

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – August 13, 2013**

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairman William Bezaire, at 7:00 PM. In compliance with the Open Public Meetings Act, adequate notice was provided.

Roll Call:

Mr. Bezaire,	Chairperson	Present
Mr. Shuler,	Vice Chairperson	Present
Mayor Dr. Mahaney		Present
Mr. Elwell		Present
Mrs. Nelson		Present
Mr. Jones		Present
Ms. Weeks		Present
Mr. Murray		Present
Mr. Winkworth		Present
Dr. France, 1 st Alternate		Present
Mr. VanDeVaarst, 2 nd Alternate		Present

Also Present: George Neidig, Esquire – Board Solicitor
Craig Hurless, PE, PP, CME Associate - Polistina & Associates
Mary L. Rothwell, Board Assistant/Zoning Officer
Edie Kopsitz, Recording Secretary

Minutes: June 25, 2013

Motion made by Mrs. Nelson to approve the minutes of June 25, 2013 as presented. Seconded by Mr. Murray and **carried 9-0**. Those in favor: Mr. Elwell, Mrs. Nelson, Ms. Weeks, Mr. Murray, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Minutes: July 9, 2013

Motion made by Mrs. Nelson to approve the minutes of July 9, 2013 as presented. Seconded by Mr. Jones and **carried 8-0**. Those in favor: Mr. Elwell, Mrs. Nelson, Ms. Weeks, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Murray.

**Resolutions: Sowers, 825 Washington Street, Block 1092 Lot 19
Zuma Enterprises, LLC, Block 1043 Lot 3**

George Neidig announced the Resolutions were not forwarded to the Secretary for disbursement to the Members.

Applications:

**Osprey Landing Condominium Association, LLC
Osprey Landing Development Company, LLC
Spacers Creek (f.k.a. Osprey Landing)
1263 Lafayette Street
Block 1061 Lot(s) 101 & Qualifiers
Amended Site Plan – Preliminary & Final with variances**

Craig Hurless, Board Engineer was sworn in and clarified his credentials for the record.

Louis Dwyer, Esquire representing the applicant Sean Scarborough owner of the Scarborough Development Company along with his professionals Edmund Spietel, Engineer and Stephen Fenwick, Architects all were sworn in by Mr. Neidig.

Mr. Neidig informed that a letter received dated August 13, 2013 from Frederick W Schmidt, Esquire with several attachments that are factually complete and asked Mr. Dwyer if he had any objections to its submission. Mr. Dwyer responded that he had no objections of the submission stating it was informative (past history) and the support of neighbor Joan Roseman of Roseman's Boatyard. Member Elwell intervened stating that it has been the practice of the Board not to accept any correspondence that has not been submitted 10 days prior. A lengthy discussion ensued with Mr. Hurless commenting that Mr. Schmidt testified on a past Cape May Marina application the information lends itself backing up the easements that were granted for Roseman Lane that allowed for the widening and brought it to the Boards attention that Roseman Lane is a Municipal street. The letter was not marked into the record.

Mr. Dwyer clarified that this is an Amended Site Plan application with variance relief that accompanies this request. The original approval use was for residential structures (37 units) with boat slips and is not changing. The boat slips will be in ownership by the Scarborough Development Company. He clarified that a condominium is a form of ownership do to questions from the Board Members. Twenty Nine (29) new single family detached homes are proposed and a revised condominium association would be required to effectuate the revised site plan. Mr. Dwyer indicated that it is the intentions to introduce a variety of styles of single family structures that would give a neighborhood look improving to blend in aesthetically. Mayor Mahaney interjected requesting clarification of the application comparing the presentation of that of the previous applications that led to confusion especially regarding private and public roads. He also commended the applicant for undertaken the project but suggested that the application be presented in its entirety with all elements accounted for. The majority of the members concurred. Mr. Dwyer then requested if a subcommittee would be able to review.

Mr. Hurless responded to Mr. Dwyer suggestion indicating that it sounds like a sub division is going to be created "simple lots with a roads sub divided out". Mr. Scarborough wanted to review the overall project with testimony this evening knowing it would go on for more meetings. He stated during this process a full sub division with roads and lots will be

determined at final approval. He indicated that he thought it would be a two (2) step process. He expressed the amount of time and works to date and indicated they are barely into the 2014 season.

Mr. Neidig voiced that there will be a problem with preliminary approval because the ultimate product will be different that what is being presented tonight. He stated it does not make sense to be heard this evening. Chairman Bezaire indicated that he thought the applicant was requesting to go into informal mode to review the project. Mr. Neidig informed the Members that if the application is not being heard then he stated the Board would not have jurisdiction (no voting preliminary or otherwise). Mr. Hurless clarified in detail the application including what has been approved explaining its multi uses, stating that a composite analysis was conducted of the underlying site plan as well as what is proposed (perimeter only). He indicated that he did not have a problem but informed the Members the application will require several variances unless they do not do individual lot subdivision.

Mr. Neidig informed the Members that if a discussion at the Boards request is being conducted he advised that no one has been noticed. He explained the notice provision and feels this is in violation of the Municipal Land Use Law. Mr. Dwyer requested a five (5) minute break so he could confer with his client and professionals.

Chairman Bezaire called for a five (5) minute break @ 7:35pm. The meeting resumed @ 7:40pm.

Mr. Dwyer stated his clients are 100% agreeable to dedicate the road to the City and can be a condition to any preliminary approval and will not affect the use (condominium). A lengthy discussion ensued with Members stating it will still have setback issues. Mayor Dr. Mahaney clarified the previous approval that originally was proposed to have 400 unit complexes and was negotiated to 26 customs homes with 40 boat slips with an inclusion of 1 boat slip to be utilized by the Harbor Master and indicated the road was not public and they had to return with the plans. Mr. Bezaire indicated at that time of approval it was under a different zone that met the front yard setback and was not a public street. Mayor Dr. Mahaney believes that they are sitting here tonight trying to help formulate an application and stated it is not good planning with the Planning Board not knowing where the project is going but the public in the audience not knowing what is taken place. Mr. Dwyer requested to have another five (5) minute break to confer with his clients.

Chairman Bezaire called for a five (5) minute break @ 7:50pm. The meeting resumed @ 7:57pm.

Mr. Dwyer is requesting that the application be continued until September 24, 2013 and will renote that they will be supplementing the application with a sub division plan. Mr. Neidig commented that there are 11 Members present this evening and would encourage the same attendance for the September 24th meeting.

Motion made by Mrs. Nelson to continue the Osprey Landing Condominium/Development Co., LLC c/o Sean Scarborough "Spicer Creek"

application until September 24, 2013 at 7:00pm. Seconded by Ms. Weeks **and carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Ms. Weeks, Mr. Murray, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion made by Mr. Murray, Seconded by Mayor Dr. Mahaney to adjourn the meeting at 8:05 PM with all in favor.

A verbatim recording of said meeting is on file at the Construction/Zoning Office.

Respectfully submitted: Edie Kopsitz, Recording Secretary