

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – April 23, 2013**

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	Absent – excused
	Ms. Weeks	Present
	Mr. Murray	Present
	Mr. Winkworth	Present
	Dr. France, 1 st Alternate	Absent - excused
	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

Minutes: **March 26, 2013**

Motion made by Mrs. Nelson to approve the minutes of March 26, 2013, as presented. Seconded by Mr. Murray and **carried 7-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney and Mr. Shuler. Those opposed: None. Those abstaining: Mr. Winkworth, Mr. VanDeVaarst and Mr. Bezaire.

Resolution: #4-23-2013 – Stewart’s of Cape May LLC, Block 1050 Lots 9-12

Prior to discussion on this matter, Dr. Mahaney, Mr. Murray and Mr. Bezaire stepped down. With Mr. Shuler chairing, Board Attorney, George Neidig, gave his legal opinion to the members regarding the contribution to Parking Trust Fund and the City’s concern with the condition imposed which subjects the applicant to obtain municipal parking lot spaces. Mr. Neidig viewed his amendments on page 8 and condition #1 on page 11, endorsing the Planning Board’s authority for contribution to the Parking Trust Fund. He noted to the Board that he did not change the issues set by them to this applicant requiring obtaining municipal parking spaces. He is however cautioning the members for future applications, the Board should not condition any applicant to obtain parking spaces in municipal parking lots, due to the possibility that there may not be the available number of spaces in said lots required by the Board.

Thereafter a motion was made by Mrs. Nelson to approve Resolution: #4-23-2013, as presented. Seconded by Ms. Weeks and **carried 5-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mr. VanDeVaarst and Mr. Shuler. Those opposed: None. Those abstaining: Mr. Winkworth.

Dr. Mahaney and Mr. Murray along with Chairman, Bezaire resumed their chairs.

Application(s):

DiDonato, 1105 Pittsburgh Avenue, Block 1172 Lot 4

Mr. Dwyer represented applicant Thomas DiDonato reasoning that the applicant was before the Board seeking to table the application to a future date. Mr. Neidig indicated that this application had been submitted under the premise that the property was located in the G1 or R3 Zones. He explained that Mr. Monzo, the City Attorney determined that the property is located in the R1 Zoning District. Mr. Dwyer made clear that the applicant is in the midst of diligently revising the application and plans for the R1 District, their proposed subdivision application now calls for single family homes therefore it is under the jurisdiction of the Planning Board. Mr. Neidig called for a written determination of the regulated Zoning District by Mr. Monzo. A critical element noted for the record is the applicant must re-notice this application to the public.

Upon opening this matter to the public, Elizabeth Casey, Esquire of the Briggs Law Office representing the Harbor Village & Yacht Club Association recommended a new application be filed. She indicated that there was the zoning district jurisdiction issue, which may be resolved, but the dedication and widening of Harbor Cove Drive has not been. Mr. Dwyer produced a letter and distribution list addressing this issue, dated February 11, 2013, from Bruce A. MacLeod, City Manager, which is now made a part and hereto attached to these minutes. The letter indicates a commitment reached between the City and Homeowners Association so that the dedication of said street may be made public through an approval procedure. He reasoned a delay by the Association now, of the agreement realized, was being undertaken because of this application.

Mayor Mahaney indicated he had been assured by Mr. Briggs, representing the Association that the filing of the plat would commence as committed. He recognized it was approximately four years in the negotiating and the approval process to reach the dedication goal and now the filing, by the Association, as not commenced. The Mayor strongly urged Ms. Casey's prompt attention and immediate action by the Homeowners Association to file the plat. He indicated that this issue was not before the Board tonight for consideration and reiterating for all the time, effort and funds realized to achieve the goal of dedication that the filing should commence or immediate legal steps may initiated.

The Board recognized the issue before them this evening was a request to table the application; therefore a **motion was made by Mr. Shuler to grant the extension to table the application for sixty days, with the condition that the application must undergo**

formal public notice for the future meeting date. Seconded by Mr. Elwell and **carried with all in favor, 9-0.**

Business/Discussion:

Shared Parking- Upon announcement of this matter, Chair Bezaire requested Mr. Hurless address his analysis of June 21, 2012, attached herein.

Mr. Hurless described his zoning analysis to evaluate the shared parking concepts which the Board may find will determine if zoning changes should be recommended. He pointed to significant items in his memorandum starting with the EPA Smart Growth Solutions which indicates shared parking compliments smart growth principals. Pages 1, 2 and 3, of his report deal with land uses; mixed-use developments; careful study of the methodology for each use that may significantly reduce compact land development; implementing smart growth strategies; the publications that set these standards for proposed uses; local municipalities which have implemented this concept; the percentage which must be established perhaps by an overall number required, that the shared parking allowance maybe reduced by; resources available to the City such as the model ordinance included in his report; deed restrictions which may apply for adjoining or nearby properties which may seek shared parking; the weight of the Board upon ensuring that parking is not worsened, yet promoting this issue on each applicants merit; the Master Plan does identify parking within the City is a problem; the zoning standards which may have to be executed to allow these standards; and any deviation from these standard sought by the applicants must seek "C" variance relief. He then read into the record the draft shared parking ordinance included in his memorandum and answered member's inquiries to him.

Members agreed with the consensus of shared parking voicing that this issue must be explored to the fullest degree and wish to meet with other municipalities which embark on this endeavor.

Orlando, PE, Principle of Engineer Design, in Ocean View, NJ, verified his credential as a professional engineer, representing Mr. Gus Andy, who initially requested the Planning Board consider shared parking. He explained how Smart Growth in the State encourages the shared parking initiative and acknowledged the proposed ordinance was a good start for the City while recognizing other municipality's projects as examples.

Meeting opened to the Public:

Comments were accepted from **Mr. Zeghibe**, homeowner of 1400 New Jersey Avenue, and President of Patriot Parking Inc., in Philadelphia, PA., in which he read a prepared statement into the record and is attached herein. **Charles Hendricks**, of 106 Trenton Avenue, indicated he wanted to reserve his comments until such time the Board is ready to act on the matter formally. He commends the Board for acknowledging it needs to proceed with this issue after careful deliberation. He anticipates that the public will be called upon in this process.

The public portion was then closed:

Following continued discussion the Mayor announced that himself and Mr. Murray will recommend to City Council that a committee on shared parking be established which will include members of the Planning Board (Mr. Murray, Ms. Weeks and Mr. Schuler) and members of the public (Mr. Andy, Mr. Hendricks and Mr. Zeghibe), in the hopes this could be undertaken by the May 7th Council meeting.

All were in favor of adjournment by 8:40 PM.

Respectfully submitted: Mary L. Rothwell, Zoning Officer

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