

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – March 26, 2013**

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

Roll Call:	Mr. Bezaire,	Chairperson	Absent - excused
	Mr. Shuler,	Vice Chairperson	Present
	Mayor Dr. Mahaney		Present
	Mr. Elwell		Absent - excused
	Mrs. Nelson		Present
	Mr. Jones		Present
	Ms. Weeks		Absent - excused
	Mr. Murray		Present
	Mr. Winkworth		Absent - excused
	Dr. France, 1 st Alternate		Absent - excused
	Mr. VanDeVaarst, 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: January 22, 2013

Motion made by Mrs. Nelson to approve the minutes of January 22, 2013 as presented. Seconded by Mr. Jones and **carried 5-0**. Those in favor: Mr. Murray, Ms. Weeks, Dr. Mahaney, Mr. Jones and Mr. Shuler. Those opposed: None. Those abstaining: None.

APPLICATIONS:

**DiDonato, 1105 Pittsburgh Avenue, Block 1172 Lot 4
Preliminary & Final Major Subdivision, Site Plan & Variance(s)**

Chairman Shuler advised the Members of a letter received by Louis Dwyer, Esquire dated March 4, 2013. Mr. Neidig read the letter into the record and informed the Members that Mr. Dwyer is requesting an open ended continuance waiving all time constraints. Discussion ensued regarding the parameters of the continuance and whether a time frame should be imposed. Mr. Neidig informed the members that under New Jersey Planning Law the Board must grant a continuance but could impose a time frame with the applicant's attorney appearance indicating the application is making progress. Members discussed a six (6) months continuance and Mr. Neidig stated the application can't be discussed only the

continuance request. Mayor Dr. Mahaney expressed his concern: “That given the complexity of this matter, the amount of erroneous material and basis on which the application was filed (not intentional) and the ramifications for updating and correcting these matters are going to require substantial documentation application before many bodies beyond this City. For the protection of the City, the residents as well as the applicant, he feels the application should be withdrawn without prejudice and re filed when the applicant feels they have an application that can traverse the system”. Mr. Neidig clarified that the applicant has to withdraw the application, (the decision to withdraw is not the Board’s decision) but he indicated the Board can request that the Legal Council appear and state where they are in the continuance. Member Deputy Mayor Murray shared his concern regarding the continuance and agrees that Mr. Dwyer should explain the complexity the application is occurring. Member Shuler concurs and added that a number of residents from Harbor Cove and surrounding areas have inquired when the application will be heard and what the reasons for the delay are. Member’s Nelson and Jones concur with all concerns put forward. Mr. Neidig will draft a letter to Mr. Dwyer that will request him to appear before the Planning Board’s regular April meeting on April 9, 2013 to explain the continuance request in detail.

Motion made by Mayor Dr. Mahaney that a letter be forwarded to Louis C. Dwyer, Esquire requesting his appearance before the Board for the purposes discussed this evening regarding the request of a continuance for the DiDonato application at the April 9, 2013 Meeting. Seconded by Mr. Murray and **carried 5-0**. Those in favor: Mr. Murray, Ms. Weeks, Dr. Mahaney, Mr. Jones and Mr. Shuler. Those opposed: None. Those abstaining: None.

All Members voiced their reasons in detail for the record.

Motion made by Mr. Murray, Seconded by Mrs. Nelson to adjourn the meeting at 7:20 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