

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – September 10, 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		Absent - excused
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: July 23, 2013

Motion made by Mr. Winkworth to approve the minutes of July 23, 2013 as presented. Seconded by Mr. Elwell and **carried 8-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Dr. Mahaney, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Jones.

Member Winkworth stated for the record his appreciation of Edie Kopsitz and her clarification of the past several meetings minutes that were complex applications.

**Resolutions: Sowers, 825 Washington Street, Block 1092 Lot 19
DiDonato, Block Lot 4
Zuma Enterprises, LLC, Block 1043 Lot 3**

Motion made by Mr. Shuler to approve Resolution #9-10-2013 for Sowers as presented. Seconded by Ms. Weeks and **carried 7-0.** Those in favor: Mr. Elwell, Ms. Weeks, Dr. Mahaney, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Winkworth and Mr. Murray.

Motion made by Mr. Murray to approve Resolution #9-10-2013:1 for DiDonato as presented. Seconded by Mr. Elwell and **carried 8-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Dr. Mahaney, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Jones.

Motion made by Ms. Weeks to approve Resolution #9-10-2013:2 for ZUMA Enterprises, LLC as presented. Seconded by Dr. France and **carried 8-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Dr. Mahaney, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Jones.

Applications:

**Cape Motels Inc./Periwinkle Inn, 1039 Beach Avenue, Block 1101 Lot 5
Site Plan Waiver with Variances**

Louis Dwyer, Esquire representing the applicant requested the application be tabled until the next available meeting. He informed that a neighbor (Kevin Soler) retained an Attorney regarding the application and wanted it noted for the record that others were in the audience not represented but had concerns. Mr. Dwyer clarified there would be a modification to the plan to incorporate/enhance the landscaping that should address neighbors concerns that have been shared prior to the meeting.

Chairman Bezaire informed the applicant's professional that the next available meeting of the Planning Board would be October 22, 2013. Mayor Mahaney informed all that the City of Cape May is hosting a dinner for the League of Municipalities that evening but informed that he and Mr. Murray will be in attendance for the Planning Board Meeting by 7:00pm.

Motion made by Mr. Murray to continue the application until October 22, 2013 without further notice unless a variance is required. Seconded by Dr. Mahaney and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Dr. Mahaney, Mr. Murray, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Chairman Bezaire called for a five (5) minute recess @ 7:10 pm. The Meeting resumed @ 7:20pm.

**Thomas DiDonato
1105 Pittsburg Avenue
Block 1172 Lot 4
Major Subdivision, Preliminary & Final**

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

Louis Dwyer, Esquire representing the applicant Thomas DiDonato with his professionals Vincent Orlando, Engineering Design Associates and Peter Lomax, Lomax Consulting Group (Environmental Impact Statement) all were sworn in by Mr. Neidig. He briefly reviewed the previous meeting and indicated that the application before the Board this evening does not need to utilize Harbor Cove Road. He stated that all lots conform to the R-1 Zoning requirements when the affordable housing provisions are applied, permitting a 40% increase in density and relaxation of the built standards to accommodate the added density. A fourteen (14) lot sub division plan that has access from a public street within the development, with two (2) lots that will comply with the fair housing ordinance along with a monetary contribution being that the calculation is 2.8% and with this new plan will make it as variance free.

Mr. Orlando testimony began with his Sub Division Plan dated 9/26/12 with several revisions dates (11/14/12, 2/25/13, 4/17/13, 7/10/13, 8/1/13, 8/20/13 and 8/23/13 to which he described in detail with an enlarged rendition of the site and landscaping plan marked **A-1**. He reviewed the exits and entrances on Pittsburg and Missouri Avenues a public right of way, he explained in detail the density of .40%, giving the breakdown of the ordinance that allows increase by providing affordable housing on site. Mr. Dwyer clarified an example monetary value of the structures and expounded that it is not section 8 housing but affordable housing for moderate income families that the Zoning Ordinances/Cape May Master Plan must provided a reasonable opportunity for affordable housing. Mr. Orlando reviewed the Lot Coverage breaking down of the Building, Paver Driveway & Walks and Landscape Area percentages. Lots 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.09, 4.10, 4.11, 4.12, 4.13 & 4.14 – 5,000SF and Lots 4.07 – 6,183SF & 4.08 - 14,575SF. Craig Hurless concurred but reiterated that this does not give the applicant the ability to relax the bulk and area standards that relate to the size of the dwelling and where the footprint of the dwelling is located. The applicant is using the full density bonus by having the affordable housing on site (this application should not be compared to the previous application that included off site housing in its calculations). Mr. Dwyer indicated that they front on three (3) streets and are compliant with FAR and Lot Coverage. Mr. Orlando explained the triple configurations of the road and the way the lots had to be position because of the internal streets they are seeking setback variances for four lots (4.01, 4.07, 4.09, and 4.14) and rationale the reasons in depth. He described in detail of the proposed sidewalks, curb cuts (including handicap), cartway, drainage easement, areas of Wetlands to be filled and the existing Atlantic Electric Easement. Mr. Orlando in detail explained the C1 (criteria typical hardship) & C2 (criteria advance purpose in Zoning) variance requests stating the benefits outweighing any detriments in purpose zoning ordinance. He believes the positive criteria are met and the negative criteria he stated it would have little effect on the adjacent properties.

Peter Lomax clarified his credentials in detail including that he is the Chairman of the Cape May County Open Space Board. Mr. Lomax submitted and explained in detail a colorized enlarged rendering of the Wetlands Exhibit 1: of the Site location Historic Wetlands Mapping NJDEP/USFWS dated May 25, 2013 marked **A-2** as well as produce hand outs for the Board Members perusal. He referred to his Environmental Impact Statement dated April 2013 revised May 7, 2013 reviewing The Site Location Figures, existing Site conditions, proposed Development and Impacts of Development. Member Weeks inquired if the

Department of Environmental Protection would require an additional application and Mr. Lomax indicated that they will have to reapply to the DEP in form of a modification or provision to the permit that is already issued.

Members were afforded time for questions throughout the presentation and voiced numerous concerns regarding Environmental (Wet Lands), Storm water management (increase in impervious area), volume of existing low areas to be filled (future trouble), Environmental Impact Statement (original/should it be updated), confirmation on public street and its design, County response to plan do to past comments with not allowing anymore public egress & ingress on Pittsburg Avenue (requested a County report on Missouri Avenue) with the Mayor indicating that the area is very dangerous (numerous calls on safety) plus the City has repaved, restriped for pedestrians and vehicular traffic (reduction of the speed limit with County approval was undertaken), informed the applicant & professional of the City's undertaken of the Safe street action because of the Coast Guard Base children going through that area. Mayor Mahaney then referred to the Affordable Housing issue with regards to the effect on the surrounding neighbors and the structures will be the face of the development (Pittsburg Avenue). Mr. Orlando stated the units will be smaller with Mr. Dwyer asking the Mayor if the preference is for the units to be internally (the Mayor concurred). Mayor Mahaney also voiced his concerns regarding the Home Owners Association being responsible for drainage issues (maintenance) stating it is unheard of. Mr. Orlando responded it will be maintained by the Home Owners Association. He questioned the C1 & C2 Criteria stating it is self created issue with the number of units and he feels the benefits do not outweigh the detriments.

Chairman Bezaire called for a five (5) minute break @ 9:25pm. The meeting resumed @ 9:35pm.

Board Engineer, Craig Hurlless then reviewed report dated August 29, 2013 clarifying the description of for the membership. He reviewed the Completeness review on pages 3 of 14, Details required for C Variances # 5 and Details for Major Subdivision approval, Article VIII Requirements Common to both Minor and Major Subdivisions, §445-18 Map Details P, S, §445-28 Major Subdivision – Preliminary plat details A, G and I, §445-34 Major Subdivision – Final plat details. He addressed the Zoning Charts on pages 5 & 6 addressing the R1 District (§525-14) Table 1 Single Family Detached for structures chart 1 -4.01, 4.02 & 4.05, chart 2 – 4.06, 4.07, chart 3- 4.08 & 4.09, chart 4- 4.10,-4.13. He clarified the variances being sought pages 6, 7 & 8 as §525-14B (1) Table 1 Building Setback, §525-14B(1) Table 1 Rear Yard (expressing the Applicant Engineer disagreeing with the his determination) and §525-14B (1) Table 1 – Side Yard and reviewed a highlighted version of §59-43 Inclusionary Zoning for density bonus on Affordable Housing. The general review comments on pages 8 through 14 – General Zoning #1, #2, #3, #4, Landscaping & Lighting #5 & #6, Traffic, Parking & Circulation #7, #8, #9, #10, #11 Grading Drainage & Environmental, #12, #13, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23, Utilities #24, #25, Miscellaneous & Other Approvals #26, #27, #28, #29, Affordable Housing - #30 in details on §59-43 Inclusionary Zoning.

Announced by Chairman Bezaire that do to the hour the Meeting for the DiDonato application will be continued on **October 22, 2013 @ 7:00pm** with no further notice required.

Salvatore Perillo, Esquire representing himself and spouse who resides at 29 Harbor Cove stood up and requested that the FAR calculations and Grading, Drainage & Environmental sections items #13, #14, #16, #21 and #22 be clarified and provided in detail from the Applicant.

Motion made by Mr. Murray, Seconded by Mr. Winkworth to adjourn the meeting at 10:15 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