

BOROUGH OF CAPE MAY POINT

Planning Board

Final Meeting Minutes

Tuesday, February 18, 2024 at 7:00 pm

HELD VIA ZOOM VIDEO/AUDIO CONFERENCE & AT THE CAPE MAY POINT FIRE COMPANY

Pledge of Allegiance

Opening

In compliance with the Open Public Meetings Act, adequate notice of this session has been provided by publication in the Cape May Star and Wave Newspaper and continuous posting of the scheduled meeting dates on the official Municipal Bulletin Board at 215 Lighthouse Avenue, Borough of Cape May Point, New Jersey.

Roll Call

Present: Mayor VanHeeswyk, Mr. Remy, Mr. Brown, Mr. Rusnak, Mr. Wallace, Comm. Geiger, Mr. Murphy, Dr. Farrell, Ms. MacKenzie

Absent: Ms. Shaw

Also Present: Mr. Nathan Van Embden, Esq., Attorney, Mrs. Kate Dunn, Secretary

Mr. Brown gave a brief introduction. He stated that this is a combined Planning and Zoning Board that operates in accordance with the MLUL and the chartering authority of Borough governance. Cape May Point is a small community with a variety of opinions and respect for each other. Together, the volunteer members, Borough Officials and professional staff within the board conduct board business and welcome applicants following the operational processes that fair governance asks. And we welcome public input.

Mr. Brown announced some membership changes. Comm. VanHeeswyk has become Mayor VanHeeswyk and she will take the PB spot of the former mayor and Ms. Geiger has been appointed by the Mayor as the representative for the Planning/Zoning Board. Mr. Rusnak will move into a full member from an being an alternate. Also, Ms. Bassett has resigned from the Environmental Commission and has been replaced by the Mayor's appointment of Mary Lynn MacKenzie. Ms. MacKenzie gave a brief introduction of herself.

Minutes

Mr. Brown asked if there were any further comments on the revised draft minutes for December 17, 2024 that were circulated to the board members from the board secretary prior to this meeting. No other corrections were noted. As a result, the minutes from December 17, 2024 were approved on a motion from Mr. Rusnak and a second from Mr. Remy. All present were in favor.

Business

1. Application PB 2024-01-Robert Bump-415 Lincoln Ave.

- a. Mr. Brown noted that Mr. Wallace has requested to be recused since he resides nearby on Lincoln Ave. Mr. Brown granted that request.
- b. Jeffrey Barnes represents the applicant, Robert Bump.
- c. Mr. Barnes stated that the property is located at 415 Lincoln Avenue, lot 16.02 block in the R1 zoning district.

- d. Mr. Barnes stated that the dimensions of the property are 40 ft. by 100 ft. for a total of 4,000 square feet. As it currently exists, it is a two-story wood frame single family dwelling. It was built approximately in 1875.
- e. Mr. Barnes stated that an application was submitted to the board in 2020 and it was deemed complete, but the applicant withdrew the application. They since have refiled the application.
- f. Mr. Barnes stated that the applicant is proposing to seek relief in order to have a partial demolition of the existing residential dwelling, construct an addition to the existing dwelling and also make various alterations at the same time. The partial demolition would be on the first and second floor of the building. The 1st floor will add approximately 186 square feet to the existing dwelling, and the second floor will add approximately 114 square feet for a total of 300 square feet. Mr. Barnes stated that Mr. Bump is not adding any bedrooms. He has 4 bedrooms now and it will remain 4 bedrooms. Mr. Barnes stated that the kitchen is so small that you can't have more than 2 people in the kitchen. Mr. Bump intends to add a bathroom to the second floor.
- g. Mr. Barnes stated that there's going to be some alterations to the stairs and landing, the shed will be relocated, an outdoor shower will be installed, and the dwelling will be raised so that is above the base flood elevation which he believes is beneficial to the neighborhood and to the municipality as it relates to insurance purposes.
- h. Mr. Barnes stated that the additions are going to occur in the rear of the property where there is extra space so that there are no encroachments in the rear yard setback.
- i. Mr. Barnes stated that the applicant is seeking a D variance for floor area ratio. There are also multiple other variances that go along with this application mainly because of the pre-existing non-conformities and more specifically, the lot area that's required in this zone is 5,000 square feet. This lot is 4,000 square feet. Mr. Barnes noted that there is no additional land to be acquired since there are houses on both sides of the property. Mr. Barnes stated that the building coverage is currently 26.9% but with the applicant's proposal, the building coverage will increase to 31.2%, which is 1.2% above what's required for the building coverage. The impervious coverage is still under 40%, as is required. It's moved up slightly than what exists what is still under the what the ordinance allows.
- j. Mr. Barnes stated that there's a 20-foot requirement for the front yard setback, however, what exists now is 4.6 feet. The front yard setback for the proposal is 1.5 feet because of the stairs but the actual porch itself is remaining in the same spot. The side yard setback combined eave to eave is improving from 8.9 feet to 10.4 feet. The side yard setback combined wall to wall, is improving as well. Currently it's at 9.9 feet and it's going to 11.8 feet. The side yard setback combined from the wall to the stairs is going from 7.6 feet to 8.4 feet. The distance between buildings eave to eave is increasing from 2.9 feet to 7.9 feet. The FAR(floor area ratio) is where we're going to see the biggest change. The ordinance permits 42% and it's currently at 47.1% and is increasing to 52.6%. That's purely a function of the 300 additional square feet that's being proposed. Mr. Barnes stated that there are no parking spots that exist and none are being proposed. He believes that is consistent with that side of the street as there isn't any type of off-street parking.
- k. Mr. Barnes stated that as he indicated earlier, the existing dwelling itself was built in 1875. In the records that they were able to find, only 2 renovations have been made since that time. One is in 1910, when indoor plumbing was put in and the other was in 1940, which was a renovation of the kitchen.
- l. Mr. Barnes stated the applicant prefers to renovate the existing structure and not tear it down. He's not necessarily using materials that you're going to find in the Cape May historic zone but he's going to use materials that will make the house continue to have a nice architectural appeal and restorative look to it in keeping with the overall neighborhood. The applicant has considered tearing it down but it's important to him to keep the style that exists.

- m. Robert Bump, owner of the property and applicant, was sworn in. Mr. Bump stated that he bought the property in 2010. He stated the only alteration that he has made since he bought the property was he added heat to the property. Mr. Bump stated that there are a number of reasons that he is interested in doing the renovations. Besides his personal reasons, Mr. Bump stated that there was a bathroom put on the 2nd floor in 1910 and a kitchen addition in the 1940's. His intention is to keep the exact exterior and keep the original house intact. Mr. Bump explained that the original house was the front porch, 2 rooms downstairs and 2 bedrooms above those 2 rooms and they really have not been changed in 150 years. His intention is to keep that the same on the exterior and all the materials that will be used along with all the design and work will keep the house looking as it does now, except using modern materials. The intention is to keep the historic look.
- n. Mr. Bump explained one of his problems with the property is the story of those "5 Sisters" (as the adjacent row of home is often referred) where there was a businessman from Philly who had 5 daughters. He purchased a lot that was originally designed to have 4 houses on it, and in the time when there were not building codes they managed to squeeze 5 houses on the 4-house lot.
- o. Mr. Bump stated that he wants to make the house year-round so that he can be here year-round. He stated that the windows have to be replaced, the mechanicals and electric need to be upgraded and the house needs to be raised. He also stated that the kitchen and bathrooms are really small and don't work for a modern family. He also explained that the additional living space that he's asking for is to give him a house that he can keep in the family, and it'll be used comfortably by his children and grandchildren. He is looking to make the house more livable and comfortable and in order to do that he needs more square footage.
- p. Mr. Bump stated that he approached his neighbors prior to this meeting and the neighbors are in favor of the project.
- q. Mr. Bump talked about parking. He stated that in the shoulder and off season, parking is not a problem. In the summer months, parking is tight. However, the parking issues are not going to be exacerbated by this project.
- r. Mr. Murphy asked about the height of the structure after it's raised. Mr. Bump stated that it will go up about 9 inches. Mr. Rusnak asked that he explain some alternatives that Mr. Bump considered in order to keep the floor area ratio as is. Mr. Bump stated that the FAR code is a strict code because it takes everything into account, square footage wise. He stated he could remove the enclosed porch to gain the additional square footage but then he would lose the historical look of the house. Mr. Barnes added that there was the push and pull to continue to go on with either knocking down and building a new house or to keep the house. Mr. Bump's position is that he wants to keep the house, but he wants to keep the house, only if it still looks like the original house. Mr. Barnes also added that the cost associated with knocking it down and building a new house versus raising the house and fixing it run pretty close to each other, and he's taking a position to keep the older house and renovate it.
- s. Mr. Brown asked about the 2nd floor above the porches and if they are used. Mr. Bump responded that he doesn't use those 2nd floor decks, it's never been used that way and he doesn't intend to use it as a deck. Mr. Brown noted that those decks are 235 square feet that is included in the FAR calculation but not used.
- t. Commissioner Geiger noted that even if the lot was a conforming 5,000 square foot lot, the FAR would still be over the requirement. Mr. Murphy asked if there will be any changes to the trees or vegetation. Mr. Bump stated that he intends to do traditional landscaping and that one tree would be in the way of the addition so it would have to be removed.
- u. Linda Viventi was sworn in. Ms. Viventi is an architect with the Design Collaborative in Cape May Court House. She gave her credentials for the benefit of the board.
- v. Ms. Viventi stated she has been working with Mr. Bump since 2012 on this project. Their 1st visit to the house was the beginning of October, the year of Hurricane Sandy. Then the project

was put on hold for a few years, and then they got involved again in 2020, and then it was in the middle of Covid and they didn't end up going to this board. Then he contacted them again last June or so to pick up the project again.

- w. Mr. Brown noted that on a page 1 diagram of the plans that the board received, the address was listed as 415 Lincoln Ave., Woodbine. The applicant acknowledged this was a typographical error and the property is in fact 415 Lincoln Ave., Cape May Point.
- x. Ms. Viventi showed a photograph of the front of what the house looks like right now. She noted the photos are older from 2012 but she also noted that nothing's changed. Ms. Viventi confirmed that the photo she showed accurately depicts what exists today to a reasonable degree. Ms. Viventi stated that the house fits in with the fabric of the neighborhood and there's 4 others that look very similar. The porches are a little bit different as you go down the street, but generally the same. All of the sister houses have a 3-bay window and most of them are one story. Looking at the photo, on the east side of the house is a protrusion, that protrusion is the plumbing from 1910. Ms. Viventi stated that the plan is to take out that protrusion. The photographs shown were marked as Exhibits 1 and 2.
- y. Ms. Viventi reviewed the floor plans. She showed Exhibit 3 to the board which was a floor plan of the 1st floor of what currently exists and what is proposed. She stated that the addition is going to be in the rear and that includes the shower and the steps. Ms. Geiger asked how many feet were being added to the rear. Ms. Viventi stated the addition will be about 6ft further out in the rear.
- z. Ms. Viventi showed Exhibit 4 to the board which was an existing and proposed floor plan of the 2nd floor. The Exhibit showed the bedroom and bathroom being reconfigured on the 2nd floor. After some questions from the board, Mr. Bump explained the box on the east side of the house is the box over the 1st floor bay that houses the existing bedroom. They are proposing to take that box off and extend a bay up there. This would be a replica of what's on the 1st floor and part of that bay would become part of a bathroom on the second floor. Mr. Bump showed Exhibit 5 which is the current and proposed external elevations.
- aa. Comm. Geiger wanted to understand where the additional square footage is going to be. Ms. Viventi stated that it will be at the back of the building. The addition goes about 6 feet further back than the existing, and when they do that, they can create better flow space on the 1st floor. Right now, they have a kitchen that's about six and a half feet wide. If they add a few feet to that, they can make that a bedroom and put the kitchen on the other side.
- bb. Ms. Viventi showed Exhibit 6 which is the east side elevation. This Exhibit shows what they are taking out, then shows the porch, bedroom, the bathroom, the bedroom upstairs and where they are adding on to the back. She pointed out that the roof goes all the way across and out where as of right now it does not. Ms. Geiger asked if the second floor is also increasing in square footage. Ms. Viventi stated that it was by the same 6.5 feet as the 1st floor.
- cc. Mr. Rusnak asked if the 2nd floor expansion of the bedroom was to include a bathroom. He asked if that additional square footage could not be done. Ms. Viventi showed a photograph of the 2nd floor back bedroom which was marked as Exhibit 7. The photo was taken in October of 2012 and does accurately reflect what exists today. She stated that the bedroom is only 6 or 7 feet wide which does not comply with the residential code with being a room at all. The plan is to make it wider so that it can be a regular a room. It's the dimension of the room as it exists that creates this issue that requires the expansion.
- dd. Mr. Brown commented about the second-floor deck; the second-floor deck, which is above the screen porch and has a front part and a side part. Both of those parts add up to 235.75 square feet, according to the applicants table. He would like to just acknowledge that current code says that for houses built before 2004, the square feet that relates to unused, unwallled decks cannot prevent a permit from being granted. This is in category 3 of the definition of gross floor area. He wanted to clarify that this 235.75 square feet on the current house, if you were to remove it

the floor area ratio of the current house would be counted as 41.2% FAR which is below the current regulation. It would not fail a permit because of this categorization of houses built before 2004 and Mr. Bump explained to us that that deck has not been used and the architect has explained to us that they're not adding any more egress for that second-floor deck.

While Mr. Brown acknowledges the applicant has included that in calculation of gross floor area as per definition, and that then relates to floor area ratio, there is a special handling of those types of spaces in our current code for houses that are built before 2004. When you consider the 235.75 square feet in the FAR calculation, the equivalent "effective FAR" of the proposal is 48.7%, not the 54%.

- ee. Dr. Farrell stated that the newly proposed addition is 11 feet 6 inches. He asked if they considered scaling it down to 10 feet. He stated that he is thrilled with the change of removing those additions made to the back and restoring the roof line to what was originally built in 1875. He feels the double bay, one over the other, would be a remarkable improvement over the bump out bathroom and many of these features are excellent improvements to a vintage 150-year-old home. Ms. Viventi stated that they did discuss holding back the wall a foot or two but there was an issue having the roofs align.
- ff. Mr. Remy asked what the plan was to put the construction trailers and dumpsters. Mr. Bump indicated that once construction has started and the fence is taken down, there would be room on the front lot accommodate a couple construction vehicles to get them off the street. He stated that the dumpster will have to be on the street but doesn't foresee a dumpster being there for more than 2 weeks.
- gg. There was discussion about when Mr. Bump would start construction. Mr. Bump indicated that he would like to have the project finished for the 2026 season, but he agreed he would start after Labor Day and most of the construction would be done in the off season.
- hh. Mayor VanHeeswyk commented that having a dumpster for just a short amount of time isn't possible. Cape May Point has a requirement that a Porta Potty needs to be on site and a dumpster. She asked that Mr. Bump look into that carefully.
- ii. Mr. Barnes talked about the D4 variance. He stated that what the board focuses on is whether or not the site will accommodate the proposed permitted use with a larger floor area ratio than what is permitted by the ordinance. Ms. Viventi thinks this applies in this case because they are not increasing the number of bedrooms and they have a minimal amount of additional square footage. She stated the reasoning behind it is to let the interior flow better and work better now than it did 60 or 80 years ago, and that's what the intent is. It won't affect the streetscape on Lincoln Avenue and it's a minimal disruption.
- jj. Ms. Viventi stated that she doesn't believe there will be any substantial detriment to the zoning ordinance or public good. She believes that these same reasons apply to the C1 Criteria and that the lot being undersized and an unusual shape and there is nowhere in the surrounding area to acquire more land.
- kk. Mr. Barnes stated that the building coverage is increasing from 26.9% to 31.2 % which is 1.2% over the building coverage requirement and is a function of the lot size. That would apply to the C1 criteria. The variance for the side yard setback is also a function of the size of the lot and would apply to the C1 criteria. As for the C2 criteria, they believe the project will help promote the establishment of the appropriate population densities and promotes a desirable visual.
- ll. Mr. Murphy made a motion to open the meeting to the public. Mr. Remy seconded the motion. No members of the public spoke on the application. Public comment was closed on motion by Mr. Murphy and a second Mr. Remy.
- mm. The board members reviewed the findings in fact. Mr. Rusnak stated that we have a historic property that the owner is preserving for the Point. We have unwallled unused, decking space which is included in the floor area under roof calculation. That while it technically cannot be deducted, he thinks intellectually, we can say that these 235 square feet is something that we

can consider toward the decision. There's extra space for shower, rear landing, and shed, all of which contribute to the usability of the property, and certainly don't affect the density of the structure. He thinks that with the additional space the density remains the same, and the use is enhanced for the homeowner and the homeowner's family. With regard to the front yard variance, he thinks that the by raising the house, that will benefit the community.

- nn. Dr. Farrell added that as far as the wall to wall distances, since there is some improvement in those distances, while they don't meet the requirements, they didn't meet the requirements previously, and there is rather little that would be gained materially in making the attempt to insist on that. He thinks the side yard and other setbacks, as bulk variances, are kind of a moot point based on the fact that the house has been there for 150 years. He feels removing the structure in its entirety and rebuilding with a smaller building, would be counterproductive. His feeling was pretty well addressed about the fact that the backyard shed, the outdoor shower and the landing are not materially contributing to the overall construction density. They do serve useful purposes, especially in the summer months, with Mr. Bump having 5 children and 10 grandchildren. He hardly endorses an outdoor shower but with that being said, the design criteria for adding the distance to the rear, moving the rearmost wall back, he thinks, does improve the overall design aesthetics of the original building.
- oo. Mr. Murphy would like to thank Mr. Bump for going through a lot of different plans and options to try to make it fit and work with what he had and the lot size. He finds that none of the deviations from the FAR requirements or the setback requirements would be a detrimental to the public good or the intent and purpose of the zoning plan and ordinances.
- pp. Mr. Brown added that we've heard and it's surfaced in the other facts that there are many pre-existing nonconformities on this very old house on a very small property. The off-Street parking spaces is one, the building coverage would move from 26.9% to 31.2% and while that does exceed the 30% zoning regulation for residential district, he points out that the natural vegetative coverage exceeds the 60% that is required by the zoning code. He discussed the front yard setback and that there was a discussion about the new handrail going to be setback 1.5 feet. He would like to acknowledge to the applicant that the required setback, while it's 20 feet per se, you're allowed to average for other properties on that block. We've talked about the 5 Sisters, which are these houses that are quite close to the property line, so the expectation of 20 foot would probably not be a very common expectation, because of the average proximity so close to the property on it. He will acknowledge, though, that the proposal here is 1.5 foot to the property line, and that in the summation of Mr. Barnes, there may be potential for turning the stairs in a way so that that 1.5 feet might be relaxed further and not be as extreme. On side yard combined, as Dr. Farrell pointed out, it's moving from 8.9 feet to get better at 10.4 feet. Also, the distance between buildings is moving from 2.9 feet to 7.9 feet. There's no change in the off-street parking spaces, and it's been remarked that there is no increase in bedrooms, so the number of cars on the street that might be expected would not be typically expected to change because the number of bedrooms is not changing. There's been a lot of discussion about floor area ratio. The existing condition, as calculated by the applicant, is 47.1%, and the applicant is proposing 54.6%. As he highlighted in his other remarks, the unused second floor, front and side decks amount to 235.75 square feet. If you deduct 235.75 square feet, he reaches a number of 1948.25 square feet which would be less than 2,100 square feet, which would be the size allowed on a 5,000 square foot lot. He would also like to acknowledge that he finds this neighborhood to be a very historic part of the municipality architecture. He appreciates that the applicant is trying to maintain the historic character of this modernization of the house. Clearly this typical lot creates a hardship in many regards, and these setback variances in his mind relates to the hardship. He appreciates that the applicant decided to move the back stairs from the side of the lot to the back of the property which further helped the side yard setback calculations. He finds that there are some special reasons that make sense to him, in particular, special reason, in the New Jersey municipal land

use law about promoting a desirable visual environment. He does see some special reasons why we might allow a floor area ratio significantly larger than we might otherwise tolerate in the community. He finds that this relief could be granted without substantial detriment to the public good, and will not be a substantial impairment to the intent and purposes of the zoning plan and ordinance in particular, because the floor area ratio that is above 50%, because of the unused space, is effectively below 50% ..

- qq. Mr. Rusnak made a motion to approve the application as submitted by the applicant, reflective of the findings of fact, special reasons and the establishment of the reaction on the negative criterion, as stated during our discussion. Ms. Mackenzie seconded the motion.
- rr. The application was approved with 6 Aye votes (Brown, Farrell, MacKenzie, Murphy, Remy, Rusnak).

2. Subcommittee updates:

- a. Completeness Committee: Mr. Murphy stated that we have an application for the Audubon Society that has been resubmitted and the committee will meet on the 24th to address that application. It may be heard at the March meeting.
- b. Lot Coverage Awareness Committee: Mr. Wallace stated that they are working on a proposal on pergolas that they will come back to the to the planning board within the next month or so and they continue to work on a couple other topics.

3. Update on Climate Change-Related Hazard Vulnerability Assessment project

- a. Mr. Brown referred to some slides. He stated that slide 2 is similar to a slide he had at last meeting, which is, what's in this climate change hazard vulnerability assessment. What's required is from the State statute. They are going to deliver that and there's ways to deliver it that are more expansive, and there are ways to deliver it that are agile and streamlined. He leans towards agile and streamlined.
- b. He stated that this will be a sub team that is answerable to the planning board and will have periodic progress updates to the planning board. The final output will be submitted to the planning board for final discussion and action because part of the output of this is an update to the master plan.
- c. The team is going to utilize previous reports in this topic area. He's been trying to assemble an assessment project team. The assessment project team right now currently consists of himself, Commissioner Geiger, Ed Barnhart, who is a non-resident homeowner and an architect who can help. Commissioner Yunghans has confirmed that Bill Gibson from public works will be a member. He's looking for an Environmental commission member and another member from the Planning Board. He would also say, if people are asking about the time commitment, he has listed how much time he expects the people to be involved between March and November. Dr. Farrell remarked on his contributions to previous local and County reports on related topics and volunteered his participation on this team.

4. Any and all other pending matters deemed necessary by this Board for action:

- a. Mr. VanEmden commented that it looks like the appeal re 506 Cedar Ave decision is going to be resolved by a written agreement between the applicant and the appellant to the point where the appellant will dismiss the appeal, and we won't have to return it to this board for consideration.

Public Comment

- a. Public Comment was opened at 9:06 pm on a motion by Mr. Murphy and a second by Mr. Rusnak.
- b. No comments.
- c. Public Comment was closed at 9:07 pm on a motion by Mr. Murphy and a second by Mr. Remy.

Adjournment

They meeting was adjourned on at 9:07 on a motion by Commissioner Geiger and a second by Mr. Murphy.

Respectfully Submitted by:
Kate Dunn
Board Secretary
Approved by Board 03/18/2025