

**City of Cape May Zoning Board of Adjustment Meeting Minutes  
Thursday, October 25, 2018**

**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	Absent - <b>excused</b>
	Mr. Iurato	Present
	Mrs. McAlinden	Absent - <b>excused</b>
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Van de Vaarst	Present
	Mrs. Lukens (Alt. 1)	Present
	Mrs. Nelson (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. Van de Vaarst to adopt the minutes of September 27, 2018,** seconded by Mrs. Werner and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Resolutions:**

**Motion made by Mr. Iurato to approve Resolution number 10-25-2018: 1 Giovanna Spano, 1353 Delaware Avenue,** seconded by Ms. Hesel and **carried 7-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Applications:**

*Kyle Anderson  
521 Lafayette Street  
Block 1053, Lot(s) 12*

Board Engineer, Craig Hurless, and the applicant's representative, Andrew Catanese, Esq., Architect, Steve Fenwick, and brother to property owner, Clifton Anderson, were sworn in for the record.

Mr. Andrew Catanese, Esquire, briefly detailed the project, indicating that he and the Board Engineer agreed that the only variance necessary was expansion of a non-conforming use and no parking variance was required, as would be clarified further in the testimony by the applicant's other professionals and the presentation of Exhibits [A-3] – a recent Certificate of Zoning Compliance issued by the City's Zoning Officer and [A-2] – a historic survey as completed for the City's Historic Preservation Commission (HPC).

Architect, Steve Fenwick, noted that the project had recently received final approval from the HPC, mentioning that all construction proposed was currently within the existing footprint of the structure. The variance relief requested was simply a formality of the location of the dwelling. The residential home is non-conforming within a commercially zoned district. The renovations include mechanical updates per City code requirements, as well as many aesthetic improvements, such as lush landscaping.

Exhibit [A-1] was introduced detailing a color rendering of the proposed plan, with landscaping.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated September 11, 2018. He reviewed the one (1) variance required in detail (page 3 of 5), and clarified the elimination of a parking variance:

1. §525-22A – Use Variance (Expansion of Non-Conforming use)

The General Review Comments 1-5 (page 4 of 5) and 6-11 (page 5 of 5), were reviewed and explained in detail; all items were classified as conditions of approval.

**Discussion was opened to the public within 200 feet and beyond at 6:25 PM, and closed with no public coming forward to comment.**

**Motion was made by Mrs. Nelson to approve §525-22A Use Variance (Expansion of Non-Conforming use), with all variances 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 September 11, 2018, seconded by Mrs. Lukens and carried 7-0.** Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Board Chair, Mrs. Hutchinson stated her reasons for voting in the positive for the record.

*Tellista Enterprises NJ, LLC*  
*1411 Harbor Lane*  
*Block 1160, Lot(s) 82, 82.01, & 83*

The applicant's representative, Ronald Gelzunas, Esq., Architect, Matt Sprague, Professional Engineer, John Kornick, and property owner, Rich Ellis, were sworn in for the record.

Mr. Ronald Gelzunas, Esq., detailed the property in its current state, mentioning the demolition of the existing structure and the new construction of what he described as something that would fit in with the surrounding neighborhood better.

Architect, Matt Sprague, described the project as having a garage below flood level, but in compliance with all codes at the bottom level of the structure. The first floor living space is Unit 1 and is a two-bedroom unit with a kitchen. The second and third levels are Unit 2 and consist of three bedrooms with the upper floor being mostly a master suite. Mr. Sprague also mentioned that since submission to the board, the height of the living floors had now been reduced so as to lessen the building height from 46 ft. to 40 ft.

Brief discussion was undertaken regarding the pitch of the roof and the required building height. Board Engineer, Craig Hurless, helped clarify this for the board.

Mr. Sprague went on describing the other multi-family dwellings/condos on the street, both to the left and to the right and indicated that this particular building was consistent with that height and density. He indicated that a building of this height and number of floors can either be constructed with fire resistant materials or utilize a sprinkler system, and he believes the sprinkler system is the better alternative. He felt that this would be even safer than a two story building without such fire safety equipment.

John Kornick, the applicant's Professional Engineer, testified that the condominium to the south is taller than the proposed building and the building to the north is estimated to be taller as well. He continued on to review each of the requested variances at length. Mr. Sprague mentioned that the focus of density is on just one side of Harbor Lane where there are housing structures, because across the street is just vacant space for a park, and therefore this would indicate this side of Harbor Lane can accept a greater density and can in fact accommodate an increase in FAR. It is his belief that the new construction is also more consistent with the streetscape and the FAR of the surrounding properties.

Mr. Iurato indicated that the existing FAR was only .14 and that the applicant was asking for nearly five times over that. He also questioned the use of the property.

Homeowner, Mr. Rich Ellis, testified in response that he has a large family and he was focused on having a separate kitchen and living area for the bottom floor, and this turned into a "duplex," but it in fact was not his initial intent.

Discussion was undertaken amongst the board members and Board Engineer, Craig Hurless with regard to the R-3 zoning district being the broadest of all city districts. Mr. Hurless pointed out that in this district different uses had different requirements. He stated for the board to think about what might be appropriate for the subject property and see to what use one could put this property that would most conform with the zoning requirements.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated October 10, 2018. He reviewed the six (6) variances required in detail (page 3 of 5), and clarified the elimination of a building height variance as reported during testimony:

1. §525-52 - Floor Area Ratio (FAR) - “d” variance
2. §525-16B(1) Table 2 - Lot Size
3. §525-16B(1) Table 2 - Lot Width & Lot Frontage
4. §525-16B(1) Table 2 - Side Yard Setback (Total)
5. §525-54A(5)9(a) - Patio/deck width
6. §525-54A(5)9(b) - Patio/deck setback

The General Review Comments 1-7 (page 5 of 5), were reviewed and explained in detail; all items were classified as conditions of approval.

**Discussion was opened to the public within 200 feet and beyond at 7:37 PM, and closed with no public coming forward to comment.**

**Motion was made by Mr. Van de Vaarst to approve §525-52 - Floor Area Ratio (FAR) - “d” variance, §525-16B(1) Table 2 - Lot Size, §525-16B(1) Table 2 - Lot Width & Lot Frontage, §525-16B(1) Table 2 - Side Yard Setback (Total), §525-54A(5)9(a) - Patio/deck width, and §525-54A(5)9(b) - Patio/deck setback, with all variances 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 October 10, 2018, seconded by Mrs. Lukens and carried 0-7. Those in favor: None. Those opposed: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mrs. Hutchinson. Those abstaining: None.**

Members were able to state their reasons for voting in against variance approval for the record.

*A short recess was taken at 7:48 PM.*

*The meeting resumed at 7:55 PM.*

***Cape KMT, LLC  
215 Decatur Street  
Block 1049, Lot(s) 12***

The applicant’s representative, Christopher Baylinson, Esq., addressed the board concerning objections to the current application and proposed before the membership to adjourn the application until the next scheduled meeting, to be held on Thursday, November 8, 2018.

Attorney Keith Davis, representing the owners of the Empress Bed and Breakfast and objectors to the application, F & L Victorian Investments, LLC., consented to the requested adjournment.

**Motion was made by Mrs. Nelson to approve adjourn the application for Cape KMT, LLC to be heard at the November 8, 2018 regularly scheduled meeting with no further notice**

**required by the applicant**, seconded by Mr. Van de Vaarst and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mrs. Lukens, Mrs. Nelson, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

**Motion made by Mrs. Nelson to adjourn the meeting at 8:00 PM with all in favor.**

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