

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, August 28, 2025

Opening: The meeting of the City of Cape May Zoning Board of Adjustment was called to order by Chairperson Terri Werner 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	Present
	Mr. Venuto, Vice Chairperson	Present
	Mr. Ledwin	Present
	Mrs. Notch	Present
	Ms. Sheehan	Present
	Mr. Walsh	Absent
	Mr. Zektzer	Present
	Mr. Yeager (Alt. 1)	Present
	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 Ms. Sheehan to adopt Resolution number 08-28-2025: 1, Gary & Miriam Waxman, 931 Corgie Street, Block 1093 Lot(s) 11, seconded by Mrs. Notch and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Zektzer, Mrs. Werner. Those opposed: None. Those abstaining: Mr. Ledwin, Mr. Yeager, Mr. Venuto.

Motion made by Mr. Zektzer to adopt Resolution number 08-28-2025: 2 Brian & Victoria O'Connor, 1226 Lafayette Street, Block 1129 Lot(s) 10, seconded by Ms. Sheehan and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Zektzer, Mrs. Werner. Those opposed: None. Those abstaining: Mr. Ledwin, Mr. Yeager, Mr. Venuto.

Minutes:

Motion was made by Mrs. Notch to adopt the meeting minutes of June 26, 2025, seconded by Ms. Sheehan and **carried 4-0.** Those in favor: Mrs. Notch, Ms. Sheehan, Mr. Zektzer, Mrs. Werner. Those opposed: None. Those abstaining: Mr. Ledwin, Mr. Yeager, Mr. Venuto.

Application(s):

*Theodore & Patricia Anderko
815 Columbia Avenue, Block 1075 Lot(s) 8*

Attorney Ronald Gelzunas of Ronald J. Gelzunas LLC introduced the application seeking hardship, substantial benefit and use (two principal uses on one lot) variances to construct a first and second floor addition including a rear deck and front porch identical to the approval granted under Zoning Board Resolution 03-25-2021: 2. No compliance plans were submitted after the 2021 approval and the approval expired.

Owner Ted Anderko, Engineer Marc DeBlasio of DeBlasio & Associates and Board Engineer and Planner Craig Hurless were sworn in by Solicitor King for the record. Engineer DeBlasio was accepted as an expert in engineering by Chairperson Werner.

Engineer DeBlasio testified they made no changes to the plans approved in 2021, and the variances can be granted under the c-1 and c-2 criteria. He testified there is no negative impact on the neighborhood, zone plan nor zoning ordinance. There have been no ordinance changes that would impact the project.

Board members were allotted time for questions of Engineer DeBlasio. Member Sheehan asked if the habitable space includes the cottage and the house. Engineer DeBlasio confirmed the habitable area calculation includes the rear cottage and the house.

Engineer Hurless then summarized his memorandum dated July 3, 2025. He said the memo is essentially the same as the one he prepared in 2021. He described his completeness review and the waivers he supported to be conditions of approval. He corrected his zoning table to show the maximum floor area ratio to be .65 and commented the proposed floor area ratio is well below the maximum permitted at .45. The General Review Comments 1-17 were classified as conditions of approval. Engineer Hurless advised the Fire and Public Works Departments and Shade Tree Commission recommended approval of the project in their reports dated July 14, 2025, July 11, 2025 and July 20, 2025, respectively.

Board members were allotted time for questions of Engineer Hurless.

Discussion was opened to the public within two hundred feet and beyond at 6:21 PM and closed with no public coming forward to comment.

Solicitor King explained the vote for the board.

Motion was made by Mr. Zektzer to grant the variances for: §525-19A & §525-9 Use Variance (Expansion of Non-conforming use), §525-19B(1) Table 1 Lot Size per Family, §525-19B(1) Table 1 Lot Width & Lot Frontage, §525-19B(1) Table 1 Building Setback and §525-19B(1) Table 1 Side Yard Setback variances, subject to waivers 28 and 33 and conditions 5, 13 and 18 listed on pages two and three, conditions 1-17 as outlined on pages six and seven in the July 3, 2025 memorandum by Craig R. Hurless, PE, PP, CME, with Resolution 03-25-2021: 2 incorporated by reference, 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. Zektzer, Mr. Yeager, Mr. Venuto, Mrs. Werner. Those opposed: None. Those abstaining: None.

SP Cape May Marina LLC
124 Rosemans Lane, Block 1061 Lot(s) 101.05

Cape May Paddle Club
124 Rosemans Lane, Block 1061 Lot(s) 101.05

Solicitor King explained that the two applications will be heard together, as they are located at the same property. He said there will be two separate votes, two separate decisions and two resolutions.

Present for these appeals of an administrative officer's decisions were Attorney William Kaufmann of Nehmad David Goldstein PC and Sean Scarborough, Managing Member of the SP Cape May Marina LLC and Executive Officer and Trustee of the Cape May Paddle Club. The plans include using the first floor of the clubhouse for a dining area for club members and adding a roof over the pre-existing concrete porch. Attorney Kaufmann explained that the denial was based on the requirement of site plan approval. He argued that it is improper for a zoning official to deny a zoning permit application based on site plan considerations, because a zoning permit is not defined in the city ordinances. Attorney Kaufmann stated zoning permits are defined in municipal land use law, and he argued that they do not need a site plan application. He went on to say that the zoning officer has no authority under municipal land use law to deny a zoning permit application based on site plan consideration, and a zoning officer is limited to consideration only under the zoning ordinance for zoning permits.

Solicitor King did not favor an argument that had not been presented as the basis of the submitted appeal.

Bruce Britton, Zoning Officer, was sworn in by Solicitor King. Mr. Britton pointed out that his responsibilities are listed in the code book and include the chapters for which he is responsible, including Chapter 417 Site Plan Review.

Motion was made by Mr. Ledwin to table the applications to be heard on September 25, 2025, pending further information from applicants' legal counsel, seconded by Mr. Zektzer and **carried 7-0**. Those in favor: Mr. Ledwin, Mrs. Notch, Ms. Sheehan, Mr. Zektzer, Mr. Yeager, Mr. Venuto, Mrs. Werner. Those opposed: None. Those abstaining: None.

Discussion:

Payment of Bills

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

Motion made by Mr. Zektzer to adjourn the meeting at 6:53 PM with all in favor.

Respectfully Submitted by Karen Keenan, Board Secretary