

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, September 25, 2025**

Opening: The meeting of the City of Cape May Zoning Board of Adjustment was called to order by Chairperson Terri Werner 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	Present
	Mr. Venuto, Vice Chairperson	Present
	Mr. Ledwin	Present
	Mrs. Notch	Absent
	Ms. Sheehan	Absent
	Mr. Walsh	Present
	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 Mr. Ledwin to adopt Resolution number 09-25-2025: 1 Theodore & Patricia Anderko, 815 Columbia Avenue, Block 1075 Lot(s) 8, seconded by Mr. Venuto and carried 6-0. Those in favor: Mr. Ledwin, Mr. Zektzer, Mr. Yeager, Ms. Stevenson, Mr. Venuto, Mrs. Werner. Those opposed: None. Those abstaining: Mr. Walsh.

Minutes:

Motion was made by Mr. Zektzer to adopt the meeting minutes of August 28, 2025, seconded by Mr. Ledwin and carried 6-0. Those in favor: Mr. Ledwin, Mr. Zektzer, Mr. Yeager, Ms. Stevenson, Mr. Venuto, Mrs. Werner. Those opposed: None. Those abstaining: Mr. Walsh.

Application(s):

***Gregg & Shannon Reich
1249 Washington Street, Block 1129 Lot(s) 25 & 26***

Attorney Andrew Catanese of Monzo Catanese DeLollis, PC introduced the application seeking hardship, substantial benefit and use variances to convert the two-unit structure to a single family residential dwelling and add a paver driveway, stormwater system, shed and outdoor shower.

Owner Gregg Reich, Engineer and Planner John Halbruner of The Hyland Group, Architect Pamela Fine of Fine Architecture and Board Engineer and Planner Craig Hurless were sworn in by Solicitor King for the record. Engineer and Planner Halbruner was accepted as an expert in

engineering and planning by Chairperson Werner. Architect Fine was accepted as an expert in architecture.

Architect Fine described the existing conditions at the property and the proposed floor plans. She said the attic is habitable space, and the larger foyer space causes the increase of the floor area ratio from 45.2% to 47.5%. Exhibits A-1 – Photos of the existing conditions at the property and a rendering of the proposed changes and A-2 Existing Elevations labeled SU-2 were presented by Architect Fine. Architect Fine said they have conceptual approval of the project including wood siding and new roofing from the Historic Preservation Commission (HPC).

Board members were allotted time for questions of Architect Fine. There were questions about the HPC approval, the excessive height and the purpose for the increase in height. Architect Fine said the HPC required them to reduce the height and said the increase in height was for egress and safety.

Engineer Halbruner explained that the structure was built in 1910 and described the many existing nonconforming conditions at the property. He said the new plan eliminated some nonconformities, and three nonconformities were made more compliant. He testified the purposes of the municipal land use law are being advanced including the encouragement of municipal action to guide appropriate use or development in a manner to promote the public health, safety, morals and general welfare, secure safety from fire, flood, panic and other natural man-made disasters, provide adequate light, air and open space, promote establishment of appropriate population densities, encourage free flow of traffic, promote a desirable visual environment through creative development techniques and good civic design and arrangement and promote the conservation of historic sites and districts. He testified that the benefits outweigh the detriments, there is no substantial detriment to the public good, and no impairment to the zone plan or zoning ordinance.

Board members were allotted time for questions of Engineer Halbruner. There was a question about whether the lot can accommodate the expansion, and Engineer Halbruner responded that the lot coverage is being reduced. The only increase in lot coverage is the larger foyer; there is no increase in the number of bedrooms.

Engineer Hurless then summarized his memorandum dated August 11, 2025. He described his completeness review and the waivers he supported to be conditions of approval. He detailed the variances sought. The General Review Comments 1-14 were classified as conditions of approval. Engineer Hurless advised the Fire and Public Works Departments recommended approval of the project in their reports dated September 2, 2025, and the Historic Preservation Commission provided conceptual approval in their report of the decision on the October 16, 2023 hearing date.

Board members were allotted time for questions of Engineer Hurless.

Discussion was opened to the public within two hundred feet and beyond at 6:48 PM and closed with no public coming forward to comment.

Solicitor King explained the vote for the board.

Motion was made by Mr. Venuto to grant the variances for: §525-52 floor area ratio (FAR), §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), §525-15B(2) lot coverage and §525-73D non-conforming structure on non-conforming lot variances, subject to waivers 18, 31 and 33 listed on page two, conditions 1-14 as outlined on pages five and six in the August 11, 2025 memorandum by Craig R. Hurless, PE, PP, CME, and subject to all conditions discussed at the hearing, seconded by Mr. Yeager and **carried 7-0**. Those in favor: Mr. Ledwin, Mr. Walsh, Mr. Zektzer, Mr. Yeager, Ms. Stevenson, 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

Member Timothy Walsh, who was not present at the August 28, 2025 meeting, certified that he listened to the meeting recording and examined any exhibits submitted at that meeting, so he may vote on the application as a continuation of the prior application hearing.

The hearing of these appeals of an administrative officer's decisions continued from the tabling of the application at the August 28, 2025 meeting. Attorney William Kaufmann of Nehmad David Goldstein PC, Manager Josh Dickinson of Cape May Paddle Club representing Sean Scarborough who was unable to attend, and Engineer and Planner Jason Sciullo were present at the meeting. Manager Dickinson and Engineer Sciullo were sworn in by Solicitor King and Engineer Hurless remained under oath.

Attorney Kaufmann presented his reasoning that the zoning officer cannot deny an application based on site plan considerations, as stated in his September 17, 2025 memorandum. Solicitor King was not persuaded by the argument and read from city code chapter 417-3 and New Jersey municipal land use law to explain his understanding. He then said they could argue that site plan is not required, and the board will decide it. Attorney Kaufmann believed the zoning officer should have issued the permit and included that site plan is required as a notation on the permit. He argued that the use is permitted.

Motion was made by Mr. Walsh as to whether the zoning officer was proper in not issuing a zoning permit because site plan review was necessary, seconded by Mr. Zektzer and **carried 7-0**. Those in favor (yes): Mr. Ledwin, Mr. Walsh, Mr. Zektzer, Mr. Yeager, Ms. Stevenson, Mr. Venuto, Mrs. Werner. Those opposed (no): None. Those abstaining: None.

Discussion turned to site plan exemption. Engineer Hurless' position was that the projects are not exempt from site plan review, because they do not meet the requirements listed in the code, such as parking, circulation, loading, building arrangement, building access, roof surface runoff and the prior application for the third floor boatel. Attorney Kaufmann disagreed and elicited testimony from Manager Dickinson about the operations at the property and the liquor license

that was issued in 2024. Engineer Hurless said the Zoning Board only has jurisdiction over site plan review if the use is not permitted and an applicant would typically apply requesting a waiver of site plan. Attorney Kaufmann believed the project would be exempt from the site plan approval requirement, and the zoning officer would only be able to deny an application for an unpermitted use.

Engineer and Planner Sciullo presented his credentials and was accepted as an expert in engineering and planning by Chairperson Werner. Engineer Sciullo became associated with the project in 2018 and shared Exhibit A-1, the 2013 site plan, and explained the third floor was converted to a boatel from office and clubhouse use. He referred to drawing A-101 (pages one and two), the first floor plan and diagram. Engineer Hurless believed there has been a change in the building arrangement. Engineer Sciullo said they received a site plan waiver from the Planning Board in 2022 when the boatel was approved, and the first floor was most recently used for storage. He added that the language in the approved club liquor license issued by governing body included a statement that they had to obtain permits required for fit out of the space...not site plan approval...just proper permits for planning and zoning.

It was determined that there are 180 member families per year, and members are permitted to bring guests. Engineer Sciullo testified there would be no change in the parking requirement. Engineer Hurless believed there will be an impact on parking.

There was then a discussion on the exterior porch with a small counter space to set down drinks and roof plan. Solicitor King felt that the addition of a structure would automatically trigger a site plan requirement.

Board members were allotted time for questions. Engineer Sciullo said there is no change to the runoff pattern because of the project in response to a question. Engineer Hurless read into the record from code 525-49C: *Number and location of required spaces. The following off street parking spaces shall be provided and satisfactorily surfaced and maintained by the owner of the property for each building which, after the date this chapter becomes effective, is changed in use, expanded, erected, enlarged or altered for use for any of the following principal or accessory purposes.* He then listed the purposes: auditorium, church, stadiums, theaters, restaurant, tavern, or other places of public assembly and continued reading from the code 525-49C(12): *The number of required off-street parking spaces for all other uses shall be determined by the Planning Board as part of the site plan review procedure.* Engineer Sciullo said they received the site plan approval in 2013. Engineer Hurless said there has been a change and agreed with the zoning officer.

Attorney Kaufmann made his closing statement.

Solicitor King explained the vote for the board.

Motion was made by Ms. Stevenson to affirm the zoning officer's decision on the Cape May Paddle Club zoning application ZA-25-025, seconded by Mr. Walsh and the decision by the zoning officer was affirmed 6-1. Those affirming (yes): Mr. Ledwin, Mr. Walsh, Mr. Zektzer,

Ms. Stevenson, Mr. Venuto, Mrs. Werner. Those reversing (no): Mr. Yeager. Those abstaining: None.

Solicitor King explained the next vote for the board.

Motion was made by Mr. Zektzer to affirm the zoning officer's decision on the SP Cape May Marina LLC zoning application ZA-25-026, seconded by Mr. Venuto and the decision by the zoning officer was affirmed 7-0. Those affirming (yes): Mr. Ledwin, Mr. Walsh, Mr. Zektzer, Mr. Yeager, Ms. Stevenson, Mr. Venuto, Mrs. Werner. Those reversing (no): None. Those abstaining: None.

Discussion:

Payment of Bills

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

Motion made by Mr. Walsh to adjourn the meeting at 8:21 PM with all in favor.

Respectfully Submitted by Karen Keenan, Board Secretary