

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, February 26, 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.

Roll Call:	Mrs. Hutchinson, Chairperson	Present
	Mr. Furlin, Vice Chairperson	Present
	Mr. Iurato	Present
	Mr. Murray	Present
	Mrs. McAlinden	Absent - Excused
	Mrs. Inderwies	Present
	Mrs. Pharo	Present
	Ms. Hesel	Present
	Mrs. Werner	Present

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

Chairman Hutchinson welcomed two new members to the Zoning Board, Virginia Hesel and Terri Werner.

Minutes

Motion made by Mr. Iurato to approve the meeting minutes of January 22, 2015, seconded by Mrs. Pharo and **carried 6-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Resolutions

Motion made by Mr. Iurato to approve Resolution #02-26-2015:1, Emily and Cecil Moore, 1106 New Jersey Avenue, Block 1133, Lot(s) 19, 20, seconded by Mr. Furlin and **carried 5-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Motion made by Mr. Iurato to approve Resolution #02-26-2015:2, Richard and Barbara O'Keefe, 1229 Maryland Avenue, Block 1133, Lot(s) 19, 20, seconded by Mrs. Pharo and **carried 5-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Motion made by Mr. Furlin to approve Resolution #02-26-2015:3, Holly A. Tilford, 223.5 North Street, Block 1014, Lot(s) 18, seconded by Mr. Iurato and **carried 5-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Motion made by Mr. Iurato to approve Resolution #02-26-2015:4, Cynthia Wallace, 19 Second Avenue, Block 1014, Lot(s) 18, seconded by Mr. Furlin and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Motion made by Mr. Iurato to approve Resolution #02-26-2015:5, Pamela Deblasio, 727 Page Street, Block 1077, Lot(s) 9, seconded by Mr. Furlin and **carried 4-0.** Those in favor: Mr. Iurato, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Motion made by Mr. Murray to approve Resolution #02-26-2015:6, Peter and Deborah Perri, 1323 Maryland Avenue, Block 1132, Lot(s) 26, 27, seconded by Mr. Furlin and **carried 5-0.** Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Iurato to approve Resolution #02-26-2015:7, Alicia O'Donnell Walker, 215 Reading Avenue, Block 1132, Lot(s) 1, 2, seconded by Mrs. Inderwies and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Murray to approve Resolution #02-26-2015:8, Cape May Zoning Board Attorney, seconded by Mrs. Pharo and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Iurato to approve Resolution #02-26-2015:9, Cape May Zoning Board Engineer, seconded by Mr. Murray and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Applications

**Pamela Deblasio
727 Page Street, Block 1077, Lot(s) 9**

Board Attorney George Neidig asked the audience if there were any other attorneys in attendance representing any of the objectors or people in favor of this application.

Chairperson Diane Hutchinson also announced that the meeting would be stopped by 10:00 PM, if any carry over was needed it would be scheduled for the next meeting.

Sal Perillo, representing Pamela Deblasio, opened the presentation of the new application before the Board. He briefly discussed the prior meeting specifically regarding the Floor Area Ratio variance that was needed. The Board previously denied that variance. Mr. Perillo stated as a result of the previous denial of the Floor Area Ratio variance, and the comments made by the Board and objectors, they drafted a new plan which is much different than previously presented.

The home is now a smaller home, it is a cottage style, and the Deblasio's have now purchased the property. Mr. Murray asked Mr. Perillo if he was going to rely in any way on the prior proceedings and he stated no, this was an entirely new application.

William McLess, Architect; Tiffany CuvIELLO, Professional Planner; Cormac Morrissey, Professional Engineer; Marc and Pamela Deblasio, and Craig R. Hurless, Board Engineer were all sworn in and clarified their credentials for the record.

Mr. Perillo asked Mr. McLees to review the new design for this application. Mr. McLees reviewed the differences between the prior application and what was being presented to the Board. The height of the house has changed; the first floor elevation has been lowered to be at the flood elevation requirements. Mr. Perillo asked if Craig Hurless would verify the height and that all were in agreement. Mr. Hurless stated how the applicant described the height determination was correct. Based on the measurement the height indicated on the plans is 23' 1" where 35' is permitted. Mr. McLees then took the Board through the plans of the home. Exhibits A1, A2, and A3 were submitted to the Board. Diane Hutchinson asked if the FAR (Floor Area Ratio) had changed; Mr. Furlin questioned if one of the staircases at the front of the home was being removed due to an HPC request and Mrs. Inderwies asked if parking was allowed on Page Street.

Mr. Perillo asked Mr. Morrissey to explain to the Board the current configuration of the site and the current conditions that are on the property. Exhibit A4 was submitted into record. He talked about the drainage system, the parking and how it would change with the proposed home, and curbing to improve the street. Exhibit A5 presented to the Board depicted how the site obstruction being removed at the corner would improve traffic on Page Street. Currently the parking does not conform; a car does not fit into the existing carport and is in part of the right of way. Exhibit A6 was submitted into record which depicted the current parking situation. He then discussed the current flood elevation and the FEMA requirements and what is required to comply.

Mrs. Inderwies asked if the two parking spaces would be in a garage. Mr. Perillo asked that Mr. McLees explain where the parking spaces would be. Mr. McLees referred to exhibit A3 pointing out there will be one off street parking space and one will be located in the garage.

Mr. Perillo then asked Tiffany CuvIELLO, Professional Planner, to explain to the board what the existing non conformities are with regard to the existing building, and then compare that with what would happen if the building were raised or if the new building being proposed were approved and constructed. Ms. CuvIELLO then proceeded to go over the variances being requested for the non conformities in detail.

Mr. Perillo asked if the applicant were to raise the existing structure would the existing non-conformities be reduced. Ms. CuvIELLO noted they would not be reduced, they would still remain. She stated that each one of the conditions they were asking a variance for were an improvement.

Mrs. Inderwies questioned the height of the new building. Ms. CuvIELLO went over a comparison of the surrounding homes in the neighborhood to illustrate they were now comparable.

There were no more questions from the board.

Craig Hurless discussed his review memorandum dated January 9, 2015. He reviewed a summary of the zoning requirements and the variances being requested. He did note the building height on the chart in his report was incorrect; the correct building height is measured from 11/1929 NGVD which is the vertical datum, and is 23'1" which conforms where 35' is the maximum. The general review comments were discussed and items were noted that should be conditions of approval. The landscaping package proposed was discussed. It is a shrub package located in the City right of way. It also proposed a 4' high decorative fence that is also located in the right of way. Because the fence is proposed in the sight triangle the Board Engineer recommended the fence be removed or taken out of the sight triangle to make the intersection safer. In certain cases, the City has allowed landscaping to be provided in the right of way but there needs to be a peculiar condition that requires that. Since there had been no testimony noting that, possibly since there is grass behind the right of way the landscaping could be flipped.

Mr. Perillo stated they understood the issue and suggested they agree to move the landscaping back unless the City approves the landscaping in the right of way. The board was fine with the Engineer's agreement to the proposal.

There were no questions from the board.

The meeting was opened to the public at 7:45 PM to anyone within 200 feet.

George Neidig explained to any members of the public who wished to testify they would be sworn in and would need to state their name and address as well.

Joe McCauley, 813 Columbia Avenue. Mr. McCauley voiced his concerns regarding the streetscape and the lot size variance being requested.

Ron DeLuca, 725 Page Street. He had numerous concerns about the screened front porch and deck in front of the house and questions regarding encroachment onto Page Street. He also submitted numerous exhibits to reflect his objections.

William Gaffney, 810 Columbia Avenue. He stated his objections regarding the property and how he believed it would affect the National Historic Landmark status.

Eric Neuffer, 808 Corgie Street. He stated his objections for homes being built on undersized lots.

Ted Anderko, 815 Columbia Avenue. He stated how often he has called the police for parking issues and ensures cars do get moved. He also stated the parking at the other Deblasio residence

is not bad. He is glad the current house is being demolished and feels the new home a betterment to the neighborhood and helps resolve some of the parking issues.

Harley Shuler, 722 Corgie Street. He stated he liked the changes they made but felt it could possibly go down a little more in size. He also stated his concerns about the historic district.

Theodore E. Weiderseim, 509 Franklin Street. He stated his only concern with the property was usage and the traffic, and the one way direction of Franklin Street. He sees many cars go the wrong way on Franklin Street.

Sal Perillo closed by reiterating the positive changes to the proposed plan.

Mr. Deblasio stated they spent a lot of time on the project to address all concerns that were expressed to them and they feel they have met them. If the existing structure were to be raised it was cause more variances than what they were seeking with this application.

Motion made to approve completeness waivers 20, 21, 31 and 32 by Mr. Murray, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Murray to approve the Variance for Lot Size, seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mrs. Pharo to approve the Variance for Building Setback on Page Street and Jefferson Street, seconded by Mr. Murray and **carried 5-2**. Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: Ms. Hesel, Mr. Iurato. Those abstaining: None.

Motion made by Mr. Murray to approve the Variance for Rear Yard Setback, seconded by Mr. Furlin and **carried 5-2**. Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: Mr. Iurato, Ms. Hesel. Those abstaining: None.

Motion made by Mr. Murray to approve the Variance for Side Yard Setback, seconded by Mrs. Pharo and **carried 5-2**. Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: Ms. Hesel, Mr. Iurato. Those abstaining: None.

Motion made by Mr. Murray to approve the Variance for Lot Coverage, seconded by Mr. Furlin and **carried 5-2**. Those in favor: Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson. Those opposed: Mr. Iurato, Ms. Hesel. Those abstaining: None.

Motion made by Mrs. Pharo to approve the Conditions of Approval, 1, 2, 3 and 5 through 17, seconded by Mr. Furlin and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr.

Murray, Mrs. Pharo, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

A five minute recess was taken at 8:51 PM.

The meeting resumed at 9:00 PM.

Chairperson Diane Hutchinson announced that due to the length of the first application, the Ocean Club application requested to be rescheduled to the March 26, 2015 Zoning Board meeting.

Scott Peter
910 Wenonah Avenue
Block 1087, Lot(s) 1

Scott Peter, applicant, Hal Noon, PLS and Craig R. Hurless, Board Engineer, were sworn in and clarified their credentials for the record.

Lou Dwyer questioned Mr. Noon if this was truly an isolated undersized lot. Mr. Noon agreed stating it was one of many in that particular neighborhood. He prepared an exhibit, A1, which shows the undersized lots in the neighborhood. All of the other lots do have homes on them. Exhibit A2, a smaller rendering of the home proposed for the lot was given to the Board members for review. The applicant stated he had the house designed specifically for this lot and to fit nicely into the neighborhood while adhering to all FEMA requirements.

Mr. Murray questioned if the alley that runs along the side of the property is a public alley way, the applicant confirmed that it was. Mrs. Inderwies asked if the alley would be the access to the parking. Mr. Noon confirmed the alley was a public right of way and all the homes there utilized the alley for access to parking at their homes.

Craig Hurless reviewed his latest memorandum dated January 26, 2015. He reviewed the checklist items for the C and D variance. Items 20, 21, 24 and 26 were supported. Item 28 still needs to be provided as a condition of approval. The variances being requested were reviewed, as well as the general review comments.

The meeting was opened to the public within 200 feet of the property at 9:15 PM.

Trudy Sanchez-Lazer, 908 Wenonah Avenue. She stated she liked the plans for the new home; her only concerns were water discharge into the alley because it is already a problem, and that all the neighbors on the alley are able to get to their garages.

The applicant stated the drainage will be improved with the building of the home and the access to the garages would not be obstructed at all.

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

Motion made by Mrs. Pharo to approve the Variance for Floor Area Ratio, seconded by Mr. Iurato 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 made by Mr. Iurato to approve the Variances Lot Size, Lot Width & Lot Frontage, and Minimum Ground Floor Area, seconded by Ms. Hesel and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made by Mr. Iurato to approve the Conditions of Approval #28 and 1 through 8, seconded by Mrs. Pharo and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. Pharo, Ms. Hesel, Mr. Furlin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion made to adjourn at 9:30 PM by Mr. Murray with all in favor.

Respectfully Submitted, Jill Devlin/Board Assistant.