

# Zoning Board asked to rule on fencing in Village Green

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — Homeowners in Village Green have requested fencing for their property, but such a proposal can be complicated in a community of quads and duplexes with shared open space.

A city ordinance was unclear whether fences are permitted in Village Green. The city's Zoning Board was asked June 25 to an interpret an ordinance covering the Village Green after a fencing request was made by complex residents Joseph and Maureen McDade, who own a duplex on the corner of Pennsylvania and Trenton avenues. Attorney Tony Monzo, representing the applicants, said there had been issues with fences for quad units in Village Green.

The applicants requested approval to construct a 4-foot

fence along both front yards without extending into the side yards. Monzo said the fence would be located 6 inches off the property lines and meet all standards.

He said because the zoning officer has stated that fences are not permitted in either the front, side or rear yards in the R-4 Village Green zone, the applicants were requesting a variance.

Maureen McDade said it would be a perimeter fence that would not intrude into their neighbor's space. The fence would be a scalloped design constructed of vinyl, she said.

Monzo said zoning code in the R-4 zone refers to structures in Village Green such as garages, gazebos, patios and decks, but fences were not structures in that zone. He said he was asking the board to provide a legal interpretation of the ordinance as it's written.

The simple question was whether R-4 zoning standards prohibit fences in Village Green, Monzo said.

Board member Meryl Nelson asked how the proposed fence would affect the sight triangle for drivers at the corner of Trenton and Pennsylvania avenues. Monzo said any fence application would need to meet sight triangle requirements.

Zoning Board engineer Craig Hurlless said the board was not approving a fence but just interpreting the code on whether fences were permitted in the yards throughout the R-4 district. He said the zoning officer has made the argument that fences are not permitted in Village Green.

Following the board's decision, the McDades would submit a fence application to the zoning officer depending on the ruling of the board, Hurlless said.

"I think we're setting a precedent here for the entire Village Green, if I am understanding it," board member John Van de Vaerst said.

Board member Virginia Hessel said she believed the Village Green Homeowners Association had its own requirements for fencing. Hurlless said Village Green had the most restrictive zon-

ing requirements in the city.

He said there were problems with fencing in Village Green and as such he understood the zoning officer has taken a very conservative approach.

Nelson said she believed the issue needed more study by City Council and the Planning Board before she made a decision that would affect the look of the Village Green area. She said she was not aware of any properties that had a fence across two sides of its property.

Zoning Board attorney Richard King said no matter how the Zoning Board interpreted the ordinance, the zoning officer could deny an application if he felt it created a safety problem.

The board approved a motion to interpret the ordinance that fencing in Village Green was regulated by a separate fence ordinance and other ordinances addressing health, safety and welfare.

Hurlless said he believed the issue would be brought to the "front burner" with council and the Planning Board.

In other business, the board granted an extension of prior site plan approval through March 23, 2022, for the Ocean Club, 1035 Beach

Ave. Hurlless said the site has been the subject of several applications. The Planning Board approved restaurant expansion and improvements to the rear parking area with a landscape buffer provided along New Jersey Avenue.

He said the application switched to the Zoning Board for a rear entry addition that would exceed permitted building height requiring a variance. Attorney for the applicant, Robert Baranowski said he was requesting an extension of time on an approval granted by the Zoning Board in 2017.

The approval included a site plan waiver and some variances and an 8,295 square foot addition involving office space, conference rooms, a gym, a library, vending and storage space and one bedroom for manager's quarters. Baranowski said the proposed building would reach a height of 50 feet when the city permits a maximum height of 35 feet.

He said the initial approval period of two years expired on March 23, 2019. Baranowski said he was asking the board to issue three, one-year extensions all at once at this time.

No changes have been made to the plans or to zon-

ing laws since the approval, he said.

"Soil borings have been completed and the plans are still just in the process of being finalized which we expect to have done soon," he said.

Baranowski said COVID-19 has had a major impact on the hotel and tourist industry and requested an extension to 2022. He said it is unknown when the public health crisis would end.

Board member Tim Walsh said a situation had taken place where a condominium developer for a project on Washington Street had come to the board for several extensions but the surrounding community had changed over the course of those years.

He said neighboring properties needed to be kept apprised the Ocean Club project was still in the works during the extension period. Baranowski said the Ocean Club was already in existence and the work had been previously noticed to the public.

King said the Washington Street condominium project was affected by the Permit Extension Act. He said he had served on the board for five years and it was not approved while he was board attorney.

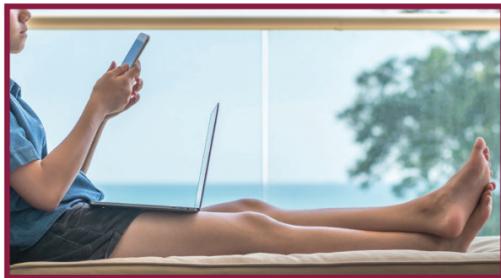
## TIDES : July 8-15, 2020

| DATE | HIGH  |       | LOW   |       |
|------|-------|-------|-------|-------|
|      | A.M.  | P.M.  | A.M.  | P.M.  |
| 8    | 11:14 | 11:26 | 5:01  | 4:58  |
| 9    |       | 12:00 | 5:45  | 5:45  |
| 10   | 12:10 | 12:47 | 6:28  | 6:34  |
| 11   | 12:54 | 1:36  | 7:11  | 7:27  |
| 12   | 1:42  | 2:26  | 7:54  | 8:23  |
| 13   | 2:32  | 3:17  | 8:38  | 9:21  |
| 14   | 3:26  | 4:09  | 9:22  | 10:19 |
| 15   | 4:22  | 4:59  | 10:09 | 11:14 |

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Continued from Page A1

an expenditure problem," he said.

Golmacher said towns are revising their budgets. He said on the negative side, non-property tax revenue is being severely hit such as hotel room tax.

"There has been severe impact to employment," he said. "As a result of that state revenues are down."

Golmacher said municipa-

lities should expect reductions in state aid.

Matthew Jessup, of McManimon, Scotland and Baumann, a widely used bond counsel firm in Rose-land, N.J., offered a PowerPoint presentation on municipal public finance. He noted most of world's largest economies are in recession.

New Jersey is facing a \$20 billion to \$30 billion deficit, he said. According

to Moody's Investor Service, the U.S. economy will contract by 5.7 percent in 2020 with a full return to pre-coronavirus levels in the third quarter of 2021.

Jessup said municipalities can furlough employees to offset the fiscal impact of COVID-19 but towns could be shorthanded to provide necessary services during the crisis. A municipality can use existing surplus funds but that could lead

to a credit rating downgrade and increased costs of borrowing and future tax increases.

A city can use emergency notes but they must be paid off in the subsequent fiscal year, according to Jessup.

At a June 30 "Munis are Essential," webinar, Hardwick committeeman and League of Municipalities President James Perry Sr. said since mid-March, 1.2 million state residents have filed for unemployment compensation.

Bloomfield Mayor and league executive board member Michael Venezia said his town has lost \$3 million in revenue, with \$1 million alone lost on parking meters.

First Vice President of the NJLM, Janice Kovach, mayor of Clinton, said she expected revenue loss would extend into 2021 and possibly 2022.

"We need the state and federal government to help us with that," she said.

Perry said it was not a Republican or Democrat issue.

The league and a number of municipalities have endorsed state Assembly bill A-3971 that would allow municipalities to offset on a limited basis expenses related to COVID-19 for bonding purposes.

Perry said Gov. Phil Murphy was hoping to bond and receive \$5 billion with an additional \$9 billion coming from the federal government as a loan. He said \$4 billion would go to municipalities that need assistance.

Venezia said he was concerned with property tax collection in the third and fourth quarters. Perry noted towns also collect the school tax. He said the league has suggested legislation to take school tax collections away from municipalities.



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