

**City of Cape May Zoning Board of Adjustment Meeting Minutes**  
**Thursday, May 25, 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.

<b>Roll Call:</b>	Mrs. Hutchinson, Chairperson	Present
	Mr. Iurato, Vice Chairperson	Present
	Mr. Murray	Present
	Mrs. McAlinden	Present - Arrived at 6:12 PM
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Van de Vaarst	Present
	Mr. Mullock (Alt. 1)	Absent - Excused
	Mrs. Lukens (Alt. 2)	Absent - Excused

**Also Present:** Richard King, Board Solicitor  
Craig Hurless, PE, PP, CME, Board Engineer  
Tricia Oliver, Board Assistant

**Resolutions:**

**Motion made by Mr. Iurato to approve Resolution number 05-25-2017:1 Philip Johnson, 209 Queen Street, Block 1097, Lot(s) 1, seconded by Ms. Hesel and carried 4-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Van de Vaarst, Mr. Murray.

**Motion made by Mr. Iurato to approve Resolution number 05-25-2017:2 Cape Escape, LLC., 1601 Beach Avenue, Block 1185, Lot(s) 23, 24, as amended, seconded by Ms. Hesel, and carried 4-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Van de Vaarst, Mr. Murray.

**Motion made by Mr. Iurato to approve Resolution number 05-25-2017:3 Peter & Lorraine Baldwin, 905 Washington Street, Block 1094, Lot(s) 22, seconded by Ms. Hesel, as amended, and carried 4-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Van de Vaarst, Mr. Murray.

Boar Attorney, Rich King, announced that the Carl Depativo application would be moved to be heard second due to the variances involved and total votes needed by the board.

**Applications:**

*Holly Brown*  
*1302 Massachusetts Avenue*  
*Block 1143, Lot(s) 1*

Holly Brown, applicant, representing herself and Board Engineer Craig Hurless, PE, PP, CME were sworn in and stated their credentials for the record.

The applicant, Holly Brown, gave a brief overview of the proposed rear addition, including that the current dwelling only covers approximately 20% of the lot, which is irregular when compared to neighboring lots. Current lot has what the applicant explained as three (3) front yards, and neighbors agree that the changes proposed will be appealing to the area, since work or updates have not been done in about 60 years.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated April 14, 2017. He reviewed the irregularity of the lot, including 3 street frontages. Mr. Hurless explained the one (1) variance required in detail (page 3 of 5) §525-15B(1) Table 1 Building Setback, addressing the unnecessary need for additional variance for Off-Street Parking since the applicant agreed to provide two (9'x18') parking spaces as a driveway at the location of the existing curb cut. As a condition of approval, applicant must provide revised site plans to include this driveway, as well as follow recommendations set forth by the Shade Tree Commission; of which the applicant replied that she has already made efforts to abide by such recommendations.

1. §525-15B(1) Table 1 Building Setback

The General Review Comments 1-14 (pages 4 & 5 of 5) were reviewed and explained in detail, with item numbers 2-12, and 14 being classified as conditions of approval.

**Discussion was opened to the public within 200 feet and beyond at 6:15 PM, and closed with no public coming forward to comment.**

**Motion was made by Mr. Murray to approve §525-15B(1) Table 1 Building Setback variance with waiver numbers 13 and 19 (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 April 14, 2017 seconded by Mr. Van de Vaarst and carried 6-0. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.**

Board Member Claire McAlinden did not vote on the application, as she arrived at 6:12 PM.

***Carl Depativo  
1515 Yacht Avenue  
Block 1160, Lot(s) 13, 14, & 14.01***

The representative for the applicant, Ronald Gelzunas, Esquire, Joe Maffei, EDA, Professional Planner, and owner Carl Depativo, were sworn in and stated their credentials for the record.

The representative for the applicant, Ronald Gelzunas, Esquire, gave a brief summary of the proposed construction of a second floor structure, interior renovations to first floor with no

creation of new floor area, as well as proposed removal of a ground floor deck to create two (2) parking spaces. Mr. Gelzunas also stated that the proposed addition and renovations have previously been approved by the Historic Preservation Commission.

Joe Maffei, EDA, detailed the existing conditions of the property and current dwelling, referring to Exhibit A (photos) provided in the application. Mr. Maffei then addressed the removal of the present deck on the ground floor, explaining that the new layout for two (2) parking spaces, yet ideal for the narrow street, will not meet standards for size, therefore a variance for §525-49A & C Off-Street Parking (Size and Number) is requested. Mr. Maffei also specified existing variances; including lot size/width, frontage, building setback, with not exacerbation of existing front yard setback; detailing the variances being sought by the application in depth, maintaining that no expansion of the existing footprint is proposed. He also explained that the row of homes on Yacht Avenue are all over water, therefore it is of no detriment to the area by not conforming to the required 5 foot side yard setback, since there is no usable space and proposed vertical expansion will simply follow the unique look of the street. Furthermore, it was expressed by Mr. Maffei that the proposed vertical expansion would in fact be more esthetically appealing, specifying that the roof change will fit in with the historic ideal without being a true contributing building within the historic district.

It was stated for the record that there was an error on the Board Engineer's report in regards to Zoning Requirements on existing Floor Area Ratio. An adjustment was made.

Board Engineer Craig Hurless, PE, PP, CME, expressed his concern for complying to the flood variance with the proposed relocations of a bathroom and kitchen on the first floor, explaining that this would trigger raising the home if said improvements exceed 50% of the market value; also granting a variance from this flood code would have to be heard by the Planning Board as an appeal. Mr. Hurless then opened up a short discussion of variances to be approved should Mr. Depativo choose to move forward with or without the first floor renovations.

Ronald Gelzunas, Esquire, and the applicant, Carl Depativo, both confirm not moving forward with any first floor renovations; revised plans will be submitted amending the relocation of the bathroom and kitchen.

Board Vice Chair, Bill Murray clarified which plans would in fact be revised, indicating so on the provided site plans in the application.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated April 10, 2017. Mr. Hurless confirmed that the eaves of roof would be removed from the structure, but this will not change side yard setback. He also expressed that he could not recommend moving forward with any of previously proposed renovations of the first floor, since it is under base flood level. Mr. Hurless reviewed the checklist items for the C and D variances (page 2 of 6), with waiver requests for items 19, 23, 24, 26, 27, 28, 29, 30, and 33 being supported. Mr. Hurless explained the ten (10) variances required in detail (pages 4 of 6):

1. §525-18B(1) Table A      Lot Size per dwelling unit
2. §525-18B(1) Table A      Lot Width & Lot Frontage

3. §525-18B(1) Table A Building Setback
4. §525-18B(1) Table A Habitable Ground Floor Area
5. §525-18B(1) Table A Rear Yard Setback
6. §525-18B(1) Table A Side Yard Setback (Each & Total)
7. §525-18B(1) Table B Lot Coverage
8. §525-52 Floor Area Ratio (FAR) - N.J.S.A. 40:55D-70(d)(4)
9. §525-49A & C Off-Street Parking (Size and Number)
10. §525-56A Clear Sight Triangle

The General Review Comments 1-10 (pages 5 of 6) were reviewed and explained in detail, with item numbers 1-11, and the addition of item number 12, to include that renovations to the first floor are in fact no longer proposed and will be reflected on revised site plans; being classified as conditions of approval.

**Discussion was opened to the public within 200 feet at 7:05 PM**

**Mark Platzer, 1523 & 1525 Yacht Avenue**, spoke in favor of the application, citing for the record that the proposed is a big improvement to the street.

**Robin Gilbert, 1517 Yacht Avenue**, spoke in favor of the application, citing for the record she resides in the home directly adjacent to the applicant.

**Kathy Sigerson, 1521 Yacht Avenue**, spoke in favor of the application, citing for the record that the proposed is maintaining the character of the street.

**Discussion was opened to the public beyond 200 feet at 7:10 PM, and closed with no public coming forward to comment.**

**A short break was taken at 7:15 PM**

**The meeting resumed at 7:25 PM**

**Motion was made by Mr. Murray to approve §525-18B(1) Table A Lot Size per dwelling unit, §525-18B(1) Table A Lot Width & Lot Frontage, §525-18B(1) Table A Building Setback, §525-18B(1) Table A Habitable Ground Floor Area, §525-18B(1) Table A Rear Yard Setback, §525-18B(1) Table A Side Yard Setback (Each & Total, §525-18B(1) Table B Lot Coverage, §525-52 Floor Area Ratio (FAR) - N.J.S.A. 40:55D-70(d)(4), §525-49A & C Off-Street Parking (Size and Number), §525-56A Clear Sight Triangle, with waiver numbers 19, 23, 24, 26, 27, 28, 29, 30, and 33 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 April 10, 2017, seconded by Mr. Van de Vaarst and carried 7-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.**

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

***VT Urban Renewal, LLC  
Victorian Towers  
608 Washington Street  
Block 1058, Lot(s) 1 & 34***

The representative for the applicant, Nicholas Talvacchia, Esquire, Jelena Balorda-Barone, Professional Engineer, James "Jamie" Reynolds, Executive Director of Diocesan Housing Services Corporation of the Diocese of Camden, Ray Liotta, Licensed Landscape Architect and Planner at Maser Consulting PA and Erica Scharr, Senior Manager/Department Head of Affordable Housing at Kramer Marks Architecture, were sworn in and stated their credentials for the record.

The representative for the applicant, Nicholas Talvacchia, Esquire, gave a brief summary of the proposed improvements asking for moderate relief of external changes, also stating for the record that additional improvements are set to be made in the future.

Jamie Reynolds, of the Diocese of Camden, summarized the state of the current parking at Victorian Towers, submitting for the record that the proposed plan would cause the loss of one parking space, but will in fact provide two (2) handicap parking spaces that meet modern day ADA standards. Mr. Reynolds continued on to mention that of the numerous properties that he has managed, only 40%-60% of the residents have cars. He mentioned that most residents of this building do not have a need for a car due to close proximity of several shopping centers.

Board Engineer Craig Hurless, PE, PP, CME, questioned the addition of office spaces for employees within the proposed renovations. It was concluded that no additional offices were to be constructed.

Jelena Balorda-Barone, Professional Engineer, detailed Exhibit A-1; an aerial photo taken from Google maps showcasing the neighborhood, as well as Exhibit A-2; site plan detailing proposed improvements to new sign and the additional variance sought in accordance with the sign change. She also detailed Exhibit A-3; proposed renovation of the existing glass vestibule into a covered porch area and summarized the site plan included in Exhibit A-3 to show existing nonconformities and proposed variances, ensuring that proposed changes do not include a height change. Miss Barone reviewed, in detail, variances and waivers sought; addressing a waiver from EIS - or effects on environment, explaining that there is no change in traffic pattern, therefore no changes to the drainage pattern either.

Ray Liotta, Licensed Landscape Architect and Planner at Maser Consulting PA, detailed the lighting plan proposed, highlighting specifics of product, use, and safety; LED lighting and dark sky compliance, furthermore, Erica Scharr, Senior Manager/Department Head of Affordable Housing at Kramer Marks Architecture; referring to Exhibit A-3, explained the materials to be used for the proposed porch and the size differential from the existing vestibule.

Members voiced concerns about application. Members requested clarification on the need to change the size of the existing sign and it was determined and agreed on by the applicant that the proposed sign relocation, not change in size, was appropriate. It was deemed by the Board Engineer that both §525-48H(2)(a) Freestanding Signage - Area and §525-48H(2)(a) Freestanding Signage - Width were no longer necessary.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated April 25, 2017. He reviewed the checklist items for the C and D variances (page 2 of 7), with waiver requests for items 5, 23, and 33 being supported. Mr. Hurless explained the two (2) variances required in detail (pages 4 of 7):

1. §525-22A(1) Use Variance (Expansion of Non-conforming use)
2. §525-49C(1) Parking - Number of Spaces

The General Review Comments 1-15 (page 6 and 7 of 7) were reviewed and explained in detail, with item numbers 4-15, and the addition of item number 8(a) requiring revised sign detail in site plans and the elimination of item number 16; being classified as conditions of approval.

**Discussion was opened to the public within 200 feet and beyond at 8:07 PM, and closed with no public coming forward to comment.**

**Motion was made by Mrs. McAlinden to approve §525-22A(1) Use Variance (Expansion of Non-conforming use), §525-49C(1) Parking - Number of Spaces, with waiver numbers 10, 5, 23, 33 being granted, subject to all conditions of approval of preliminary and final site plan as discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated April 25, 2017, seconded by Mr. Murray and carried 7-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.**

Mr. Murray stated his reasons for his vote in the positive for the record.

**Motion made by Mr. Murray, seconded by Mrs. Hutchinson, to adjourn the meeting at 8:15 PM with all in favor.**

**Respectfully Submitted, Tricia Oliver/Board Assistant.**