

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, December 11, 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.

Roll Call:	Mr. White, Chairperson	Absent
	Mrs. Hutchinson, Vice Chairperson	Present
	Mr. Iurato	Present
	Mr. Meier	Present
	Mrs. McAlinden	Present
	Mrs. Inderwies	Present
	Mrs. Pharo	Present
	Mr. Furlin, Alt 1	Present

Also Present: George Neidig, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Jill Devlin, Board Assistant

Minutes

Motion made by Mr. Iurato to approve the minutes of October 23, 2014, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Iurato to approve the minutes of November 11, 2014, seconded by Mrs. McAlinden and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Resolutions

Motion made by Mrs. Pharo to approve Resolution #12-11-2014:1, Daniel D. Cappelletti, 458-460 West Perry Street, Block 1031, Lot 1, seconded by Mr. Furlin and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mrs. McAlinden to approve Resolution #12-11-2014:2, Scott Peter, 508 Broad Street, Block 1053, Lot 1, seconded by Mr. Iurato with corrections noted and made, and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Iurato to approve Resolution #12-11-2014:3, Elissa Campanella, 678 Washington Street, Block 1058, Lot 11.01, seconded by Mr. Meier and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Business

Motion made by Mr. Iurato to approve the meeting dates for year 2015 with a change for the November date, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Applications

**Emily and Cecil Moore
Block 1115, Lot(s) 4, 5
1106 New Jersey Avenue**

Mr. Joseph Adamson, Architect, Emily and Cecil Moore applicants and Craig R. Hurless were sworn in and clarified their credentials for the record.

Louis Dwyer opened discussion of the subject property, stating it is between the Palace Hotel and the parking lot for the Capers Condominiums. He distributed a survey; exhibit A1, of the subject property. Lou stated his clients had done a demolition of the property not realizing they would need to seek variance relief for a new structure. Had the applicants known they needed to come to the Zoning Board they would have waited on the demolition. Their architects have designed a house to better fit this site and to meet all the zoning requirements, except for those pre-existing items which are area, width and frontage.

Lou Dwyer introduced Mr. Adamson who discussed the plans in detail for the proposed property. He stated they designed a new home to fit within the boundaries of all the ordinances, setbacks, and lot coverage and floor area ratio. Mr. Adamson sees no detriments to the proposed property and the building would be a major improvement from what was previously there.

Mrs. McAlinden noted that the application stated four bedrooms were proposed when it is actually five, and that the bathrooms noted on the application are stated as three when on the plans it shows five. Lou Dwyer stated they would amend the application. Mr. Iurato questioned the applicants if the property would be a rental and the applicants stated it would not. Mrs. Inderwies questioned the letter submitted from the condominium association regarding a fence on the property. The applicant stated the fence is not an issue; they were not going to move the fence.

Craig Hurless reviewed his memorandum dated December 4, 2014. All waivers requested were supported based on the nature of the application. Three variances have been requested due to it being an isolated undersized lot. The general review comments, numbers 1 through 10, were reviewed in detail and should all be conditions of approval.

The meeting was opened to the public at 6:50 PM and then closed as no members of the public wished to speak.

Motion made by Mr. Meier to approve the Variances for Lot Size §525-24B(1) Table 1, Lot Width and Lot Frontage §525-24B(1) Table 1, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve Completeness Review Waivers 21 and 26, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve General Review Comments Conditions 1 through 10, seconded by Mr. Furlin and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Richard and Barbara O’Keefe
Block 1133, Lot(s) 19, 20
1229 Maryland Avenue**

Dave Shultz, Project Architect, Richard and Barbara O’Keefe and Craig R. Hurless were sworn in and clarified their credentials for the record.

Lou Dwyer described the subject property, noting it is an isolated undersized lot. The applicants want to replace the older structure that is currently on the property. Relief is needed from the Trenton Avenue setback to place a reasonable size house on the lot.

Mr. Shultz introduced pictures from the lot, exhibit A1, and discussed the pictures in detail. He stated they designed a house that complies with the floor area ratio requirements based on the existing site and size. The house was also designed to meet the lot coverage requirement and the density controls that are in the city ordinance. He proceeded to review the plans in detail.

Mrs. Inderwies questioned if the front door would be on Trenton Avenue rather than Maryland Avenue. Mr. Furlin questioned the plans reflecting all pavers in front of the garage, as compared to the storm water management plan where it reflected strips of pavers with grass in between. Mr. Dwyer stated the clients would like to have strips to have more grass but would comply with what the Board recommended.

Hal Noon, PLS, was sworn in and clarified his credentials for the record. Mr. Noon prepared the survey for the property. He agrees this is an isolated undersized lot. The adjoining property is a comparable size to the applicant's property. There is no ability to enhance the size of the lot. As a planner he saw no detriments to the plans proposed.

Craig Hurlless reviewed his memorandum dated November 17, 2014. Completeness Review waivers 20, 21 and 26 were supported; item 27 would be a condition of approval since it deals with utilities. The variances that are necessary were reviewed in detail. Items 1 and 3 through 10 under the General Review Comments should all be conditions of approval.

The meeting was opened to the public at 7:15 PM.

Dana Morley, 1301 Maryland Avenue was sworn in. Ms. Morley wished to see the plans as she had questions as to where the garage would be located. Mr. Shultz showed Ms. Morley the plans so her questions could be answered.

The public portion of the meeting was closed at 7:20 PM.

Motion made by Mr. Meier to approve Completeness Waivers 20, 21 and 26, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve Lot Size Variance §525-15B(1) Table 1, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve Lot Width Variance §515-15B(1) Table 1, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve the Minimum Habitable Ground Floor Area Variance §525-15B(1) Table 1, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Furlin, Mrs. Pharo, Mrs. McAlinden, Mr. Meier, Mrs. Inderwies, Mr. Iurato and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve the Building Setback-Maryland Avenue Setback Variance §525-15B(1) Table 1, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve the Building Setback-Trenton Avenue Variance §525-15B(1) Table 1, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve the Garage Front Setback Variance §525-54A(3)(f), seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve General Review Comments Conditions 1, 3 through 10 and Completeness Review Condition 27, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Cynthia Wallace
Block 1014, Lot(s) 18
19 Second Avenue**

Steve Fenwick, Architect, Bob Praugner and Cynthia Wallace, applicants, and Craig Hurless were sworn in and clarified their credentials for the record.

Lou Dwyer opened by stating the lot is in the C3 zone; directly next door is the R2 zone. A single family residence has always been on the property. The applicants have been to the HPC Board and have been given conceptual approval for the new property proposed. He advised the applicants did offer to purchase some additional ground that they thought would be an advantage for building the house. A certified letter was submitted, exhibits, A1a, A1b, and A2, which showed the offer of purchase was declined. Mr. Fenwick described his plans in detail to the Board of the design of the proposed house. He noted the home matches the streetscape as they are next to the Historic District. There were a few questions regarding the setback and the decision to request the variance was to keep the houses in line with the other homes on the street.

Craig Hurless reviewed his memorandum dated November 11, 2014. Completeness waivers 20, 21, 24, 26 and 32 were all supported. A summary of the variances was reviewed. General Review Comments 1, 2, and 4 through 11 should all be conditions of approval.

The meeting was opened to the public at 7:58 PM.

Mike O'Connor, 21 Second Avenue, Cape May, NJ stated concerns with possible run off of pool water after it rains. He had some questions regarding storm water runoff.

Chris Johnson, 305 South Beach Avenue, Cape May, NJ stated concerns about the roof overhang that it was for aesthetics only. He also wanted to make sure his parking lot next door did not pose any problems for the applicant.

The meeting was closed to the public at 7:59 PM.

Motion made by Mr. Meier to approve the Lot Size Variance §525-24B(1) Table 1 and Lot Width & Lot Frontage Variance §525-24B(1) Table 1, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve the Building Setback Variance §525-24B(1) Table 1, seconded by Mrs. Inderwies and **carried 5-2**. Those in favor: Mrs. Inderwies, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: Mr. Iurato, Mr. Meier. Those abstaining: None.

Motion made by Mr. Meier to approve the Side Yard Setback (Each) §525-24B(1) Table 1, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve Completeness Waivers 20, 21, 24, 26 and 32, seconded by Mr. Furlin and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Meier to approve General Review Comments 1, 2 and 4 through 11, seconded by Mr. Furlin and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

A five minute recess was taken at 8:00 PM.

The meeting resumed at 8:06 PM.

**Holly A. Tilford
Block 1031, Lot(s) 40
223.5 North Street**

Hal Noon, PLS, Jason Neal and Holly Tilford, applicants and Craig Hurless were sworn in and clarified their credentials for the record.

Lou Dwyer opened by stating he inadvertently listed 3 kitchens on the application when there is really only 1 kitchen. He stated this was another isolated undersized lot with an existing building on the property, which is a non conforming structure (non-residential). The HPC has previously approved its demolition and the building plans being presented to the Board. He stated initially they thought about raising the building and rehabbing it to turn it into a residence but it would not have provided onsite parking and worse setbacks.

Mr. Dwyer asked Mr. Noon if he felt demolishing the existing structure with its non-conformities and replacing it with the new structure being proposed would be betterment to the neighborhood. Mr. Noon stated he felt that any time you can take something that is non-conforming and goes right to the property line and is old, and replace it with something more in character in the neighborhood and further away from the other buildings would be an asset to the neighborhood. He sees no negatives to this application for the neighborhood.

Mr. Neal, owner and architect, detailed his plans for the Board. Mr. Dwyer handed out a rendering of the proposed home, exhibit A1. The building height will be 33.25', which is well under what's allowed. The lot coverage is less than by 1% and the floor area ratio is slightly less than what's allowed. There is no parking now, with the proposed building there would be parking for two vehicles.

Mrs. Inderwies questioned the address of the property, which is actually an easement. Mrs. McAlinden questioned if the applicants had done any research to see if there were any other lots in the City of Cape May of the same small size that has a habitable house on it.

Craig Hurless reviewed his memorandum dated November 7, 2014. Completeness review items 10, 20, 21, 24, 26 and 32 were supported. Item 27 needs to remain a condition of approval. The variances being requested were reviewed in detail. General Review Comments 1 through 10 were reviewed and should remain as conditions of approval.

Mr. Iurato questioned the parking. The applicant advised the parking would be underneath the home, the doors will swing open under the porch for a garage. He also questioned the side yard setback, having 13' on one side and 1' on the other, why it wouldn't be moved over any further. The applicant stated they simply were trying to leave an area for outside usage and landscaping.

The meeting was opened to the public at 8:40 PM.

Ruth Leo, 237 Capehart Lane, Cape May, NJ.

Charlotte Sykes, 233 Capehart Lane, Cape May, NJ.

John Leo, 237 Capehart Lane, Cape May, NJ.

Burt Novino, 351 Congress Street, Cape May, NJ.

Anita Novino, 351 Congress Street, Cape May, NJ.

Rachel Tenner, 10 Caladonia Drive, Oceanview, NJ (former resident of 237 Capehart Lane)

Leon Bellapania, 418 West Perry Street, Cape May, NJ.

All members that spoke were sworn in and stated their concerns for the record. Most were questioning the setbacks and what the actual address of the property would be.

The meeting was closed to the public at 9:03 PM.

Lou Dwyer gave a summary of the application and discussed the concerns raised.

There were more questions with regards to the side yard setbacks; Lou Dwyer requested a 5 minute break to discuss with the applicant.

Lou Dwyer stated the applicants would be willing to shift the new structure to create a distance between the wall of the structure and the side currently in question to five feet. They would still like to have the overhang at the top be at 1 foot.

Motion made by Mr. Furlin to approve Completeness Waiver number 10, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Iurato to approve General Review Comments number 20, 21, 24, 26 and 32, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Furlin to approve the Lot Size Variance §525-19B(1) Table 1, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Furlin to approve the Building Setback Variance §525-19B(1) Table 1, seconded by Mr. Iurato and **carried 5-2**. Those in favor: Mrs. Inderwies, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: Mr. Iurato, Mr. Meier. Those abstaining: None.

Motion made by Mr. Furlin to approve the Minimum Habitable Ground Floor Area Variance §515-19B(1) Table 1, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Furlin to approve the Rear Yard Setback Variance §515-19B(1) Table 1, seconded by Mrs. Pharo and **carried 6-1**. Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: Mrs. Inderwies. Those abstaining: None.

Motion made by Mr. Furlin to approve the Side Yard Setback Variance §515-19B(1) Table 1, modified to 3' and 11', seconded by Mrs. Inderwies and **carried 6-1**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: Mr. Meier. Those abstaining: None.

Motion made by Mr. Furlin to approve Condition #27, page 2; General Review Comments 1 through 10; Contract of Sale provided to George Neidig Esquire, and Louis Dwyer

confirming with Post Office as to what the address will be, as conditions, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Meier noted to the Board that this would be his last Zoning Board meeting as he is now a City Council member, and stated it was the best experience he has had and will miss the Board.

George Neidig remarked regarding the summarization.

Motion made by Mr. Meier to adjourn at 9:38 PM and was in favor by all.