonconformities, and the waivers, 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 Paul Mulligan, seconded by Carol Sabo, the aforementioned application was approved on roll call vote as follows: Art Joblin, Bob Hewitt, Jim Barnes, Lisa Roselli, Paul Mulligan, Peter Burke, Carol Sabo, Deanna Kurkowski, and TJ Belasco voting in the affirmative.

**Application 001-20, Beach Plum Farm LLC, Stevens Street North of Railroad, Block 74, Lot 1, New Application – Variance Relief**

Attorney Anthony Monzo introduced himself, as well as the manager of Beach Plum Farm, Mr. Shepanski, and the applicant's planner, architect, and engineer, Mr. Vincent Orlando. Mr. Shepanski and Mr. Orlando were sworn in by Solicitor King. Mr. Monzo said the proposal concerns the larger parcel on the back of the property, where the applicant would like to construct a single family home. He said the lot was previously approved for not fronting on a public right-of-way and the variances currently being sought are for maximum gross floor area and height.

Mr. Shepanski indicated the home will be located beyond the farm operations, to the rear of the property. He said the home is at 8,200 square feet of floor area, but approximately 2,000 of that is the basement and there is also a large attic included in that total. He called it a colonial farmhouse and said the first floor is actually 2,637 square feet.

Mr. Orlando briefly discussed the previous application wherein a building lot that does not border a street, was granted. He testified that since there is no right-of-way, and because the basement is dictated by the water table, the most appropriate grade from which to measure the height would be the average grade in the front yard. The average grade is 13 feet. Mr. Orlando admitted the Borough engineer did not use the same point from which to measure the height. He believes that given the scale of the home, the very large size of the property, and the distance from the street, the 11 inches of height is de minimis in nature and would not have a negative impact on the neighborhood. Mr. Orlando made his argument for C-1 hardship and discussed the purposes of zoning to be advanced by the variance. Regarding the maximum floor area, he testified that the actual floor area ratio for this property is .583% while 17% is permitted. This, he feels, is the more appropriate way to regulate the size of a property in relation to the land. He argued the C-2 standard and discussed the advances in zoning. Mr. Orlando believes a large homestead is appropriate on this farm and an efficient use of the land for such a large lot.

Board Engineer Roberts admitted some uncertainty regarding the grade used to determine the height. He recommends using the natural grade of the lot considering the unique circumstances. Mr. Roberts referred to a letter from the West Cape May Zoning Official regarding concerns expressed by the West Cape May Fire Chief. After a very lengthy discussion concerning fire access and safety, the Fire Chief recommended sprinklers be installed, although not required. Some Board Members expressed their desire to see sprinklers installed as well,

understanding it could not be made a condition, only encouraged. Also discussed were areas in the road that were wide enough for vehicles to pull over to the side and the Fire Chief was satisfied that the curves in the road were sufficient and safe for emergency vehicles. Mr. McPherson, West Cape May Fire Chief, testified that they will be able to get fire equipment to the rear where the home will be located. He clarified that his initial concerns were if the proposal was going to be a commercial use, but as long as it will remain a single family home his concerns are addressed. It was agreed, and will be made a condition, that any tree branches with a height of less than 20 feet will be removed so as not to interfere with emergency vehicle entry and passage. The applicant also understands that signs indicating a one way road must be installed. Mr. Roberts would like the applicant to address the expired DEP approval. He also has no objection to the site plan waiver.

Mr. Orlando testified that they applied for a compensation plan which satisfies the expiration of the DEP approval. It was agreed that the DEP must be involved in order to move forward with a building permit.

The floor was opened to residents within 200 feet of the subject property and beyond. Eileen McDonald, of 141 Eldredge Avenue was sworn in. She was not speaking for or against the proposal, she only asked about rentals. She wondered if the Board could restrict rentals on this property. Solicitor King explained the mercantile license process and said it was not regulated by this Board. When no one else expressed a desire to speak, the public portion was closed.

Solicitor King advised the Board this would be a motion to grant variance relief for maximum gross floor area and maximum building height, subject to all waivers, conditions, and recommendations noted in Mr. Roberts' review letter as well as those made during testimony, and any other required outside approvals.

On motion of Paul Mulligan, seconded by Carol Sabo, the aforementioned application was approved on roll call vote as follows: Art Joblin, Bob Hewitt, Jim Barnes, Lisa Roselli, Paul Mulligan, Peter Burke, Carol Sabo, Deanna Kurkowski, and TJ Belasco voting in the affirmative.

## **PRIVILEGE OF THE FLOOR:**

When no one wished to speak, the meeting was adjourned at approximately 9:01 PM carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó  
Board Secretary