

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, February 27, 2014**

Opening: In compliance with the Open Public Meetings Act, adequate notice of the meeting was provided. Vice Chairperson Hutchinson called the meeting to order at 6:30 P.M.

Roll Call:	Mr. White, Chairperson	Absent
	Mrs. Hutchinson, Vice Chairperson	Present
	Mr. Iurato	Present
	Mr. Schmidtchen	Present
	Mr. Meier	Present
	Mrs. Inderwies	Present
	Mr. Atwell	Absent
	Mrs. McAlinden, Alt #1	Present
	Mrs. Pharo, Alt #2	Present

Also Present: George Neidig, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Mary Rothwell, Board Assistant/Zoning Officer
Edie Kopsitz, Recording Secretary

Minutes: December 16, 2013

Motion made by Mr. Iurato to approve the minutes of December 16, 2013. Seconded by Mr. Schmidtchen, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Resolution #2-27-2014:1 – Puffin Condominium, 32 Jackson Street, Block 1034 Lot 4

Motion made by Mr. Iurato to approve Resolution # 2-27-2014:1. Seconded by Mr. Meier, **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, and Mrs. Hutchinson. Abstaining: Mrs. Pharo.

Resolution # 2-27-2014:2 – Burgin Salmons LLC, 933 Corgie Street, Block 1093 Lot 10

Motion made by Mr. Iurato to approve Resolution # 2-27-2014:2. Seconded by Mr. Meier, **carried 6-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, and Mrs. Hutchinson. Abstaining: Mrs. Pharo.

Resolution: #2-27-2014:3 – Haviland, 1317 New York Avenue, Block 1148 Lots 27.02-29

Motion made by Mr. Iurato to approve Resolution #2-27-2014:3 with correction on page five (5) last paragraph should note 3.8'. Seconded by Mr. Meier, carried 6-0. Those in favor:

Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, and Mrs. Hutchinson. Abstaining: Mrs. Pharo.

Motion made by Mr. Iurato to approve the Resolutions authorizing the appointments of Board Attorney, George B. Neidig, Esquire & Board Engineer, Craig R. Hurless, PE, PP, CME. Seconded by Mr. Schmidtchen, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Phinney/Elaines, 513 Lafayette Street, Block 1053 Lot 13

For the record, Louis Dwyer, Esquire represented the applicant. Board Attorney, George Neidig, sworn in Kevin Oland, of Fenwick Architect; applicant/owner Mark Phinney; Stephen Filippone, PE, PP, CME, of Engineering Design Associates; and Craig R. Hurless, PE, PP, CME, the Board Engineer.

Mr. Dwyer reviewed the history of improvements made to the premises throughout the years for the membership. The proposal before the Board this evening is to create additional tourist guest rooms, from ten (10) to fifteen (15) rooms internally, by reducing the number of seats in the existing dinner theatre restaurant from 319 seats to 175. The property consists of an owner's quarters and separate gift shop. No site improvements are proposed. The project entails phasing this work.

Mr. Filippone proceeded to explain the EDA plan, dated September 11, 2013 submitted as evidence as A-1. He indicated that reducing the number of restaurant/theatre seating and the uses of the entire premises results in a parking demand of 72 spaces, where 44 are being provided; therefore the parking variance relief is required. Parking variance relief had been previously approved along with the mixed uses on the property. Mr. Filippone stressed that by reducing the number of restaurant seating it would generate a less intense use of the premises and traffic on the site. He testified that there are six (6) full time employees and ten (10) part time. Mr. Phinney explained the employee's positions, when questioned by the members.

Kevin Oland, Fenwick Associate, testified to the plans dated September 11, 2012, labeled A-101 & A-102. He documented the interior changes and the new front porch, which will connect the existing wrap-around porch of the original building and a relocated historic structure which was attached to the original building and was latest approval granted to the Phinney's. The re-located mechanical units will be buffered.

Mr. Hurless reviewed his report of October 29, 2013. He detailed the proposal and indicated that the site was well developed under prior Board approvals. He supported the eight (8) waiver items indicate on page 2 & 3 of his report, which were #20, #21, #23, #24, #26, #27, #28 & #33 and the request for a waiver from site plan review only if the applicant submits items (j) & (aa) on page 3 of 6 on his report. The property was verified as being in the C-1 Zoning District. Variances from §525-9 & §525-22 (Use Variance –Expansion of Non-conforming use) and §525-49 (Number of off Street Parking Spaces) are required. Since the

uses are being modified a Use Variance is required, this modification also triggers the parking relief required. Mr. Hurless requested further review of the phasing, and it will be required to be noted on the compliance plan as a condition. All other items listed as items 1 through 8, on pages 5 & 6 of his report should be conditioned also.

The meeting was opened to the public, and then closed seeing no comments.

Hearing no other comments from the members, **a motion was made by Mr. Meier to grant variance relief from §525-9 & §525-22 (Use & Expansion of Non-Conforming Use) and §525-49 (Number of Off Street Parking Spaces).** Seconded by Mrs. Inderwies, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Motion made by Mr. Schmidtchen to grant relief from the completeness waivers as listed in Mr. Hurless report of October 29, 2013, pages 2 & 3, items # 20, #21, #23, #24, #26, #27, #28 & #33. Seconded by Mr. Meier, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Motion made by Mrs. Pharo to grant waiver of site plan review. Seconded by Mr. Schmidtchen, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Motion made by Mr. Meier to approve the application with the conditions imposed being, items #1 to #8 on pages 5 & 6, of Mr. Hurless report dated October 29, 2013; in addition buffering the front mechanical units to the satisfaction of Mr. Hurless; a note on the plan that depicts the phasing of the proposal and construction time line. Seconded by Mrs. Inderwies, **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

The Board broke for recess at 7:10 PM; they resumed the meeting at 7:15 PM

Darocha & Picariello, 1628 New York Avenue, Block 1186 Lot 1.08

Louis Dwyer Esquire, appearing for the applicant introduced Irene Darocha and Project Manager, Skip Holtptezal. They were sworn in along with Board Engineer, Craig R. Hurless, PE, PP, CME.

Mr. Dwyer outlined the proposal for a deck expansion on a single family dwelling that sits on a conforming corner lot. Variance relief is being sought for the expansion of the proposed rear yard deck at 20 feet where a rear yard setback of 30 feet is required. Currently the lot coverage is 35.2%, proposed is 35.4% and 30% is permitted. The deck will be at second level which will enhance the structure; with no impact to the neighbors therefore there will be no detriment in granting the variance relief. Mr. Holtptezal testified to the detailed location of the decking.

Mr. Hurless reviewed his memorandum of January 14, 2014 for the record. He confirmed the deck size to be 10'X 38.33' and be located on the second floor. Completeness waivers requested were outlined on page 2 of 4 in his report they include items #4, #20, #21, #24, #26, #27, #28 & #33. Variance relief from §525-14B(1) Table 1, Rear Yard Setback and §525-14B(2) Lot Coverage, is required for the project and he indicated under his general review comments on page 4 of 4 items that should be implemented as conditions were items #1 through #6.

The meeting was opened to the public, and then closed seeing no comments.

Members questioned the easement that is in place for a rear drainage swale and Mr. Hurless explained it was implemented for neighboring drainage that and it stops short of this property nor does it affect this property. He also explained only one (1) tree instead of two (2) were being installed for clear site triangle. Seeing no other comments from the members Vice Chairman Hutchinson called for a motion.

Motion made by Mr. Iurato to grant relief from the completeness waivers as listed in Mr. Hurless report of January 14, 2013, pages 2 of 4, items # 20, #21, #23, #24, #26, #27, #28 & #33. Seconded by Mr. Schmidtchen, carried 7-0. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Motion made by Mr. Meier to grant variance relief from §525-14B (1) Table 1, Rear Yard Setback and §525-14B (2) Lot Coverage. Seconded by Mrs. Pharo, carried 7-0. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Motion made by Mr. Schmidtchen to grant approval with conditions outlined in Mr. Hurless report of January 14, 2013 on page 4 of 4 items #1 through #6. Seconded by Mrs. Inderwies, carried 7-0. Those in favor: Mr. Iurato, Mrs. Inderwies, Mr. Meier, Mr. Schmidtchen, Mrs. McAlinden, Mrs. Pharo and Mrs. Hutchinson.

Motion made by Mr. Schmidtchen to adjourn at 7:35 PM, carried with all in favor.

Respectfully submitted: Mary L. Rothwell, Zoning Officer

A verbatim recording of this meeting is available in the City of Cape May Construction/Zoning Office