

**City of Cape May Zoning Board of Adjustment Meeting Minutes
December 27, 2012**

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

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

Also Present: George Neidig, Board Solicitor
Craig Hurless, P.E., P.P., Board Engineer
Edie Kopsitz, Recording Secretary

Absent: Mary Rothwell, Board Assistant/Zoning Officer

Minutes: November 15, 2012

Motion made by Mr. Iurato to accept the minutes dated November 15, 2012 as presented. Seconded by Mrs. Hutchinson and **carried 4-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: Mr. Meier.

Applications:

**Snyder, 105 First Avenue
Block 1017 Lot(s) 12
Hardship Variance**

Craig Hurless clarified his credentials for the record.

Mr. Neidig explained to Mr. Dwyer that the applicant was entitled to a seven (7) Member Board and there were only five (5) Members present to vote. Mr. Dwyer responded he wanted to proceed. Mr. Neidig requested verification for the record that the omission on the signature page of the Owner whom are the McCarthy's and the Snyder's are under contract to purchase. Mr. Dwyer stated for the record he represents the McCarthy's in all matters locally and they consented to this proceeding.

Louis C. Dwyer, Jr. Esquire representing Gary and Deborah Snyder whom were present along with their professional Dave Shultz, Architect from DAS Architecture all were sworn

in by George Neidig. Mr. Dwyer described the application as an isolated undersize lot deficient in area width and frontage. He explained that it is a classic C1 and the requests are reasonable and meets all other aspects of the Zoning Ordinance (floor area ratio, lot coverage, building setbacks front rear and side). The applicant proposes to demolish the existing single family structure and construct a new 2 ½ story single family dwelling with a detached garage and a pool. He explained a total of 2,411 square feet that includes three bedrooms is proposed. He stated that the Historic Preservation Commission granted approval on November 26, 2012 of the structure and indicated there were no contiguous lands for purchase.

Mr. Shultz testimony referred to his plans dated October 12, 2012, describing in detail the 2 ½ story shingle style structure. Using a colorized site plan for the Members perusal explained the 1st, 2nd & 3rd floor plans, all elevations, garage, parking areas, pool and pool decking area. He stated the structure compliments the area blending in with the streetscape making sure all bulk requirements were satisfied and believes there are no detriments to the public good or to the Zoning Ordinance.

Board Engineer, Craig Hurless then reviewed his report of December 11, 2012 clarifying the description for the membership. He detailed the proposal and clarified, NJSA 40:55D-70c (1) Hardship Variance 2nd review. Mr. Hurless refers to his completeness review on pages 2, C & D Variances & Conditional Use Approval items, #20, #21, #24, #25 and #26. He addressed the Zoning table on page 3 for the R-2 District “All other uses” and sited ordinance §525-15 indicating the pre existing conditions. He clarified the standard, required, existing, proposed and status. He continued with the variances sought on page 3, §525-15B (1) Table 1 Lot Size and §525-15B (1) Table 1 Lot Width & Frontage. His General Review comments on pages 4 & 5, items #1, #2 (condition), #3, #4 (condition), #5 (condition), #6 (condition), #7 (condition), #8 (condition), #9 (condition), #10 (condition), #11 (condition), #12 HPC final (condition) and #13 COAH (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 allotted time for questions to the applicant and their professionals. Member Iurato questioned if the pool layout could be redirected, Mrs. Hutchinson stated because of FEMA regulations she wanted clarification that the house would be built on pilings and Mr. Meir requested clarification regarding lot coverage and questions regarding the existing lot coverage. Mr. Dwyer and Mr. Shultz responded in detail to all questions put forth. All members were positive on the application.

Motion made by Mrs. Hutchinson to grant the Lot Size §525-15B (1) and Lot Width & Frontage §525-15B (1) Variances. Seconded by Mrs. Inderweis and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mrs. Hutchinson to approve the checklist waivers as noted on Mr. Hurless completeness review report dated December 11, 2012 pages two (2) of 5 (five),

#20, #21, #24 and #26. Seconded by Mr. Iurato and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Iurato to impose the following conditions: Craig Hurless report dated December 11, 2012 of the General Review Comment's pages 4 & 5 - #2, #4, #5, #6, #7, #8, #9, #10, #11, #12 and #13 and signature consent by current owner. Seconded by Mrs. Hutchinson and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

**Mockus, 810 Sewell Avenue
Block 1073 Lot 6
Hardship/Substantial Benefit Variance (s)**

Craig Hurless clarified his credentials for the record.

Louis C. Dwyer, Jr. Esquire representing John and Audrey Mockus the applicants whom were present along with their professional Joseph Ross, Architect and were sworn in by George Neidig. Mr. Dwyer explained the applicant proposes to construct a forty (40) square feet addition to the first (1st) floor and a 192 square feet area to the second (2nd) floor to the existing single-family dwelling, concrete front steps will be replaced with wood steps, and concrete walks will be replaced with pavers to reduce lot coverage. The addition will create an additional bathroom to the existing four (4) bedrooms, 1 ½ bath residence and have the house be more functional for a year round residence. The side yard setback of 7.7 feet will remain the same, but will be expanded vertically and will be extended along the side line in the rear of the lot. All other non conformities are existing and are not being increased. The lot coverage is being reduced from 60% to 53%; two on-site parking spaces are existing and proposed. The proposed additions will not create any additional bedrooms.

Mr. Ross testimony referred to his plans dated November 2, 2012, describing in detail the additions and responded to all questions directed by Mr. Dwyer with sheet A-1 - 1st & 2nd floor sketch site plan, foundation and paver detail and sheet A-2 of the right side and rear elevations. He elaborated on the front concrete steps referring to them as mammoth with an iron rail and will be redone in wood with an appropriate railing system. He indicated they received Historic Preservation Commission conceptual approval on November 26, 2012. Mr. Ross does not see any detriment to Zoning or the public.

Board Engineer, Craig Hurless then reviewed his report of November 27, 2012 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 page 2, C & D Variances & Conditional Use Approval items, #20, #21, #23, #24, #26, #27, #28, #29, #32 and #33. He addressed the Zoning table on page 3 for the R-S District and sited ordinance §525-19 Single Family. He clarified the standard, required, existing, proposed and status. He continued with the variances sought on pages 3 & 4 §525-19B (1) Table 1 Lot Size, §525-19B (1) Table 1

Building Setback, §525-19B (1) Table 1 Side Yard Setback and §525-19B (2) Lot Coverage. His General Review comments on pages 4 & 5 items #1 , #2 #3, #4 (Additional grading information positive outflow), #5, #6, #7, #8, #9 (HPC, received Conceptual Approval 12/10/12 need Final) and #10 (COAH).

Members put forth questions to the Applicants Attorney and professional throughout the presentation. Members were positive on the application.

Chairman White opened the meeting for public comment at 7:10pm to those within 200 feet and beyond: Gerald Hebert, 320 Jefferson Avenue, was positive on the application supporting his neighbors request indicating his lives directly behind the property. With no one else coming forward the **public portion was closed @ 7:12pm.**

Motion made by Mrs. Inderwies to approve the checklist waivers as noted on Mr. Hurless completeness review report dated November 27, 2012 pages two (2) of 5 (five), #20, #21, #23 #24, #26, #27, #28, #32 and #33. Seconded by Mr. Meier and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to grant the variances; §525-19B (1) Table 1 Lot Size, §525-19B (1) Table 1 Building Setback, §525-19B (1) Table 1 Side Yard Setback and §525-19B (2) Lot Coverage. Seconded by Mrs. Inderweis and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Iurato to impose the following conditions: Craig Hurless report dated November 27, 2012 of the General Review Comment's pages 4 & 5 - #1, #2, #3, #4, #5, #6, #7, #8, #9 and #10. Seconded by Mr. Meier and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None

Chairman White informed the Board that the next meeting of the Zoning Board will be January 24, 2013 and will be the Re-Organization meeting and the Ocean Club Appeal. He announced that Harvey Williams a long time Zoning Board Member has omitted his name for re- appointment.

Motion made by Mrs. Inderwies to adjourn @ 7:20pm. Seconded by Mr. Meier 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.