

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
REGULAR MEETING – MAY 4, 2021**

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:

Jim Barnes	present	Lisa Roselli	present
Peter Burke	present	Carol Sabo	present
Art Joblin	absent	TJ Belasco	present
Allison Morgan	present	<u>Alternates:</u>	
Paul Mulligan	present	Deanna Kurkowski	absent
Kevin O’Neill	present		

Also Present:

James Oris, Board Engineer
Richard M. King Jr., Board Solicitor
Theresa Enteado, Outgoing Board Secretary
Tricia Oliver, Newly Appointed Board Secretary

MINUTES:

March 2, 2021 Regular Meeting

On motion of Carol Sabo, seconded by Peter Burke, the Minutes of March 2, 2021 Regular Meeting were approved on roll call vote as follows: Jim Barnes, Peter Burke, Allison Morgan, Kevin O’Neill, Lisa Roselli, Carol Sabo, and TJ Belasco voting in the affirmative.

RESOLUTIONS:

Resolution #04-21 Deeming Ordinance no. 597-21, Amending Section 27-6 of Borough Zoning Code to Clarify the Definition of “Setback Line”, consistent with the Master Plan

Engineer Oris explained his determination that the ordinance supports the master plan. The Board agreed with this determination and agreed to adopt Resolution No. 04-21.

On motion of Lisa Roselli, seconded by Carol Sabo, the aforementioned resolution was approved on roll call vote as follows: Jim Barnes, Peter Burke, Allison Morgan, Paul Mulligan, Lisa Roselli, Carol Sabo, and TJ Belasco voting in the affirmative. And Kevin O’Neill voting in the negative.

Resolution #05-21 Deeming Ordinance no. 600-21, Amending Section 27-27 of Borough Zoning Code to Prohibit the Installation of Artificial Turf, consistent with the Master Plan

Board Member Sabo explained the concerns the Commissioners have regarding the use of this material and the effects on the environment. Miniature golf courses were discussed. Board Engineer Oris explained that an application for the use of a miniature golf course would be subject to a Board hearing where a waiver from this section of the code could be requested. Mr. Oris added his determination that the ordinance is consistent with the master plan.

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

APPLICATIONS:

Application 001-21, Victorian Flowers LLC., 860 Broadway, Block 56, Lot 27, New – Amended Site Plan with Conditions for a Second Use

Richard E. Sandman, Esquire introduced Dennis Michael Downes, the applicant, and stated the application is for minor site plan amendment. He briefly explained the history of the property and said he would be happy to answer any questions from the Board.

Dennis Michael Downes, Timothy Martin West and the Board Engineer were sworn in by Board Solicitor King.

Mr. Downes testified that he is the owner of the property in question, he purchased it in 2009 and the building has continued to operate as a flower shop, to date. He would like approval to allow another retail store called Cape May Decoy, to be owned by and operated by Pastor Tim West. Mr. Downes testified that he added a walk-in refrigerator and two sheds to the property. He admitted that he did not seek approval for these additions and was not aware that he was required to do so, but he would like to seek approval now. He said there are currently eighteen (18) parking spaces available on his property, one being a dedicated handicapped space. Mr. Downes said the entrance to his property is off of Broadway and the exit is off of Stimpson but he said patrons enter and exit from Stimpson. He testified that he was not requesting any variances and not requesting an addition of any kind to the existing footprint.

Solicitor King asked for clarification about a storage unit. Mr. Downes explained he has a temporary storage pod on the property. It was clarified, for the record, that it currently is located in one of the parking spaces and that it would not remain for more than a month.

Mr. West testified that he would like to sell local art, and promote local artists from his store. He and his family intend to run the store. He would like to place some of the art displays outside in the future but nothing would be permanent.

Board Engineer Oris walked the Board through his review letter. He said the applicant will require amended site plan approval. He said the applicant is seeking approval for a second

commercial use within the same existing structure. Mr. Oris suggested that an approval, if so granted, should include a letter of no interest from the County.

Mr. King explained the necessity of a plan with dimensions and calculations. Board Members noted some discrepancies with the plans and the survey. The survey of William Sweeney dated 3/10/21 was marked as exhibit A. The EDA plan that was submitted and referenced as item six (6) in the Board Engineer's review letter, was marked as exhibit B. Solicitor King asked about the 1994 EDA plan that was submitted with the application and contained hand-written notes and drawings, which he marked as Exhibit 3 (later corrected to Exhibit C for uniformity). He also asked about an exhibit A-3 that is mentioned in the prior approving resolution wondering if they were the same document.

Solicitor King suggested the Board determine if they want to make the 1995 resolution a condition of approval. Mr. Oris said that he indicated in his review letter that any action by the Board be conditioned upon compliance with the 1995 resolution.

Mr. Oris advised the Board that he performed a site inspection of the property in question and as a result, he is able to confirm that most of the existing conditions are on the plan marked as Exhibit B. Mr. King said Exhibit B will be referred to as the 1995 approved site plan. He said according to Mr. Oris' inspection and testimony, the applicant substantially complies with that site plan.

After thorough discussion, the Board agreed that the applicant must submit an amended plan with dimensions and calculations, that satisfies all the conditions and requirements discussed.

The sign and lot coverage were reviewed, and the applicant understands that he would either need to comply, or table the application and re-notice with language indicative of a request for variance(s).

At this time the floor was opened to the public, Norm Roach, the Borough Zoning Official, was sworn in and testified that the storage pod does not require a permit, similar to a dumpster. Mr. Roach expressed his opinion that the sign, as and where it is, is compliant.

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

Mr. King advised the Board the motion will be for approval of an amended site plan, meaning an amendment to the plan that has been marked as Exhibit B, subject to all conditions discussed in detail. The Board expressed the desire to also vote on whether the applicant would have to submit the revisions to the Board Engineer alone, or come back before the Board.

On motion of Paul Mulligan, seconded by Lisa Roselli, the preliminary approval of the aforementioned application was approved on roll call vote as follows: Jim Barnes, Peter Burke, Allison Morgan, Paul Mulligan, Kevin O'Neill, Lisa Roselli, Carol Sabo, and TJ Belasco voting in the affirmative.

On motion of Carol Sabo, seconded by Paul Mulligan, the motion to grant final approval of the aforementioned application was as follows: Peter Burke, Kevin O’Neill, and Carol Sabo voting in the affirmative and Jim Barnes, Allison Morgan, Paul Mulligan, Lisa Roselli, and TJ Belasco voting in the negative.

In summary, three (3) members voted to grant final approval and allow the applicant to submit his revisions to the Board Engineer alone, and five (5) members voted to require the applicant to return to the Board for final site plan approval.

PRIVILEGE OF THE FLOOR:

Board Member Mulligan discussed elements of the 2021 State Plan Endorsement and the State Plan that he worked on in 2008.

When no one else wished to speak, the meeting was adjourned at approximately 9:11 PM carried by unanimous voice vote.

Respectfully submitted,

Theresa Enteadó
Board Secretary