



Borough of Cape May Point  
Zoning Board of Adjustment  
Post Office Drawer 490  
Cape May Point, NJ 08212

## MEETING MINUTES

April 27, 2011

7:00 PM

Fire Hall Meeting Room, Yale Avenue

**OPENING:** In compliance with the Open Public Meetings Act of 1975, adequate notice of this meeting has been provided for by posting on Borough bulletin boards and published in the Cape May Star and Wave Newspaper on February 16, 2011.

### FLAG SALUTE

### ROLL CALL

Present: Stanger, Henderson, Keller, Lambeck, McGeehan, Mottola,  
Daniels, Rice  
Absent: Miranda

Also Present: Brad Rosenthal, Secretary; Dean Marcolongo, Esq., Attorney

**MINUTES:** Minutes from the March 23, 2011 Board Meeting were approved with minor changes. Motion made by Rice, seconded by Keller, all present voted aye.

### BUSINESS

1. Bates Variance Resolution – ZB2011-01: motion made by Mottola, seconded by Daniels, all present voted aye. Lambeck abstained.
  - a. Mr. Marcolongo spent a few minutes explaining his process in developing the resolution. The approach is to craft a document that can serve as a legal briefing for a judge in the event there is an appeal that takes the application through the legal system.
  - b. The Secretary will forward a copy of the resolution to Mr. Tourison, the applicant's representative.
2. Presentation by Mr. Marcolongo regarding non-conforming uses.
  - a. Several handouts were delivered to Board members: C-variance requirements, D-variance requirements, Finding of Fact Checklist, and the Top Ten ways to be a Great Board Member.
  - b. Mr. Marcolongo went through the handouts and instructed Board members on the requirements of the types of variances. The burden of proof lies

with the applicant to ensure that the proposal conforms to the conscience of the Borough.

- c. A question was raised about the length of time within which an ordinance must be used. Mr. Marcolongo indicated that there is a Borough Ordinance that says a variance must be used within one year of issuance, but that an applicant can apply for up to three one-year extensions.
3. Any and all other pending matters deemed necessary by this Board for action.
  - a. None

**ANNOUNCEMENTS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:** The meeting adjourned at 7:42pm on a motion by Mottola, seconded by Lambeck, all present voted aye.

Respectfully Submitted by:  
Bradley T. Rosenthal  
Board Secretary  
Approved by Board 06/22/2011