

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, March 23, 2017

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 6:00 P.M.

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| Roll Call: | Mrs. Hutchinson, Chairperson | Present |
| | Mr. Iurato, Vice Chairperson | Present |
| | Mr. Murray | Present |
| | Mrs. McAlinden | Absent-Excused |
| | Mrs. Werner | Present |
| | Ms. Hesel | Present |
| | Mr. Van de Vaarst | Present |
| | Mr. Mullock (Alt. 1) | Present |
| | Mrs. Lukens (Alt. 2) | Present |

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

Minutes:

Motion made by Mr. Murray to adopt the minutes of February 23, 2017, seconded by Mrs. Werner and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Resolutions:

Motion made by Mrs. Werner to approve Resolution number 03-23-2017:1 Ocean Club Hotel C.M., 1035 Beach Avenue, Block 1101, Lot(s) 2, 3, 4, seconded by Mr. Van de Vaarst and **carried 5-0.** Those in favor: Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Mullock.

Mr. Iurato claimed he had "no vote" due to his voting in the negative for the application originally.

Board Attorney Richard King, Esquire, announced that the application for Philip Johnson, 209 Queen Street, Block 1097, Lot(s) 1, was adjourned to the Zoning Board of Adjustment scheduled on April 27, 2017 at 6:00 PM in the City Hall Auditorium. Official notice will be published by the applicant in a local newspaper, but no other form of notice will be served.

Applications:

George & Marie Koumaras

214 North Street

Block 1030, Lot(s) 4

Jason Neil, Project Architect, Tiffany CuvIELLO, Professional Planner, and Board Engineer Craig Hurless, PE, PP, CME were sworn in and stated their credentials for the record.

The representative for the applicant, Keith Davis, Esquire, gave a brief overview of the proposed construction of a second floor expansion and third floor addition over the existing two story dwelling. The number of bedrooms is proposed to be increased from three (3) to four (4) rooms. The total floor area proposed is 1,950 square feet.

Project Architect, Jason Neal, then described the existing conditions of the home and property and the proposed improvements, referring to **exhibit A-1**: plan package supplied to Board members. He detailed the proposed vertical expansion of the home, the existing a proposed zoning conditions, and the existing and proposed parking conditions. He stated that there is currently no on-site parking at the property, and that the owners have a permit through the City of Cape May to park on the street. Mr. Neal also maintained that there is no intent to disturb any existing landscaping.

Professional Planner, Tiffany CuvIELLO, detailed the variances being sought by the applicant at length. She explained that the habitable floor area deficiency is being exacerbated by the proposed elevator, and emphasized that the proposed third floor addition would include a master suite with a private bath for the homeowners, who have recently become year-round residents.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated December 12, 2016. He reviewed the checklist items for the C and D variances (page 2 of 4) and stated that as an addition to item 33 a note should be provided on the plans that all existing vegetation will be preserved. Mr. Hurless explained the seven (7) variances required in detail (pages 3 of 4):

1. §525-19B(1) Table 1 Lot Size per family
2. §525-19B(1) Table 1 Lot Width
3. §525-19B(1) Table 1 Lot Frontage
4. §525-19B(1) Table 1 Habitable/Ground Floor Area
5. §525-19B(1) Table 1 Rear Yard Setbacks
6. §525-19B(1) Table 1 Side Yard Setbacks
7. §525-49C Off Street Parking - Number of Spaces

The General Review Comments 1-10 (page 4 of 4) were reviewed and explained in detail, with item numbers 1-3, and 5-10 being classified as conditions of approval.

Discussion was opened to the public within 200 feet at 6:30 PM.

George Lesser, 207 Congress Place- Stated that the proposed expansion would have a negative effect on the neighborhood. The total square footage of the proposed additions were then clarified for the Board members, professionals, and public.

Discussion was then opened to the public beyond 200 at 6:35 PM and closed with no public coming forward to comment.

Motion was made by Mr. Murray to approve §525-19B(1) Table 1 Lot Size, §525-19B(1) Table 1 Lot Width & Frontage, §525-19B(1) Table 1 Habitable Ground Floor Area, §525-19B(1) Table 1 Rear Yard Setbacks, §525-19B(1) Table 1 Side Yard Setbacks, §525-49C Off Street Parking-Number of Spaces 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 December 12, 2016, seconded by Mr. Iurato and carried 7-0. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Iurato, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, and Mrs. Hutchinson all stated their reasons for their votes in the positive for the record.

***The Mad Batter, Inc.
19 Jackson Street
Block 1041, Lot(s) 27***

Matthew Hender, Professional Planner, and Mark Kulkowitz, owner, were sworn in and stated their credentials for the record.

The representative for the applicant, Robert Belasco, Esquire, gave a brief summary of the proposed construction of a 905 square foot structured and enclosed roof over the existing front porch deck. Mr. Belasco stressed that no change in the building footprint is proposed. Mr. Belasco explained that in the RS Zoning District (in which the property is located) hotels/motels and restaurants are not a permitted use, and therefore a Use Variance for expansion of a non-conforming use is necessary.

Mark Kulkowitz, owner, detailed the long history of the property and structure of the Carol Villa Motel and The Mad Batter Restaurant. Mr. Kulkowitz maintained that his father started the business in 1976, with the restaurant predating that time in the same location. He described the current condition of the existing porch, emphasizing its disrepair. He stated that the porch had been "band-aided" over the years, but that it is now due for an extensive renovation. Mr. Kulkowitz also explained the current parking situation for the property, detailing the 20 parking spaces he purchases at the Bank Street parking lot. He stated that most of his patrons walk or park at parking meters.

Matthew Hender, Planner, detailed the variances being sought by the application in depth, maintaining that no expansion of the existing footprint is proposed. Mr. Hender stated that the proposed renovation would result in no change to the number of restaurant seats (180 seats). He emphasized that the project would result in a significantly more positive visual environment for the community, and that there would be no negative impacts.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated February 3, 2017. He reviewed the checklist items for the C and D variances (page 2 of 5), with waiver requests for items 4, 19, 26, and 33 being supported. Mr. Hurless explained the four (4) variances required in detail (pages 3 and 4 of 5):

1. §525-19A Use Variance (Expansion of Non-Conforming Use)
2. §525-19B(1) Table 3 Lot Size
3. §525-19B(1) Table 3 Building Setback
4. §525-19B(1) Table 3 Side Yard Setback

In response to the testimony provided, it was deemed necessary to also consider granting a parking variance for the existing 84 parking space deficit (which will not be exacerbated by the proposed renovation). Mr. Hurless also indicated that there are 19 hotel rooms and 180 restaurant seats currently existing, and since there will be no change in the number of seats, a site plan review and approval would not be required. The General Review Comments 1-9 (page 4 and 5 of 5) were reviewed and explained in detail, with item numbers 1 and 2 having already been addressed and 3-9 being classified as conditions of approval.

A short break was taken at 7:10 PM.

The meeting resumed at 7:20 PM.

Additional discussion was undertaken regarding the required parking variance.

Discussion was opened to the public within 200 feet at 7:30 PM, then beyond 200 feet, then closed with no public coming forward to comment.

Motion was made by Mr. Iurato to approve §525-19A Use Variance (Expansion of Non-conforming Use), §525-19B(1) Table 3 Lot Size, §525-19B(1) Table 3 Building Setback, §525-19B(1) Table 3 Side Yard Setback variances, and a parking variance for number of spaces, with waiver numbers 4, 19, 26, and 33 (page 2 of 5) being granted, 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 February 3, 2017, seconded by Mr. Murray and carried 7-0. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Iurato, Mrs. Werner, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, and Mrs. Hutchinson all voiced their reasons for their votes in the positive for the record.

Motion made by Mr. Murray, seconded by Mr. Mullock, to adjourn the meeting at 7:40 PM with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.