

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, June 23, 2016

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 6:30 P.M.

Roll Call:	Mrs. Hutchinson, Chairperson	Present
	Mr. Iurato, Vice Chairperson	Present
	Mr. Murray	Present
	Mrs. McAlinden	Present
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Mullock Alt. 1	Present
	Mr. Pontin Alt. 2	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Erin Burke, Board Assistant

Minutes

Motion was made by Mr. Mullock to approve the meeting minutes of May 26, 2016, seconded by Mr. Pontin and **carried 5-0.** Those in favor: Mr. Murray, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden, Mr. Iurato.

Resolutions

Motion was made by Mr. Murray to approve Resolution Number 06-23-2016:1 Marvin and Leonora Zektzer., 1022 Ohio Avenue, Block 1106, Lot(s) 7, seconded by Mrs. Werner and **carried 5-0.** Those in favor: Mr. Murray, Mrs. Werner, Mr. Mullock, Mr. Pontin, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Applications

Jeffrey Bagley
825 Beach Avenue
Block 1067, Lot(s) 8

Thomas D. Keywood, Esquire, Joseph Ross, Architect, Jeffrey Bagley, applicant, and Board Engineer Craig Hurless, PE, PP, CME, were sworn in and stated their credentials for the record.

The representative for the applicant, Thomas Keywood, gave a brief description of the proposed raising and shifting of the current structure located on the property in question. Joseph Ross, Architect, further detailed the proposed plans, stating that the applicant wishes to raise the home

to meet current FEMA flood elevation regulations, shift the home over 1.7 feet to reduce the encroachment of the current home on Jefferson Street, and move the home forward 5 feet closer to Beach Avenue. The applicant also proposes to enclose the current side porch on Jefferson and include it as part of the home. Mr. Ross stated that the project has already received conceptual approval from the Historic Preservation Commission, and that the proposed changes would result in an additional off-street parking space for the property. Board Member William Murray questioned the encroachment measurement, and Mr. Ross and Board Engineer Craig Hurless clarified.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated May 11, 2016. He reviewed the checklist item for the C and D variances (page 2 of 4) and classified it as a condition of approval. Mr. Hurless explained the six (6) variances required: §525-19B(1) Table 1 - Lot Size, §525-19B(1) Table 1 - Lot Width & Frontage, §525-19B(1) Table 1 - Building Setback, §525-19B(1) Table 1 - Side Yard Setback, and §525-19B(2) - Lot Coverage. The General Review Comments (page 4 of 4) were reviewed and explained in detail, with all items being classified as conditions of approval.

Discussion was opened to the public within 200 feet at 7:00 PM and subsequently closed with no public coming forward for comment.

Mr. Keyword reviewed and summarized the application, emphasizing that the proposed project enhances the safety of pedestrians on Jefferson Street.

Motion was made by Mr. Murray to approve §525-19B(1) Table 1 - Lot Size, §525-19B(1) Table 1 - Lot Width, §525-19B(1) Table 1 - Lot Frontage, §525-19B(1) Table 1 - Building Setback, §525-19B(1) Table 1 - Side Yard Setback, and §525-19B(2) - Lot Coverage variances conditioned upon waiver item number 27 (page 2 of 4) and General Review item numbers 1-8 (page 4 of 4), seconded by Mrs. McAlinden and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Board Members Mr. Murray, Mr. Iurato, and Chairperson Hutchinson voiced their reasons for their votes in the positive.

Horger, Inc.
200 Madison Avenue
Block 1097, Lot(s) 6.02 & 7

Board Member William Murray recused himself from hearing the application as a result of his living within 200 feet of the applicant.

Christopher Gillin-Schwartz, Esquire, Pamela Fine, Architect, and John Horvath, Principal of Horger, Inc. (applicant), were sworn in and stated their credentials for the record.

The representative for the applicant, Christopher Gillin-Schwartz, gave a brief description of the proposed construction of a "Colonial revival" over-entry porch on the front of the building, claiming that the porch would be in-keeping with the surrounding community. Mr. Gillin-Schwartz stated that the stairs currently existing leading to the front door of the home encroach

over the property line approximately five (5) feet, and that the proposed project would result in a reduction of that encroachment. He also confirmed that the project has already received conceptual approval from the Historic Preservation Commission. Pamela Fine, Architect (referring to **Exhibit A-1: Proposed plan**) testified regarding the existing condition of the stairs, emphasizing the safety issues that are currently present. Ms. Fine opined that the proposed project would result in not only a safer entry-way, but an enhanced visual environment for the property and community.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated May 18, 2016. He reviewed the checklist items for the C and D variances (page 2 and 3 of 5) and classified item numbers 13, 18, 23, 31, and 33 as conditions of approval. Mr. Hurless explained the two (2) variances requested: §525-16.1B(1) Table 1 - Building Setback - Madison Avenue, and §525-16.1B(1) Table 1 - Building Setback - Kearney Avenue. The General Review Comments (page 4 and 5 of 5) were reviewed and explained in detail, with all items being classified as conditions of approval.

Several questions were put forth by Board Attorney Richard King, Esquire, with Mr. Hurless and applicant Mr. Horvath clarifying.

Discussion was opened to the public within 200 feet at 7:20 PM and subsequently closed with no public coming forward for comment.

Motion was made by Mr. Iurato to approve waiver item numbers 19, 20, 21, 22, 26, 27, and 28, seconded by Mr. Pontin and **carried 7-0**. Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mr. Iurato to approve §525-16.1B(1) Table 1 - Building Setback - Madison Avenue, and §525-16.1B(1) Table 1 - Building Setback - Kearney Avenue variances subject to condition item numbers 13, 18, 23, 31, 33 (page 2 and 3 of 5) and 1-11 with the verbal addition to item number 3 (page 4 of 5) that one street tree on Kearney Avenue to be put on the common lot line, seconded by Ms. Hesel and **carried 7-0**. Those in favor: Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Pontin, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Board Members Mr. Mullock, Mr. Iurato, and Chairperson Hutchinson voiced their reasons for their votes in the positive.

A short recess was taken at 7:25 PM.

The meeting resumed at 7:30 PM.

Gregory Lewis and Cristina Muguruza
344 Congress Street
Block 1026, Lot(s) 8

Board Member Terri Werner recused herself from hearing the application due to her living within 200 feet of the applicant. Board Attorney Richard King disclosed that he also has a

home within 200 feet of the applicant, but felt that he has no conflict with hearing the application since he has no vote. The public nor the applicant felt there was any conflict, therefore the hearing continued.

Jeffrey P. Barnes, Esquire, Vincent Orlando of Engineering Design Associates, PA, and Gregory Lewis, applicant, were sworn in and stated their credentials for the record.

The representative for the applicant, Jeffrey Barnes, gave a brief description of the proposed repairing of the front covered porch and rear deck of the existing structure, structural improvements, addition of a bathroom, and reconfiguration of the kitchen. Mr. Barnes explained the five (5) variances being sought by the applicant: Lot Size, Lot Width & Frontage, Building Setback, and Lot Coverage.

Gregory Lewis, applicant, testified regarding the history of the property and home and explained the reasoning behind the proposed project. Mr. Lewis stressed that he wishes to keep the "Kit" style of the existing home, and confirmed that the project had already received Historic Preservation Commission approval.

Catherine Lorentz, Architect, testified that the proposed work will restore the historic value of the house while rehabilitating the house itself. Ms. Lorentz explained the proposed work, referring to **Exhibit A: Existing location of the property in question, Exhibit B: Existing and proposed front elevations, and Exhibit C: Photos of other homes with stairs similar to those proposed.** Ms. Lorentz mentioned existing safety issues related to having stairs that end in a driveway (and therefore influence the ability to park).

Vincent Orlando, Engineer/Planner of Engineering Design Associates, explained that his role as it pertains to this application was to review the application and documents submitted and to provide testimony related to the variance relief being sought. Mr. Orlando summarized the variances being sought in detail and explained why they should be granted. Mr. Orlando stated that the proposed project will implement a grading and drainage plan (where one does not currently exist), and will ensure that two parking spaces would be safely located in the driveway.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated May 24, 2016. He reviewed the checklist item for the C and D variances (page 2 of 4) and explained the five (5) variances required: §525-15B(1) Table 1 - Lot Size, §525-15B(1) Table 1 - Lot Width & Frontage, §525-15B(1) Table 1 - Building Setback, and §525-15B(2)- Lot Coverage. The General Review Comments (page 3 and 4 of 4) were reviewed and explained in detail, with all items being classified as conditions of approval.

Vice-Chairman Peter Iurato questioned whether the applicant could replace the existing cement driveway with pavers to reduce the lot coverage. Discussion ensued while referencing **Exhibit D: Photos included in Board members' packets**, with Mr. Orlando claiming that the repaving of the driveway would place undue hardship on the applicant.

Discussion was opened to the public within 200 feet at 8:02 PM.

Anita Noveeno, 351 Congress (neighbor across the street to applicant), spoke in support of the proposed project.

Discussion was opened to the public beyond 200 feet at 8:05, and subsequently closed with no further public coming forward to comment.

Motion was made by Mr. Murray to grant waiver item number 4 (page 2 of 4), seconded by Mrs. McAlinden and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Board Members Mr. Murray and Mrs. McAlinden voiced their reasons for their votes in the positive.

Motion was made by Mr. Murray to approve §525-15B(1) Table 1 - Lot Size, §525-15B(1) Table 1 - Lot Width, §525-15B(1) Table 1 - Frontage, §525-15B(1) Table 1 - Building Setback, and §525-15B(2)- Lot Coverage variances conditioned upon General Review item numbers 1-8, with a verbal addition to item 3 that the existing tree be shown on landscaping plan (page 3 and 4 of 4), seconded by Mr. Iurato and **carried 7-0.** Those in favor: Mr. Murray, Mrs. McAlinden, Mrs. Werner, Ms. Hesel, Mr. Mullock, Mr. Iurato, Mrs. Hutchinson. Those opposed: None. Those abstaining: None. Board Members Mr. Murray, Mr. Iurato, and Chairperson Hutchinson voiced their reasons for their votes in the positive.

A short recess was taken at 8:10 PM.

The meeting resumed at 8:20 PM.

*Lance and Bonnie Pontin
"John Wesley Inn"
30 Gurney Street
Block 1056, Lot(s) 4*

Board Member Lance Pontin recused himself from hearing the application due to the fact that he is the applicant. Board Attorney Richard King spoke for the record concerning having a Board member testifying on his own behalf as an applicant. It was concluded that Mr. Pontin would be able to testify only with facts that only he would have knowledge of, and are necessary and unique to him as the property owner, and that he not offer generalized statements or opinions on zoning matters.

Ray Went, Esquire, the representative for the objectors to the application Joan and Fred Echevarria, 28 Gurney Street, requested that a poll be done for the Board members to attest that they will have no conflict of interest hearing this application and voting on it. Mr. King clarified that the Board members should state if they feel they cannot impartially hear the application due to their relationship with Mr. Pontin. No Board members claimed to have any conflict, therefore the hearing continued. Chairperson Hutchinson stated familiarity with the Pontin's and their Inn, but affirmed that she had no conflict hearing the application impartially.

Christopher M. Baylinson, Esquire, Stephen Fenwick, Architect, and Lance and Bonnie Pontin, applicants, were sworn in and stated their credentials for the record.

The representative for the applicant, Christopher Baylinson, gave a brief description of the proposed construction of an addition for added storage on an existing accessory structure which shares a common party wall with the neighbors. The first floor will contain an existing storage area, with the new second floor will contain the proposed office (to comply with flood zone regulations). Mr. Baylinson emphasized that the height of the existing accessory structure is proposed to be increased five (5) feet. Mr. Baylinson briefly summarized the history of the "Inn" and "Bed and Breakfast" business in the City of Cape May, and how they function today. He stressed that it is essential for the inn owners to have all amenities on-hand to provide to the patrons, which requires areas of storage for said amenities.

Lance Pontin, applicant, testified regarding the history of the property and John Wesley Inn, and the use of the proposed structure for storage and office-space only.

Stephen Fenwick, Architect and Planner, testified that he had prepared plans for the Pontin's for previous additions to the John Wesley Inn, as well as the current proposed project. Mr. Fenwick detailed the existing condition of the property in question and the proposed project, referring to **Exhibit A-1: Variance plan, Exhibit A-2: Enlarged aerial photograph, and Exhibit A-3: Architectural rendering of front elevation**. Mr. Fenwick emphasized the density of the applicant's surrounding neighborhood, and explained that the proposed 200 square foot addition (which would allow for an upstairs office space) would bring the structure into compliance with flood requirements of the City of Cape May. He claimed that there is no attic space presently available in the John Wesley Inn, and that basements are not permitted in flood zones, therefore additional storage space is necessary. At the questioning of Board members and the Board Engineer, the existing and proposed heights of the accessory structure were clarified. Extensive dialogue was undertaken regarding the classification of "accessory" versus "principle" structures. Mr. Fenwick opined that the proposed project would have no substantial impact on the surrounding neighborhood, while greatly benefiting the operation of the John Wesley Inn.

The representative for the objectors to the application, Ray Went, submitted to the Board **Exhibits E-1 through E-16: Photos of John Wesley Inn and surrounding properties**. He questioned the number of bedrooms in the Inn, referring to **Exhibit E-16: Information printed from johnwelseyinn.com**, and the applicant clarified that there are eight (8) bedrooms available in the building. Mr. Went posed numerous questions to Mr. Fenwick regarding his previous testimony, particularly questioning FEMA requirements and property density of the property in question and the surrounding neighborhood. Mr. Went questioned the impact on his clients' privacy if the proposed project is approved. Mr. Fenwick and Mr. Pontin affirmed that the windows shown on the plans would be black-out or false windows so as to protect privacy.

Due to time constraints, the cross-examination was stopped to allow for comment from any public that would not be able to make it to the next meeting. Having no public come forward to comment, discussion was closed to the public at 9:55 PM.

The hearing was continued to the Zoning Board of Adjustment meeting scheduled for July 28, 2016 at 6:30 PM in the City Hall Auditorium. It was announced for the record that the applicant would not have to re-notice the public or re-publish in the newspaper.

Motion to adjourn was made at 10:05 PM by Mrs. McAlinden, seconded by Mrs. Werner, with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.