

**City of Cape May Zoning Board of Adjustment Meeting Minutes  
Thursday, August 27, 2015**

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

<b>Roll Call:</b>	Mrs. Hutchinson, Chairperson	Present
	Mr. Furlin, Vice Chairperson	Present
	Mr. Iurato	Present
	Mr. Murray	Present
	Mrs. McAlinden	Present
	Mrs. Inderwies	Present
	Ms. Hesel	Present
	Mrs. Werner	Present

**Also Present:** Ron Gelzunas, Board Solicitor  
Jill Devlin, Board Assistant

**Minutes**

**Motion made by Mr. Furlin to approve the meeting minutes of July 30, 2015, with noted corrections,** seconded by Mr. Murray and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Applications**

***Dr. Andrew Drake – Site Plan Extension  
Parking Lot and New Office  
1302 Texas Avenue, Block 1159, Lot(s) 3-5***

Fred Schmidt, Attorney, opened by stating they were there to request a site plan extension from the most recent extension which was back in 2001. He passed around the site plan for the board members to see while giving an explanation of what appeared on the original site plan. He stated the original plans were approved by a resolution in April of 1986. The plans included an extension of his building and a parking lot. Currently there is no parking on site but there is ample room for parking. The last extension granted was February 14, 2001. He stated he now would like to get the parking lot going and is requesting a two year extension at this time. He read part of the 417-6G Ordinance, which allows the board to provide relief to extend a permit or approval even after the statutory extensions have expired, which is the case with this site plan.

Mrs. Hutchinson said she would like to hear Craig Hurless’s comments regarding the extension. Mr. Hurless stated he was not given any plans for this extension, this was the first he was reviewing them. Mrs. Hutchinson then asked what the procedure would be if Dr. Drake wants

to put the parking lot in from a plan from 1986, and if anything has changed since that time in the way parking would be put in there. Mr. Iurato stated they were under the impression they were just going to either vote yes or no on the extension of time. He questioned if plans would be presented at a future meeting for the actual construction of the parking lot. Mr. Murray agreed that he thought this would just be a granting for an extension of time. Mr. Murray asked if extensions expired and if they were allowed to be approved retroactively. Mr. Schmidt stated under the land use act there is a provision for up to 10 years of extensions, 5 years for a preliminary approval and another 5 years for final, and they have exhausted those. He stated the provision he read in the ordinance permits the board to grant an extension. He felt the extension would be beneficial to the community for the parking.

Mr. Hurless stated if he had sought all his extensions and followed the prescription for the maximum number of extensions for the site plan under preliminary and final approvals this project would have expired and lost its protection from Zoning. He noted Mr. Schmidt was referring to a section of the ordinance which is not necessarily consistent with the municipal land use law. The municipal land use law doesn't have that provision that says an extension can be granted for however long you want to. Typically when you grant an extension it goes back to the last extension and carries through for however long that the board sees fit. He believed that is what Mr. Schmidt was asking for. The last extension was 2001 which expired in 2003. Mr. Schmidt stated that as long as the zoning ordinance is the same and there have been no changes an extension could be granted.

Mr. Murray asked Mr. Gelzunas if this application could be revived. Mr. Gelzunas didn't see anything that could prevent them from doing that. Mr. Hurless then stated this was in the R2 zone when it was approved. The use variance is still preserved. He noted that looking briefly at the plans for the first time he knows that in 2006 or 2007 the city adopted new storm water regulations and was not sure if it would be consistent with the plans and the handicap space indicated on the plan is outdated.

Mr. Murray stated he felt there was not enough information to grant an extension of this application from 14 years prior. He felt the application should be brought back as a new application. Mr. Furlin and Mrs. Hutchinson agreed. **It was agreed by all parties that the application would be tabled until an amended site plan would come before the board for approval.**

*James & Amy Shimalla  
1016 Pittsburgh Avenue  
Block 1156, Lot(s) 11.01*

Lou Dwyer, Joe Courter, Architect and applicants James and Amy Shimalla were sworn in. Lou stated this was a single family attached dwelling. There is a rear concrete deck that they would like to replace with a small addition to the structure for additional habitable area as they will be utilizing this property as their year round residence.

Mr. Courter described the changes proposed. A 12x12 raised concrete patio with a setback of 18' is in the rear of the property. What they are proposing to do is incorporate this raised deck

and extend it three more feet and that would be a dining room and the kitchen would be right off the dining room. There would be a small deck with steps down to the ground area. He stated in total they would be adding 200sf of living area to the house. He also stated everything is well under what is required outside of the 18' setback, which is an existing situation and that would not be expanded with this change.

Craig Hurlless discussed his review memorandum dated July 27, 2015. The applicant is proposing to construct a 12x15 dining room and an 8x12 deck at the rear of the structure. Checklist waiver items 20, 21, 26, 27, 28 and 33 were supported. A rear yard setback was being requested for the addition. He stated he agreed with the applicant that the changes would not create any further non-conformity. Under general review conditions item numbers 1 through 8 and 10 should all be conditions of approval.

**The meeting was opened to the public at 7:10 PM.**

**Tom Rippman, 1333 Missouri Avenue, Cape May, NJ** was sworn in. He stated he was concerned about the changes that are taking place in Village Greene. His concerns were not for this application, he just wanted to let the Zoning Board know he is concerned with a lot of little changes to Village Greene with a lot of variances and to be careful not to expand too much and change the aesthetic of Village Greene.

**The meeting was closed to the public at 7:14 PM.**

**Motion was made by Mr. Murray to approve §525-17B(1) Table 1 – Rear Yard Setback**, seconded by Mr. Furlin and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Murray stated the reason for his vote and agrees it is a modest improvement, and that it will benefit the neighborhood with no detriment.

**Motion was made by Mr. Murray to approve the conditions on page 4, item numbers 1-8 and 10**, seconded by Mr. Furlin and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

*Dolores Libretti & Santo Mancino*  
*1317 Idaho Avenue*  
*Block 1150, Lot(s) 10, 11*

Mr. Iurato announced he needed to recues himself from this application as he lives within 200 feet.

Lou Dwyer, Joseph Ross, Architect and applicants Dolores Libretti and Santo Mancino were sworn in. Mr. Dwyer opened by stating this applicant, but for the fact that there is an accessory apartment of the above the garage, wouldn't be in front of the board. Mr. Ross stated that was

correct. As far as the design is concerned the entire project is designed to be totally conforming. Mr. Dwyer stated the changes being proposed were to the conforming part of the property. The single family residence that fronts on Idaho Avenue is the only thing being altered. Mr. Ross stated that was correct, there were no changes anticipated for the garage and the changes on the home are not increasing the occupancy. They are taking an upstairs bedroom that is more like an attic into a master bedroom and a bathroom. They are modest second floor changes to the existing single family dwelling. He stated he sees no detriment to granting the relief.

Mr. Furlin asked a question regarding the east side elevation.

Craig Hurless discussed his review memorandum dated July 27, 2015. There are two single detached family dwellings on the lot. That is a non conforming situation; only one use is permitted on each lot. The addition they are proposing would consist of an enlarged existing bedroom, bathroom and screened porch. They are only enlarging a bedroom that is already there. Checklist waivers 20, 21, 24, 26, 27, 28 and 33 were supported. The zoning requirements and variances were discussed. General Comments as conditions should be item numbers 1 through 9.

**The meeting was opened to the public at 7:27 PM and subsequently closed as no members of the public chose to speak.**

**Motion was made by Mr. Furlin to approve §525-15A Use Variance (Expansion of Non-Conforming Use),** seconded by Mrs. Inderwies and **carried 7-0.** Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Motion was made by Mr. Furlin to approve Conditions of Approval, page 4, item numbers 1 through 9,** seconded by Mr. Murray and **carried 7-0.** Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Motion was made by Mr. Furlin to approve Checklist Waivers 20, 21, 24, 26, 27, 28,** seconded by Mr. Murray and **carried 7-0.** Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

***Zyski Family Holdings, LLC  
1114 New York Avenue  
Block 1116, Lot(s) 8***

Hal Noon, project surveyor, Craig Hurless and the applicants were sworn in. Applicant Nancy King stated her name for the record. Mr. Dwyer described the property in the 1100 block of New York Avenue. He stated both sides of the streets are dominated by 2 to 2 ½ story buildings. The applicant's home is still a one story building. The applicant proposes to add a second floor to the property and improve the aesthetics at the same time. The relief being

sought is entirely for pre existing conditions. There is no opportunity to make the lot any larger than what it already is. The raising of the home will not come in any further to the side yard. Mr. Noon stated they were actually reducing it slightly in size. They are not asking for a building higher or larger than what's allowed. He also stated there would only be a slight change in ground coverage, pushing out the front porch slightly, but still conforming. Mr. Noon stated this is a very simple change, putting a second story onto the home. He believed there would be no detriment.

Mr. Furlin asked why the setbacks had changed slightly; Mr. Noon said that is due to removing the brick fascia on the front of the home. Mr. Furlin then complimented the applicant regarding the addition.

Craig Hurlless discussed his review memorandum dated August 21, 2015. It is a proposed second story addition to an existing single family detached dwelling. There will be a total of 4 bedrooms in the home. The checklist waivers 20, 21, 24, 25 and 26 were supported. Item 33 deals with landscaping. A more comprehensive landscaping plan should be provided as a condition of approval. He then reviewed the zoning table and the variances necessary for the application. He recommended that all items, numbers 1 through 7, under the general review comments be conditions of approval.

**The meeting was opened to the public within 200 feet at 7:41 PM.**

**Dorrie Laufman, 1125 New York Avenue, Cape May, NJ** was sworn in. She simply stated she was in support of the application.

**The meeting was closed to the public at 7:42 PM**

**Motion was made by Mr. Furlin to approve Checklist Waivers, 20, 21, 24, 25, 26**, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Motion was made by Mr. Furlin to approve Conditions numbers 1 through 7**, seconded by Mr. Murray and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Motion was made by Mr. Furlin to approve §525-15B(1) Table 1 Lot Size, §525-15B(1) Table 1 Lot Width and Lot Frontage, §525-14B(1) Table 1 Side Yard Setback (Each and Total)**, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**The meeting adjourned at 7:44 PM with all in favor.**

**Respectfully Submitted, Jill Devlin/Board Assistant.**