

**City of Cape May Zoning Board of Adjustment Meeting Minutes**  
**Thursday, August 24, 2017**

**Opening:** In compliance with the Open Public Meetings Act of 1975, adequate notice of the meeting was provided. Chairperson Hutchinson called the meeting to order at 6:00 P.M.

<b>Roll Call:</b>	Mrs. Hutchinson, Chairperson	Present
	Mr. Murray, Vice Chairperson	Present
	Mr. Iurato	Present
	Mrs. McAlinden	Present
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Van de Vaarst	Absent - <b>excused</b>
	Mr. Mullock (Alt. 1)	Present
	Mrs. Lukens (Alt. 2)	Present

**Also Present:** Richard King, Board Solicitor  
Craig Hurless, PE, PP, CME, Board Engineer  
Tricia Oliver, Board Assistant

**Minutes:**

**Motion made by Mr. Mullock to adopt the minutes of July 27, 2017,** seconded by Mrs. McAlinden and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Ms. Hesel.

**Resolutions:**

**Motion made by Mr. Iurato to approve Resolution number 08-24-2017:1, Sean & Devon Perry, 723 Page Street, Block 1077, Lot(s) 12,** seconded by Mrs. Werner and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Ms. Hesel.

**Motion made by Mrs. Werner to approve Resolution number 08-24-2017:2, John Foley, Jr., 1304 Pittsburgh Avenue, Block 1159, Lot(s) 20,** seconded by Mrs. McAlinden and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Ms. Hesel.

**Motion made by Mr. Mullock to approve Resolution number 08-24-2017:3, Sharon Magraw, 619 Hughes Street, Block 1058, Lot(s) 29,** seconded by Mr. Murray and **carried 6-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Ms. Hesel.

**Applications:**

***Larry Pray***  
***1005 New Jersey Avenue***  
***Block 1102, Lot(s) 55 & 56***

Christopher Baylinson, Esquire, Steve Fenwick, Architect, Larry Pray, Builder, and Board Engineer, Craig Hurless were sworn in and stated their credentials for the record.

Representative for the applicant, Chris Baylinson, summarized the existing characteristics of the current lot, containing a single family dwelling, as well as the variances sought. Mr. Baylinson explained that the variances are triggered only by the lot size; all other zoning controls are met, including Floor Area Ratio (FAR).

Architect, Steve Fenwick, continued to explain that the lot is only 50 ft. wide in a zoning district that calls for a conforming lot to be 60 ft. wide (referring to **Exhibit A-1**, an aerial photo of this lot in comparison to neighboring lots) and photos of the streetscape shown in **Exhibit A-2**. All of the bulk variances consistent with the constraints of the lot are met; he highlighted a few of such details. More specific details of the proposed single family dwelling were addressed, citing that the overall look of the home was a Cape Cod style, not foreign to the look of the neighborhood.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated July 11, 2017. He reviewed the three (3) variances required in detail (on page 3 of 5), §525-15B(1) Table 1 Lot Size, §525-15B(1) Lot Width & Lot Frontage, addressing that the variances sought are only due to the undersized lot. Mr. Hurless also reviewed the checklist items for the C and D variances (on page 2 of 5), with waiver requests for items number 17 and 27 being supported.

1. §525-15B(1) Table 1 Lot Size
2. §525-15B(1) Table 1 Lot Width & Lot Frontage

The General Review Comments 1-12 (on pages 4 & 5 of 5) were reviewed and explained in detail; with the addition of item number 13 requiring detailed Floor Area Ratio (FAR) calculations on revised plans. All of the listed General Review Comments (1-13) and item number 1 (on page 2 of 5) were classified as conditions of approval.

**Discussion was opened to the public within 200 feet and beyond at 6:46 PM.**

**Elizabeth Hyde, 1007 New Jersey Avenue**, commended Mr. Pray's other projects, but was negative on the application; she commented that she felt as though this home is too large for the lot.

**Jules Rauch, 1010 New Jersey Avenue** and **David Klotz, 1003 New Jersey Avenue**, expressed concerns regarding drainage and the impact on both of their properties.

Those concerns were addressed by Mr. Hurless and he intends to work with the Applicants to mitigate drainage issues. There was also a discussion regarding averaging, and Mr. Hurless confirmed that it appeared the averaging was done correctly for the front yards.

**Beverly Yanich, 1015 New Jersey Avenue**, was negative on the application, also commenting that the home seemed far too large for the lot size.

**Kathleen Wilkinson, 1021 New Jersey Avenue**, agreed with the negative commentary of other neighbors.

**Deborah Cutler, 1412 Texas Avenue**, agreed with the negative commentary of other neighbors about the large scale of the proposed home.

**Larry Hyde, 1007 New Jersey Avenue**, agreed with the negative commentary of other neighbors.

**Randi Lalonde, 1003 New Jersey Avenue**, voiced concerns regarding the height at which the proposed structure was planned to be and questioned flood elevations.

These questions were answered by the engineers.

A lengthy discussion ensued regarding attempts to accommodate the neighbors most immediately impacted, and as a result, the Applicant agreed to remove 1/3 of the wraparound porch on the side of the building. **Exhibit A-3**, the proposed architectural plan, was altered to reflect this change.

**Discussion was closed to the public at 7:33 PM.**

**Motion was made by Mrs. McAlinden to approve §525-15B(1) Table 1 - Lot Size, §525-15B(1) Table 1 - Lot Width & Lot Frontage, with waiver numbers 17 and 27 being granted subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated July 11, 2017 seconded by Ms. Hesel and carried 7-0.** Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Members stated their reasons for their votes in the positive for the record.

***810 Lafayette Inc.  
"Cape Winds Motel"  
810 Lafayette Street  
Block 1092, Lot(s) 4***

Stephen Nehmad, Esquire, Vincent Orlando, Professional Planner, David Schultz, Licensed Architect, and both Larry and Jonathan Hirsch were sworn in and stated their credentials for the record.

Mr. Nehmad, representing the applicant, gave a brief overview of the property as it stands currently, stating that it was acquired by the applicant in 2015 and has since been operating for two (2) consecutive seasons under their management. He continued on, mentioning that the building is small and older and that the applicant seeks site improvements that trigger the variances sought.

Mr. Schultz, whose role is in hospitality design, detailed the many upgrades proposed for the 1960's concrete building and property, including extensive landscaping (approximately fifty (50) new plants and shrubs) and enhancements to soften the look of the building. He shared photos of the existing site conditions (**Exhibit A-1**) and further explained the intent to blend the old architecture with the new improvements to give the site charm and appealing character. New architectural renderings (**Exhibits A-2 and A-3**) were detailed by Mr. Schultz, who enforced the idea of "lush landscaping." He also summarized the proposed signage, including LED back lighting.

Mr. Orlando further summarized aspects of parking and stated that even though the gravel parking area will stay as it is now, they will be making an additional space and including an ADA compliant space to be paved, per regulation (**Exhibit A-5**). Particulars of the proposed roof deck, including size and use, as well as parking and a new set of stairs (to access the roof deck), were addressed. He also explained the need for certain variances that are being sought by the applicant, with respect to the expansion of non-conforming use.

Jonathan Hirsch expressed to the membership that the overall idea of their improvements for this site is to promote boutique style accommodations, with natural or "green" space to attract eco-tourists as their target market. Mr. Hirsch also submitted into record the Rules and Regulations for the roof top deck as **Exhibit A-6**.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated July 13, 2017. He reviewed the checklist items for the C and D variances (page 2 of 7), with waiver requests for item numbers 4, 28, and 3(v)(x)(y) being supported. Mr. Hurless explained the eleven (11) variances required in detail (pages 4 and 5 of 7):

- |                        |  |
|------------------------|--|
| 1. §525-16A            | Use Variance (Expansion of Non-conforming use)       |
| 2. §525-16B(1) Table 1 | Building Setback - Lafayette                         |
| 3. §525-16B(1) Table 1 | Building Setback - Dale                              |
| 4. §525-16B(1) Table 1 | Side Yard Setback                                    |
| 5. §525-16B(2)         | Lot Coverage   |
| 6. §525-49C(4)         | Off-Street Parking - Number                          |
| 7. §525-59E(7)         | Parking in Setbacks - Lafayette, Dale, and side yard |
| 8. §525-49B(1)         | 5' Buffer Planting Strip                             |
| 9. §525-48G            | Signage - Freestanding                               |
| 10. §525-48G           | Signage - Wall Mounted                               |

11. §525-49A(1) & 525-59D Paved Parking Surfaces

The General Review Comments 1-11 (pages 6 & 7 of 7) were reviewed and explained in detail, with item numbers 1-3, 5, 6-11 of those comments, item number 32 (page 2 of 7), and item 3(aa) on page 3, being classified as conditions of approval.

**Discussion was opened to the public within 200 feet and beyond at 9:21 PM.**

**Dennis Crowley, 806 Lafayette Street**, commented that he does believe that the Hirsch family currently manage the hotel well and are good neighbors. However, his main concern is regarding the rooftop deck and noise level that would come from such an area.

Mr. Jonathan Hirsch addressed these concerns stating that strict Rules & Regulations would be set in place and these were detailed at length (**Exhibit A-6**).

**David and Roseanne Hague, 817 Washington Street**, were negative on the application and also had concerns regarding the proposed rooftop deck and noise. Mrs. Hague wholly disapproved of this part of the applicant's overall plan.

**Gilbert Marks, 821 Washington Street**, agreed with the negative commentary of other neighbors.

There was then a lengthy discussion regarding **Exhibit A-6**, and the Applicant agreed to enforce strict Rules & Regulations to be incorporated as part of the Conditions of Approval and condition of the use of the deck.

The project was considered in two motions.

**Motion was made by Mr. Murray to approve the use variance; §525-16A Use Variance (Expansion of Non-conforming use), with waivers for item numbers 1, 4, 5, 8, 13, 14, 15, 18-28, 32, and 33 being granted, subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated July 13, 2017, seconded by Mr. Mullock and carried 7-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.**

**Motion was made by Mrs. McAlinden to approve §525-16B(1) Table 1 Building Setback - Lafayette, §525-16B(1) Table 1 Building Setback - Dale, §525-16B(1) Table 1 Side Yard Setback, §525-16B(2) Lot Coverage, §525-49C(4) Off-Street Parking - Number, §525-59E(7) Parking in Setbacks - Lafayette, Dale, and side yard, §525-49B(1) 5' Buffer Planting Strip, §525-48G Signage - Freestanding, §525-48G Signage - Wall Mounted, and §525-49A(1) & 525-59D Paved Parking Surfaces, subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated July 13, 2017, seconded by Mr. Murray and carried 7-0. Those in favor: Mr. Iurato, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.**

Members of the Board stated their reasons for the record, for their vote in the positive on this application.

**Motion made by Mr. Mullock, seconded by Mrs. Hutchinson, to adjourn the meeting at 10:11 PM with all in favor.**

**Respectfully Submitted, Tricia Oliver/Board Assistant.**