

**City of Cape May Zoning Board of Adjustment Meeting Minutes  
Thursday, July 30, 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:** George Neidig, Board Solicitor  
Jill Devlin, Board Assistant

Mrs. Hutchinson announced that a member of the Board had passed away, Marilyn Pharo, and a moment of silence was held in her memory.

**Minutes**

**Motion made by Mr. Furlin to approve the meeting minutes of June 25, 2015,** seconded by Mr. Iurato and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: Mrs. Inderwies, Mr. Murray.

**Applications**

**Motion made by Mr. Murray to table the Ocean Club application to the September 24, 2015 meeting,** seconded by Mr. Furlin and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Scott Peter**  
**511 Bank Street**  
**Block 1054, Lot(s) 18**

Lou Dwyer opened by introducing the applicant Scott Peter and Hal Noon, Surveyor and Planner. Scott Peter, Hal Noon and Craig R. Hurless were sworn in and stated their credentials for the record.

Mr. Iurato stated before the application review started, that on page 8 a correction was needed as to the number of bedrooms, as well as the narrative, the square footage needed to be corrected.

Mr. Dwyer stated this was an isolated undersized lot, with buildings on adjoining properties with no opportunities to expand the lot. It is also an irregular shaped lot. There is currently a home on the lot that needs replacement. The applicant has gone to the HPC receiving conceptual approval. Mr. Noon briefly reviewed the variances involved with the application. The applicant then discussed his home design for the oddly shaped lot and answered some questions from the board members.

Craig Hurless reviewed his latest memorandum dated June 25, 2015. The applicant is proposing to demolish the existing structure and construct a new home on an existing non conforming lot. Regarding the completeness review, all waivers requested were supported. Mr. Hurless discussed the zoning requirements and reviewed the variances being requested. The general review comments on pages 4 and 5 of the report should all be conditions of approval.

There were no questions from the Board.

**The meeting was opened to the public at 6:56 PM.**

Ann Marie Colonna, 515 Bank Street, Cape May, NJ expressed her satisfaction with the project and stated she felt it would be an improvement in the neighborhood.

Howard Viguers, 501 Broad Street, Cape May, NJ, stated they were looking forward to the project as it will be a big improvement.

**The meeting was closed to the public at 6:59 PM.**

**Motion made by Mrs. Inderwies to approve the Completeness Waivers 20, 21, 24, 26, 27,** seconded by Mr. Furlin and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Murray to approve §525-52 Floor Area Ratio (FAR Use Variance),** seconded by Mr. Furlin and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Iurato to approve §525-16.1B(1) Table 1 Lot Size, §525-16.1B(1) Table 1 Lot Width,** seconded by Mrs. McAlinden and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Furlin to approve Conditions, page 4 and 5, numbers 1 through 14; correction on page 8 to correct the number of bedrooms and the narrative to reflect the**

**correct square footage**, seconded by Mr. Iurato and **carried 8-0**. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**The Board took a short recess at 7:03 PM.**

**The meeting resumed at 7:07 PM.**

### **CCK Equities**

**“West End Garage and Bakery”**

**482 and 484 West Perry Street**

**Block 1032, Lot(s) 8, 9, 13.02, 14**

Louis Dwyer stated he was representing the applicant Curtis Bashaw of CCK Equities and Vincent Orlando was also in attendance.

Curtis Bashaw, Vincent Orlando and Craig R. Hurless were sworn in and clarified their credentials for the record.

Mr. Dwyer opened with a brief history of the West End Garage and the bakery that is currently next door. The bakery has been for sale for quite some time; Mr. Bashaw is under contract to purchase the bakery with the idea of marrying the two buildings together to have similar uses. He asked Mr. Bashaw to describe the details of what he envisioned for both properties. He would like to add two breezeways to connect the two buildings to be more conducive to shoppers. There would be no expansion or increase in size, the only addition would be the connectors between the buildings.

Mrs. Hutchinson asked if the space between the two buildings would be a garden area or landscaped. Mr. Bashaw stated it would be a garden space visible from both buildings. Mr. Murray asked about the parking if there had been any investigation into getting any additional parking in that area. Mr. Dwyer stated there is no ability to get extra parking, but they will most likely be adding more bike racks. Mr. Bashaw stated West Cape May did expand parking along Park Boulevard which has been helpful in that area. Mr. Furlin asked about internal seating, there is none mentioned in the application but there are seats reflected on the plans. Mr. Hurless asked what the actual use is proposed to be. He asked the applicant to state the specific uses being sought, if they were consistent with the former West End use variance. Mr. Bashaw stated the size of the bakery would depend on the success of the bakery. He is planning to move the bakery functions from the hotels over to consolidate them and have a retail portion in the front of the bakery. Mr. Hurless stated the uses they had listed were retail, office, warehouse, light industrial and bakery. Mr. Bashaw stated that in the existing West End Garage years ago they had thought about consolidating and putting offices there, which they ended up not doing. Mr. Hurless stated that his concern was “light industrial” which is a very broad spectrum to introduce into a residential area. Mr. Bashaw stated at one point they also considered a laundry facility but opted not to do that either and they don’t plan to do that in the future. What he noted he could see was perhaps an artisan that makes bird houses as an example, and has a booth there in the West End Garage. Mr. Hurless stated he just wanted to make sure whatever the Board

granted needs to be specific in the decision and resolution, and he also wanted to make sure that the applicant is getting the uses he is requesting. Mr. Hurless also stated that in order for the Board to approve this application they would need to deal with a parking calculation. If this is being considered retail, that generates the most parking. If they are going to grant the variance for parking they can do that. If the application changes a portion to the warehouse it's not going to be impacted by the limit set on the variance.

There were no questions from the Board. Vince Orlando then gave an overview of the project and the variances being requested. He stated they need the FAR Variance because of the connectors proposed between the two buildings. Mr. Iurato asked where additional bike racks that are proposed could be located. Mr. Bashaw stated they would be putting additional bike racks on the side of the bakery since they cannot put any out front on the sidewalk. Mr. Iurato also asked about signage, stating presently the bakery has 16.8 square feet of signage. He asked if they were going to reduce the bakery, why is there a need to increase the signage to 40 square feet. Mr. Bashaw stated the sign would be on the front of the building. The sign will look like the current West End Garage sign. Mr. Dwyer also brought up the issue regarding outside seating. He stated that in no way was it going to be a restaurant, it was simply convenience seating. He said if the Board said no they would honor that, but they would like the Board to reconsider taking those tables out. Mr. Murray stated that is the way it is now in the bakery. Mr. Hurless stated indoor tables would affect the parking calculation and it would need to be addressed as well.

There were no more questions from the Board. Craig Hurless then reviewed his latest memorandum dated June 17, 2015. The applicant is seeking a use variance along with other variances, and preliminary and final site plan for retail, warehouse and bakery use. Completeness waivers requested were all supported. He reviewed the details required for preliminary site plan approval, with a condition the plan must be provided in digital format. The zoning requirements were reviewed as well as the variances being requested. Mr. Hurless remarked about the fence that is currently along the rear; Mr. Bashaw stated that fence would be replaced the full length of the common property line. The fence will be a 5' high solid wood fence. The parking variance was reviewed in detail since there were modifications made during the application presentation. Mr. Hurless stated he did include a total of 16 outdoor seats into that calculation and added he felt an additional 16 indoor seats needed to be added, which would bring a need for an additional 4 parking spaces for 78 total. The site plan and general review comments were discussed with all items being conditions of approval. Mr. Hurless also noted a deed of consolidation needed to be provided as a condition of approval. Lighting and the loading area were also discussed.

There were no more questions from the Board for Mr. Hurless.

**The meeting was opened to the public at 8:00 PM.**

John Carr, representing Cape May Lumber Company, expressed his concerns regarding the project, specifically the loading zone. He would like if possible that the area where there is street parking in front of the bakery and West End Garage be a loading zone.

**The meeting was closed to the public at 8:10 PM.**

**Motion made by Mr. Furlin to approve the checklist waivers, numbers 24, 26, 27, 28,** seconded by Mr. Iurato and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Murray to approve Site Plan Waivers 3 (v) and (w),** seconded by Mr. Iurato and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Iurato to approve §525-15A Use Variance (Expansion of Non-Conforming Use), §525-52 Floor Area Ratio (FAR),** seconded by Mr. Furlin and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Murray to approve §525-15B(1) Table 1 Building Setback Variance, §525-15B(1) Table 1 Rear Yard Setback Variance, §525-15B(1) Table 1 Side Yard Setback (Total) Variance, §525-14B(2) Lot Coverage Variance, §525-48G Signage Variance, §525-54 Parking Spaces Variance, §525-50 Loading Space Size & Standards Variance,** seconded by Mr. Iurato and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Furlin to approve Conditions on page 7 and 8, items 1 through 14, with additional conditions of providing proof of deed consolidation for the four lots; final site plan to be provided in digital format; 16 indoor and 16 outdoor seats instead of no indoor seats to be verified by the applicant; 5' foot wood solid fence be noted on the plans between lots 13.02 and 13.01; the surface of the loading zone remain the same,** seconded by Mr. Murray and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion made by Mrs. McAlinden to approve preliminary and final site plan,** seconded by Mr. Iurato and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Murray, Mrs. McAlinden, Ms. Hesel, Mrs. Werner, Mrs. Hutchinson, Mr. Furlin. Those opposed: None. Those abstaining: None.

**Motion to adjourn made by Mr. Furlin,** seconded by Mr. Murray, with all in favor at 8:20 PM.

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