

**City of Cape May Zoning Board of Adjustment Meeting Minutes
February 28, 2013**

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

Roll Call:	Mr. White, Chairperson	Present
	Mrs. Hutchinson	Present
	Mr. Iurato	Present
	Mr. Schmidtchen	Present
	Mr. Meier	Present
	Mrs. Inderwies	Absent- excused
	Mr. Todd	Resigned announced by Mr. White
	Mr. Atwell, Alt 1	Present
	Mrs. Pharo, Alt 2	Present

Also Present: George Neidig, Board Solicitor
Craig Hurless, P.E., P.P., Board Engineer
Mary Rothwell, Board Assistant/Zoning Officer
Edie Kopsitz, Recording Secretary

Minutes: December 27, 2012 and January 24, 2013

Mr. Iurato moved to approve the December 27, 2012 minutes as presented. Seconded by Mrs. Hutchinson and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Meier, Mr. Schmidtchen, Mrs. Pharo, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: Mr. Atwell.

Mr. Iurato moved to approve the January 24, 2013 minutes with noted corrections on page 6 (six). Seconded by Mrs. Hutchinson and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Meier, Mr. Schmidtchen, Mr. Atwell, Mrs. Pharo, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: None.

Resolutions:

Robinson & Azar, Block 1100 Lot 1, 2 Swan Avenue - Resolution #2-28-2013:1
Ocean Club, LLC, block 1101 Lot(s) 2-4 – Resolution #2-28-2013:2

Mr. Iurato moved to approve the Robison & Azar Resolution #2-28-2013:1 with the noted correction on page 1 line 8. Seconded by Mr. Meier and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Meier, Mr. Schmidtchen, Mr. Atwell, Mrs. Pharo, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: None.

Mrs. Pharo moved to approve the Ocean Club, LLC Resolution #2-28-2013:2 as presented. Seconded by Mrs. Hutchinson and **carried 7-0.** Those in favor: Mr. Iurato, Mr.

Meier, Mr. Schmidtchen, Mr. Atwell, Mrs. Pharo, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: None.

Applications:

Fox, 540 Elmira Street

Block 1054 Lot(s) 5

Hardship and Substantial Benefit Variance

Craig Hurless clarified his credentials for the record.

Louis C. Dwyer, Jr. Esquire representing Thomas and Colleen Fox whom were present along with their professional Susan Boehret, RA project Architect and all were sworn in by George Neidig. Mr. Dwyer described the application as an undersized lot and request to construct a first floor addition and stair/covered deck as well as a second floor addition to an existing single family residence. He clarified the variance relief sought pursuant to NJSA 40:55D-70C(1) and C(2) for minimum lot size (Section 525-14B(1) Table 1 and for expansion of a structure on a non-conforming lot (Section 525-72E). Susan Boehret submitted revised plans dated February 28, 2013 sheets 1 and 2 that were marked for the record and attached with page 3 remaining the original submission date of December 12, 2012. Ms. Boehret describing the minor change is to the existing footprint of the houses front.

Board Engineer, Craig Hurless then reviewed his report of February 21, 2013 clarifying the description for the membership. He detailed the proposal and clarified, NJSA 40:55D-70c (1) Hardship Variance and NJSA 40:55D-70c (2) Substantial Benefit Variance. Mr. Hurless refers to his completeness review on pages 2, C & D Variances & Conditional Use Approval items, #20, #21, #24, #26, #27 and #28. He addressed the Zoning table on page 3 for the R-3A District and sited ordinance §525-16.1 “Single Family Detached” and clarified the standard, required, existing, proposed and status. He continued with the variances sought on page 3, §525-14B (1) Table 1 Lot Size and §525-72E Expansion of a structure on a nonconforming lot (Variance Relief obtained in 1983 by Resolution #1-14-1983. His General Review comments on pages 4 & 5, items #1 (condition), #2 (informational) , #3 (condition), #4 (condition), #5 (condition), #6 (condition), #7 (condition) Mr. Dwyer stated fence will be removed, #8 (condition), #9 (condition), #10 (condition), #11 (condition) and #12 COAH (condition).

Chairman White opened the meeting for public comment at 6:45pm to those 200 feet and beyond, with no one coming forward the public portion was closed.

Members were allotted time for questions to the applicant and their professionals. Members were positive on the application.

Motion made by Mr. Schmitchen to approve the checklist waivers as noted on Mr. Hurless completeness review report dated February 21, 2013 pages two (2) of 5 (five), #20, #21, #24, #26, #27 and #28. Seconded by Mr. Meier and carried 7-0. Those in favor: Mr. Iurato, Mr. Meier, Mr. Schmidtchen, Mr. Atwell, Mrs. Pharo, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to combine and grant the two Variances sought after - Lot Size§525-14B (1) and Expansion of a structure on a nonconforming lot §525-72E. Seconded by Mr. Iurato and carried 7-0. Those in favor: Mr. Iurato, Mr. Meier, Mr. Schmidtchen, Mr. Atwell, Mrs. Pharo, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to impose the following conditions: Craig Hurless report dated February 21, 2013 of the General Review Comment's pages 4 & 5 – #1, #3, #4, #5, #6, #7, #8, #9, #10, #11 and #12. Seconded by Mrs. Pharo and carried 7-0. Those in favor: Mr. Iurato, Mr. Meier, Mr. Schmidtchen, Mr. Atwell, Mrs. Pharo, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: None.

Chairman White announced the next meeting of the Zoning Board will be March 28, 2013 @ 6:30pm.

Motion made by Mr. Meier to adjourn @ 6:50pm. Seconded by Mrs. Hutchinson and carried with all in favor.

A verbatim recording of said meeting is on file at the Construction/Zoning Office.

Respectfully submitted: Edie Kopsitz, Recording Secretary.