

**City of Cape May Zoning Board of Adjustment Meeting Minutes  
October 27, 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.

<b>Roll Call:</b>	Mr. Pitman, Chairperson	Present
	Mr. Williams, Vice Chairperson	Present
	Mrs. Hutchinson	Present
	Mr. Iurato	Present
	Mr. White	Present
	Mr. Schmidtchen	Present
	Mr. Todd	Present
	Mr. Meier, Alt 1	Present
	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:** September 22, 2011

**Motion made by Mr. Iurato to approve the minutes dated July 28, 2011 as presented.** Seconded by Mr. Williams and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Williams and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

**Resolutions:**

**Massicott & Gilfillan, 25 Windsor Avenue, Block 1024 Lot 16**

**Motion made by Mr. Iurato to approve the Massicott & Gilfillan Resolution #10-11-2011:1 with the noted correction on page 5.** Seconded by Mr. White and **carried 7-0.** Those in favor: Mr. Iurato, Mr. White, Mr. Schmidtchen, Mrs. Hutchinson, Mr. Todd, Mr. Williams and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

**Celio, 120 Decatur Street, Block 1041 Lot 7**

The Celio Resolution will be on the November 10, 2011 Agenda to allow the members to peruse. The Board Attorney then informed members in detail of what transpired regarding the Celio brief with Judge Armstrong which contained the reasons for each members vote.

**Pagliuca, 1306 Cape May Avenue, Block 1150 Lot 3  
Hardship Variance**

Mr. Dwyer submitted a letter to have the Pagliuca application continued waiving all time constraints until December 22, 2011. A discussion regarding the continuation noting for the record, that if the application is not heard on December 22, 2011 it will be dismissed and the applicant will have to reapply with a date certain. Board Secretary Mary Rothwell requested a show of hands for the record to be assured a quorum. **With a show of hands the quorum was confirmed by Members:** Mr. Iurato, Mrs. Hutchinson, Mr. Todd, Mr. White, Mr. Meier, Mrs. Inderwies with Members Mr. Williams and Mr. Schmidtchen not committing to the December 22, 2011 date.

**Application:**

**Corda, 1038 Ohio Avenue, Block 1106 Lot 11  
Hardship Variance**

Mr. Hurless clarified his credentials for the record.

Chairman Pitman advised the applicant to table the application until they obtain legal representation due to the seriousness of the variances. The applicant stated he wanted to move forward and represent himself.

Frank and Laura Corda owners were present along with their professional William A. Haryslak, R.A. Architect of Architecture by Haryslak, LLC and were sworn in by George Neidig. Mr. Corda explained they purchased the house in 2010 and desire to renovate. They are proposing to enlarge two (2) bedrooms of the three (3) bedroom property and remove a porch that is much run down, never approved by variance and is not accessed from inside the house that will create a much needed living space. He proceeded to explain they are unable to conform the lot area, lot frontage and lot width as defined under §525-14R-1 Low Density Residential District because it is an undersize lot and a small, single story house that did not conform from its origins. He elaborated by stating they want to keep with the aesthetic look of the streetscape. The increase of lot coverage is from 41.3% to 46.3% 375 square feet. The new plan will offer a welcome facelift to the front of the house with an upgrade in stylish windows, a new doorway in the rear of the structure that will create an opened and lighten dark living room and establish a more natural transition to the yard and decorative landscaping.

William Haryslak, Architect referred to his plans dated July 25, 2011 P-1 and SU1 and had revised plans that addressed the Board Engineer's comments regarding technical terms only. Mr. Hurless recommended they not be handed out; that the technical issues will be handled as conditions upon approval (should the Board grant it). Mr. Haryslak continued with reviewing P-1 of his plans describing the existing and proposed first floor plans along with the proposed rear and side elevations. He reviewed the Zoning Schedule on P-1, denoted on SU1 the existing structure photographs of 1038 Ohio along with the panoramic view taken from across the street and clarified the positive and negative criteria.

Craig Hurless, Board Engineer was called upon to review his report dated September 1, 2011 for the membership. Stating the structure is located on an existing undersized lot. He detailed the proposal located in the R1 district and verified the variances as follows; §525-14B (1) Table 1 Lot Size, §525-14B Table 1 Lot Width & Lot Frontage, §525-14B (1) Table 1 Side Yard Setback (Each), §525-14B (1) Table 2 Lot coverage (30%) not supportive, the applicant should mitigate the proposed coverage of overage by providing pervious sidewalk/driveway materials which count 50% towards coverage calculations. Mr. Hurless refers to his completeness review on pages 2 & 3 for the C & D Variances items, #19, #20, #21, #24, #26, #27, #28, #30, #31, #32 & #33 with the applicant responding in detail. He addressed the Zoning table on page 4 for the R1 District in detail §525-14 "All Uses". His General Review comments on pages 5 & 6, all should be conditions of approval, #1, #2, #3, #4 applicant verified the proposed improvements will not result in grading or changes in the existing drainage patterns, #5, #6, #7, #8 and #9 the last sentence pertaining to the COAH obligation.

Members were allotted time for questions. Suggestions regarding the Lot Coverage variance requested the applicant remove the concrete driveway and place acceptable material which will omit the variance for Lot Coverage. Members were sympathetic to the pre existing lot coverage condition of 41.3% promoting the applicant to consider removal of the driveway (830 square feet), replace with a pervious material bringing the lot coverage down to 40.8% which is less than what exists. The applicant agreed to the removal of the driveway and will submit revised plans to the Board Engineer. Members were positive and complimentary on this application.

**Meeting opened to the Public at 7:25 pm, Dr. Edward Mahaney, 1031 Ohio Avenue** wanted to welcome the Corda's to the neighborhood. His reiterated the concerns of maintaining the R1 Zoning Lot Coverage, in support of the alternative of removing the driveway of concrete adding a pervious material lowering the existing lot coverage and complimented the applicant's commitment of keeping the streetscape while improving their lot. **With no further comments this portion closed at 7:30pm.**

Mary Rothwell, Board Assistant and Zoning Officer voiced her concerns regarding the mechanical platform requesting the dimension be noted on the revised plans. The applicant's professional agreed.

**Motion was made by Mr. White to grant completeness waivers indicated in Mr. Hurless memorandum of September 1, 2011, pages 2 & 3, items #19, #20, #21 #24, #26, #27, #28, #30 #31, #32 & #33.** Seconded by Mr. Schmidtchen, **carried 7-0.** Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Schmidtchen, Mr. White, Mr. Todd and Mr. Pitman.

**Motion was made by Mr. Iurato grant the Variances §525-14B (1) Table 1 Lot Size, §525-14B(1) Table 1 Lot Width & Frontage, §525-14B(1) Table 1 Sideyard Setback (each) and §525-14B(2) Table 1 Lot Coverage noting the condition of 40.8%.** Seconded by Mrs. Hutchinson, **carried 7-0.** Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Schmidtchen, Mr. White, Mr. Todd and Mr. Pitman.

**Motion was made by Mr. Iurato to impose conditions of approval as outlined in Mr. Hurless report of September, 2011, General Review Comments indicated on pages 5 and 6, as items #1, #2, #3 #4, #5, #6, #7, #8, #9 last sentence, the lot coverage not to exceed 40.8% and the side yard setback with mechanical platform be noted on the revised plans.** Seconded by Mr. White, **carried 7-0.** Those in favor: Mr. Iurato, Mr. Williams, Mrs. Hutchinson, Mr. Schmidtchen, Mr. White, Mr. Todd and Mr. Pitman.

Chairman Arnold Pitman announced that he will be moving to Delaware and his last meeting as Chairman will be November 10, 2011 with his resignation forth coming. He profusely thanked the Board Members for their commitment and his appreciation of working with them. All members wished him the best with accolades.

**Motion made by Mrs. Hutchinson to adjourn @ 7:45pm.** Seconded by Mr. Todd **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.**

**Adopted 1-26-2012**