City of Cape May Zoning Board of Adjustment Meeting Minutes  
Thursday, March 28, 2019

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

Roll Call:  
Mrs. Hutchinson, Chairperson  Absent -- excused  
Mr. Murray, Vice Chairperson  Present  
Mr. Iurato  Present  
Mrs. McAlinden  Absent -- resigned  
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  
Tricia Oliver, Board Assistant

Minutes:

Motion was made by Mr. Van de Vaarst to adopt the meeting minutes from January 24, 2019 seconded by Mrs. Nelson 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: None.

Resolutions:

Motion was made by Mrs. Nelson to adopt Resolution number 03-28-2019: 1, Timothy and Maureen Rafter, 931 Sewell Avenue, seconded by Ms. Hesel and carried 5-0. Those in favor: Mrs. Werner, Ms. Hesel, Mrs. Lukens, Mrs. Nelson, Mr. Murray. Those opposed: None. Those Abstaining: Mr. Van de Vaarst. Mr. Iurato did not vote on this resolution.

Motion was made by Mrs. Lukens to adopt Resolution number 03-28-2019: 2, Cape May Arcades, Inc., 406 Beach Avenue, seconded by Mrs. Werner and carried 5-0. Those in favor: Mrs. Werner, Ms. Hesel, Mrs. Lukens, Mrs. Nelson, Mr. Murray. Those opposed: None. Those Abstaining: Mr. Van de Vaarst. Mr. Iurato did not vote on this resolution.

Motion was made by Mrs. Werner to adopt Resolution number 03-28-2019: 3, John and Christine O’Connor, 1129 New York Avenue, seconded by Mrs. Nelson and carried 6-0. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mrs. Lukens, Mrs. Nelson, Mr. Murray. Those opposed: None. Those Abstaining: Mr. Van de Vaarst.
Application:

Christopher Gillin-Schwartz  
2 Liberty Street  
Block 1090 Lot(s) 24 & 25

As Christopher Gillin-Schwartz, Esq. represented himself for this application, he was sworn in along with Architect Matt Hender and Board Engineer Craig Hurless by Board Solicitor Richard King. Mr. Gillin-Schwartz submitted Exhibit A-1 -- updated renderings with no footprint change that is the same as the conceptual application that was approved by the Historic Preservation Commission. Mr. Gillin-Schwartz detailed his ties to the Cape May community where he was raised and said he purchased the property in December 2018.

Mr. Gillin-Schwartz discovered that the property had been the subject of an application to the Historic Preservation Commission and Zoning Board, and he based his Zoning Board application on the 2007 Resolution that never came to fruition. He explained that the property is currently a duplex which he intends to maintain with no change to the use for him and his parents to occupy as year round residents. Mr. Gillin-Schwartz summarized the reasons why each variance is sought and detailed the FAR which is increasing two existing bedrooms that are currently approximately 8.5 feet wide.

Architect Hender presented his credentials and was accepted as an expert. Architect Hender provided details on Liberty Street as not noticeable with an only approximately 17 ft. width. Architect Hender reviewed the zoning as to what currently exists and what is proposed with the following variances required: lot size, building setback, rear yard setback, side yard setbacks and floor area ratio (FAR).

Board Engineer Craig Hurless, PE, PP, CME stated that he was the Board Engineer back in 2007 when the application was heard for this property, variances were granted and that the project could still be completed (without the proposed addition) if this application is denied. He explained that the major difference is the addition to the bedrooms. He then summarized his latest memorandum dated March 19, 2019 and listed the conditions of approval, namely, items 5, 13, 20, 22, and 23 on page 2 of 6 and item 33 on page 3 of 6. He highlighted the five variances required in detail (pages 3 and 4 of 6):

1. §525-52 Floor Area Ration (FAR) “d” variance
2. §525-16B(1) Table 2 Lot Size
3. §525-16B(1) Table 2 Building Setback
4. §525-16B(1) Table 2 Rear Yard Setback
5. §525-16B(1) Table 2 Side Yard Setback (Each)

Mr. Hurless said the proposed rear yard setback has been adjusted to one foot minimum. Review Comments for Variances (page 4 of 6) were reviewed. Mr. Hurless listed the General Review Comments 1 through 13 as conditions if the application is approved by the Board.

There was discussion on the consolidation of lots for this property.
Discussion was open to the public within 200 feet at 6:42 PM.

Charlene Tryon, 922 Corgie Street was sworn in by Mr. King and asked how far from her lot which is to the rear of this property. The applicant clarified that this application does not propose any changes in relation to her property.

Rhonda Gibbs, 915 Corgie Street was sworn in by Mr. King and expressed her concern with no road access as Liberty Street is a dirt road and the possibility of flooding. Mr. Gillin-Schwartz replied that Liberty Street is a public right of way.

Scott Gibbs, 915 Corgie Street was sworn in by Mr. King and inquired about the proposed schedule for construction and where the construction materials be stored, which the applicant stated would be out of sight. Mr. Gibbs asked about the location of the garage and was satisfied with the proposed location of the garage.

Discussion was closed to the public at 6:48 PM.

Motion was made by Mrs. Lukens to grant all five 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 March 19, 2019 with the change to the rear yard setback to be one foot minimum seconded by Mr. Nelson 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: None. Those opposed: None.

Board members made positive comments on the application.

Motion made to adjourn by Mrs. Nelson at 6:55 PM with all in favor.

Meeting Conducted by: Tricia Oliver, Board Assistant

Respectfully Submitted by: Karen Keenan, Board Secretary