

**City of Cape May Zoning Board of Adjustment Meeting Minutes
June 23, 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	Present
	Mrs. Hutchinson	Present
	Mr. Iurato	Present
	Mr. White	Present
	Mr. Schmidtchen	Absent - excused
	Mr. Todd	Present
	Mr. Meier, Alt 1	Absent - excused
	Mrs. Inderwies, Alt 2	Present

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

Minutes: March 24, 2011

Motion made by Mr. Iurato to approve the minutes dated March 24, 2011 as presented. Seconded by Mr. White and **carried 6-0.** Those in favor: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Williams, Mrs. Inderwies and Mr. Pitman. Those Opposed: None. Those Abstaining: Mr. Todd.

Minutes: March 31, 2011

Motion made by Mr. Iurato to approve the minutes dated March 31, 2011 as presented. Seconded by Mr. White and **carried 6-0.** Those in favor: Mr. Iurato, Mr. White, Mrs. Hutchinson, Mr. Williams, Mrs. Inderwies and Mr. Pitman. Those Opposed: None. Those Abstaining: Mr. Todd.

Resolutions:

Smith, 112 Queen Street, Block 1082 Lot 11

Motion made by Mr. Iurato to approve Resolution #6-23-2011:1. Seconded by Mrs. Inderwies and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Todd, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: Mr. White.

New Cingular Wireless PCS, LLC, Block 1046 Lot 1, 6 & 7

Motion made by Mr. Iurato to approve Resolution #6-23-2011:1 with noted corrections. Seconded by Mrs. Inderwies and carried 5-0. Those in favor: Mr. Iurato, Mr. Williams, Mr. Todd, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: Mrs. Hutchinson and Mr. White.

Chairperson Pitman voiced his opinion on the various comments cited in the local newspaper regarding the Zoning Board Members knowledge of procedures of applications. He commended the Zoning Board Members for their tireless voluntary hours and explained for the record the certifications each member has obtained. He also advised the members to retain all their notes and information regarding the Beach Theater.

Application:

Masser, 1139 Washington Street, Block 1113 Lot 24 Hardship Variance

Mr. Hurless clarified his credentials for the record.

Louis C. Dwyer, Esquire appearing for the owners William and Frances Masser along with professional Joseph Ross, project Architect who was sworn in by Mr. Neidig. Mr. Dwyer explained the applicant proposed to enclose an existing front porch and a small side porch stating the enclosures will be .06 than maximum FAR, setback will not be increased. He indicated the residence is in the R2 zoning district. Mr. Dwyer stated the benefits of granting the proposed deviations which given the fact that the porches already exist is deminimus. He clarified that they received HPC approval by Resolution 2010-41 and informed the members of knowledge of a letter by the neighbor of the shared driveway concerning the bay window.

Mr. Ross testimony stated that the porches are already roofed over and the applicant is seeking to put screening on them. He referred to the plans dated May 2, 2011 sheets A-1 through A-4 describing the first & second floor plans, the front, rear, north and south side elevations along with his letter dated June 9, 2011 addressing the comments made by Board Engineer Craig Hurless. He elaborated on the reduction of the Bay Window on the driveway side. Mr. Ross stated he is aware of the buildings Contributing status to the Historic District and must present this request to the Historic Preservation Commission. He explained to the Board Members that he would use all material existing and the reduction would only be one (1) foot.

Members were positive on the application but had safety concerns regarding the shared driveway. They also voiced their concern regarding obtaining Historic Preservation Commission approval and questioned whether there was a documented easement with the neighbor of the shared driveway. Discussion was at length regarding the possibility of making a "K" turn in the back yard of the property. Mary Rothwell, Zoning Officer addressed her concerns. Mr. Dwyer responded to the easement question and indicated that there was none and would try to negotiate one with the neighbor. Mr. Ross indicated he spoke to the neighbor about making the driveway in pavers.

Board Engineer, Craig Hurless then reviewed his report of June 14, 2011 clarifying the description for the membership. Mr. Hurless emphasized the need to cut the 5.6-foot set back to a 6.5 foot set back addressing the members concerns with regards to the side yard. He detailed the proposal and verified the variances. Hurless refers to his completeness review on page 2 for the C & D Variances items, #19, #20, #21, #23, #24, #25, #26, #27, #28, #31 and #33. He addressed the Zoning table on page 3 for the R2 District and cited ordinance #525-15 clarifying the standard, required, existing, proposed and status. He continued on pages 4 & 5 of the repost with the five (5) variances sought as §525-15B(1) Table 1 – Lot Size, §525-15B(1) Table 1 - Lot Width & Lot Frontage, §525-15B(1) Table 1 – Building Setback, §525-15B(1) Table 1 Side Yard Setback (each & total) and §525- 72D Expansion of Non-conforming structures on non-conforming lots. His General Review comments on pages 5 through 6, items #1, #2, #3, #4, #5, #6, #7, #8 (HPC approval of the modification of the bay window) and #9 COAH.

The Chairman open the public portion at 7:30pm to those 200 feet and beyond, with no one showing the public portioned was closed at 7:31 p.m.

Motion was made by Mr. White to grant the Completeness Waivers as stated on pages 2 & 3 of Craig Hurless report dated June 14, 2011 #'s 19, 20, 21, 23, 24, 25, 26, 27, 28, 31 and 33. Seconded by Mrs. Hutchinson and carried 7-0. Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Todd, Mr. White, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: None.

Motion was made by Mr. White to grant the Five (5) variances sought as §525-15B(1) Table 1 – Lot Size, §525-15B(1) Table 1 - Lot Width & Lot Frontage, §525-15B(1) Table 1 – Building Setback, §525-15B(1) Table 1 Side Yard Setback (each & total) and §525- 72D Expansion of Non-conforming structures on non-conforming lots with the changes as amended. Seconded by Mrs. Inderwies and carried 7-0. Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Todd, Mr. White, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: None.

Motion was made by Mrs. Hutchison to grant the added Lot Coverage Variance for 41.99% Lot coverage in order to enable the applicants to design a “K” turn in the rear of the property for safety sake. Seconded by Mr. White and carried 7-0. Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Todd, Mr. White, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: None.

Motion made by Mrs. Hutchinson to grant application subject to the conditions within Mr. Hurless’s memorandum of June 14, 2011 pages 5 & 6 - #'s 3, 4, 5, 6, 7, 8 (HPC approval of the modification to the Bay Window), 9 - last sentence regarding COAH, supply a revised plan to include a “K” turn to satisfy the Board Engineer and to attempt to procure a mutual driveway easement with the adjacent neighbor. Seconded by Mr. White, carried 7-0. Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Todd, Mr. White, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: None.

Mr. Iurato questioned the status of the expiration of the appointment dates of the terms of the members. Mr. Pitman read into the record the every members appointment status and informed them of the reorganization meeting that will be held July 28, 2011.

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

Adjournment was made by Mrs. Hutchinson, Seconded by Mr. White at 7:45 PM, with all in favor.

Respectfully submitted: Edie Kopsitz, Recording Secretary.

Adopted