

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

Opening: In compliance with the Open Public Meetings Act of 1975, adequate notice of the meeting was provided. Chairman 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. Meier	Present
	Mrs. McAlinden	Present
	Mrs. Inderwies	Absent
	Mrs. Pharo	Present
	Mr. Furlin, Alt 1	Present

Also Present: George Neidig, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Jill Devlin/Board Assistant

Minutes: September 25, 2014

Mr. Iurato motioned to approve the September 25, 2014 minutes as presented. Seconded by Mrs. Hutchinson and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. White, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Resolution(s):

Mr. Iurato noted there were two typos on the resolution that needed to be corrected.

**#10-23-2014:1, John H. Ritz, 1603 New Jersey Avenue
Block 1018, Lot(s) 18.02, 19**

Mr. Iurato motioned to accept Resolution #10-23-2014:1. Seconded by Mrs. Pharo and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. White, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Applications:

**Elissa Campanella, 678 Washington Street
Block 1058, Lot(s) 11.01
Use, Hardship and Substantial Benefit Variances**

Craig Hurless, Attorney Thomas Phelan and applicant Elissa Campanella were sworn in and stated their credentials for the records.

Attorney Phelan begin reviewing the Campanella application, stating this was an application for a Use Variance to permit a residential use on a first floor in a commercial zone. The address, 678 Washington Street, was used as a commercial business for many years on the ground floor. There is also a residential unit on the ground floor as well as two residential units above on the second floor. One of the apartments on the second floor is owned by the applicant, the second owned by a different owner. The address is in an area that used to be known as Washington Square which at one time had several retail businesses located there. All other stores that were there have closed in recent years as the retail operation became concentrated on the Washington Street Mall. The businesses closed due to less pedestrian traffic on Washington Street due to the concentration of retail businesses in the Washington Street Mall and Washington Commons. The business operated by the applicant now faces the same circumstances; less pedestrian traffic and not enough customers to sustain the business. The business has been for sale for over two years; it is simply not a good location for a business any longer. The best use for the property now is a residential use. Attorney Phelan stated there would be no change to the exterior of the building; the changes would be only to the interior, to convert the commercial space into a residential space.

Elissa Campenalla then testified as to the conditions of the business and why she'd like to turn the first floor into a residential apartment. She stated they operated the retail establishment since January of 1991, a Victorian decorating business. Washington Square at that time was an established thriving row of retail businesses and was able to compete quite successfully with the mall. The change with the construction of Washington Commons saw the pedestrian traffic cease to exist, even during the busiest times of the summer. She would like to convert to a two bedroom apartment, and stated that any changes would be interior only, not exterior.

Mr. Furlin questioned the signs that were still there; if they were still active businesses. The applicant stated that the businesses were no longer there and the signs would be removed.

Craig Hurless reviewed his memorandum dated September 9, 2014, beginning with Completeness Review, item 1, wherein this site had received prior Zoning Board approval for the conversion of one of the commercial units into a residential unit. That prior resolution has been submitted for review satisfying item 1. Under details required for C & D Variances, all of the waivers are supported due to the type of conversion of the property. He stated the Use Variance was necessary for this conversion. The Side Yard Setback is needed because the structure is being converted into a nonconforming use. There were no questions from the board.

Chairman White opened the meeting to the public at 6:56 PM and then closed the meeting to the public since there were no comments from the public.

Mr. Meier motioned to approve Variance §525-22A, Use Variance (Expansion of Non-conforming use). Seconded by Mrs. Hutchinson and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson, Mr. White. Those opposed: None. Those abstaining: None.

Mr. Meier motioned to approve Variance §525-22B(1) Table 1, Side Yard Setback. Seconded by Mrs. Pharo and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson, Mr. White. Those opposed: None. Those abstaining: None.

Mrs. Hutchinson motioned to approve Completeness Review Item #1. Seconded by Mrs. Pharo and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson, Mr. White. Those opposed: None. Those abstaining: None.

Mr. Meier motioned to approve all Checklist Waivers. Seconded by Mrs. Hutchinson and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson, Mr. White. Those opposed: None. Those abstaining: None.

**Cape May Miniature Golf
Leonard & Kelley Helbig
315 Jackson Street
Block 1040, Lot(s) 5, 6, 7**

James Pickering, Esquire, Craig Hurless, Joseph Courter and John Helbig, PE were sworn in and clarified their credentials for the record.

Mr. Pickering reviewed the application in front of the Board. It is to remove the existing building and to replace it with a smaller building. The ice cream use would be eliminated and the use would be strictly a miniature golf course. He questioned John Helbig regarding exhibit A1, an Arial photograph and diagrams A2 and A3. Mr. Helbig described the drawing in detail, the current building and what the new building being proposed would look like. The building will change from a two story building down to a one story building. The same amount of off street parking as exists today is being proposed. There will also be a substantial amount of new planting around the building, and no new signage is being proposed. The trash and recycling will also be moved out of sight. The application was presented to HPC and they reviewed and approved the plans at the end of August, 2014. The existing bulkhead at the property has some problems so they will be establishing a new bulkhead and have confirmed this with the Department of Environmental Protection. The area will not be impacted by the proposed site plan.

Mr. Pickering then asked Mr. Courter questions about exhibit A4, which detailed the new building being proposed. He stated HPC has given conceptual approval on the building.

Mr. White asked why they were tearing down the larger building to replace with a smaller building. Mr. Helbig, owner, stated the reason was basically down to dollars and cents. He feels he cannot charge customers an inflated price for ice cream due to rising costs and overhead and maintenance of the building. He simply wishes to downsize.

There were no more questions from the board.

Craig Hurless reviewed his review memorandum dated September 25, 2014. The project is located in the C5 service business light industrial district. The applicant will be eliminating the ice cream sales so no Use Variance is required. Craig thanked the applicant for providing a very thorough application with regards to the technical issues. He then reviewed his general review comments in detail.

Mr. Iurato questioned if there is any condition where the sign be located; Mr. Hurless stated the signage condition was for the size of the sign, not the location.

Chairman White opened the meeting to the public at 7:22 PM, and then closed the meeting to the public as there were no questions or comments.

Mr. Meier motioned to approve the Site Plan. Seconded by Mrs. Hutchinson and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Pharo, Mrs. Hutchinson, Mr. Meier, Mr. Furlin and Mr. White. Those opposed: None. Those abstaining: None.

Mr. Meier motioned to approve Waiver of EIS. Seconded by Mrs. Pharo and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin, Mr. Meier, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

Mrs. Hutchinson motioned to approve Condition (aa) on Page 2, and General Review Comments 1, and 9 through 14. Seconded by Mrs. Pharo and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin, Mr. Meier, Mrs. Hutchinson and Mr. White.

The meeting was adjourned for a five minute break at 7:26 PM.

The meeting resumed at 7:35 PM.

**Pamela Deblasio
727 Page Street
Block 1077, Lot(s) 9**

Sal Perillo stated who he was and his credentials for the record, and that he was representing applicant Pamela Deblasio. He detailed the current state of the property. He also stated the applicant applied to the HPC and received approval to demolish the existing building. There have been a number of revisions to the plans being presented. Exhibit A1, Certificate of Appropriateness from the HPC, exhibit A2, the demolition permit from the HPC and exhibit A3, the permit to raise the existing house to comply with the FEMA requirements were noted for the record. Mr. Perillo stated he had multiple witnesses testifying. William McLees, the project architect; Cormack Morrisey who is the project engineer and Tiffany CuvIELLO who is the planner were sworn in and stated their credentials for the record. Craig Hurless was also sworn in and clarified his credentials for the record.

Sal Perillo questioned Mr. McLees regarding the applicant's property. Mr. McLees stated he inspected the property and gave his assessment of its current state. Exhibit A8 was put into

record which is photos of the existing state of the home. He noted water leakage, rotting, electrical code violations and non compliant construction. He stated raising the house would not be feasible. The existing building does not comply with current flood elevation requirements. Renovating the building is not an option. He discussed in extensive detail exhibits A4, a rendering of the outside of the building, A6, floor plans for the building, A9, floor plan of the existing condition, and A7 in which the FAR was discussed at length. The flood elevation was also discussed.

There were no questions from the board for Mr. McLees.

Mr. Morrissey, engineer for the applicant, detailed his exhibits for the board regarding the building currently on the site including parking. Exhibits A9 and A10 were noted for the record. Mr. Morrissey also detailed the proposed plans and how they compared to the building currently on the site. He also detailed the corner issues with the property and believes the proposed plans only enhance public safety by improvement. Mr. Morrissey stated the condition that exists now does not comply with the national standard and constitutes an unsafe condition.

There were no questions from the board for Mr. Morrissey.

Ms. Cuvillo, professional planner, began her testimony regarding the application. She detailed the existing site conditions. Exhibit A11, detailed photos of the property, were put into record. She stated the variances the applicant was seeking and explained in detail the reasons these variances were requested. She noted that every variance being requested would result in a great improvement to the property. Floor Area Ratio was discussed in great detail on how it is calculated. Variances for lot size, building setbacks, rear yard setback, side yard setback, and lot coverage were also discussed in extensive detail.

Mr. Perillo stated the board had three options being presented; keep the existing building with all zoning violations that exist today; raise the existing building four feet, or, accept what the applicant is proposing for the property.

Mr. Meier asked a question regarding the proposed floor area ratio and how it is calculated, and the proposed lot coverage. He also questioned the telephone pole with wires hanging over the house. Mrs. McAlinden questioned the numbers on the plan for the second floor, the habitable space. There were no further questions from the Board. Mr. Furlin disputed the claim that the HPC approved the new building, stating only the demolition was approved. Mr. Deblasio did clarify that the application was presented twice to the HPC and the plans needed to be addressed. He also added they spent a lot of time going back to the drawing board with multiple revisions based on HPC recommendations. Mr. Meier asked Mr. Deblasio to explain what the HPC was looking for to be revised on the application.

Craig Hurless, board engineer, reviewed his memorandum dated October 13, 2014. Regarding completeness review items 20, 21 and 31, he supports the waivers from those items. Item 27 he would like to see the connections to the existing utilities to make sure they comply with City standards. As well the overhead wires need to be moved to underground

and would like that as a condition of approval. He stated he agrees with the variances that are being requested in that they are required and gave a summary of all. Mr. Hurless then reviewed his general review comments in detail.

Mr. Iurato questioned two trees on the property, one in the front and one in the rear yard, if they were going to be removed. Mr. Hurless stated the Shade Tree Commission requires the trees be preserved. He also questioned the signage that could be allowed on the home.

Mr. Perillo noted they were fine with all of Mr. Hurless's recommendations but one needed to be clarified. Mr. Deblasio stated when the Shade Tree Commission reviewed the application they may not have understood that the house was to be demolished and that the footprint of the home would be within the circumference of the trees or the root area. He stated he can't imagine the trees would survive the demolition and is the reason they proposed to plant two new trees on the lot.

Mr. Hurless stated the applicant should be required to comply with the Shade Tree Commission requirements. Should the tree be demolished there is a code section within the ordinance that requires replacement when trees fall within the footprints of buildings. Mr. Deblasio stated they would go back to the Shade Tree Commission to rectify the situation.

Chairman White opened the meeting to the public at 9:07 PM.

Many members from the public testified:

Ron Deluca, 727 Page Street, Cape May.

Joe McCully, 813 Columbia Avenue, Cape May.

Peter Daly, owner of 727 Page Street, Cape May.

William Gaffney, 10 Columbia Avenue, Cape May.

Justin Picando, 817 Columbia Avenue, Cape May.

Harley Shuler, 722 Corgie Street, Cape May.

Mark Schenfield, 726 Corgie Street, Cape May.

Bob White, 609 Jefferson Street, 902 and 904 Page Street, Cape May.

Brandi White, Wanderlust, Cape May.

Ted Enderko, 815 Columbia Avenue, Cape May.

Lauren Schenfield, 726 Corgie Street, Cape May.

Mary Pat Myers, 611 Jefferson Street, Cape May.

Pat Enderko, 815 Columbia Avenue, Cape May.

Most stated concerns on the size of the home proposed, traffic and parking issues if the home were able to be built, along with other items regarding the historical status of the current home. They believe a large structure would signal the end of the small frame cottages in Cape May. Some members of the public were approving of the changes that were proposed to the property and believe it would be an improvement.

Chairman White closed the meeting to the public at 10:10 PM.

Due to the late hour a poll of the board members was taken with regards to a vote and all were in favor to vote on the application.

Motion was made by Mrs. Hutchinson to approve Variance §525-52 Floor Area Ratio (FAR). Seconded by Mrs. Pharo and **denied 5-2.** Those in favor: Mr. Meier, Mrs. Pharo. Those opposed: Mr. Iurato, Mrs. McAlinden, Mr. Furlin, Mrs. Hutchinson and Mr. White. Those abstaining: None.

Motion was made by Mr. Iurato for the board not to vote on the remaining variances. Seconded by Mrs. Pharo and **carried 7-0.** Those in favor: Mr. Iurato, Mr. Meier, Mrs. McAlinden, Mrs. Pharo, Mr. Furlin, Mrs. Hutchinson and Mr. White. Those opposed: None. Those abstaining: None.

Motion to adjourn meeting at 10:24 PM by Mr. Meier and was in favor by all.

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

Respectfully submitted: Jill Devlin/Board Assistant