

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, September 28, 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.

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

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

Minutes:

Motion made by Mr. Murray to adopt the minutes of August 24, 2017, seconded by Mrs. Werner and **carried 6-0**. Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mrs. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Van de Vaarst.

Resolutions:

Motion made by Mrs. McAlinden to approve Resolution number 09-28-2017: 1, Larry Pray, 1005 New Jersey Avenue, Block 1102, Lot(s) 55 & 56, seconded by Mr. Murray and **carried 6-0**. Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mrs. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Van de Vaarst.

Motion made by Mrs. Werner to approve Resolution number 09-28-2017: 2, "Cape Winds Motel," 810 Lafayette Street, Block 1092, Lot(s) 4, seconded by Mr. Murray and **carried 6-0**. Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mrs. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Van de Vaarst.

Applications:

*JFA, LLC
311 Pittsburgh Avenue
Block 1164, Lot(s) 1*

Andrew Catanese, Esquire, Matt Hender, Professional Planner, and Board Engineer, Craig Hurless were sworn in and stated their credentials for the record. Also present was property owner Jack Aftanis.

Representative for the applicant, Andrew Catanese, Esq., summarized the existing characteristics of the property, citing that the current use of the building proposed to be demolished, is non-conforming to the R-3 district. The current building is a real estate office that is sitting in the middle of two (2) lots. The application, it was explained, is only for variances sought for lot 1, as the perimeter of lot 2 will conform to zoning requirements. Mr. Catanese continued to explain that the intent of this application is to eliminate the existing non-conforming use to add to the character of the neighborhood.

Matt Hender spoke on behalf of the project. He briefly described what he believes would be some details of the proposed home. As it is the intent of the applicant to demolish the existing office building and then sell both empty lots; the applicant will not be the one developing on either lot. Mr. Hender characterized the subject property as unusual, highlighting that it has two (2) front yards, but the frontage on Idaho Avenue is an unfinished dead end street.

Mr. Hender continued his part of the presentation citing that the applicant had already received DEP approval for a buffer from the wetlands located on the rear part of the lot. He also mentioned that there would be restorative landscaping to promote the growth of vegetation surrounding the wetlands area. Referring to **Exhibit A-1**, an aerial photo of Pittsburgh Avenue and neighboring homes around the subject property, Mr. Hender stated that even though this lot does in fact have two (2) front yards, the setback on Idaho Avenue is conforming to the required 8 ft. side yard setback and that the applicant and his professionals anticipate that a newly constructed home will face Pittsburgh Avenue.

Mr. Aftanis stated for the record that the application did not include architectural drawings because he has no desire to develop on either of the two (2) lots that will be vacant once the demolition of the current building is complete. He anticipates that a developer who purchases the lots will build structures to fit the look and characteristic of the neighboring homes.

The membership voiced concerns regarding the entry of a home constructed on the subject lot. It was concluded that the testimony heard throughout the hearing was consistent with the entry to be on Pittsburgh Avenue. It was agreed by the Board and the applicant that a condition of approval would cite that a constructed home would need to be designed with a street presence on Pittsburgh Avenue.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated July 11, 2017. He reviewed the two (2) variances sought in detail (on page 3 of 5), §525-16B(1) Table 1 - Building Setback and §525-54A(5)9(a) - Patio/deck width, stating the elimination of a variance request the patio was now eliminated; as the applicant had agreed to redesign a smaller patio. Mr. Hurless also reviewed the checklist items for the C and D variances (on page 2 of 5), with a partial waiver request for item number 5 being supported.

1. §525-16B(1) Table 1 Building Setback
2. §525-54A(5)9(a) Patio/Deck Width

The General Review Comments 1-17 (on pages 3 & 4 of 5) were reviewed and explained in detail. The listed General Review Comments (1-17), and item number 5, with only partial waiver, (on page 2 of 5) were classified as conditions of approval. With additional conditions of approval stated as requiring a street presence on Pittsburgh Avenue, not side elevation, and the flexibility to move the anticipated driveway, set on Idaho Avenue, forward or back.

Discussion was opened to the public within 200 feet and beyond at 6:43 PM, and closed with no public coming forward to comment.

Motion was made by Mr. Murray to approve §525-16B(1) Table 1 - Building Setback, with partial waiver of item number 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 July 11, 2017 seconded by Mrs. Lukens and **carried 7-0.** Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Members of the Board stated their reasons for their vote in the positive on this application for the record.

Motion made by Mr. Van de Vaarst to adjourn the meeting at 6:55 PM with all in favor.

Respectfully Submitted, Tricia Oliver/Board Assistant.