

**City of Cape May Zoning Board of Adjustment Meeting Minutes
March 22, 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	Present
	Mr. Todd	Absent - excused
	Mr. Meier	Present
	Mrs. Inderwies, Alt 1	Absent - excused
	Mr. Lagos, 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

Minutes:

February 23, 2012

Motion made by Mr. Iurato to accept the minutes dated February 23, 2012 with noted corrections. Seconded by Mr. Meier and **carried 4-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen and Mr. White. Those Opposed: None. Those Abstaining: Mr. Meier.

Resolutions:

Swanson, 1005 Benton Street, Block 1098 Lot 8

Motion made by Mr. Iurato to approve the Swanson Resolution #3-22-2012 as presented. Seconded by Mr. Schmidtchen and **carried 4-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen and Mr. White. Those Opposed: None. Those Abstaining: Mr. Meier.

Applications:

**Cappelletti – Cappy’s Corner, 458-460 W. Perry Street, Block 1031 Lot 1
Use/Hardship/Substantial Benefit Variances/Preliminary & Final Site Plan**

Ronald Stagliano, Esquire representing the applicant Daniel Cappelletti requesting the application is tabled until April 26, 2012. He stated his client is requesting a Use Variance

which requires 5 votes in the positive and indicated that there are only 5 members present. George Neidig clarified case law for the members and concurred that the applicant has a right to a full board.

Motion made by Mr. Meier to table the Cappelletti application until April 26, 2012. Seconded by Mr. Schmidtchen and **carried 5-0**. Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. White. Those Opposed: None. Those Abstaining: None.

Mr. Neidig informed the public that they should contact the Board Office prior to the April 26, 2012 Meeting for confirmation on member attendance so the application could move forward.

Members from the public requested their questions and concerns be heard. Mr. Neidig informed the public they could not discuss the application but could inquire about procedures. **Chairman White then stated the public in attendance for the Cappelletti application could come forward and ask procedural questions at 6:40pm. Rosemary Graham, 440 West Perry Street, requested an explanation of terminology regarding standards for the Use Variance.** Mr. Hurless responded by referring to his report dated January 17, 2012 page 5, paragraph (1) NJSA 40:55D-70(d) Use Variance and verbalized the generalization for Ms. Graham. **Francis Recchuiti, Esquire, spouse of Carol Wilkerson Ricchuiti who is speaking for her, 206 Park Boulevard,** requested that the application be continued until May because they have a previous engagement. Chairman White stated it would not be fair to applicant and Mr. Neidig clarified that the law states the applicant prevail not the objector. **Leo Nardone, 450 W. Perry Street,** requested that when they call if the office informs them of an approximation of members that are attending.

Chairperson White called for a 5 minute break at 6:50pm. The meeting resumed at 6:55pm.

**CMQH LLC, 601 Columbia Avenue, Block 1057, Lot 24
Use/Hardship/Substantial Benefit Variances**

A continuance was requested by Louis C. Dwyer, Jr. Esquire for CMQH LLC with reasons stated in correspondence received March 9, 2012 with a request of a special meeting. A special meeting will not be scheduled and the application will be heard on April 26, 2012.

Motion made by Mr. Meier to table the Cappelletti application until April 26, 2012. Seconded by Mrs. Hutchinson and **carried 5-0**. Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. White. Those Opposed: None. Those Abstaining: None.

**Pasternak, 657 Hughes Street, Block 1058 Lot 17
Hardship Variance**

Craig Hurless clarified his credentials for the record.

Mark Pasternak owner was present along with his professional William Cujdik, Engineer. Mr. Cujdik clarified the additions and alterations requested. He referred to plans dated February 11, 2011 by Three Dimensions Architectural Group, Inc. A-1 Proposed 1st floor plans, A-2 proposed 2nd floor plans, A-3 Hughes Street and Left side elevations, A-4 Rear and Right side elevations, A-5 Material details, A-6 Existing Floor plan, A-7 Foundation Plan. It is a semi detached dwelling, the existing front porch is proposed to be removed and replaced, construct a driveway that will add off street parking for two (2) vehicles, accessory shed in the rear of the property and clarified for the record the interior will be altered reducing the bedrooms from six (6) to four (4) bedrooms. He stated the benefits out way any detriments in allowing these enhancements. He confirmed the structure is a nonconforming structure on a nonconforming lot (3,928.sf) and with Mr. Neidig's direction (the applicants did not have legal representation), clarifying they could not change the existing lot width or frontage, could not acquire any land and confirmation of the set back regarding the existing porch. Mr. Pasternak voiced the variance requested is not out of scale with the needs of the immediate neighborhood and granting of the variance will not adversely affect the existing use or usability or the adjacent or nearby properties and will maintain the integrity and character of the existing neighborhood.

Board Engineer, Craig Hurless then reviewed his report of February 22, 2012 clarifying the description of the Semidetached Dwelling for the membership. He detailed the proposal and clarified NJSA 40:55D-70c Hardship Variance. Mr. Hurless refers to his completeness review on pages 2 for the C & D Variances & Conditional Use Approval items, #4, #19, #20, #26, #27 and #33. He addressed the Zoning table on page 3 for the R-S District and sited ordinance §525-19 All other uses, clarifying the standard, required, existing, proposed and status. He continued with the variances sought as §525-19B (1) Lot Size (undersized), §525-19B (1) Lot Width and Lot Frontage (isolated undersized lot), and §525-19B (1) Lot Size. His General Review comments on pages 4 through 5, items #1 (was provided), #2, #3, #4, #5, #6, #7 #8 and #9 last sentence.

Members were allotted time for questions. All members were positive on the application commending the applicant on the renovations stating it would enhancement to the property or at least half of the property and improves Zoning by creating parking on Hughes Street. Members all concurred that the benefits out way any detriments.

At 7:05pm Chairman White noted for the record that no individuals were in the audience for public comment and the public portion was closed.

Motion made by Mr. Iurato to approve the completeness waivers as noted on Mr. Hurless completeness review report dated February 22, 2012 page 2 of 5 from sections, #4, #19, #26, # 27 and #33. Seconded by Mr. Schmidtchen and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Schmidtchen that the variances for Lot Size §525-19B (1) Table 1 and Lot Width and Lot Frontage be granted. Seconded by Mr. Iurato and **carried 5-0.**

Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. White.
Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Iurato on the Building Set Back 0.88 ft because in granting this we are gaining two (2) parking spaces on the side yard. Seconded by Mr. Schmidtchen and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Meier to grant that the conditions be imposed as noted in Mr. Hurless report dated February 22, 2012, pages 4 & 5 of the General Review Comments; #2, #3, #4, #5.#6, #7, #8 and #9. Seconded by Mr. Schmidtchen and **carried 5-0.** Those in favor: Mr. Iurato, Mrs. Hutchinson, Mr. Schmidtchen, Mr. Meier and Mr. White. Those Opposed: None. Those Abstaining: None.

Members voiced their reasons for the record.

Chairperson White informed the members that the next meeting for the Zoning Board is April 26, 2012.

Motion made by Mr. Iurato to adjourn @ 7:15pm. Seconded by Mr. Schmidtchen **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.