

**City of Cape May Zoning Board of Adjustment Meeting Minutes  
March 28, 2013**

**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.

<b>Roll Call:</b>	Mr. White, Chairperson	Present
	Mrs. Hutchinson	Present
	Mr. Iurato	Absent - <b>excused</b>
	Mr. Schmidtchen	Present
	Mr. Meier	Present
	Mrs. Inderwies	Present
	Mr. Atwell	Absent - <b>excused</b>
	Mrs. Pharo, Alt 1	Absent - <b>excused</b>
	Mrs. McAlinden, Alt 2	Present

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

Chairman White welcomed Clair McAlinden as a new Board Member Alternate 2. He indicated that she would be voting this evening.

**Minutes: February 28, 2013**

**Mr. Meier moved to approve the February 28, 2013 minutes as presented.** Seconded by Mr. Schmidtchen and **carried 5-0**. Those in favor: Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: Mrs. McAlinden.

**Resolutions:**

**Fox, Block 1054 Lot 5 - Resolution #3-28-2013:1**

**Mr. Meier moved to approve the Fox Resolution #3-28-2013 with the corrections noted.** Seconded by Mrs. Inderwies and **carried 5-0**. Those in favor: Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: Mrs. McAlinden

**Applications:**

**Mattes, 401 Broadway  
Block 1032 Lot 20  
Hardship and Substantial Benefit Variance(s)**

Craig Hurless clarified his credentials for the record.

Louis C. Dwyer, Jr. Esquire representing Peter and Mary Mattes (contractor purchasers from the owner Raymond DeLuca, Sr) whom were present along with their professional Joseph A Courter Jr., AIA of Courter Architects and all were sworn in by George Neidig. Mr. Dwyer described the application as an isolated undersized corner lot that is developed with a one story framed dwelling and an accessory shed. The applicant proposes to renovate by adding a second floor with an attic, a new entry, porch and the shed will be replaced with a detached garage. He indicated that the number of bedrooms will be expanded from two (2) to (five) 5 bedrooms. Mr. Dwyer indicated that the expansion will not violate lot coverage or floor area ratio and the setback on Broadway is being improved. The setback relief on Congress Street is in line with the current street setbacks and is for an entry porch, steps and small addition to square off a corner of the building. He clarified the variance relief sought pursuant to NJSA 40:55D-70C(1), Hardship NJSA 40:55D-70C(2), Substantial Benefit NJSA 40:55D-70c (2).

Joseph Courter with plans dated February 8, 2013 sheets S1, A1 and A2 that were displayed for the members perusal proceeded in describing the renovations in detail. He submitted photographs of the existing property that were perused by the members then marked into record as exhibit **A-1**. He clarified the height as 31 feet (9 feet less than allowed), the attic would be used for mechanical and storage. He described the porches as an aesthetically pleasing and stated it would enhance that side of the property.

Board Engineer, Craig Hurless then reviewed his report of March 19, 2013 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 pages 2, C & D Variances & Conditional Use Approval items, #20, #21, #23,#24, #26 and #27. He addressed the Zoning table on page 3 for the R-2 District and sited ordinance §525-15 All other uses” and clarified the standard, required, existing, proposed and status. He continued with the variances sought on page 3, §525-14B (1) Table 1 Lot Size and §525-15B (1) Table 1 – Lot Width & Lot Frontage and §525-15B(1) Table 1 – Building Setback. His General Review comments on pages 4 & 5, items #1 (condition), #2 (informational) , #3 (condition), #4 (condition), #5 (condition), #6 (condition), #7 (condition) Shade Tree, #8 (condition), #9 (condition) HPC and #10 (condition) COAH.

**Chairman White opened the meeting for public comment at 6:55pm to those 200 feet and beyond; Edward Andrews 407 Broadway**, was positive on the application but had concerns regarding the HVAC Units because they are outdoor people and had issue with the noise from the units. Mr. Courter addressed his concerns. **Mary Andrews, 407 Broadway**, elaborated on her concerns with the HVAC Unit, lot configuration and landscaping issues. Mr. Courter responded to the concerns.

Members were allotted time for questions to the applicant and their professionals. Members were positive on the application but shared concerns of the existing tree on Congress that is right on the driveway apron and revisited the porch dimensions regarding the functionality and encroachment on the setback. Lengthy discussion ensued regarding the HVAC units, corner

properties and the noise from emanating from the units. Mr. Courter and Mr. Dwyer responded addressing the concerns of the Members by moving the HVAC Units to the rear of the dwelling opposite of Broadway that will be reviewed by Mr. Hurless. Mary Rothwell, Board Assistant/Zoning Officer stated they should be mindful that a UCC regulation might not allow the HVAC units in the proximity of the shower enclosure. Mr. Dwyer responded that they will located subject to specific codes.

**Motion made by Mrs. Hutchinson to approve the checklist waivers as noted on Mr. Hurless completeness review report dated March 19, 2013 pages two (2) of 5 (five), #20, #21, # 23, #24 and #26.** Seconded by Mr. Schmidtchen and **carried 6-0.** Those in favor: Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. McAlinden, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: None.

**Motion made by Mr. Meier to grant the Lot Size Variance §525-15B (1).** Seconded by Mrs. Inderwies and **carried 6-0.** Those in favor: Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. McAlinden, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: None.

**Motion made by Mr. Meier to grant the Lot Width & Lot Frontage §525-15B (1) Table 1.** Seconded by Mr. Schmidtchen and **carried 6-0.** Those in favor: Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. McAlinden, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: None.

**Motion made by Mrs. Inderwies to grant the Building Setback §525-15B(1) Table 1 5.4 feet from Congress Street and 11 feet from Broadway.** Seconded by Mr. Meier and **carried 6-0.** Those in favor: Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. McAlinden, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: None.

**Motion made by Mr. Schmidtchen to approve the checklist waivers as noted on Mr. Hurless completeness review report dated March 19, 2013 pages two (2) of 5 (five), #23 and #27 and to impose the following conditions: (Craig Hurless report dated March 19, 2013 of the General Review Comment's) pages 4 & 5 – #1, #3, #4, #5, #6, #7, #8, #9, #10 and shower dimensions shall be denoted on plan conforming to regulations.** Seconded by Mrs. Inderwies and **carried 6-0.** Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. McAlinden, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: None.

Mary Rothwell, Zoning Officer requested a variance for the garage because it should not be in the building setback. Mr. Hurless concurred with Mr. Dwyer requesting any and all variance necessary should the Board approve.

**Motion made by Mrs. Hutchinson to allow the garage within the front yard setback, which is the subject of a condition herein to satisfy and adjacent owner be allowed to be built within 18 feet of Congress Street.** Seconded by Mr. Meier and **carried 6-0.** Mr. Meier, Mr. Schmidtchen, Mrs. Inderwies, Mrs. McAlinden, Mrs. Hutchinson, and Mr. White. Those Opposed: None. Those Abstaining: None.

**All members voiced their reasons for the record.**

**Chairman White announced the next meeting of the Zoning Board will be April 25, 2013 @ 6:30pm.**

**Motion made by Mr. Meier to adjourn @ 7:30pm. Seconded by Mrs. Hutchinson 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.**