

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, January 24, 2019**

Opening: In compliance with the Open Public Meetings Act of 1975, adequate notice of the meeting was provided. Chairperson Hutchinson called the meeting to order at 6:00 P.M.

Roll Call:	Mrs. Hutchinson, Chairperson	Present
	Mr. Murray, Vice Chairperson	Present
	Mr. Iurato	Present
	Mrs. McAlinden	Absent – excused
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Van de Vaarst	Present
	Mrs. Lukens (Alt. 1)	Present
	Mrs. Nelson (Alt. 2)	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Rhiannon Worthington, Temporary Board Assistant

Business: Reorganization

Oath of Office:

All members in attendance were instructed to sign their Oaths of Office and return them to the Board Assistant.

Chairperson:

Motion made by Mr. Iurato to nominate Diane Hutchinson for Chairperson, seconded by Ms. Hesel and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray. Those opposed: None. Those abstaining: Mrs. Hutchinson.

Vice Chairperson:

Motion made by Mr. Van de Vaarst to nominate William Murray as Vice Chairperson, seconded by Mrs. Lukens and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Board Attorney:

Motion made by Mr. Iurato to appoint Richard King, Esquire, as Board Attorney, seconded by Mrs. Hutchinson and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr.

Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Board Engineer:

Motion made by Mr. Iurato to appoint Craig R. Hurless, PE, PP, CME of Polistina & Associates as Board Engineer, seconded Mr. Van de Vaarst and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Meeting Dates and Time:

Motion made by Mr. Iurato to adopt the meeting dates and time for the 2019 Zoning Board of Adjustment, with no change to the meeting time, seconded by Mr. Murray and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Official Newspapers:

Motion made by Mr. Van de Vaarst to appoint the *Cape May Star and Wave* as the primary newspaper for publishing purposes, and the *Press of Atlantic City* as secondary, seconded by Mr. Murray and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Resolutions:

Motion was made by Mrs. Werner to adopt Resolution number 01-24-2019: 1, Michelle O'Donnell, 1516 Yacht Avenue, seconded by Mr. Murray and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mrs. Lukens to adopt Resolution number 01-24-2019: 2, Cape KMT, LLC, 215 Decatur Street, seconded by Mrs. Werner and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mr. Van de Vaarst to adopt Resolution number 01-24-2019: 3, appointing the Zoning Board Solicitor, seconded by Mr. Iurato and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mr. Murray to adopt Resolution number 01-24-2019: 4, appointing the Zoning Board Engineer, seconded by Mr. Iurato and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Applications:

***Kristen Donahue
810 Dale Place
Block 1092, Lot(s) 32 & 33***

Board Engineer, Craig Hurless, Applicant's Representative, Ronald Gelzunas, Esq., Professional Planner, John Helbig, and property owner, Kristen Donahue were sworn in for the record.

Mr. Gelzunas, Esquire, explained that the project had previously received HPC and Zoning Approval in 2009 under different ownership. The current owners constructed exterior stairs and removed interior stairs during the summer of 2018 without a permit. The applicant is seeking approval for the non-permitted deck and stairs and approval to add a patio under the existing deck. He cited that the application has received HPC and Shade Tree Commission approvals.

Mr. Helbig introduced to the board Exhibit A-1, which was additional property pictures. He continued to describe the location of the property to the membership in regards to the streetscape, explaining that the dead end street enforces the relief sought. Mr. Helbig noted the proposed new patio underneath the pre-approved upper level deck. He detailed the requested variances sought for the application, and the positive criteria for such, at length. Mr. Helbig also noted to the members of the board that the rear patio and deck do not impact the neighboring residential properties, but only visible by two commercial properties; a Bed and Breakfast and a Funeral home.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated October 25, 2018. He reviewed the five (5) variances required in detail (page 4 of 5):

1. §525-9 – Use Variances (Two Uses on One Site)
2. §525-71 – Use Variance (Expansion of Non-Conforming Use)
3. §525-16B(1) Table 1 – Lot Size
4. §525-16B(1) Table 1 – Rear Yard Setback
5. §525-72.D. – Non-Conforming Structure on Non-Conforming Lot

The General Review Comments 1 and 2 (page 5 of 6), and comments 3-10 (page 6 of 6) were reviewed and explained in detail, with all items being classified as conditions of approval.

Discussion was opened to the public within 200 feet and beyond at 6:45 PM, and closed with no public coming forward to comment.

Motion was made by Mr. Murray to approve §525-9 – Use Variances (Two Uses on One Site), §525-71 – Use Variance (Expansion of Non-Conforming Use), §525-16B(1) Table 1 – Lot Size, §525-16B(1) Table 1 – Rear Yard Setback, and §525-72.D. – Non-Conforming Structure on Non-Conforming Lot variances, with all variances subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated October 25, 2018 seconded by Mrs.

Lukens and carried 7-0. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Stephanie & Michael MacRae
1136 Idaho Avenue
Block 1118, Lot(s) 18 & 19

Architect, Christina Amey, and property owner, Kim Russell, were sworn in for the record. Both, the Applicant's Representative, Ronald Gelzunas, and Board Engineer, Craig Hurless, remained sworn in on record.

Ron Gelzunas, Esquire, detailed the use of the property as explained to him by the applicant as being for a family summer home. He continued to summarize the proposal, to renovate the existing structure, including a new main entrance on Reading Avenue eliminating a second unnecessary entrance, as well as a new detached garage (which was explained as being fully conforming to City code).

Architect, Christina Amey, briefly detailed the particulars with regard to the variances requested. She explained that even though each building setback is still non-conforming, there is however an improvement to those non-conformities. Ms. Amey continued to detail the change in roof pitch and the other minimal changes proposed with the application. She also included that the current conditions of the property only allow one off street parking space, and with the new renovations, the home owners are able to provide a total of three off street parking spaces, beyond the two spaces required by the Residential Site Improvement Standards (RSIS).

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated December 26, 2018. He reviewed the two (2) variances required in detail (page 3 of 5):

1. §525-19B(1) Table A - Building Setback – Idaho Avenue
2. §525-19B(1) Table A - Building Setback – Reading Avenue

The General Review Comments 1-6 (page 4 of 5) and comments 7-13 ([age 5 of 5) were reviewed and explained in detail, with all items being classified as conditions of approval. Additional conditions of approval also included item number 28 and item number 31 located under the General Requirements for All Applications section.

Discussion was opened to the public within 200 feet and beyond at 7:15 PM, and closed with no public coming forward to comment.

Motion was made by Mr. Van de Vaarst to approve §525-19B(1) Table A – Building Setback – Idaho Avenue, §525-19B(1) Table A - Building Setback – Reading Avenue variances, with all variances subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated December 26, 2018, seconded by Mrs. Werner and carried 7-0. Those in favor:

Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Members voiced their reasons for their votes in the positive for the record.

Motion made by Mr. Murray to adjourn the meeting at 7:19 PM with all in favor.

Respectfully Submitted, Rhiannon Worthington - Temporary Board Assistant