

City of Cape May Zoning Board of Adjustment Meeting Minutes
Special Meeting
Monday, December 16, 2013

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 - excused
	Mrs. Hutchinson, Vice Chairperson	Present
	Mr. Iurato	Present
	Mr. Schmidtchen	Present
	Mr. Meier	Present
	Mrs. Inderwies	Absent - excused
	Mr. Atwell	Present
	Vacant – Alt 1	
	Mrs. McAlinden, 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: **October 24, 2013**

Mr. Iurato moved to approve the October 24, 2013 minutes as presented with the noted corrections. Seconded by Mr. Atwell and **carried 4-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell and Mrs. Hutchison. Those Opposed: None. Those Abstaining: Mr. Meier and Mrs. McAlinden.

Resolutions:

McCarthy, Block 1064 Lot 2 - Resolution #12-16-2013:1

Pizzica, Block 1148 Lot 9 - Resolution #12-16-2013:2

Gorrick/Inn at the Park, Block 1110 Lot 1 Resolution #12-16-2013:3

Mr. Iurato moved to approve McCarthy, Block 1064 Lot 2 - Resolution #12-16-2013:1 with the noted corrections. Seconded by Mr. Schmidtchen and **carried 4-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell and Mrs. Hutchison. Those Opposed: None. Those Abstaining: Mr. Meier and Mrs. McAlinden.

Mr. Iurato moved to approve Pizzica, Block 1148 Lot 9 - Resolution #12-16-2013:2 with the noted corrections. Seconded by Mr. Schmidtchen and **carried 4-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell and Mrs. Hutchison. Those Opposed: None. Those Abstaining: Mr. Meier and Mrs. McAlinden.

Mr. Iurato moved to approve Gorrick/Inn at the Park, Block 1110 Lot 1 Resolution #12-16-2013:3 with the noted corrections. Seconded by Mr. Atwell and **carried 4-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell and Mrs. Hutchison. Those Opposed: None. Those Abstaining: Mr. Meier and Mrs. McAlinden.

Applications:

**Burgin Salmons LLC, 933 Corgie Street
Block 1093 Lot 10
Hardship and Substantial Benefit Variances**

Craig Hurless clarified his credentials for the record.

Louis C. Dwyer, Jr. Esquire representing Charles Salmons and Paul Burgin owners along with their professional Joseph Ross, Architect all were sworn in by George Neidig. Mr. Dwyer described the application as a proposal to raise and renovate a portion of an existing Historic Building and described the building as deplorable with much need of renovations. The building needs to be raised to meet FEMA requirement (and the Garage is being demolished with parking for two (2) vehicles being proposed). A rear yard setback variance is requested for the addition which is in replacement of the deteriorated section of the building that is being replaced. All demolitions have HPC approval. Modifications and additions have Conceptual HPC approval on July 22, 2013. Mr. Ross explained in detail the renovations with Plans dated October 4, 2013 sheet A-1 existing 1st floor plan (Corgie Street and Madison Avenue elevations), A-2 proposed 1st Floor plan and Sketch Site Plan, A-3 proposed 2nd Floor plan, depressed curb detail and Landscaping Plan and A-4 Northwest & Southwest Side Elevation and Corgie Street and Madison Avenue Elevations.

Board Engineer, Craig Hurless then reviewed his report of October 14, 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, #13, #19, #20, #21, #24, #26, #27 and #32. He addressed the Zoning table on page 3 for the R3 District and sited ordinance §525-16 and clarified the standard, required, existing, proposed and status. He continued with the variances sought on page 3, §525-16B (1) Table 1 Lot Size, §525-16B (1) Table 1 Rear Yard and deviation from the bulk requirements pursuant to 40:55D-70C two (2) on-site parking spaces. His General Review comments on pages 4 & 5, items #1 (condition), #2 (condition) FEMA 1988 Datum, #3 (condition), #4 (condition), #5 (condition), #6 (condition), #7 (condition), #8 (condition), #9 (condition), #10 (condition), #11 (condition), #12 (condition) HPC Final and #13 (condition).

Vice Chairperson Hutchinson opened the meeting for public comment at 7:00pm to those 200 feet and beyond with no one coming forward the public portion was closed.

Members were afforded time for questions throughout the presentation to the applicant and their professionals. They were positive on the application commending the applicant and professional for an aesthetically pleasing structure.

Motion made by Mr. Meier to approve the checklist waivers as noted on Mr. Hurless completeness review report dated October 14, 2013 pages two (2) of 6 (six), #13, #19, #20, #21, #24, #27 and #32. Seconded by Mr. Atwell and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Schmidtchen to combine all the Variances in one (1) motion. Seconded by Mr. Meier and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None. Mr. Schmidtchen voiced his reason for the combining of Variances, stating the Lot size is what it is and there will be an improvement.

Motion made by Mr. Schmidtchen to grant the Variances §525-16B (1) Table 1 Lot Size and §525-16B (1) Table 1 Rear Yard Setback. Seconded by Mr. Meier and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to impose the following conditions: Craig Hurless report dated October 14, 2013 of the General Review Comment's pages 4 through 5 - #1, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12 and #13. Seconded by Mr. Atwell and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

**Puffin Condominium, 32 Jackson Street (Froschle/Duvall/Murphy/Dahlgren)
Block 1034 Lot 4
Use/Hardship/Substantial Benefit Variances**

Craig Hurless clarified his credentials for the record.

Louis Dwyer, Esquire representing Thomas and Allison Froschle, owners who were present along with their professional Christina Amey, Architect all were sworn in by George Neidig, Board Attorney. Mr. Dwyer presentation indicated the structure is a 5 bedroom condominium and his client has the smallest unit in the structure. The proposal is to construct a 109 square foot area floor addition to the existing structure. The addition will consist of a new sitting room with a new roof deck (12ft x 8ft) above. Mr. Neidig requested clarification if they received Condo Association approval, Mr. Dwyer responded that they have acquired permission. Mr. Neidig also informed all of a letter received by a Mr. Schweikert dated December 9, 2013 who was not present and indicated the letter will be on file. Mr. Dwyer specified no bedrooms will be added just minimal additional space to enjoy light, air and open space. All variances are pre existing conditions except for Floor Area Ratio which is minimal. The application received HPC approval on November 25, 2013. Christina Amey testimony reviewed her plans on a colorized photo board dated June 12, 2013 in detail for the Members.

She indicated there is no increase in footprint, it not visible from the street with no detriment to the Zoning Ordinance. Mary Rothwell, Board Assistant/Zoning Officer requested clarification for the record on what is currently existing internally in the condominium with Mr. Dwyer responding 1 bedroom, 1 Kitchen/Dining Area and 1 bathroom.

Members were allotted time for questions throughout the presentation and were positive on the application. Members requested verification of the 4 parking spaces currently with the applicant not having any parking on location. The applicants responded they park on Jackson Street for the record.

Board Engineer, Craig Hurless then reviewed his report of September 30, 2013 clarifying the description for the membership indicating the Use section of the report should state 5 units not 4 an error that will be revised. He detailed the proposal and clarified, NJSA 40:55D-70d Use Variance, NJSA 40:55D-70c (1) Hardship Variance, NJSA 40:55D-70c (2) Substantial Benefit Variance and Site Plan Waiver. Mr. Hurless refers to his completeness review on pages 2 & 3 General Requirements for all Applications #10, C & D Variances & Conditional Use Approval items, #4,#5, #19, #20, #21, #23, #24, #25, #26 #27, #28, #32, #33 and the Details required for Preliminary Site Plan approval. He addressed the Zoning table on page 3 for the RS District and sited ordinance §525-19 and clarified the standard, required, existing, proposed and status. He continued with the variances sought on page 4, §525-19B (1) Table 3 Lot Size/Lot Size per Unit, §525-14B (1) Table 3 Lot Width & Lot Frontage, 525-52 Floor Area Ratio (FAR) and 525-49C Parking. His General Review comments on pages 5 & 6, items #1 (condition), #2 (confirmation of 5 Units), #3 (condition), #4 (Deed provided), #5 (condition) Shade Tree Commission, #6 (condition), #7 (condition) HPC and #8 (COAH condition).

Vice Chairperson Hutchinson opened the meeting for public comment at 7:22pm to those 200 feet and beyond with no one coming forward the public portion was closed.

Motion made by Mr. Meier to grant the checklist waivers as noted on Mr. Hurless completeness review report dated September 30, 2013 pages 2 &3, #10 (General Requirements), C & D Variances & Conditional Use Approval items, #4,#5, #19, #20, #21, #23, #24, #25, #26 #27, #28, #32 and #33. Seconded by Mrs. McAlinden and carried 6-0. Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier that the Variances should be taken separately and not together. Seconded by Mr. Iurato and carried 6-0. Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to grant the variance §525-19B (1) Table 3 for Lot Size/Lot Size per Unit. Seconded by Mr. Schmidtchen and carried 6-0. Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to grant the variance §525-14B (1) Table 3 for Lot Width and Lot Frontage. Seconded by Mr. Schmidtchen and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to grant the variance §525-52 for Floor Area Ratio (FAR). Seconded by Mr. Atwell and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to grant the variance §525-49C for Parking Seconded by Mr. Atwell and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Schmidtchen that all the conditions as stated in Craig Hurless report dated September 30, 2013 is voted on in one vote. Seconded by Mr. Meier and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Schmidtchen that all the conditions as stated in Craig Hurless report dated September 30, 2013 General Review Comments #1 through #8. Seconded by Mr. Meier and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Iurato to grant the Waiver of Site Plan as noted in Mr. Hurless's report dated September 30, 2013 on page 3. Seconded by Mr. Schmidtchen and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Atwell, Mr. Meier, Mrs. McAlinden and Mrs. Hutchison. Those Opposed: None. Those Abstaining: None.

Vice Chairperson Hutchinson announced the next meeting will be January 23, 2014 at 6:30pm and informed it will be Reorganization.

Motion made by Mr. Meier to adjourn @ 7:35 pm. Seconded by Mr. Atwell 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.