

**City of Cape May Zoning Board of Adjustment Meeting Minutes
March 24, 2011**

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

Roll Call:	Mr. Pitman, Chairperson	Present
	Mr. Williams, Vice Chairperson	Absent excused
	Mrs. Hutchinson	Present
	Mr. Iurato	Present
	Mr. White	Present
	Mr. Schmidtchen	Present
	Mr. Todd	Absent excused
	Mr. Meier, Alt 1	Present
	Mrs. Inderwies, Alt 2	Absent excused

Also Present: George Neidig, Board Solicitor
Craig Hurless, P.E., P.P., Board Engineer
Edie Kopsitz, Recording Secretary

Absent: Mary L. Rothwell, Zoning Officer

Minutes: December 15, 2010

Motion made by Mr. Iurato to approve the minutes of December 15, 2010 as published. Seconded by Mr. White and was **carried 6-0**. Those voting in favor were: Mr. Iurato, Mr. White, Mr. Schmidtchen, Ms. Hutchinson, Mr. Meier and Mr. Pitman with no one voting in the negative or abstaining.

Closed Session: Pending Litigation - Celio, 120 Decatur Street, Block 1041 Lot 7
Appeal from Decision of Administrative Officer
Historic Preservation Commission (HPC)

Mr. Pitman announced that the closed session will be conducted in the Construction Office to discuss the pending litigation of the Celio application and should take approximately 10 to 15 minutes. Members filed out @ 6:35pm and returned at 6:55pm.

Applications:

**Clemens, 400 Trenton Avenue, Block 1134 Lot 15
Hardship Variance**

Craig Hurless, Board Engineer was sworn in and clarified his credentials for the record.

Mr. Schmidtchen recused himself from the application.

Louis C. Dwyer, Esquire appearing for the owners Scott and Diane Clemens whom were present along with their professional Joseph A. Courter Jr., Architect and were sworn in by Mr. Neidig. Mr. Dwyer proceeded stating the intent is to demolish the existing dwelling that is not appealing and does not blend in with the streetscape. They proposed to construct a new three story single-family, three-bedroom structure with three (3) parking spaces, two (2) off street parking and one (1) on site in the garage. The proposed design will be aesthetically pleasing to the streetscape. Mr. Dwyer stated it they are seeking a variance for the new construction, as the lot is undersized and does not conform to the minimum lot size and for rear yard setback.

Joseph Courter reviewed for the members his plan dated November 11, 2010 with a revised February 1, 2011. A colorized plan marked A-1 he described the corner property that has two (2) front yard setbacks and a rear yard setback. His testimony reflected the building is in conformance with the roof overhangs encroaching in the setbacks. He described in detail using A-1 the ground, 1st and 2nd floor layout. He discussed the fact that the floor area ratio is 31.5 (proposed dwelling) where .40 is permitted. He clarified that the benefits outway any detriments due to the slight encroachment of the overhang and there is no negative impact on the plan.

Board Engineer, Craig Hurless then reviewed his report of February 9, 2011 clarifying the description for the membership. He addressed the Zoning table on page 2 for the R2 District (525-15). He detailed the proposal and verified the variances as follows; §525-15B(1) Table 1 Lot Size, §525-15B Table 1 Building Setback Line (Idaho & Trenton Avenues) and §525-15B(1) Table 1 Rear Yard Setback. Mr. Hurless refers to his completeness review on pages 2, 3 & 4 for the C & D Variances items, #17, #20, #21, #24, #26, #27, #29, #30 & #32. He addressed the Zoning table on page 2 for the R2 District and sited ordinance #525-15. His General Review comments on pages 4, 5 & 6, #1, #2, #3, #4, #5, #6, #7 Shade Tree file copy to Craig, #8 and #9 indicates the request does not create additional COAH obligation to the applicant. Mr. Hurless informed the members of the note on the plans that indicated all sidewalks would be replaced.

Members were positive on the application with questions regarding rebuilding in accordance with the zoning ordinance with Mr. Courter responding in detail the reasons. Members commended the design as blending in with the streetscape.

The meeting was opened to the Public at 7:20PM, Peer Schmidtchen, 1300 Idaho Avenue; was positive on the application stating it was an aesthetically pleasing environment then what exist and gave an example of a previous approval. **The public portion of the meeting was then closed at 7:22pm.**

A motion was made by Mr. Iurato to approve the application and grant the variances requested Lot Size, Building Setback Line (Idaho & Trenton) and Rear Yard Setback. Seconded by Mrs. Hutchinson, **carried 5-0.** Those voting in favor were: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Meier and Mr. Pitman with no one voting in the negative or abstaining.

A motion was made by Mr. White that the conditions be imposed as noted in Mr. Hurless report dated February 9, 2011, page 4 through 7 #1, #2, #3, #4, #5, #6, #7, #8 & #9 and revision to the plan depicting the 3.75 feet. Seconded by Mr. Meier, carried 5-0. Those voting in favor were: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Meier and Mr. Pitman with no one voting in the negative or abstaining.

Venner, 821 Corgie St., Block 1091 Lot 15 – Zoning Review, Section 525-72E.

Craig Hurless, Board Engineer was sworn in and clarified his credentials for the record.

Mr. Schmidtchen returned as an active Board Member.

Richard Hoff, Esquire representing the applicant Michael Venner for a review of a proposal to construct a 24 ft. by 24.5 ft. rear addition and is referred to as a three (3)-season room. Also present was professional Susan Bohret, project Architect and all were sworn in by Mr. Neidig. This review is required under section 525-72E of our Code since prior approval variance had been granted on the property. The structure is two family detached dwelling in the R-3 Zoning District. The premise is a three (3) story framed two (2) unit dwelling with an accessory shed, three (3) off street parking spaces and a driveway. The applicant received Historic Preservation approval on September 27, 2010 by Resolution #2010-33.

Chairman Pitman called for the Board Engineer's comments on this matter. Mr. Hurless reviewed his memorandum of January 26, 2011 for the members. He explained the review required under 525-72E of the City's Code and referenced the existing conditions and the applicant's proposal. He reviewed the Zoning Chart page 2 in the R-3 District §525-16 Table 2 "Two Family-Detached Dwelling". He clarified the property location explaining his Zoning Review pages 2 and 3 in detail, the request of the three (3) season room addition with no habitable space created in the Historic District and is a permitted use in the R3 zoning district. He clarified the definitions of Floor Area Ratio and Habitable Area that addressed the members concerns. Mr. Hurless concluded by given his General Review Comments.

The hearing was **opened to the public at 7:35pm**, with no one coming forward this **portion was closed.**

Members had positive comments and agreed that the proposal would have a minimal impact with no detriment. **Mr. Schmidtchen made a motion to approval the proposal as presented subject to all necessary State, County and Local approvals.** Seconded by Mr. White, **and carried 6-0.** Those in favor: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. Pitman.

Trella, 3 Harbor Cove, Block 1172 Lot 2.01 – Hardship Variance.

Craig Hurless, Board Engineer was sworn in and clarified his credentials for the record.

Matthew Trella, Esquire and his wife Mary Trella along with their professional Vincent Orlando of Engineering Design Associates and were sworn in by Mr. Neidig. Mr. Trella

continued with the presentation that they are seeking a variance for lot coverage to allow for a proposed pool and paver patio. Mr. Orlando distributed a downsized colorized version of his Variance plan sheet 2 dated January 10, 2010 for the membership perusal and was marked **A-1** for the record. Mr. Trella's testimony verified his and his spouse's residency and active roll in the community. He explained the hardship is due to his wife having a bone disease to which swimming is part of the physical therapy. He stated there is no negative impact the lot is located at cul-de-sac in Harbor Cove. Mr. Trella revealed the location of the proposed pool using the colorized plan of the oddly shaped lot and gave testimony to the placement of the pool is in the area where nine (9) other pools exist in the area.

Mr. Orlando testified that he conducted the survey, application for this approval and the New Jersey Department of Environmental Protection NJDEP for CAFRA. He addressed the Trella's reduction of pavers currently on the premises so that the lot coverage is not increased. He elucidated on the irregularly shaped lot and the reason for the proposed placement. Mr. Orlando testimony clarified the C1 Criteria, variances sought §525-14B(2) Lot Coverage (narrow & irregular lot similar to all properties in the development) and §525-61A(2) Pool Setback from Structure (for distance from the pool to the house of 5.9 feet where 10 feet is required) and clarified it was from an open porch. He used enlarged colorized plan for the visual, denoting the pool size, verified the side & rear setback, showed the surrounding 7 ½ open space stated there is no negative impact providing adequate light, air and space. His testimony emphasized this proposal presents no detriment to zoning given the minor nature of the relief.

Board Engineer, Craig Hurless then reviewed his report of February 11, 2011 clarifying the description for the membership. He detailed the proposal and verified the variances as follows; §525-14B Table 1 Lot Coverage and §525-61A(2) Pool Setback from Structure. Mr. Hurless refers to his completeness review on pages 2 for the C & D Variances items, #20, #21, #23, #27, #28 & #33. He addressed the Zoning table on page 3 for the R1 Zoning District and cited ordinance #525-14 and reiterated the other uses & pool provisions. His General Review comments on page 4, #1, #2, #3, #4, #5 copy of letter dated February 14, 2011, #6 and #7.

The meeting was opened to the public for comment at 8:10pm; Jack Binder, 5 Harbor Cove, is adjacent to the applicant and was positive on the application, **Cindy Binder, 5 Harbor Cove,** reiterated her husbands statement but added the Trella's are wonderful neighbors and the design of the pool will be an asset to the property, **Mary McKenney, 1312 Maryland Avenue,** was positive on the application stating it was aesthetically pleasing, admires their landscaping as it exists & the proposed and does not feel there will be a detriment to zoning. **The meeting was closed to the public @8:20pm.**

Chairman Pitman explained the safety/fire issue of a 10ft. distance to allow for ladders in the event of a fire. One member requested a reconfiguration and different placement of the pool to which Mr. Orlando responded defending with proposed plan. The members discussed at length the other surrounding lots upon their site inspections, the hardship aspect of the applicant and were impressed with the public's positive comments of the project.

Motion made by Mr. Meier to approve the application and grant both variances §525-14B Table 1 Lot Coverage and §525-61A(2) Pool Setback from Structure. Seconded by Mrs. Hutchinson **and carried 6-0.** Those in favor: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. Pitman.

Motion made by Mr. Meier to grant the Completeness Waivers as stated in Mr. Hurless report dated February 11, 2011 #23, #27, #28 & #33. Seconded by Mr. White **and carried 6-0.** Those in favor: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. Pitman.

Motion made by Mr. Schmidtchen that the following conditions be imposed on the applications as stated in Mr. Hurless report dated February 11, 2011 page two (2) completeness review, #20 (Evidences of NJDEP filing) and #21 (NJDEP approval), page four (4) #2, #4, #5, #6 & #7. Seconded by Mr. White **and carried 6-0.** Those in favor: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. Pitman.

Adjournment was made by Mr. Meier, Seconded by Mr. White at 8:30 PM, with all in favor.

Respectfully submitted: Edie Kopsitz, Recording Secretary

Adoption date:
