

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, November 20, 2025

Opening: The meeting of the City of Cape May Zoning Board of Adjustment was called to order by Vice Chairperson Sam Venuto at 6:02 PM in the City Hall Auditorium. In compliance with the Open Public Meetings Act, adequate notice was provided.

Roll Call:	Mrs. Werner, Chairperson	Absent
	Mr. Venuto, Vice Chairperson	Present
	Mr. Ledwin	Absent
	Mrs. Notch	Present
	Ms. Sheehan	Present
	Mr. Walsh	Present
	Mr. Zektzer	Absent
	Mr. Yeager (Alt. 1)	Absent
	Ms. Stevenson (Alt. 2)	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer & Planner
Karen Keenan, Board Assistant

Resolution(s):

Motion made by Mrs. Notch to adopt Resolution number 11-20-2025: 1 Kenneth Cornew, 1350 Texas Avenue, Block 1172 Lot(s) 1, seconded by Ms. Sheehan and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Venuto. Those opposed: None. Those abstaining: Ms. Stevenson.

Motion made by Ms. Sheehan to adopt Resolution number 11-20-2025: 2 Paul Grena, 314 Claghorn Place, Block 1031 Lot(s) 63 & 64, seconded by Mrs. Notch and **carried 3-0.** Those in favor: Ms. Sheehan, Mr. Walsh, Mr. Venuto. Those opposed: None. Those abstaining: Mrs. Notch, Ms. Stevenson.

Motion made by Ms. Sheehan to adopt Resolution number 11-20-2025: 3 MacFarland Associates LLC, 112 Madison Avenue, Block 1096 Lot(s) 8, 9 & 10, seconded by Mr. Walsh and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Venuto. Those opposed: None. Those abstaining: Ms. Stevenson.

Minutes:

Motion was made by Ms. Sheehan to adopt the meeting minutes of October 23, 2025, seconded by Mrs. Notch and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Venuto. Those opposed: None. Those abstaining: Ms. Stevenson.

Application(s):

Alan and Amanda Fisher
1013 Stockton Avenue, Block 1096 Lot(s) 13

Attorney Lyndsy Newcomb of Monzo Catanese DeLollis, PC introduced the application seeking lot size, side yard setback, lot coverage and parking variances to convert a two-family dwelling to a single-family dwelling. Attorney Newcomb stated the standards for single and two-family dwellings are different in the zone, and no exterior changes are proposed at the property. An easement will be provided for the driveway that encroaches on the neighbor.

Architect Christina Amey of Christina Amey Architect LLC and Board Engineer and Planner Craig Hurless were sworn in by Solicitor King for the record. Architect Amey was accepted as an expert in architecture by Vice Chairperson Venuto.

Architect Amey described the existing conditions at the property and presented and described Exhibit A, Drawing Number A-ZB-1 Alteration, Addition Renovation for Alan & Amanda Fisher, and dated 09/16/25. The drawing was prepared in response to the Board Engineer's memo to increase the parking by one space and meet the parking requirements. Pavers will replace concrete parking.

Architect Amey said the historic 100-year old property cannot be changed, and she sees no negative impact on the zone plan, zoning ordinance, the neighbors or neighborhood. She said the purposes of zoning are advanced by encouraging municipal action to guide the appropriate use or development of lands in a manner which will promote public health, safety, morals and general welfare, promoting multigenerational use of the property for the homeowner and his family, providing sufficient space and appropriate locations for a variety of residential, recreational, commercial and industrial uses, promoting a desirable visual environment through good civic design and arrangement, promoting conservation of historic sites and districts and contributing to open air, light and space with the plan to remove the exterior stairs. The applicants had no objection to the Board Engineer's comments and agreed to the conditions.

Board members were allotted time for questions of Architect Amey. There were questions about the garage. Architect Amey said the garage has no finished space, drywall, heat or water. Member Sheehan noted the shower attached to the garage. There was a question about the easement, and there is a verbal understanding with the neighbors about the existing driveway. If the applicant cannot get an easement, they will be required to come back to the board.

Engineer Hurless then summarized his memorandum dated October 1, 2025. He described his completeness review, the waivers he supported, and the waivers he supported to be conditions of approval. Engineer Hurless said the applicant will provide the additional parking space, so the parking variance has been eliminated. He detailed the variances sought. The General Review Comments 1-13 were classified as conditions of approval. Engineer Hurless advised the Fire and Public Works Departments recommended approval of the project in their reports dated October 9, 2025 and October 3, 2025, respectively. The Shade Tree Commission recommended approval in their report dated October 8, 2025 with the conditions that a construction barrier be installed to protect the single honey locust street tree and that any new sidewalk to be bowed towards the house to protect the street tree root system.

Board members were allotted time for questions of Engineer Hurless.

Discussion was opened to the public within two hundred feet and beyond at 6:26 PM and closed with no public coming forward to comment.

Solicitor King explained the vote for the board.

Motion was made by Ms. Sheehan to grant the variances for: §525-19B(1) Table 1 Lot Size, §525-19B(1) Table 1 Side Yard Setback, and §525-19B(2) Lot Coverage variances, subject to waivers 26, 27 and 33 and conditions 19, 28 and 32 listed on page two, conditions 1-13 as outlined on pages four and five in the October 1, 2025 memorandum by Craig R. Hurless, PE, PP, CME, the Shade Tree Commission condition listed in their report dated October 8, 2025, and subject to all conditions, including the required easement, discussed at the hearing, seconded by Mrs. Notch and carried 5-0. Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

Mark Aitken

1604 Maryland Avenue, Block 1187 Lot(s) 2

Attorney Steven Morris of The Morris Law Firm introduced the application seeking hardship and substantial benefit variances for lot coverage, shower attached to detached garage, shower height and width, and zoning review to construct an enclosure of the covered porch at the front of the property. Owner Mark Aitken and Professional Engineer and Planner Arthur Chew III of Arthur Chew Consulting LLC were sworn in by Solicitor King for the record. Board Engineer and Planner Craig Hurless remained under oath. Engineer Chew presented his credentials and was accepted as an expert in engineering and planning by Vice Chairperson Venuto.

Owner Aitken said the project is to add bedrooms for his growing family and testified that the garage is used for storage and not habitable space.

Attorney Morris gave background of construction at the property and prior variance approval. He said they found that the lot coverage calculations were not adding up, and they discovered that the outdoor shower was constructed without permits after the prior board approval.

Engineer Chew advised the plan is add a recharge trench to take the drainage from the garage and outdoor shower, improving the existing condition. He said this will advance the purposes of zoning by securing the property from flood. Engineer Chew testified that the increase in lot coverage is de minimus and there is no impact on the zone plan, zoning ordinance, neighbors nor neighborhood. Engineer Chew said some pruning of trees will be necessary, but no trees will be removed, and pruning will be kept to a minimum.

Board members were allotted time for question of Engineer Chew.

Engineer Hurless then summarized his memorandum dated November 14, 2025. He described his completeness review and the waiver he supported. He detailed the variances sought. The

General Review Comments 1-13 were classified as conditions of approval. Engineer Hurless advised the Fire and Public Works Departments recommended approval of the project in their reports dated November 6, 2025 and November 12, 2025, respectively, and the Shade Tree Commission recommended approval in their report dated November 10, 2025 with the condition that existing trees to be protected during construction.

Board members were allotted time for questions of Engineer Hurless.

Discussion was opened to the public within two hundred feet and beyond at 6:50 PM and closed with no public coming forward to comment.

Solicitor King explained the vote for the board.

Motion was made by Ms. Sheehan to grant the variances for: §525-14B(2) Lot Coverage, §525-55A(6)(c)[1] Shower attached to detached garage, §525-55A(6)(c)[2] Shower Height, §525-73 A(6)(c)[2] Shower Width and §525-73 Zoning Review variances, subject to waiver 33 listed on page two, conditions 1-13 as outlined on pages three and four in the November 14, 2025 memorandum by Craig R. Hurless, PE, PP, CME, the Shade Tree Commission condition listed in their report dated November 10, 2025 and subject to all conditions discussed at the hearing, seconded by Mrs. Notch and carried 5-0. Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

Timothy and Elizabeth Fahl
1003 Lafayette Street—Unit B, Block 1061 Lot(s) 59 C-2

Attorney Lyndsy Newcomb of Monzo Catanese DeLollis, PC introduced the application for a use variance to convert attic space to an office at this semi-detached dwelling. Attorney Newcomb understood that five positive votes are required and only five members were present to vote on the application.

Owner Elizabeth Fahl and Professional Engineer and Planner Paul Kates of Kates Schneider Engineering LLC were sworn in by Solicitor King for the record. Engineer Kates was accepted as an expert in engineering and planning by Vice Chairperson Venuto. Board Engineer and Planner Craig Hurless remained under oath.

When in town, Owner Fahl said she works out of the house, as does her husband. They want to use attic space for an office and add a window to that space. She said the adjoining neighbor has an identical variance application to be considered next month.

Engineer Kates described the internal changes to the bathroom and the addition of a spiral staircase to the attic. He said the floor area ratio will increase but not be anything near the maximum. He showed and explained application packet Sheet Z-3 Existing/Proposed Floor Plans dated 09/17/25.

He said the project increases the safety and general welfare of the inhabitants. He testified there is no negative impact on the zone plan or zoning ordinance nor on the neighbors or the neighborhood.

Board members were allotted time for questions of Engineer Kates. Member Sheehan asked for size of the window. Engineer Kates said the window is three feet wide. There was a question about converting the office space to a bedroom. Engineer Hurless said it would not increase the parking requirement, and the floor area ratio is still under the requirement.

Engineer Hurless then summarized his memorandum dated October 23, 2025. He described his completeness review and the waivers he supported. He detailed the variance sought. The General Review Comments 1-8 were classified as conditions of approval. Engineer Hurless advised the Fire and Public Works Departments recommended approval of the project in their reports dated November 7, 2025 and November 12, 2025, respectively. The Shade Tree Commission recommended approval in their report dated November 7, 2025 with the condition that the hackberry tree to rear right side of the structure needs to be protected by a TPZ, and the applicant agreed.

Board members were allotted time for questions of Engineer Hurless.

Discussion was opened to the public within two hundred feet and beyond at 6:50 PM and closed with no public coming forward to comment.

Solicitor King explained the vote for the board.

Motion was made by Mr. Walsh to grant the variances for: §525-15A Use Variance (Expansion of Non-conforming use) variance subject to waivers 2, 27, 28, 31 and 33 listed on page two, conditions 1-8 as outlined on page four in the October 23, 2025 memorandum by Craig R. Hurless, PE, PP, CME, the Shade Tree Commission condition listed in their report dated November 7, 2025, written consent by the neighbors and subject to all conditions discussed at the hearing, seconded by Mrs. Notch and carried 5-0. Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

Discussion:

Payment of Bills

Motion made by Ms. Sheehan to approve the payment of bills, seconded by Ms. Stevenson and carried 5-0. Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Walsh, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

Motion made by Ms. Sheehan to adjourn the meeting at 7:16 PM with all in favor.

Respectfully Submitted by Karen Keenan, Board Secretary