City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, March 26, 2026

Opening: The meeting of the City of Cape May Zoning Board of Adjustment was called to order by Vice Chairperson Samuel Venuto at 6:00 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		Present
Mrs. Notch		Present
Ms. Sheehan		Present
Mr. Walsh		Present
Mr. Zektzer		Present
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

<u>Resolution(s)</u>:

Motion made by Ms. Sheehan to adopt Resolution number 03-26-2026: 1, Marc & Theresa Franken, 1 & 2 Rosemans Lane, Block 1061 Lot(s) 111 & 112, seconded by Mr. Ledwin and **carried 7-0**. Those in favor: Mr. Ledwin, Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

Motion made by Ms. Stevenson to adopt Resolution number 03-26-2026: 2, Cape May Contracting Inc., 1601 New York Avenue, Block 1187 Lot(s) 16, seconded by Mr. Zektzer and **carried 7-0**. Those in favor: Mr. Ledwin, Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

<u>Minutes</u>:

Motion was made by Ms. Sheehan to adopt the meeting minutes of February 26, 2026, seconded by Mrs. Notch and **carried 7-0**. Those in favor: Mr. Ledwin, Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

<u>Application(s)</u>:

Michael Mortimer
444, 446 & 448 West Perry Street, Block 1031 Lot(s) 3, 4 & 5.01

Solicitor King announced this application adjourned to be heard at the April 23, 2026 meeting with no further public notice required.

420 Perry Street LLC
420 & 422 West Perry Street, Block 1031 Lot(s) 15

Solicitor King announced this application adjourned to be heard at the April 23, 2026 meeting with no further public notice required to those that received notice. Public notice is required for those who were not noticed.

Mark Aitken
1604 Maryland Avenue, Block 1187 Lot(s) 2

Attorney Steven Morris of The Morris Law Firm introduced the application seeking variance relief for first floor elevation and flood damage requirement related to approval granted by the board regarding this property in November 2025. Owner Mark Aitken, Professional Engineer and Planner and Certified Flood Plain Manager Arthur Chew III of Arthur Chew Consulting LLC, Architect Ken Kwiecinski of Kwiecinski & Associates, Contractor Bill Mahler and Board Engineer and Planner Craig Hurless were sworn in by Solicitor King for the record. Engineer Chew presented his credentials and was accepted as an expert in engineering, planning and flood plain management by Vice Chairperson Venuto.

Attorney Morris explained the board's prior variance approval to enclose a front porch and add bedrooms and the issue with the applicant obtaining a permit for flood compliance for the project.

Engineer Chew said the existing front porch to be enclosed has bedrooms above it. He said the existing floor is at 10.4 feet elevation and the requirement is eleven feet, and construction at that height would cause tripping and ADA issues.

There was a brief discussion that the Planning Board should hear the application. Engineer Hurless said the Zoning Board retained jurisdiction, due to the November 2025 variance approval. Engineer Hurless asked if the property flooded after Superstorm Sandy or ever had a flood claim, and Applicant Aitken replied no.

Board members were allotted time for questions. Member Walsh asked if the project cost and all projects' costs over the last five years total more than 50% of the house value, and Owner Aitken said he has not had any work done recently. Members Walsh and Sheehan asked about effect on the flood rating for the city. Engineer Chew said the project would not negatively affect the rating.

Engineer Hurless then summarized his memorandum dated March 17, 2026. He reviewed the requirement for a variance from Section 258-7. He said the board can weigh the lack of potential debris damage, lack of history of floods at the property and that it is unlikely that there will be frequent flood damage in the future. He added that the property is not in a velocity zone. The General Review Comments 1-13 were classified as conditions of approval carried over from the previous variance approval.

Board members were allotted time for questions of Engineer Hurless.

Discussion was opened to the public within two hundred feet and beyond at 6:32 PM and closed with no public coming forward to comment.

Solicitor King explained the vote for the board.

Motion was made by Ms. Sheehan that the board interprets that a variance from the flood regulations is not required, the prior condition of approval to the extent that it appeared that the applicant had to return as would be required for new construction and the flood elevation was modified, and if it is later determined that the applicant does need a Flood Damage Protection – Minimum Elevation variance, the board grants the variance based on the testimony of the applicant's Professional Engineer, Planner and Certified Floodplain Manager Arthur Chew and Board Engineer and Planner Craig Hurless subject to conditions 1-14 on pages four and five in the March 17, 2026 memorandum by Craig R. Hurless, PE, PP, CME, and subject to all conditions discussed at the hearing, seconded by Mr. Ledwin and **carried 7-0**. Those in favor: Mr. Ledwin, Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

Discussion:

Payment of Bills

Motion made by Mr. Ledwin to approve the payment of bills, seconded by Mrs. Notch and **carried 7-0**. Those in favor: Mr. Ledwin, Mrs. Notch, Ms. Sheehan, Mr. Walsh, Mr. Zektzer, Ms. Stevenson, Mr. Venuto. Those opposed: None. Those abstaining: None.

Motion made by Mr. Zektzer to adjourn the meeting at 6:37 PM with all in favor.

Respectfully Submitted by Karen Keenan, Board Secretary