

**City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, September 27, 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.

Roll Call:	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	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. Murray to adopt the minutes of August 23, 2018, seconded by Mr. Van de Vaarst and **carried 6-0**. Those in favor: Mr. Iurato, Mrs. McAlinden, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. Werner.

Resolutions:

Motion made by Mr. Murray to approve Resolution number 09-27-2018: 1 (as amended) Timothy and Maureen Rafter, 931 Sewell Avenue, seconded by Mr. Iurato and **carried 5-0**. Those in favor: Mr. Iurato, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. McAlinden, Mrs. Werner.

Motion made by Mrs. Lukens to approve Resolution number 09-27-2018: 2 Christopher J. Haney, 336 Congress Street, seconded by Mrs. McAlinden and **carried 6-0**. Those in favor: Mr. Iurato, Mrs. McAlinden, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. Werner.

Applications:

*Giovanna Spano
1353 Delaware Avenue
Block 1156, Lot(s) 23*

Board Engineer, Craig Hurless, and the applicant's representative, Ronald Gelzunas, Esq., and daughter to property owner, Joy Sheibe, were sworn in for the record.

Mr. Ron Gelzunas, Esquire, briefly detailed the project, stating that there is currently an existing fence that is in major disrepair in many areas, since it is in fact possibly original to the construction of the home and original developer of the Village Greene area. The proposed application is to replace that existing fence.

Joy Sheibe, daughter of the property owner and speaking on behalf of the applicant, detailed the use of the home, explaining to the membership that the home is currently used by family members with young children and pets; the new fence is mostly for safety concern, as the home is one lot away from Pittsburgh Avenue, which is known for traffic at higher speeds.

The Board reviewed Exhibit D; photos of the existing fence. One of the adjacent properties is actually an accounting firm. This was in fact what ultimately clarified that, when facing the home, there will be a 6 ft. fence along the right side (and will extend beyond the rear of the home which triggered a variance). A 6 ft. fence will also be constructed in the rear and on a portion of the left side of the home. However, the portion forward of the home on that side will only be 4 ft. None of these circumstances, Ms. Sheibe testified, would negatively impact the neighbors in any way.

Discussion was undertaken regarding whether the fence would be directly on the property line or 6 inches in from the property line. Ultimately it was determined the fence would be 6 inches from the property line. It was determined that unless permission is obtained from the adjacent property owners, in writing to the satisfaction of the Board Engineer, the fence would in fact need to be 6 inches from inside applicant's property line.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated August 14, 2018. He reviewed the three (3) variances required in detail (page 4 of 5):

1. §525-17A(2)(d)[1][d] – Structure in Rear & Side Yard Setbacks
2. §525-17A(2)(a)[3][b] – Structure in Rear & Side Yard Setbacks
3. §525-56E(3) – Fence Constructed Forward of Structure (exceeding 4 foot in height)

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 6:39 PM, and closed with no public coming forward to comment.

Motion was made by Mr. Murray to approve §525-17A(2)(d)[1][d] – Structure in Rear & Side Yard Setbacks, §525-17A(2)(a)[3][b] – Structure in Rear & Side Yard Setbacks, and §525-56E(3) – Fence Constructed Forward of Structure (exceeding 4 foot in height), 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 August 14, 2018, seconded by Mr. Iurato and carried 7-0. Those in favor: Mr. Iurato, Mrs. McAlinden,

Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None.
Those abstaining: None.

Members were able to state their reasons for voting in the positive for the record.

Motion made by Mr. Murray to adjourn the meeting at 6:41 PM with all in favor.

Respectfully Submitted, Tricia Oliver/Board Assistant.