

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, October 27, 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	Present
	Mrs. Werner	Present-Arrived at 6:35PM
	Ms. Hesel	Present
	Mr. Mullock Alt. 1	Present

Also Present: Richard King, Esquire, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Edie Kopsitz, Technical Assistant (filling in for Erin Burke, Board Assistant)

Resolutions

Motion was made by Mr. Mullock to approve Resolution Number 10-27-2016:1 Paul and Kristine Gentilini, 202 Queen Street, Block 1083, Lot(s) 15, seconded by Mr. Iurato and **carried 5-0**. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Murray, Mrs. McAlinden.

Motion was made by Mr. Murray to approve Resolution Number 10-27-2016:2 Lawrence A. Pray Builders, Inc., 1035 Maryland Avenue, Block 1104, Lot(s) 38, 39, seconded by Mr. Iurato and **carried 5-0**. Those in favor: Mr. Murray, Mrs. Werner, Ms. Hesel, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden, Mr. Mullock.

Motion was made by Mrs. Werner to approve Resolution Number 10-27-2016:3 Scott Peter, 513 Elmira Street, Block 1061, Lot(s) 7, seconded by Mr. Murray and **carried 5-0**. Those in favor: Mr. Murray, Mrs. Werner, Ms. Hesel, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden, Mr. Mullock.

Discussion was undertaken by the Board members and its professionals regarding the 2015 Zoning Board of Adjustment Report. Discussion centered around the frequency of applicants applying to the Zoning Board because of existing undersized lots.

Applications

***Beacon Condominium Association (Wiggs Cherry, LLC)
34 Jackson Street
Block 1034, Lot(s) 3***

Christina Amey, of Christina Amey Architect, Matthew Hender, Planner with Engineer Design Associates, Steve Valleau, applicant, and Board Engineer Craig Hurless, PE, PP, CME, were sworn in and stated their credentials for the record.

The representative for the applicant, Jeffrey P. Barnes, Esquire, gave a brief explanation of the proposed conversion of existing basement space into living space. Two basement bedrooms are proposed. The applicant is seeking a Floor Area Ratio variance for the expansion of the dwelling unit, and variances for off-street parking and lowest floor elevation. He submitted pre-marked exhibits (**A-1**) for the Board's consideration.

Project Architect, Christina Amey, testified to the history of the structure and current conditions. She maintained that the basement floor flood elevation is compliant with flood elevation regulations, and that the building footprint would not be changed at all. She briefly explained the proposed plans, referring to the plans submitted in the Board members' applications, and stated that the applicant had already received HPC approval.

Steve Valleau, a member of Wiggs Cherry, LLC (applicant), testified regarding the pre-marked exhibits 11 through 15, which consisted of several color photographs of the current parking conditions at the property. Vice-Chairman Peter Iurato questioned the number of legal spaces existing and proposed at the property, and the applicant maintained that it was possible to fit five (5) cars in the parking area if you block the cars in. The Board Engineer clarified that while four (4) or five (5) cars may fit in the parking area, technically there are only two legal parking spaces existing and proposed.

Professional Planner, Matthew Hender, testified to other properties in the surrounding neighborhood of the property in question with basement units, referring to exhibit **A-15** (Google Map aerial photograph). Mr. Hender maintained that none of the pre-existing non-conformities for the property are being exacerbated by the conversion of the basement space into living space. He explained that the Floor Area Ratio of the structure would be exacerbated, however it is common practice in that area of the City to make use of a basement since it is one of the highest parts of town. The D4 variance for Floor Area Ratio and off-street parking variance were discussed in detail.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated July 27, 2016. He reviewed the checklist items for the C and D variances (page 2 of 5), with waiver items 19 and 28 being supported and items 5 and 33 being classified as a conditions of approval. Mr. Hurless explained the two (2) variances required in detail (pages 3 of 5):

1. §525-52 Floor Area Ratio
2. §525-49C(1) Off-Street Parking

The variance originally sought for §525-58D(3) Lowest Floor Elevation was deemed unnecessary as the basement level is 11.9 feet, which is over the required 10.5 feet above mean sea level.

The General Review Comments 1-13 (page 4 and 5 of 5) were reviewed and explained in detail, with all items being classified as conditions of approval.

Discussion was open to the public within 200 feet at 7:35 PM, then beyond 200 feet, then closed with no public coming forward.

Motion was made by Mr. Murray to approve the §525-52 - Floor Area Ratio (FAR) and §525-49C(1) Table 1 - Off-street Parking variances, and waiver item numbers 19, 28, and 33 (page 2 of 5), subject to General Review Comments (page 4 and 5 of 5) item numbers 1-6 and 8-13, and waiver item number 5 (page 2 of 5) all as conditions of approval, and variances relating to all existing non-conformities outlined in the Engineer's zoning chart (page 3 of 5), seconded by Mr. Mullock and carried 6-1. Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mrs. Hutchinson. Those opposed: Mr. Iurato. Those abstaining: None.

Mr. Murray, Mrs. McAlinden, Mrs. Werner, Mr. Mullock, and Mrs. Hutchinson voiced the reasoning for their votes in the positive for the record. Mr. Iurato voiced his reasons for his vote in the negative for the record.

A short was taken at 7:45 PM. The meeting resumed at 7:50 PM.

*Robert Jenkins, Catherine Jenkins, and Donna Schroeder
403 Reading Avenue
Block 1134, Lot(s) 14*

The representative for the applicant, Ronald Gelzunas, Esquire, gave a brief explanation of the proposed renovation of an existing garage and addition of a second floor above said garage. a total of 2,300 square feet of floor area is proposed that includes five (5) bedrooms. Additionally, the driveway is proposed to be expanded and widened. Mr. Gelzunas submitted a landscape plan for the Board's consideration, which was labeled as exhibit **A-2**.

Dan Rodier, Architect, and Catherine Jenkins, co-applicant, were sworn in and stated their credentials for the record. Mr. Rodier testified that the applicants seek to increase the livable area on their property so that they may eventually retire in Cape May. He reviewed the proposed plans in detail, referring to exhibit **A-1: First floor plan**, and claimed that the existing footprint of the structure would not changed, and that the only expansion occurring would be vertical. Mr. Rodier maintained that the proposed project would blend in with the surrounding neighborhood, create a desirable visual environment, and that there would be no negative impact on light, air, or open space.

After discussion between the Board members, its professionals, and the representation for the applicant, it was confirmed that the applicant would replace the existing driveway and use pavers to create the new, wider driveway as to not exacerbate the lot coverage percentage.

Catherine Jenkins, co-applicant, testified that she, her husband, and her sister wish to retire in Cape May together and require two master suites to do so. She also testified that parking was never an issue on their property or in that neighborhood.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated September 14, 2016. He reviewed the checklist items for the C and D variances (page 2 of 5), with waiver items 23 and 33 being classified as a conditions of approval. Mr. Hurless explained the five (5) variances required in detail (pages 3 of 5):

1. §525-15B(1) Table 1 Lot Size
2. §525-15B(1) Table 1 Building Setback
3. §525-15B(1) Table 1 Side Yard Setback (Each & Total)
4. §525-15B(2) Lot Coverage
5. §525-52 Off-Street Parking

The General Review Comments 1-13 (page 4 and 5 of 5) 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 8:30 PM.

Dan DeWaters, 1200 Cape May Avenue, was sworn in and spoke in support of the application.

Discussion was opened to the public beyond 200 feet at 8:33 PM, and closed with no further public coming forward to speak.

Motion was made by Mr. Mullock to approve the §525-15B(1) Table 1 - Lot Size, §525-15B(1) Table 1 - Building Setback, §525-15B(1) Table 1 - Side Yard Setback (Each and Total), §525-15B(2) - Lot Coverage, §525-52 - Off-street Parking variances, subject to General Review Comments (page 4 and 5 of 5) item numbers 1, 2, 4-13, and item numbers 23 and 33 (page 2 of 5), all as conditions of approval, seconded by Ms. Hesel and carried 7-0. Those in favor: Mr. Murray, Ms. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

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

Respectfully Submitted, Erin Burke/Board Assistant.