

**City of Cape May Zoning Board of Adjustment Meeting Minutes
September 22, 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.

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

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

Minutes: July 28, 2011

Motion made by Mr. Iurato to approve the minutes dated July 28, 2011 as presented. Seconded by Mr. White and **carried 8-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. White, Mr. Todd, Mr. Schmidtchen, Mr. Williams, Mr. Meier and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Resolutions:

Atwell, 287 Windsor Avenue, Block 27 Lot 21

Motion made by Mr. Iurato to approve the Atwell Resolution #9-22-2011:2 as presented. Seconded by Mr. White and **carried 7-0.** Those in favor: Mr. Iurato, Mr. White, Mr. Schmidtchen, Mrs. Hutchinson, Mr. Todd, Mr. Williams and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Ahern, 1302 Idaho Avenue, Block 1149 Lot 3 & 4

Motion made by Mr. Iurato to approve the Ahern Resolution #9-22-2011:1 as presented. Seconded by Mr. White and **carried 7-0.** Those in favor: Mr. Iurato, Mr. White, Mr. Schmidtchen, Mrs. Hutchinson, Mr. Todd, Mr. Williams and Mr. Pitman. Those Opposed: None. Those Abstaining: None.

Applications:

Chairman Pitman announced that the **Pagliuca, 1306 Cape May Avenue, Block 1150 Lot 3** application will be postponed until further notice. Louis Dwyer, Esquire applicant's attorney explained the reason in detail for the record.

Massicott & Gilfillan, 25 Windsor Avenue, Block 1024 Lot 16 Hardship Variance

Mr. Hurless clarified his credentials for the record.

Louis C. Dwyer, Esquire appearing for the owners Alex Gilfillan and David Massicott who were present along with professional Joseph Courter, project Architect who was sworn in by Mr. Neidig. Mr. Dwyer explained the applicants own the historic home which is in need of major restoration. The applicants received conceptual approval of the Historic Preservation Commission on July 11, 2011 and minutes of that date were marked into evidence as **A-1** defining the materials of the siding, windows, construction of an addition overtop of the existing rear portion of the structure and create a rear porch in place of an existing concrete patio. Mr. Dwyer commented that upon completion will better fit the neighborhood and will blend in with the streetscape. He stated the number of bedrooms will be reduced from eight (8) to six (6) indicating the site can reasonably accommodate the added floor area not increasing density creating a better layout. Restoring the historic property also advances a purpose of zoning recognized as such by the Land Use Act with no detriments.

Mr. Courter proceed with his testimony using his plans dated June 17, 2011 with revision date of July 8, 2011 presented on an enlarged photo board for the membership perusal. He implied factually they are being sensitive to the character of the structure and the Historic District. With the plan he explained sheet A1 in detail the Survey, Location Map, the Lot coverage scheduled indicating the impervious code for Building & Covered decks existing 1307 sq.ft. & proposed 1430 sq. ft., Driveway & Sidewalk, existing 750 sq.ft. reduced to 475 sq. feet, Driveway & Sidewalk pavers, Open decks and steps, Front Elevation indicating No change but enhancements, Rear Elevation - existing & proposed, Left Side Elevation – existing & proposed, Site Plans of existing and proposed 1st Floor remains basically the same with a side open porch, Second Floor & Third Floor Plans explaining the modernization of the room along with the reduction in bedrooms and Right Side Elevation – existing & proposed.

Mary Rothwell, Zoning Officer & Board Secretary requested the shower enclosure dimensions should be denoted on the plan and clarified the measurements (4ft x 4ft x 6 ft.) for the record.

Board Engineer, Craig Hurless then reviewed his report of July 13, 2011 clarifying the description for the membership. He detailed the proposal and verified the variances. Mr. Hurless refers to his completeness review on page 2 for the C & D Variances items, #19, #20, #21, #24, #25, #26, #27 and #28. He addressed the Zoning table on page 3 for the RS District and cited ordinance #525-19 clarifying the standard, required, existing, proposed and status

indicating the pre-existing condition in Lot Size, Width and Frontage as he continued on pages 3 & 4 of the report clarifying the seven (7) variances sought as §525-15B(1) Table 1 – Lot Size, §525-15B(1) Table 1 - Lot Width & Lot Frontage, §525-15B(1) Table 1 – Rear Setback, §525-15B(1) Table 1 Side Yard Setback (each & total), §525-15B(1) Table 1 Lot Coverage, §525- 52A Floor Area Ratio (FAR) and §525-49C(1) Off Street Parking. His General Review comments on pages 5 through 6, items #1, #2, #3, #4, #5, #6 (Shade Tree), #7, #8 (HPC Approval) and #9 last sentence regarding COAH requirements.

The Chairman opened the public portion at 6:55pm to those 200 feet and beyond with no one coming forward this portion closed @ 6:55pm.

The majority Members were positive on the application stating their reasons in detail for the record. The majority commended the applicant on the much needed renovation and stated it could encourage others to follow. Member Iurato was negative on the application citing his reasons in detail of the increase of the request Floor Area Ratio and existing rear yard reduction proposed.

Motion was made by Mr. Williams to grant the Completeness Waivers as stated on pages 2 & 3 of Craig Hurless report dated July 13, 2011 #'s 19, 20, 21, 23, 24, 26, 27, 28 and 33. Seconded by Mr. White **and carried 6-1.** Those in favor: Mr. Williams, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Todd, Mr. White and Mr. Pitman. Those opposed: Mr. Iurato who verbalized his vote. Those abstaining: None.

Motion was made by Mr. White to grant the Seven (7) variances sought as §525-15B(1) Table 1 – Lot Size, §525-15B(1) Table 1 - Lot Width & Lot Frontage (existing), §525-15B(1) Table 1 – Rear Setback, §525-15B(1) Table 1 Side Yard Setback (each & total), §525-15B(1) Table 1 Lot Coverage, §525- 52A Floor Area Ratio (FAR) and §525-49C(1) Off Street Parking. Seconded by Mr. Todd **and carried 6-1.** Those in favor: Mr. Williams, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Todd, Mr. White and Mr. Pitman. (Members reiterated their reasons) Those opposed: Mr. Iurato for reasons previously stated. Those abstaining: None.

Motion made by Mr. Schmidtchen to grant application subject to the conditions within Mr. Hurless's memorandum of July 13, 2011 pages 5 & 6 - #'s 1, 2, 3, 4, 5, 6, 7, 8, 9 and the Zoning Officer inclusion of the Shower Enclosure dimensions of (4ft x 4ft x 6 ft.). Seconded by Mr. White **and carried 6-1.** Those in favor: Mr. Williams, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Todd, Mr. White and Mr. Pitman. Those opposed: Mr. Iurato for reasons previously stated. Those abstaining: None.

Discussion ensued regarding the date (September 29, 2011) of the hearing of the Ceilio application being a Jewish Religious holiday Rosh Hashanah. Several phone calls and letters to the Board Secretary were made by neighbors who wanted to attend/attest and requested the hearing be change. The majority of members were agreeable. Mr. Neidig will phone the City Solicitor for direction and clarification on policy regarding this issue. Members discussed at length application procedures regarding vocalizing their vote for the

record. Historic Structures and grandfather clauses, FAR and Ordinance terminology were explained by Craig Hurless with member participation.

Motion made by Mr. Schmidtchen to adjourn @ 7:30pm. Seconded by Mr. Todd **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.

Adopted