

**City of Cape May Zoning Board of Adjustment Meeting Minutes
February 23, 2012**

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 |
| | Mr. Williams, Vice Chairperson | Absent - excused |
| | Mrs. Hutchinson | Present |
| | Mr. Iurato | Present |
| | Mr. Schmidtchen | Present |
| | Mr. Todd | Absent - excused |
| | Mr. Meier | Absent - excused |
| | Mrs. Inderwies, Alt 1 | Present |
| | Mr. Lagos, Alt 2 | Absent - excused |

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:

January 26, 2012

Motion made by Mr. Iurato to accept the minutes dated January 26, 2012 with noted corrections. Seconded by Mrs. Inderwies and **carried 5-0**. Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Resolutions:

Schu, 29 Gurney Street, Block 1063 Lot 10

Motion made by Mr. Iurato to approve the Schu Resolution #002-23-2012 as presented. Seconded by Mr. Schmidtchen and **carried 5-0**. Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Applications:

**CMQH LLC, 601 Columbia Avenue, Block 1057, Lot 24
Use/Hardship/Substantial Benefit Variances**

A continuance was requested by Louis C. Dwyer, Jr. Esquire for CMQH LLC with reasons stated in correspondence received February 16, 2012. The application will be heard on March 22, 2012 without further notice.

**Swanson, 1005 Benton Street, Block 1098 Lot 8
Hardship/Substantial Benefit Variance(s)**

Craig Hurless clarified his credentials for the record.

Louis Dwyer, Esquire representing James Swanson, owner who was not present. The applicant proposes to replace a minimal front porch with a functional front porch which will enhance the aesthetic of the structure. Mr. Dwyer explained the uniqueness of the property referring to non established streetscape and stated the setbacks of other buildings nearby are closer to the front property line. The proposal of the removal of the existing front porch and construction of a new front porch structure will have setback of seven (7) feet where fourteen (14) feet setback currently exists. He referred to plans by Joseph A. Courter, Jr. dated November 30, 2011, sheet A-1 (Addition & Renovation Plan) denoting stated the Site Plan and Front & Left side elevations. He stated the benefits out way any detriments in allowing these enhancements. He indicated there are no neighboring properties that are affected by this request.

Board Engineer, Craig Hurless then reviewed his report of January 10, 2012 clarifying the description for the membership. He detailed the proposal and clarified the variance for positive and negative criteria requirements per NJSA 40:55c(1) Hardship and NJSA 40:55Dc(2) Substantial Benefit. Mr. Hurless refers to his completeness review on pages 2 for the C & D Variances & Conditional Use Approval items, #17, #20, #21, #23, #24, #25, #26, #28, #31 and #33. He addressed the Zoning table on page 3 for the R-3A District and sited ordinance §525-16.1 Single Family Dwellings clarifying the standard, required, existing, proposed and status. He continued with one (1) variance sought as §525-16.1B (1) Building Setback. His General Review comments on pages 4 through , items #1, #2, #3, #4, #5(Shade Tree Commission received), #6 and #7.

Members were allotted time for questions with one member commenting on why the Zoning Board would allow the applicant to encroach into the setback. Mr. Dwyer responded and addressed the concern in detail. All members commended the applicant on the renovations stating it would enhance the frontage. Members agreed that the benefits out way any detriments.

At 6:45pm Chairman White noted for the record that no individuals were in the audience for public comment and the public portion was closed.

Motion made by Mrs. Hutchinson to approve the completeness waivers as noted on Mr. Hurless completeness review report dated January 10, 2012 pages 2 and 3 of 5 from sections, #17, #20, #21, #23, #24, #25, #26, #28 and #31. Seconded by Mr. Schmidtchen, carried 5-0. Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Schmidtchen that the variance for Building Setback §525-16.1B (1) Table 1 be granted. Seconded by Mrs. Hutchinson, **carried 5-0.** Seconded by Mr. Schmidtchen, **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mrs. Inderwies to grant that the conditions be imposed as noted in Mr. Hurless report dated January 10, 2012, pages 4 & 5 of the General Review Comments; #1, #2, #3, #4, #6 and #7 and the Landscaping Plan as noted in the Completeness Review on page 2, item #33 of the January 10, 2012 report. Seconded by Mrs. Hutchinson, **carried 5-0.** Seconded by Mr. Schmidtchen, **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None

Members voiced their reasons for the record.

Chairperson White requested a verbal roll call of members for the next meeting, March 22, 2012 for the reason that an application for a Use Variance will be on the Agenda. Member Lydia Inderwies stated she would not be present. Mary Rothwell, Board Secretary/Zoning Officer will apprise the Chairman and Mr. Dwyer regarding the number of member's in attendance for that meeting in a timely manner.

Motion made by Mrs. Hutchinson to adjourn @ 7:00pm. Seconded by Mr. Iurato **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.