



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

MEETING MINUTES

June 22, 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,
Miranda

Absent: None

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

MINUTES: Minutes from the April 27, 2011 Board Meeting were approved. Motion made by Lambeck, seconded by Mottola, all present voted aye.

BUSINESS

1. Cruise Application (ZB2011-02)
 - a. The applicants, Mark and Michelle Cruise and their Architect John Halbruner were sworn in by Mr. Marcolongo.
 - b. Mr. Marcolongo went over some history with the applicants and emphasized that this was a new application.
 - c. The current application is for a new use variance for the expansion of an existing structure, the development of a dormer.
 - d. Mr. Halbruner's testimony:
 - i. Credentials.
 1. 20 years practicing Architecture
 2. Qualified as an expert in Architecture and Engineering
 - ii. The applicants have been pursuing construction of the Dormer since 2006. There were issues gaining completeness of the application, so new application was brought to the Board.
 - iii. The current application clarifies the Floor Area Ratio (FAR) calculation and seeks approval for changes to the dormer. The applicants propose to remove an at-grade deck to create the necessary FAR to build the proposed dormer.

- iv. There is no public detriment to the proposed project as the public cannot see the proposed dormer from the road.
- v. Previous work done at the property has made the property more compliant and has improved the look of the property.
- vi. The plans/drawings supersede the application should any discrepancies exist.
- e. Mr. Stanger posed a question asking why the Board should consider the expansion of a non-conforming use.
 - i. Mr. Halbruner answered by saying that the project conserves the character of the neighborhood and the benefits outweigh the detriments.
 - ii. Mrs. Cruise further added that their intent with the property has been to restore an old house and not to flout zoning rules.
- f. The floor was opened for public comment – there was none.
- g. Board discussion
 - i. The bulk of comments from Board members were positive for the applicant.
 - ii. Negative comments for the applicant included the belief that there is no special case present here to expand a non-conforming use and that land use law supports moving towards conformity and not the other way.
- h. A motion was made by Lambeck and seconded by McGeehan to approve the expansion of the non-confirming use.
 - i. Roll Call

Stanger – No	Miranda – Yes	Mottola – Yes
Henderson – Yes	Lambeck – Yes	
Keller – Yes	McGeehan - Yes	

- 2. Any and all other pending matters deemed necessary by this Board for action.
 - a. General Store Enforcement Issue
 - i. The landscaping currently on-site was not included in the original plans.
 - ii. The Board allows the Zoning Officer discretion on this issue.
 - iii. Overall the Board approves of the vegetable garden plots rather than grass.
 - b. The Board would like the applicants for application ZB2011-03 to use the new application format which is available on the Borough’s website.

ANNOUNCEMENTS: None

PUBLIC COMMENT: None

ADJOURNMENT: The meeting adjourned at 7:58pm on a motion by Keller, seconded by McGeehan, all present voted aye.

Respectfully Submitted by:
 Bradley T. Rosenthal
 Board Secretary
 Approved by Board 7/27/2011