

**City of Cape May Planning Board Meeting Minutes
Tuesday – September 27, 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		Absent - excused
	Mrs. Nelson		Present
	Mr. Jones		Present
	Ms. Weeks		Present
	Mr. Murray		Present
	Mr. Winkworth		Present
	Dr. France, 1 st Alternate		Present
	Mr. Briant, 2 nd Alternate		Absent - excused

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:

August 9, 2011

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

Resolutions:

**Sowers, 825 Washington Street
Block 1092 Lot 19**

Motion made by Mr. Murray to approve the Resolution #9-27-2011: 1 Sowers as presented. Seconded by Ms. Weeks and **carried 9-0.** Those in favor: Mrs. Nelson, Dr. Mahaney, Ms. Weeks, Mr. Winkworth, Mr. Murray, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire Those opposed: None. Those abstaining: None.

**Lester, 26 First Avenue
Block 1014 Lot 7**

Motion made by Ms. Weeks to approve the Resolution #9-27-2011: 2, Lester presented. Seconded by Mr. Nelson and **carried 8-0.** Those in favor: Mrs. Nelson, Dr. Mahaney, Ms. Weeks, Mr. Winkworth, Mr. Murray, Mr. Jones, Mr. France and Mr. Shuler Those opposed: None. Those abstaining: Mr. Bezaire.

BUSINESS:

R-1 Zoning Change Request – Lot Coverage Increase from 30% to 40%

Craig Hurless clarified his credentials for the record.

Louis Dwyer Esquire was present to represent a group of applicants (petition was attached to application) who are requesting the Board consider a lot coverage increase from 30% to 40%. Various reasons for the request were affirmed as follows; Inconsistent with other residential zones as they are 45% defining the (R-3, R3A, R4 & RS), Not a density issue under Land Use and C-3 Zones permits 75% for a single family. He stated the R1 zone is the largest residential zone has the smallest amount of lot coverage allowed, which restrict the residents in designing amenities on their lots. He alluded to the fact that lot coverage is intended to have adequate drainage ability, green space and landscaping. Mr. Dwyer stated the request is not excessive as it will make the lot coverage consistent with the other residential zones. If 40% is permitted in the R1 zone there will still be approximately 5,600 square feet of open space.

Chairman Bezaire explained the procedures of the hearing of this application in detail to the public. He clarified that if tonight's step is for the Planning Board to support this recommendation it is then forwarded to Council for the decision.

The Meeting was opened for public comment at 7:20pm. **Ronald Tupper, 1209 Cape May Avenue,** was positive on permitting the increase of 10%. He stated it was a modest request and shared with the members he and his wife are environmentally conscious. **Norm Olsen, 1059 Virginia Avenue,** was in support of the request of 40% lot coverage. He stated he was unaware of R1 not being consistent with other residential sections. His concern was they are of retirement age and would like to expanded their living space on one floor rather than build up. **Perry Collier, 1257 Cape May Avenue,** supports the request of the increase. He is a long time resident of Cape May Avenue and should be permitted the same lot coverage as other districts. **Marty Bowne, 1014 Cape May Avenue,** supports the increase of lot coverage; he shared the dilemma with his current renovation project. **Chuck Paradise, 1046 Virginia Avenue,** encourages the Members to support the increase so it could move forward to Council. He believes the lot coverage should be a fair percentage in all districts and it would allow their lots to expand aesthetically pleasing rather than go up a floor with a boxy appearance. **Mary Batten, 1218 Cape May Avenue,** supports the increase of 10% explaining it would be a fair to the residents in the R1 district. She also requested that meetings that affect residents that are seasonal be held when all can be in attendance. **Bernie McNamee, 1020 Cape May Avenue,** questioned the boundary line and wanted clarification

on the rear set back. Mayor Mahaney responded to Mr. McNamee. **Stan Urban, 1009 Cape May Avenue**, objects to the increase request. He believes it will create a density issue affecting his light, air and open space. He stated it will become a drainage issue due to expansion of the ground floor, it will allow more air conditioning units and swimming pools. **Charlotte Todd, representing the Environmental Commission**, advocate of Natural Resources, referred to the Master Plan, shared their concerns if the Planning Board Members allow the increase of Lot Coverage from 30% to 40% would impinge on Open Space, Gardens, Tourism and Landscaping to feed the wildlife. **Tom Heins, 1040 Virginia Avenue**, positive on the application supporting the increase for a 1st floor expansion, he stated the current percentage is very limited. **Jim Paglicuo, 1306 Cape May Avenue**, supports the 10% increase; he stated the area owners are responsible on the upkeep of their homes and should be permitted to expand. **Jay Shatz, 34 Gurney Street**, clarified his two roles of the evening one as resident that is positive on the application and Shade Tree Chairperson that reminded the Members that increasing the lot size will adverse the affect of the medium to old growth trees (the root systems) on the properties. **Tim Swanson, 1006 Maryland Avenue**, lives in R2 with 40% lot coverage, shared his mixed emotions of allowing the increase. He gave examples of bathroom increases, pool enlargements, rental property (due to expansion allowances), and safety concerns and displayed a tour bus photo of renters going to various establishments for housing. **Public portion was closed at 7:55pm.**

Craig Hurless, Board Engineer updated the membership by summarizing his report dated September 15, 2011. He explained the description of the Zoning Analysis for the R1 Low Density Residential District to determine if the zoning changes should be recommended. He moved on to the Zoning Requirements for the R1 District chart (Standard & Requirement). The General Review Comments on pages 2 through 6 were itemized #1 - Lot coverage defined in §525-4, #2, #3- Chart (Zoning District, Maximum Lot Coverage % - Single Family Dwellings, Minimum Lot Size – Single Family Dwellings & Effective Maximum Coverage – Single Family,#4 – 2003 Zoning Analysis, #5 - Zoning Board Decisions 1998-2010 containing six (6) applications,#6, #7 and #8 goals §525-2, intent of residential districts §525-13 A, B, C, D, E and F. Mr. Hurless responded in depth all members questions put forth.

Members questioned at length the Board Engineer regarding the three areas contained in the R-1 Zoning District. The majority of members commented that only six (6) applications on file over a period of 10 years requested lot coverage variances. Discussion ensued regarding the Master Plan Re-examination procedures, open space and green acres concerns with the majority having concerns in granting the change request. Three members state the increase will not affect the Master Plan; the Zoning Ordinance protects the modest increase (bulk requirements) and will have negative impact.

Motion made by Mr. Murray that the Planning Board make the recommendation to Council to increase the Lot Coverage for R-1 from 30% to 40%, consistent in the criteria's §525-2 and §525-13. Seconded by Mrs. Nelson and was denied 5-4. Those in favor: Mr. Murray, Mrs. Nelson, Mr. Jones and Mr. Bezaire. Those opposed: Ms. Weeks, Dr. Mahaney, Mr. Winkworth, Dr. France and Mr. Shuler. Those abstaining: None.

All members voiced their reasons for the record.

Motion made by Mr. Murray, Seconded by Mrs. Nelson to adjourn the meeting at 8:50 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

Adopted 11/22/2011