

**City of Cape May Zoning Board of Adjustment Meeting Minutes  
Thursday, August 28, 2014**

**Opening:** In compliance with the Open Public Meetings Act of 1975, adequate notice of the meeting was provided. Chairman White called the meeting to order at 6:30 P.M.

<b>Roll Call:</b>	Mr. White, Chairperson	Present
	Mrs. Hutchinson, Vice Chairperson	Present
	Mr. Iurato	Present
	Mr. Meier	Present
	Vacant	
	Mrs. Inderwies	Present
	Vacant	
	Mrs. McAlinden, Alt 1	Present
	Mrs. Pharo, Alt 2	<b>Absent-excused</b>

**Also Present:** George Neidig, Board Solicitor  
Craig Hurless, PE, PP, CME, Board Engineer  
Jill Devlin/Board Assistant  
Edie Kopsitz, Secretary

**Minutes: July 24, 2014**

**Mr. Iurato motioned to approve the July 24, 2014 minutes as presented.** Seconded by Mrs. Inderwies and **carried 4-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mrs. McAlinden and Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Meier, Mr. White.

**Applications:**

**Daniel D. Cappelletti, “Cappelletti & Sons Italian Market”  
458-460 W. Perry Street, Block 1031, Lot 1  
Appeal Decision of Administrative Officer  
Use Variance  
Site Plan Waiver**

Brief discussion ensued regarding the Cappelletti application. Louis Dwyer waived all time constraints. The application will be continued at the September 25, 2014 meeting.

**Georgina & Thomas Lord, 1239 New York Avenue  
Block 1132, Lot(s) 27  
Appeal from Decision of Administrative Officer, HPC**

Louis Dwyer noted the HPC transcript was not received in time for this application to be heard and requested it be moved to the September 25, 2014 Zoning Board meeting.

**Motion made by Mr. Meier to have the application continued until September 25, 2014 at 6:30 PM.** Seconded by Mrs. Hutchinson and **carried 6-0.** Those in favor: Mr. Meier, Mr. Iurato, Mrs. Inderwies, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

Mr. Iurato asked if by chance the application would end up being carried over until November, would the applicant have to re notice since it will be more than 90 days from the original application. George Neidig confirmed yes, if it would carry into November, it would have to be re noticed.

**Pamela Deblasio, 727 Page Street  
Block 1077, Lot(s) 9  
Use and Hardship Variances.**

Louis Dwyer stated that as a result of a recent HPC meeting, significant changes to the plans would need to be made which would not have been made in time for the current meeting. The plans need to be substantially altered. Discussion ensued regarding a date to hear the application since it is a lengthy application. Louis Dwyer requested that this application be tentatively scheduled for October. Louis Dwyer will confirm if they will be securing other counsel in Lou's absence during October. If they will not be securing other counsel, Lou will advise the zoning board secretary to place the application on the schedule for November.

**Motion made by Mr. Meier to have the application continued until October 23, 2014.** Seconded by Mr. Inderwies and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

**Gerald & Mary Anne Jones, 6 Mt. Vernon Avenue, 20 Patterson Avenue  
Block 1018, Lot(s) 1, 2  
Use, Hardship and Substantial Benefit Variances**

Louis Dwyer stated since there are two deed variances in this application and there is not a full board at the meeting, he respectfully requested this application be continued as he didn't feel comfortable without a full board. All time constraints were waived.

**Motion made by Mr. Meier to have the application continued until November 13, 2014.** Seconded by Mrs. Inderwies and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

**John H. Ritz, 1603 New Jersey Avenue  
Block 1186, Lot(s) 18.02, 19  
Hardship and Substantial Benefit Variances**

**Craig Hurless, Board Engineer,** was sworn in and clarified his credentials for the record.

Applicants Mr. and Mrs. Ritz were also sworn in by George Neidig.

Lou Dwyer stated he fully anticipated the architect being at the meeting however due to illness he could not attend. He decided to move forward with the application since it is not a complicated one. His clients recently purchased the subject property and have undertaken substantial renovations, with permits, including new siding and various other items. The first level porch now needs to be replaced. At the same time there is a second level porch which does not project out as far as the first level porch. The applicant would like the porches to match each other for aesthetics and improved functionality. The applicant was recently at an HPC meeting and they issued a Certificate of Appropriateness (Exhibit **A-1**).

Mr. Dwyer briefly reviewed the zoning requirements. The applicant is requesting, for the second floor deck, the same setback that exists on Brooklyn Avenue now for the first floor deck. There would be no further encroachment; it would simply be one deck on top of the other. Mr. Iurato questioned if the decks were presently facing New Jersey Avenue; Mr. Dwyer stated yes. Mr. Dwyer displayed photos that reflected the existing decks (Exhibits **A-2 and A-3**). He stated there are no detriments and they are only positive enhancements to the home.

Chairman White opened the floor for questions. Mrs. Inderwies questioned if the second decks outline would conform to the first desks outline, and if the spiral staircase would be inside that parameter and the applicants stated yes, it would.

Craig Hurless reviewed his review memorandum dated July 22, 2014. With regards to the completeness review for C & D variances, of the 7 deficient items waivers were requested, with the exception of item 33, providing a landscape plan, which relates to a recommendation for them to provide street trees; he would like to see them put street tree information on the plan. Louis Dwyer confirmed they would add the street tree information on the plan. Mr. Hurless gave a summary of the zoning requirement variances, §525-72 Expansion of Non-Conforming Structure on Non-Conforming Lot and §525-14B(1) Table 1, Lot Size, Lot Width and Frontage, Building Setback and Side Yard Setback. Regarding his general review comments, Mr. Hurless stated he would like to confirm that the existing landscaping shall remain intact; the applicants stated that yes, it would. Mr. Hurless noted that they have asked the applicant to add to the plan that they would replace sidewalk to the satisfaction of the engineer and provide an inspection escrow under item number 3 as required, and has also

asked that the 20x20 site triangle be shown on the plan, so the street trees can be located outside of the site triangle. Mr. Dwyer agreed they would update the site plan for the items requested.

The meeting was opened to the public at 6:57 PM, and then closed due to no public in attendance.

Mr. Iurato asked more questions regarding the decks which were answered by the applicants.

**Mr. Meier motioned to place all variances together.** Mrs. Inderwies seconded and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

**Mr. Meier motioned to approve the variances.** Mrs. Inderwies seconded and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

**Mrs. Hutchinson motioned to approve waivers, 20,21,24,26,27 and 28.** Mr. Meier seconded and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

**Mr. Meier motioned to approve general review comments 1,2,3,4,5,6,7 and 9.** Mrs. Inderwies seconded and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

**Motion was made to adjourn the meeting at 7:10 PM by Mrs. McAlinden and was in favor by all.**

**Chairman White announced the next meeting will be September 25, 2014 at 6:30pm.**

**A verbatim recording of said meeting is on file at the Construction/Zoning Office.**

**Respectfully submitted: Jill Devlin/Board Assistant**