

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, April 28, 2016

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 6:30 P.M.

Roll Call:	Mrs. Hutchinson, Chairperson	Present
	Mr. Iurato, Vice Chairperson	Present
	Mr. Murray	Present
	Mrs. Inderwies	Absent-Excused
	Mrs. McAlinden	Present
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Mullock Alt. 1	Present
	Mr. Pontin Alt. 2	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Erin Burke, Board Assistant

Minutes

Motion was made by Mr. Murray to approve the meeting minutes of March 24, 2016, seconded by Ms. Hesel and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Resolutions

Motion was made by Mr. Mullock to approve Resolution Number 04-28-2016:1 Lisa Caselton and Stephen Console, 215-217 Perry Street, Block 1038, Lot(s) 5, 6, seconded by Mrs. Werner and **carried 6-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Iurato.

Motion was made by Mrs. McAlinden to approve Resolution Number 04-28-2016:2 Lawrence A. Pray Builders, Inc., 1025 Idaho Avenue, Block 1105, Lot(s) 33, seconded by Mr. Murray and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Ms. Hesel to approve Resolution Number 04-28-2016:3 James and Elena Harris, 27 Second Avenue, Block 1014, Lot(s) 23, seconded by Mr. Pontin and **carried 6-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Pontin.

Applications

***The Blue House of Cape May, LLC.
1500 New Jersey Avenue
Block 1174, Lot(s) 33***

Charles W. Sandman, III, Esquire, Rami Nassar, Engineer/Planner, Joe Gittle, Draftsman, applicant Brian Smith, managing member of the Blue House of Cape May, LLC., and Board Engineer Craig Hurless, PE, PP, CME, were sworn in and stated their credentials for the record.

The representative for the applicant, Charles Sandman, gave a brief description of the variance being sought by the applicant for the proposed construction of a platform for air conditioning units within the side yard setback. Mr. Sandman explained that the house on the property in question is one of the only houses in that area that currently has no air conditioning. He stressed that the proposed location of the units is in the back of the property, hidden by tall hedges, and therefore mostly invisible to pedestrians. Planner and Engineer for the applicant, Rami Nassar, further explained the current zoning of the property, referencing the enlarged poster plans (**Exhibit A**). He emphasized the importance of controlling humidity in the house in question, especially since it is a Contributing Historic Structure located within the Historic District of the City of Cape May. He echoed that the proposed location of the units is the best possible option for the property, in that the units would be least visible. Diagrams of the proposed platform to be constructed to hold the proposed units were passed out to the members for review (**Exhibit B**). Upon questioning from multiple Board members, the representation for the applicant clarified the make and model of the proposed units, and the measurements of the proposed platform. Board Member Mr. Murray and Chairperson Hutchinson questioned specifically the noise level and placement of the units, and if the neighbors would be affected. Applicant Brian Smith stated that the neighbors were aware of the location of the proposed units and had no issue with plans. The representation for the applicant stressed the quietness of the proposed units.

Craig Hurless, PE, PP, CME, Board Engineer then summarized his latest memorandum dated April 5, 2016. He reviewed the checklist items for the C and D variances (page 2 of 4) and stated that all waivers requests were supported. Mr. Hurless explained the single variance required, §525-9B(1) Table 1 Side Yard Set Back. He stated that there are other locations on the property for the units to be placed that would be conforming to regulations and therefore a variance would not be necessary. The General Review Comments (page 3 and 4 of 4) items 1-8 were reviewed and explained in detail, with all items being classified as conditions of approval.

Discussion was opened to the public within 200 feet at 7:00 PM.

James A. Testa, 1501 Beach Avenue, was sworn in and voiced support for the applicant's proposed work, citing that that property in question is the only house in the neighborhood without air conditioning.

Discussion was opened to the public beyond 200 feet and subsequently closed at 7:05 PM.

Motion was made by Mr. Murray to approve the §525-19B(1) Table 1 - Side Yard Setback variance, seconded by Mrs. Werner, and **carried 7-0**. Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Mr. Murray and Chairperson Hutchinson voiced their reasons for the votes in the positive.

Motion was made by Mr. Murray to approve Conditions of Approval numbers 1-8, with a verbal addition to item number 2 that the unit(s) installed, in regards to decibel rating, must be equal to or quieter than the unit(s) presented at the meeting, seconded by Mr. Mullock, and **carried 7-0**. Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Murray to approve Completeness Waiver Items 5, 19, 26, 27, and 33, seconded by Mrs. Werner and **carried 7-0**. Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

*Louis and Kathleen DeCarlo
1215 Maryland Avenue
Block 1133, Lot(s) 33, 34*

Stephen R. Nehmad, Esquire, James McAfee, Architect, and Carol Tutelian, Planner with Engineering Design Associates were sworn in and stated their credentials for the record.

The representative for the applicant, Stephen Nehmad, explained in detail the proposed demolition of the existing dwelling located on the property in question, and construction of a new single family home with a detached garage and driveway on a lot with existing non-conformities. He also detailed the variances being sought by the applicants for Lot Size, Lot Width and Frontage, and Lot Coverage.

Architect James McAfee gave a brief history of the current dwelling on the lot in question and neighboring structures, referencing plans presented on a poster (**Exhibit A-1**). (The architectural floor plans provided in the Board members' applications was deemed **Exhibit A-2**. Mr. McAfee answered all questions put forth by Mr. Nehmad, testifying that the proposed plans represent a better zoning and planning alternative than the existing dwelling because it will bring multiple non-conformities into compliance.

Carol Tutelian, Planner with EDA, testified that her office prepared the variance plan, landscaping plan, and grading and drainage plan included in the application. Ms. Tutelian testified in detail regarding the variances sought, referring to sheet one (1) of the site plan prepared by EDA (**Exhibit A-3**), which is a side-by-side view of the existing dwelling and the proposed dwelling, and an aerial view of the neighborhood in which the property is located (**Exhibit A-4**). Ms. Tutelian testified that 82.5% of the lots in the surrounding neighborhood are undersized, and that it is not possible for the applicants to purchase surrounding land in order to

bring the property into conformance, since the neighboring lots are all developed. Board member Mr. Murray questioned the use of pavers versus stone for the driveway, and suggested that the use pavers would be ideal and visually attractive. The applicants agreed.

Craig Hurless, PE, PP, CME, Board Engineer reviewed his latest memorandum dated April 1, 2016. He gave a brief explanation of the application, further detailing the proposed demolition of an existing non-conforming structure on an existing non-conforming lot, and construction of a completely conforming structure (in regards to zoning regulations) on an existing non-conforming lot. Mr. Hurless addressed the Checklist Waivers (page 2 of 4) item numbers 13 and 18, classifying them as conditions of approval. Mr. Hurless affirmed that the first three variances necessary are Lot Size, Lot Width, and Lot Frontage, and that since both the adjoining lots are developed, no additional lands could be acquired to satisfy the requirements. He also detailed the need for a Lot Coverage variance. He then reviewed the General Review Comments (page 4 of 4) Items 1, and 3-8, with verbal additions of items 9: Chapter 258 Flood damage protection, item 10: Compliance with appropriate Shade Tree Commission recommendations, and item number 11: Pavers to be used for driveway. All comments were classified as conditions of approval.

Discussion was opened to the public within 200 feet at 8:44 PM, then beyond, and subsequently closed with no public coming forward.

Motion was made by Mr. Mullock to approve the first three variances: §525-15B(1) Table 1 - Lot Size, §525-15B(1) Table 1 - Lot Width, §525-15B(1) Table 1 - Lot Frontage, seconded by Ms. Hesel, and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mrs. McAlinden to approve the §525-15B(2) - Lot Coverage variance seconded by Mrs. Werner, and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Mr. Murray and Chairperson Hutchinson voices their reasons for the votes in the positive for the record.

Motion made by Mr. Murray to approve the Conditions of Approval (page 4 of 4) Items 1, 3-8, with verbal additions of items 9: Chapter 258 Flood damage protection, item 10: Compliance with appropriate Shade Tree Commission recommendations, and item number 11; and item number 13 (page 2 of 4): Pavers to be used for driveway, seconded by Ms. Hesel and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Kim Russell
1053 Cape May Avenue
Block 1106, Lot(s)21 & 22.01

Applicant Kim Russell and Architect Christina Amey were sworn in. Mrs. Russell briefly introduced herself and highlighted the proposed demolition of the existing structure located on

the above-referenced property, and the construction of a new, two-story single family dwelling with four (4) bedrooms, referencing enlarged colored plans (**Exhibit A-1**). Mrs. Russell emphasized that in order to build the proposed home as "green" as possible, the garage must be detached, however her and her husband would like a cover or carport to attach the house to the garage for protection from rain/snow/etc. Having the garage attached to the home via the covering results in different set back requirements for the property, and ultimately puts larger distance between the garage and the property line than if the garage was detached.

Architect Christina Amey further detailed the proposed project, and emphasized the modesty of the proposed home size in relation to other homes in the neighborhood.

Board member Mr. Murray questioned the sizes of the surrounding homes on Cape May Avenue, and Mrs. Russell expounded on the topic. Board member Mr. Mullock questioned if a second floor would be located in the garage, and the applicant state that there would not be a second floor and that the window was for aesthetics.

Craig Hurless, PE, PP, CME, Board Engineer then summarized his latest memorandum dated April 6, 2016. He reviewed the checklist items for the C and D variances (page 2 of 5) and stated that waivers were supported for items 4, 20, 21, 24, and 28. Items 27 and 33 are classified as conditions of approval. Mr. Hurless explained the single variance required, §525-14.2(B) Table 1 - Rear Yard Set Back. He echoed the applicant's and architect's statements that the only reason Mrs. Russell is before the Board is due to wanting the garage to be connected to the proposed home via a covering, rather than completely detached. The General Review Comments (page 4 and 5 of 5) Items 1-12 were reviewed and explained in detail, with all items being classified as conditions of approval. Extensive discussion was undertaken regarding the Shade Tree Commission recommendations and landscaping of the proposed property.

Discussion was opened to the public within 200 feet at 8:18 PM.

Jane Elliott, 504 Philadelphia Avenue, spoke in support of the proposed project, reading from a statement with photos deemed **Exhibit P-1** that was distributed to the Board. Mrs. Elliott voiced that she and her husband would prefer the proposed garage be farther away from their house, but they absolutely not want to have a detached garage five (5) feet away from their property line, which would be Mrs. Russell's "back-up" plan if the Board does not approve the variance being sought.

Discussion was opened to the public beyond 200 feet at 8:21 PM.

Mary Waters, 1200 Cape May Avenue, spoke in support for the proposed plans and complimented the design of the proposed home.

Tom Christie, 1016 Cape May Avenue, spoke in support of the applicant and the homes she has produced as a builder throughout the community.

Discussion was closed to the public at 8:25 PM.

Motion was made by Mr. Murray to approve the §525-14.2(B) Table 1 - Rear Yard Set Back variance, seconded by Mr. Pontin, and **carried 7-0**. Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Mr. Murray voiced his reasons for motioning in the positive for the record.

Motion made by Mrs. McAlinden to approve Completeness Waiver Items 4, 20, 21, 24, 28, seconded by Mrs. Werner and **carried 7-0**. Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mr. Mullock to approve Conditions of Approval (page 4 and 5 of 5) item numbers 1-12, and item numbers 27 and 33 (page 2 of 5), seconded by Mr. Murray, and **carried 7-0**. Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made to adjourn at 8:50 PM by Mrs. McAlinden with all in favor.

*Glenn and Christien Hulse
409 Jefferson Street
Block 1086, Lot(s)4*

Robert Belasco, Esquire, Adam Crossland, Architect and Designer, and Christien Hulse, applicant, were sworn in and stated their credentials for the record. The representative for the applicant, Robert Belasco, gave a brief explanation of the proposed construction of a covered porch and open deck and the variances necessary for the project. Applicant Christien Hulse answered all questions put forth by Mr. Belasco, and testified that they are the only property on Jefferson Street without a porch. Adam Crossland, project Architect and Designer with Bachich Associates, detailed the proposed covered porch and open deck and existing lot measurements of the property, referring to plans dated March 29, 2016 (Exhibit P-1). He stated that since all the surrounding lots are developed, it would be impossible for the applicants to purchase additional properties to bring their lot size into conformity. Mr. Crossland answered all questions put forth by Mr. Belasco regarding the variances necessary for the proposed project, and the impact of the proposed improvements on the surrounding properties. He stated that adding the front porch and open deck to this property would allow for more continuity with the surrounding neighborhood.

Board Member Mr. Murray questioned features of the existing home, and the applicant and representation clarified. Pictures of the existing home were provided on the applicant's cell phone, which was passed around for the Board's review. Discussion ensued.

Craig Hurless, PE, PP, CME, Board Engineer then summarized his latest memorandum dated April 12, 2016. He explained the variances required in detail — §525-16.1(B) Table 1 - Lot Size, §525-16.1(B) Table 1 - Lot Width & Frontage, §525-16.1(B) Table 1 - Building Set Back, and §525-16.1(B) Table 1 - Side Yard Set Back. He echoed the statements of the applicant's representation that there is no available lands to acquire to make this lot conforming. The

General Review Comments (page 3 and 4 of 4) items 1-7 were reviewed and explained in detail, with all items being classified as conditions of approval. Extensive discussion was undertaken regarding the Shade Tree Commission recommendations and landscaping of the proposed property.

Board Attorney Richard King questioned if the house is located in the Historic District, and the representatives for the applicant stated that it is the only house on the block that is not located in the Historic District.

Discussion was opened to the public at 8:55 PM and subsequently closed with no public coming forward.

Motion was made by Mrs. McAlinden to approve the first three variances: §§525-16.1(B) Table 1 - Lot Size, §525-16.1(B) Table 1 - Lot Width, §525-16.1(B) Table 1 - Lot Frontage, seconded by Mr. Mullock, and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mr. Murray to approve the §525-16.1(B) Table 1 - Building Setback and §525-16.1(B) Table 1 - Side Yard Setback variances, seconded by Mr. Pontin, and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Chairperson Hutchinson voiced the reasoning for her vote in the positive for the record.

Motion was made by Mr. Mullock to approve Conditions of Approval (page 3 and 4 of 4) item numbers 1-7, seconded by Mrs. Werner, and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, and Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion to adjourn was made at 9:00 PM by Mrs. McAlinden with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.