

**City of Cape May Planning Board Meeting Minutes
Tuesday – August 9, 2011**

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairman 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	Absent - excused
Mr. Briant,	2 nd Alternate	Absent - excused

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

Minutes:

July 12, 2011

Motion made by Mrs. Nelson to approve the minutes of July 12, 2011. Seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Ms. Weeks, Mr. Winkworth, Mr. Murray, Mr. Jones, Mr. Shuler and Mr. Bezaire Those opposed: None. Those abstaining: None.

Resolutions:

**Cape May Harbor Village & Yacht Club Association
Harbor Cove
Block 1172 Lots 3.26 & 3.27**

Motion made by Mrs. Nelson to approve the Resolution #8-09-2011 Cape May Harbor Village & Yacht Club Association as presented. Seconded by Ms. Weeks and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Ms. Weeks, Mr. Winkworth, Mr. Murray, Mr. Jones, Mr. Shuler and Mr. Bezaire Those opposed: None. Those abstaining: None.

Chairman Bezaire announced that the Agenda items would not be heard in order listed.

BUSINESS:

**Sowers, 825 Washington Street
Block 1014 Lot 7
Extension of Site Plan Approval**

Craig Hurless clarified his credentials for the record.

Frederick Schmidt, Esquire representing the applicant owner Ronald Sowers who was present and sworn in by Board Solicitor George Neidig. Mr. Sowers continued with the request to extend the previous approved Site Plan, which was obtained in 2005 for preliminary and final approval that has run out of extension. Mr. Schmidt referred to §417-6G of the Ordinance that provides continued extension of approvals. They are requesting a two (2) year extension. He explained in detail the reason for the request was due to the economy down turn not permitting his client to move forward. Mr. Sowers elaborated on the reasons in detail including the litigation for the record.

Members were positive on the application and requested Mr. Sowers to verify for the record the number of units proposed. Mr. Sowers responded to all questions stating the total number of units is ten (10) as previously approved with no additions or deviations from the plan. Mr. Neidig informed Mr. Schmidt that the Permit Extension Act does not apply to Cape May with Mr. Sowers acknowledging this but stated at the time requesting for the extension it was not in effect.

Motion made by Mr. Elwell to grant the two (2) year extension subject to the original 2005 approval. Seconded by Ms. Weeks and **carried 9-0.** Those in favor: Mr. Elwell **voiced his reason for the record**, Mrs. Nelson, Dr. Mahaney **voiced his reason for the record**, Mr. Murray **voiced his reason for the record**, Ms. Weeks, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire **voiced his reason for the record.** Those opposed: None. Those abstaining: None.

George Neidig brought to the attention to the Board regarding the Agenda item R-1 Zoning Change Request in lot coverage increase (30% to 40%) and the noticing process that must be adhered. He requested that the public that attended this evening represented by Louis Dwyer, Esquire be recognized. After a lengthy discussion Members in unison concur that notification to all owners in the R-1 District should be notified. Mayor Dr. Mahaney wanted it noted for the record that the City of Cape May will take responsibility of notifying all residents the R-1 Zoning District. He also explained the City's undertaking these past three years of the Re-examination of the Master Plan, Flood Plan Management and Plan Endorsement and the issue of the R-1 Zoning Change Request was not mentioned. Mr. Neidig suggested the meeting for the R-1 Zoning change will be September 27, 2011 @ 7:00 pm with Craig Hurless, Board Engineer responding to Mary Rothwell, Board Assistant/Zoning office that he will have sufficient time have report prepared. Mr. Dwyer will forward his summary to Mr. Hurless for the analysis.

Chariman Bezaire called for a five (5) minute recess at 7:35pm. Meeting resumed at 7:40pm.

**Lester
First Avenue, Block 1014 Lot 7
Conditional Use**

Chairman Bezaire recused himself from the application citing his reasons for the record.

Vice Chairman Shuler resumed the duties of chairman.

Louis Dwyer, Esquire was present to represent the owner Robert Lester along with their professional Stephen Fenwick Architects and was sworn in by Board Solicitor George Neidig. Mr. Dwyer explained the structure is rated Contributing in the Historic District and submitted documentation which was marked A-1. He explained the modification of the existing use two family historic structure as well as Section 525-44 of the Zoning Ordinance. He described the purpose of the application is to reconstruct and expand a rear deck (reconfiguration & modest enlargement of an existing kitchen) and create a deck above for the second floor. Mr. Neidig explained it is not a Use Variance and stated the Planning Board has the power to grant the requested relief. Mr. Dwyer added that none of the additions violate any of the bulk zoning requirements.

Stephen Fenwick, Architect with Floor Plan & Elevations on a colorized poster board dated June 30, 2011 explained the Preliminary Design and Existing Conditions configurations of the first and second floor plans as numerated on A-101 and R-101.

Members were positive on the application with questions regarding the existing parking spaces. Mr. Dwyer responded that there is no change, three (3) parking required for two (2) units and stated it was ample parking.

Craig Hurless, Board Engineer updated the membership by summarizing his report dated July 11, 2011 and reiterated the applicant's proposal in his description. He reviewed the Completeness Review on page 2 addressing the details for Conditional Use Approval subject to §525-44 itemizing #'s 8, 23, 27 and 33. He addressed his Zoning Charts page 3 addressing R-2 District (§525-15A) Historic Structure Conversion. He clarified no variances are being requested. Mr. Hurless continued with his General Review comments on pages 3 and 4: #1, #2, #3, #4 and #5 (COAH).

Motion made by Mr. Murray to grant the Waiver as noted in Mr. Hurless report of July 11, 2011 page two Completeness Review #8, #23, #27 and #33. Seconded by Ms. Weeks and **carried 8-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Murray, Ms. Weeks, Mr. Winkworth, Mr. Jones and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion by Mr. Winkworth to grant the Conditional Use requested. Seconded by Mrs. Nelson and **carried 8-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Murray, Ms. Weeks, Mr. Winkworth, Mr. Jones and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion by Mr. Jones for approval of the conditions as noted on Mr. Hurless report of July 11, 2011 pages three (3) and four (4) #1, #2, #3, #4 and #5. Seconded by Ms. Weeks and carried 8-0. Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Murray, Ms. Weeks, Mr. Winkworth, Mr. Jones and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Murray, Seconded by Mrs. Nelson to adjourn the meeting at 8:00PM with all in favor.

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

Respectfully submitted: Edie Kopsitz, Recording Secretary

_____9-27-2011, MLR_____

Adopted