



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

Meeting Minutes

March 23, 2011

7:00 PM

Fire Hall Meeting Room, Yale Avenue

OPENING: Chairperson Stanger called the meeting to order at 7:00pm and announced the following: 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: All persons present in the room participated in the Pledge of Allegiance lead by Chairperson Stanger.

ROLL CALL

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

Absent: Miranda

MINUTES: Minutes from the January 26, 2011 Board Meeting were provided for review and approval or correction. A change to the Opening Statement is necessary as indicated by Mr. Stanger, and adding the words “of land” in the public comment section in reference to a taking. The minutes were approved with the changes. Motion made by Lambeck and seconded by Stanger, all present voted aye.

BUSINESS

1. Bates Application - #ZB2011-01
 - a. Ms. Lambeck recused herself from the discussion as a Board Member as she has received a 200ft notice from the applicant.
 - b. Mr. Peter Tourison introduced himself as being the representative hired by the Bates for the purposes of this hearing. Mr. Marcolongo administered an oath to Mrs. Bate and Mr. Payne (contractor).
 - i. Mrs. Bates was the first witness and described the existing conditions of the house and attic specifically as it relates to the application. The Bates wish to add a bathroom, finish the attic to create livable space, and widen the front steps to the house. The

widening of the steps requires a front-yard setback variance. The existing steps are non-conforming and the change triggers the need for a variance. The bathroom addition requires a variance because the owners wish to make the floor level with the rest of the house which is non-conforming. The first floor of the existing house is above the height requirement, and therefore the bathroom addition will be above the first floor height requirement.

- ii. A discussion about Floor Area Ratio ensued with deference made to the survey and architects plans. FAR is within the limits established by the Borough.
 - iii. A discussion about an existing ramp creating an accessible entrance to the house and the appropriate Borough regulations was entered into. There is a requirement that a ramp, violating some aspect of the land use law in Cape May Point, is allowable but the owners must provide an annual certification to the Borough of the ramps necessity. If the certification is not provided the ramp must be removed. If the ramp does not violate any aspect of the Borough land use laws, no certification is necessary. Mrs. Bates agreed to remove the ramp as it is not currently needed and as a condition of receiving the requested variances.
 - iv. Mr. Payne described the project. In finishing the attic two walls will be constructed, four skylights installed, and the original windows replaced. The front steps will be widened in keeping with the character of the house and neighborhood and a new handrail will be added.
 - v. John McGraw, Borough Zoning Officer, was sworn in and offered comments about the ramp. Mr. McGraw does not believe the ramp violates zoning requirements and it can therefore exist without special consideration. This was the reason it was not identified in the original denial of permit.
 - vi. The Board closed the public comment portion on motion of Henderson and second by Keller, all present voted aye. Board members offered comments believing the project is allowed a variance under the premise of safety concerns. A step down into the bathroom from the existing house would be a potential safety issue as are narrow steps.
 - vii. A motion was made by Henderson and seconded by Rice to grant variance relief. All present voted aye, with the exception of Ms. Lambeck who abstained. Mr. Marcolongo will prepare a resolution for the next meeting.
2. New Application Discussion
 - a. The Board approved resolution 2011-07 authorizing the use of the new application on the motion of Henderson and the second of Mottola. All present voted aye. The application will be forwarded to the Borough for their approval.
 3. Any and all other pending matters deemed necessary by this Board for action.

- a. A procedure for receipt and distribution of new applications was discussed. The Secretary will create a procedure based on the input and comments from the Board and distribute to all members prior to the next meeting.

ANNOUNCEMENTS

Ms Daniels and Ms. Rice completed the DCA course for new Board Members and were awarded their certificates.

PUBLIC COMMENT

None

ADJOURNMENT

A motion for adjournment was made by Rice, seconded by Mottola, all present voted aye.

Respectively Submitted by

Brad Rosenthal

Board Secretary

Minutes Approved by Board on 4/27/11