

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, September 22, 2016**

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 6:30 P.M.

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. Mullock Alt. 1	Present
	Mr. Pontin Alt. 2	Absent-Excused

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

Minutes

Motion was made by Mr. Iurato to approve the meeting minutes of August 25, 2016, seconded by Mr. Mullock and **carried 5-0**. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Resolutions

Motion was made by Ms. Hesel to approve Resolution Number 09-22-2016:1 Edward and Karen McAllister, 3 Mount Vernon Avenue, Block 1017, Lot(s) 5 & 7, seconded by Mrs. Werner and **carried 5-0**. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Motion was made by Mrs. Werner to approve Resolution Number 09-22-2016:2 Robert Anderson, 1240 Washington Avenue, Block 1128, Lot(s) 24-27, seconded by Ms. Hesel and **carried 4-1**. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Mullock, Mrs. Hutchinson. Those opposed: Mr. Iurato. Those abstaining: Mr. Murray.

Mr. Iurato stated his reasoning for his vote in the negative for the record.

Motion was made by Mr. Iurato to approve Resolution Number 09-22-2016:3 Lubonty, J.L.D., LLC, 1216 Maryland Avenue, Block 1132, Lot(s) 17, seconded by Mrs. Werner and **carried 5-0**. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray.

Motion was made by Mr. Mullock to approve Resolution Number 09-22-2016:4 Nowakowski P.O.A. for Dorothy Lavin, 276 Windsor Avenue, Block 1023, Lot(s) 14, seconded by Ms. Hesel and carried 4-1. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Mullock, Mrs. Hutchinson. Those opposed: Mr. Iurato. Those abstaining: Mr. Murray.

Mr. Iurato stated his reasoning for his vote in the negative for the record.

Applications

*Paul and Kristine Gentilini
202 Queen Street
Block 1083, Lot(s) 15*

Board member William Murray recused himself from hearing the application due to his living within 200 feet of the applicant.

Julius N. Korschak, Esquire, Mark Gibson, Engineer with Gibson Associates PA, Blaine Steinman, Architect with Blaine Steinman Architects, Paul and Kristine Gentilini, applicants, and Board Engineer Craig Hurless, PE, PP, CME, were sworn in and stated their credentials for the record.

The representative for the applicant, Julius N. Korschak, Esquire, gave a brief explanation of the proposed demolition of the existing home on the property, the construction of a new two-story, 4 bedroom dwelling, and the variances being sought. Mr. Korschak confirmed that the applicant had already received conceptual approval from the HPC on June 20, 2016, and that the applicant appeared before the Zoning Board of Adjustment on July 28, 2016 but the application was denied. The applicant was now appearing before the Zoning Board of Adjustment with almost the same application as before, however the plans have been modified so that no Floor Area Ratio variance was necessary.

Mark Gibson, Engineer with Gibson Associates PA, testified to the existing non-conforming lot size of the lot in question, and compared it to the surrounding neighborhood. He claimed that the proposed home would be completely code and flood compliant, and more aesthetically pleasing than the current structure. He discussed the setback requirements for the R-3A zone, and the fact that the lot in question, as a corner lot, has two front yards. The proposed home is compliant with the building setback on Kearney Avenue, but a variance is necessary for the building setback on Queen Street.

Blaine Steinman, of Blaine Steinman Architects, described the floor plan, front and rear elevations of the proposed home in detail, referring to the plans submitted in the Board members' packets. He explained that after the initial denial of the first application, he was instructed by the applicant to reduce the floor area ratio of the proposed home so that it would comply to the zoning regulations. The proposed FAR in the current application is .339, where .40 is permitted, and is therefore in compliance and no variance is necessary. Mr. Steinman claimed that the proposed home is historically appropriate, with Mr. Korschak making note of **Exhibit A-1: HPC Conceptual approval dated September 19, 2016.**

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated August 31, 2016. Mr. Hurless explained the two (2) variances required in detail (pages 2 of 4):

1. §525-16.1B(1) Table 1 Lot Size
2. §525-16.1B(1) Table 1 Building Setback - Queen Street

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

Discussion was opened to the public within 200 feet at 6:55 PM.

Connie Fontaine and Victoria Johnson, 206 Queen Street, were sworn in and voiced concerns regarding possible drainage issues as a result of the proposed work, and the Board Engineer clarified.

Discussion was opened to the public beyond 200 feet and subsequently closed at 7:57 PM with no public coming forth.

Motion was made by Mr. Mullock to approve the §525-16.1B(1) Table 1 - Lot Size and §525-16.1B(1) Table 1 - Building Setback - Queen Street variances, subject to General Review Comments (page 3 and 4 of 4) item numbers 1-10, seconded by Ms. Hesel and **carried 5-0**. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mrs. Werner, Mr. Iurato, and Chairperson Hutchinson voiced their reasons for their votes in the positive for the record.

It was announced for the record that the Beacon Condominium Association (Wiggs Cherry, LLC), 34 Jackson Street, Block 1034, Lot(s) 3, application has been adjourned for the October 27, 2016 Zoning Board of Adjustment meeting at 6:30 PM in the City Hall auditorium, with no further notice required.

Lawrence A. Pray Builders, Inc.
1035 Maryland Avenue
Block 1104, Lot(s) 38 & 39

Stephen Fenwick, Architect, and Lawrence A. Pray, applicant, were sworn in and stated their credentials for the record.

The representative for the applicant, Richard Mairone, Esquire, introduced himself and briefly summarized the proposed demolition of the existing structure on the lot in question, and construction of a new two (2) story, four (4) bedroom, 2,292 square foot, single family dwelling. A detached garage and driveway are also proposed.

Applicant Lawrence A. Pray testified that he currently owns the property and seeks to demolish the existing home and re-build a new home.

Project Architect, Stephen Fenwick, testified the proposed plan of development for the property, referring to **Exhibit A-1: Architectural renderings** that was included in the Board members' packets. He claimed that the proposed home meets all the bulk requirements. Referring to the zoning chart, Mr. Fenwick discussed what is currently existing on the property, what is required in the R-2 zone, and what is being proposed in detail. He maintained that there is no possible way for the applicant to acquire more land in order to bring the lot size, width, and frontage into compliance due to the fact that the surrounding properties are all developed. He testified that the propose home will be completely code and flood compliant. He then referred to **Exhibit A-2: Aerial photograph of the neighborhood** to compare the proposed lot size to surrounding lots.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated September 6, 2016. Mr. Hurless explained the three (3) variances required in detail (pages 3 of 4):

1. §525-15B(1) Table 1 Lot Size
2. §525-15B(1) Table 1 Lot Width
3. §525-15B(1) Table 1 Lot Frontage

He then reviewed the checklist items for the C and D variances (page 2 of 4), with item number 20 being classified as a condition of approval. The General Review Comments 1-11 (page 3 and 4 of 4) were reviewed and explained in detail, with all items being classified as conditions of approval.

Board members posed questions to Mr. Hurless and Mr. Fenwick regarding some inconsistencies in the calculation on their zoning charts, and the professionals clarified.

Discussion was opened to the public within 200 feet at 7:20PM, then beyond 200 feet, then closed with no public coming forth.

Motion was made by Mr. Murray to approve the §525-15B(1) Table 1 Lot Size, §525-15B(1) Table 1 Lot Width, and §525-15B(1) Table 1 Lot Frontage variances subject to General Review Comments (page 3 and 4 of 4) item numbers 1-10, and item number 20 (page 2 of 4), seconded by Mrs. Werner and carried 6-0. Those in favor: Mr. Murray, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Murray, Mrs. Werner, Mr. Iurato, and Chairperson Hutchinson voiced their reasons for their votes in the positive for the record.

***Scott Peter
513 Elmira Street
Block 1061, Lot(s) 7***

Scott Peter, applicant, was sworn in and summarized the proposed demolition of the existing structure and construction of a new four (4) bedroom, 2,141 square foot single family dwelling. Two (2) parking spaces are also proposed. Mr. Peter detailed the regulations for the R-3 zone, and explained that the only variance he is seeking is for lot size. He testified that he was unable to purchase any surrounding land to bring the lot size into compliance. He claimed that the

application had already received conceptual approval from the HPC. Mr. Peter opined that the City of Cape May would benefit greatly from the demolition of the existing home on this property, claiming that it is one of the worst houses he has ever seen, and that no detriment would come to the public as a result of the proposed work. Mr. Peter detailed the proposed home, referring to **Exhibit A-1: Rendering of front elevation of the proposed home.**

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated August 8, 2016. Mr. Hurless explained the one (1) variance required in detail (pages 2 of 4):

1. §525-16B(1) Table 1 Lot Size

The General Review Comments 1-12 (page 3 and 4 of 4) were reviewed and explained in detail, with adjustments being made to item number 3 as outlined by the Board Engineer regarding the safety concerns of the proposed driveway. All items were classified as conditions of approval.

Extensive discussion ensued between the Board members, Board Engineer, Board Attorney, and applicant regarding the proposed driveway location and dimensions. Mr. Peter maintained that the HPC strongly prefers no parking in the front yard of any property, however Mr. Hurless and multiple Board members voiced concerns regarding safety of the proposed driveway layout.

Discussion was opened to the public within 200 feet at 8:05PM, then beyond 200 feet, and subsequently closed with no public coming forth.

Motion was made by Mr. Murray to approve the §525-16B(1) Table 1 - Lot Size variance, subject to General Review Comments (page 3 and 4 of 4) item numbers 1-12, with adjustments to item number 3 as outlined by the Board Engineer regarding the safety concerns of the proposed driveway, seconded by Mr. Iurato and carried 6-0. Those in favor: Mr. Murray, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Murray, Ms. Hesel, Mr. Mullock, Mr. Iurato, and Chairperson Hutchinson voiced their reasons for their votes in the positive for the record.

Motion to adjourn was made at 8:10 PM with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.