

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, January 23, 2014**

Opening: In compliance with the Open Public Meetings Act, adequate notice of the meeting was provided. Chairman Thomas White called the meeting to order at 6:30 P.M.

Roll Call:	Mr. White, Chairperson	Present
	Mrs. Hutchinson, Vice Chairperson	Present
	Mr. Iurato	Present
	Mr. Schmidtchen	Present
	Mr. Meier	Present
	Mrs. Inderwies	Present
	Mr. Atwell	Present
	Mrs. McAlinden, Alt 1	Present
	Mrs. Pharo, Alt 2	Absent-excused

Also Present: George Neidig, Board Solicitor
Craig Hurless, P.E., P.P., Board Engineer
Mary Rothwell, Board Assistant/Zoning Officer
Edie Kopsitz, Recording Secretary

Chairman White announced that the Phinney/Elaine's Application has requested to be continued until February 27, 2014.

Mr. Iurato moved by Mrs. Inderwies to continue the Phinney/Elaine's Application until February 27, 2014. Seconded by Mr. Meir and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies, Mr. Atwell, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Mr. Neidig apologized to the Board for not submitting the Resolutions in time for the Agenda, he explained the reasons in detail for the record.

Reorganization:

Oath of Office: For Members, Ralph Atwell, Clair McAlinden, Atl 1 and Marilyn Pharo, Alt 2. George Neidig, Board Attorney witnessed their signatures except for Mrs. Pharo who was not present.

Chairperson:

Mrs. Hutchinson nominated Mr. White for Chairperson. Seconded by Mr. Meir and **carried 8-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies, Mr. Atwell, Mrs. McAlinden, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Vice Chairperson:

Mrs. Inderwies nominated Diane Hutchinson for Vice Chairperson. Seconded by Mr. Meier and **carried 8-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies, Mr. Atwell, Mrs. McAlinden, Mrs. Hutchinson and Mr. White. Those Opposed: None. Those Abstaining: None.

Board Attorney:

Mr. Schmidtchen moved to appoint George B. Neidig, Esquire as Board Attorney. Seconded by Mrs. Hutchinson and **carried 8-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies, Mr. Atwell, Mrs. McAlinden, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Board Engineer:

Mr. Iurato moved to appoint Craig Hurless, PE of Polistina & Associates as the Board Engineer. Seconded by Mrs. Inderwies and **carried 8-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies, Mr. Atwell, Mrs. McAlinden, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Meeting Dates 2014:

Mr. Iurato moved to approve the Meeting Dates for 2014 with November and December Meetings falling on holidays and will be cancelled with a future dates to be determined. Seconded by Mr. Meier and **carried 8-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies, Mr. Atwell, Mrs. McAlinden, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Official Newspaper:

Mrs. Hutchinson moved to recognize the Star & Wave as the Zoning Board's primary newspaper and the Press of Atlantic City as the secondary. Seconded by Mr. Meier and **carried 8-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies, Mr. Atwell, Mrs. McAlinden, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Applications:

**Haviland, 1317 New York Avenue
Block 1148 Lot 27.02, 28 & 29
Hardship Variance**

Craig Hurless clarified his credentials for the record.

Louis C. Dwyer, Jr. Esquire representing Paul and Karen Haviland owners along with their professional Christina Amey, Architect all were sworn in by George Neidig. Mr. Dwyer

described the application as a proposal to a Contributing 2 story Historic Structure in dire need of total renovations and are proposing to have the front porch/deck expanded to create a wrap around porch to the western sided of the front porch. The side yard is conforming with the proposed added deck/porch however the existing front porch is non conforming. The proposed will substantially improve the aesthetics of the building with no adverse impact. Christina Amey with an enlarged color rendering of her Architectural plans dated October 21, 2013 marked **A-1** described in detail the wraparound porch connection not encroaching any further than the 8 feet. She testified that the benefits out way any detriments and will not impact the Zoning Ordinance. Ms. Amey produced an Aerial photograph marked **A-2** depicting New York and Trenton Avenues denoting the number of wrap around porches in the area.

Board Engineer, Craig Hurless then reviewed his report of October 29, 2013 clarifying the description for the membership. He detailed the proposal and clarified, NJSA 40:55D-70c (1) Hardship Variance and NJSA 40:55D-70c (2) Substantial Benefit Variance. Mr. Hurless refers to his completeness review on pages 2, C & D Variances & Conditional Use Approval items, #19, #20, #21, #23, #24, #25, #26, #27, #28, #31, #32 and #33. He addressed the Zoning table on page 3 for the R2 District and cited ordinance §525-15 and clarified the standard, required, existing, proposed and status. He continued with the variance sought on page 3, §525-15B (1) Building Setback. His General Review comments on pages 4 & 5, items #1 (condition), #2 (condition), #3 (condition), #4 (condition), #5 (condition), #6 (condition), #7 (condition), #8 (condition) existing garage (ownership was clarified for the record), #9 (condition), #10 (condition), #11 (condition), #12 (condition), #13 (condition), #14 (condition), #15 (condition) and #16 (condition).

Chairman White opened the meeting for public comment at 6:50pm to those 200 feet and beyond with no one coming forward the public portion was closed.

Members were afforded time for questions throughout the presentation to the applicant and their professionals. They were positive on the application commending the applicant and professional for an aesthetically pleasing structure.

Motion made by Mr. Meier to approve the checklist waivers as noted on Mr. Hurless completeness review report dated October 29, 2013 pages two (2) of 6 (six), #19, #20, #21, #23, #24, #25, #26, #27, #28, #31, #32 and #33. Seconded by Mrs. Hutchinson and **carried 7-0**. Those in favor: Mr. Iurato, Mr. Schmidtchen, Mrs. Inderwies, Mr. Meier, Mr. Atwell, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to grant the Variances §525-15B (1) Table 1 Building Setback. Seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mr. Schmidtchen, Mrs. Inderwies, Mr. Meier, Mr. Atwell, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to impose the following conditions: Craig Hurless report dated October 29, 2013 of the Completeness Review on page 2 - #23 & #31 and the General Review Comment's pages 4 and 5 - #1, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15 and #16. Seconded by Mrs. Inderwies and **carried 7-0**. Those in favor: Mr. Iurato, Mr.

Schmidtchen, Mrs. Inderwies, Mr. Meier, Mr. Atwell, Mrs. Hutchison and Mr. White. Those Opposed: None. Those Abstaining: None.

Chairman White announced the next meeting will be February 27, 2014 at 6:30pm.

Motion made by Mr. Meier to adjourn @ 6:55 pm. Seconded by Mr. Inderwies 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.