

**City of Cape May Zoning Board of Adjustment Meeting Minutes  
April 28, 2011**

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

<b>Roll Call:</b>	Mr. Pitman, Chairperson	Present
	Mr. Williams, Vice Chairperson	Present
	Mrs. Hutchinson	Absent - <b>excused</b>
	Mr. Iurato	Present
	Mr. White	Absent - <b>excused</b>
	Mr. Schmidtchen	Present
	Mr. Todd	Present
	Mr. Meier, Alt 1	Present
	Mrs. Inderwies, Alt 2	Present

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

**Resolutions:**

**Clemens, 400 Trenton Avenue, Block 1134 Lot 15**

**Motion made by Mr. Iurato to approve Resolution #4-28-2011:1.** Seconded by Mr. Meier **and carried 4-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: Mr. Williams, Mr. Schmidtchen and Mr. Todd.

**Venner, 821 Corgie Street, Block 1091 Lot 16**

**Motion made by Mr. Iurato to approve Resolution #4-28-2011:2.** Seconded by Mrs. Inderwies **and carried 6-0.** Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: Mr. Todd.

**Trella, 3 Harbor Cove, Block 1172 Lot 2.01**

**Motion made by Mr. Iurato to approve Resolution #4-28-2011:3 with noted corrections discussed on pages 3 and 7.** Seconded by Mr. Schmidtchen **and carried 5-0.** Those in favor: Mr. Iurato, Mr. Schmidtchen, Mr. Meier, Mrs. Inderwies and Mr. Pitman. Those opposed: None. Those abstaining: Mr. Williams and Mr. Todd.

**Application:**

**Smith, 112 Queen Street, Block 1062 Lot 6 & 7  
Hardship Variance & Site Plan Request**

Mr. Hurlless clarified his credentials for the record.

Louis C. Dwyer, Esquire appearing for the owners Edward (Ted) and Julia Smith whom were present along with their professional Joseph Ross, Architect and were sworn in by Mr. Neidig. Mr. Dwyer requested Mr. Ross begin the presentation by describing the existing structure. Mr. Ross described the structure as a 2-½ story dwelling on the corner of Queen Street & Kearney Avenue and consist of a framed out building o the rear of the corner of an irregular shaped lot. Parking is on the grass back yard for four (4) spaces with site improvements to include pavers and landscaping. The proposed changes included the expansion of two (2) feet to an existing deck of ten (10) feet (he confirmed the exiting 4.2 feet from Queen Street & 7.5 feet from the opposite side yard), same expansion of the 2<sup>nd</sup> floor & 3<sup>rd</sup> floor existing deck (wrap around porch configuration) with a attic dormer window. Mr. Ross referred to his plans February 11, 2011 with particular reference to sheet A-2 denoting the proposal explaining in detail to the members.

Numerous questions & concerns from the board members regarding the proposed placement of the air conditioning unit. Mr. Dwyer requested a brief recess so he could confer and address the concern with his client. A reduction in lot coverage will be 46.4% and not 46.5%.

**Mr. Pitman called for a five (5) minute recess at 7:00 pm. The meeting resumed @ 7:05 pm.** Mr. Dwyer indicated that the applicant has agreed to leave the a/c unit where is currently exists.

Board Engineer, Craig Hurlless then reviewed his report of March 11, 2011 clarifying the description for the membership. He detailed the proposal and verified the variances as follows; NJSA 40:55D-70c Hardship Variance and NJSA 40:55D-70c Substantial Benefit Variance. Mr. Hurlless refers to his completeness review on page 2 for the C & D Variances items, #20, #21, #24, #26, #27, #28 and #30. He addressed the Zoning table on page 3 for the RS District and sited ordinance #525-19 clarifying the standard, required, existing, proposed and status. He continued with the four (4) variances sought as §525-19B(1) Table 1 – Building Setback Queen Street, §525-19B(1) Side Yard Setback, §525-19B(2) Lot Coverage and §525-54 (5) (b) Decks within Setbacks and stated that Kearney Avenue variance was eliminated by the applicant. His General Review comments on pages 4 through 6, items #1, #2, #3, #4 (shifting over), #5, #6, #7, #8 - Memorandum from Shade tree dated March 22, 2011 was accepted and will not be a condition, #9, #10-HPC final approval required and #11 indicates the request does not create additional COAH obligation to the city.

**The Chairman open the public portion to those 200 feet and beyond, with no one showing the public portioned was closed at 7:15 p.m.**

**Motion was made by Mr. Schmidtchen to grant the Four (4) Variances – Building Setback Queen Street, Side Yard Setback, Lot Coverage and Decks within Setbacks.** Seconded by Mr. Williams and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen (who voiced his vote for the record), Mr. Todd, Mr. Meier, Mrs. Inderwies and Mr. Pitman.

**Motion was made by Mr. Williams for the completeness waivers on page two (2) of Mr. Hurless report dated March 11, 2011 #'s 20, 24, 26, 27, 28, 30 and 32 be granted.** Seconded by Mr. Meier, **carried 7-0.** Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen, Mr. Todd, Mr. Meier, Mrs. Inderwies and Mr. Pitman.

**Motion made by Mr. Meier to grant application subject to the conditions within Mr. Hurless's memorandum of March 11, 2011 page 4 through 6 (#1,2,3,4,5,6,7,8,9,10 & 11) and the plans shall be revised stated the AC Units will remain and the correction lot coverage be noted.** Seconded by Mrs. Inderwies, **carried 7-0.** Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen, Mr. Todd, Mr. Meier, Mrs. Inderwies and Mr. Pitman.

**Mr. Pitman called for a five (5) minute recess at 7:25 pm. The meeting resumed @ 7:30 pm.**

**Before the meeting commenced Mr. Schmidtchen shared with the Members his participation with the City's Green Team Committee 1<sup>st</sup> meeting. He informed the member of the subject discussed was the amount of paper that was produced by the City and reminded members to recycle.**

**New Cingular Wireless PCS, LLC d/b/a AT & T Mobility  
501 Beach Avenue  
Block 1047 Lots 1, 6 & 7**

Mr. Hurless clarified his credentials for the record.

Warren Stillwell, Esquire was present to represent New Cingular Wireless for AT&T along with. Professionals Brad Riffel, Radio Frequency Engineer, James Miller, Planner and Petras Tsoukalas, Engineer for the applicant all were sworn in by Mr. Neidig. Present for the applicant was Ms. Linda Calamari, Transcriber from the office Guy J. Renzi & Associates. Mr. Stillwell presentation began with an overview of the project stating the application requires a D-1 & D-6 variance and Preliminary and Final Site Plan approval. They are proposing to construct an unmanned telecommunications facility consisting of twelve (12) antennas behind a nine (9) foot screened wall (15 feet by 22.3 feet in size) and equipment cabinets placed on an elevated (13.5 ft. x 21.5 ft.) steel platform that will be screened with an ornamental cap designed to match the building on the roof of the Marquis De Lafayette Hotel. The Marquis De Lafayette Hotel is located in the C-2 Zone in the Commercial District. He then stated they received Historic Preservation Commission approval on August

23, 2010 and submitted a copy of the Resolution #2010-29 that was marked Exhibit A-1. Mr. Stillwell explained the necessity of the antennas due to the many year round and transient users.

Mr. Miller gave lengthy testimony regarding the radio frequency aspect of the application and presented visual colorized charts for the membership perusal that was marked into evidence as A-2, A-3 and A4. The exhibits depicted the existing and proposed coverage in the area. He addressed the positive and negative criteria and stated the benefits out way any detriments considering the number of wireless users. Mr. Tsoukalas, Engineer testimony reviewed the enlarged Site Plan marked into to evidence as A-5 dated November 19, 2010 with a revision date of March 28, 2011, Elevation view marked A-6 and A-7 depicting the locations for the proposed generator, power & Telco conduits mechanical room, elevated support frame, transparent screen wall and ornamental cap, submitted & explained his report prepared for AT&T dated April 4, 2011 regarding Equipment Platform Calculation & Roof Check, marked as exhibit A-9A a colorized photo board referred to as a Photo simulations for a Collocation on an Existing Building that included enlarged photographs of the location proposed from various locations; #1 Hotel Parking Lot, #2 Decatur Street, #3 Intersection of Ocean Street & #4 Hotel Parking lot along Beach Avenue.

During the professionals testimony Board Members questioned several of the exhibits, requesting explanation regarding location, safety concerns, storm ratings, visual impact, HPC approval regarding materials and requested clarification of the radio frequency of the antennas. Members were positive and complimentary on the application.

Board Engineer, Craig Hurless then reviewed his report of March 9, 2011 clarifying the description for the membership. He detailed the proposal and verified the variances as follows; NJSA 40:55D-70d Variance – Use & Height. Mr. Hurless refers to his completeness review on pages 2 & 3 for the C, D1 & D6 Variances and conditional use approval #19, #28, #33 and (aa). He addressed the Zoning table on page 3 for the C-2 Beach Business District and sited ordinance #525-23 Table 2 Hotel-Motel clarifying the standard, required, existing, proposed and status. He continued with the two (2) variances sought as §525-23A Use Variance – Telecommunication Facility, §525-23B (2) Building Height. His General Review comments on pages 4 and 5, items #1, #2 (informational), #3, #4, #5, #6, #7, #8 (HPC Exhibit A-1 provided), #9 and #10 - COAH compliance.

**The Chairman open the public portion to those 200 feet and beyond, with no one showing the public portioned was closed at 8:40 p.m.**

**Motion was made by Mr. Meier to grant the Two (2) Variances D1 & D6 – Use and Height.** Seconded by Mrs. Inderweis and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen, Mr. Todd, Mr. Meier (voiced his reason for the record), Mrs. Inderwies and Mr. Pitman (voiced his reason for the record).

**Motion made by Mr. Schmidtchen to grant the waivers as noted in Craig Hurless memorandum of March 9, 2011 on page 2 items (#19, #28 & #33).** Seconded by Mr.

Iurato, **carried 7-0**. Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen, Mr. Todd, Mr. Meier, Mrs. Inderwies and Mr. Pitman.

**Motion made by Mr. Meier to grant Preliminary and Final Site Plan Approval.** Seconded by Mrs. Inderwies, **carried 7-0**. Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen, Mr. Todd, Mr. Meier, Mrs. Inderwies and Mr. Pitman.

**Motion made by Mr. Meier to grant application subject to the conditions within Mr. Hurless's memorandum of March 9, 2011 page 3 item (aa) CD-ROM format, pages 4 & 5 items (1, 5, 6, 7, 8 HPC approval if necessary & 10).** Seconded by Mr. Iurato, **carried 7-0**. Those in favor: Mr. Iurato, Mr. Williams, Mr. Schmidtchen, Mr. Todd, Mr. Meier, Mrs. Inderwies and Mr. Pitman.

**A verbatim recording of said meeting is on file at the Construction/Zoning Office.**

**Adjournment was made by Mr. Meier, Seconded by Mr. Todd at 9:00 PM, with all in favor.**

**Respectfully submitted: Edie Kopsitz, Recording Secretary.**

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**Adopted**