

**City of Cape May  
Planning Board Meeting  
Minutes – Tuesday – May 14, 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.

<b>Roll Call:</b>	Mr. Bezaire,	Chairperson	Present
	Mr. Shuler,	Vice Chairperson	Present
	Mayor Dr. Mahaney		Present
	Mr. Elwell		Present
	Mrs. Nelson		Present
	Mr. Jones		Present
	Ms. Weeks		Absent - <b>excused</b>
	Mr. Murray		Absent - <b>excused</b>
	Mr. Winkworth		Present
	Dr. France, 1 <sup>st</sup> Alternate		Present
	Mr. VanDeVaarst, 2 <sup>nd</sup> 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: April 9, 2013**

**Motion made by Mrs. Nelson to approve the minutes of April 9, 2013 as presented.** Seconded by Mr. VanDeVaarst and **carried 8-0**. Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Winkworth.

**Applications: Menei, 412 Congress Street, Block 1027 Lot 6.01  
Minor Subdivision & Variance(s)**

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

Doreen Corino, Esquire representing the owner James J. Menei, Jr. who was not present. Professionals Stephen Martinelli, Surveyor and Steven Filippone, Engineer &, Planner of Engineering Design Associates were sworn in by Board Attorney George Neidig for the record. Ms. Corino verified that the applicant proposes to subdivide an existing lot 15, 985 square feet with an existing single family home on proposed lot 6.02 and a vacant parcel on lot 6.03. She stated the applicant meets the majority of all zoning requirements with the exception for a rear yard setback deficient by 3.20 feet (with the single family home),

indicating this is a pre-existing, non-conforming rear yard setback which condition is not exacerbated by the proposed subdivision application and clarified that in all other respects the lots conform or exceed all the present bulk and area requirements. Mr. Martinelli reviewed the plan for the subdivision dated November 29, 2012 with a revision date of April 13, 2013 for the membership. He indicated the deficiencies of the rear lots surrounding and clarified that the lots of application are exceptionally outsized. Ms. Corino requested Mr. Martinelli clarify the parking on site denoting the depressed curb and grass pavers along the side of the property to allow parking. Mr. Filippone clarified his review of the subdivision plan and expounded on the parking stating he viewed the property explaining the slide gate (that was City approved) that led to grass pavers to be utilized by the single family residence. He acknowledged the relief sought is for the rear yard setback of the existing property that does blend in with the streetscape and should remain. He stated the benefits outweigh any detriments. Chairman Bezaire requested the applicant's attorney to specify how many bedrooms are in the existing family dwelling and Ms. Corino responded there were three (3) bedrooms.

Board Engineer, Craig Hurless then reviewed his report of April 1, 2013 clarifying the description for the membership. He reviewed the Completeness review on pages 2 and addressed the Details for Minor Subdivision approval on pages 2 itemizing - #5, #26, #27, #28 and #33, M, Q and S. He addressed the Zoning Charts on page 3 addressing the R-2 District (§525-15) All other uses. Clarified the variances being sought as §525-14B (1) Table Rear Yard Setback. The general review comments on page 4 & 5 - #1 (condition – parking 2<sup>nd</sup> space to be provided to conform with RSIS), #2 (condition – any new construction must conform to FEMA) , #3 (condition FAR), #4 (condition delineated parking spaces), #5 (condition) , #6 (condition), #7 (condition), #8 (condition), #9 (condition), #10 (condition), #11 (condition shade tree), #12 (condition), #13 (condition), #14 (condition), #15 (HPC) and #16 (condition).

Members were allotted time to question the applicants professionals. Concerns regarding having two (2) parking spaces for the existing dwelling (where only one (1) is indicated) were discussed at length. Mr. Hurless suggested widening the driveway with Chairman Bezaire suggesting moving the curb cut to the side of the house and places a driveway on the side of the structure. Mr. Filippone responded that whatever would be conforming as well as cost effective is in agreement. Ms. Rothwell indicated that should there be a plan change the Historic Preservation Commission should review with Mayor Mahaney indicating that it is a Planning Board decision. All members were in unison that placing the driveway on the side of the structure would enhance the site and suggested it be made a condition of approval. Mr. Filippone requested clarification for the record.

**Meeting opened for public comments at 7:25pm with no one coming forward the public portion was closed.**

**Motion made by Mr. VanDeVaarst to approve the Sub Division.** Seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. Winkworth, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Mr. VanDeVaarst to approve the variance of the rear yard setback with the condition that the driveway be relocated to the side of the structure with the accommodations of two (2) vehicles.** Seconded by Mrs. Nelson and **carried 8-1.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. Winkworth, Dr. France, Mr. VanDeVaarst and Mr. Bezaire. Those opposed: Mr. Shuler. Those abstaining: None.

**Motion made by Mr. Jones for approval of the Waivers stated in Craig Hurless report date April 1, 2013 page 2 of 5 under Completeness Review items 5, 26, 27, 28, 33 and Minor Subdivision M, Q & S.** Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. Winkworth, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Jones to impose conditions as stated in Craig Hurless report date April 1, 2013 pages 4 and 5 - # 1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #14, #15, #16 and the applicant remove the driveway to the side of the house nearest the new proposed lot in order to accommodate two (2) vehicles to that location, which will require the location of the current curb cut, the opening of a new curb cut for the driveway and the waivers that were granted be fulfilled before a building permit be issued for new construction on lot 6.02.** Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. Winkworth, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Russell, 1140 Cape May Avenue, block 1119 Lots 6-8  
Minor Subdivision**

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

Ronald J. Gelzunas, Esquire, representing the owners Robert and Kim Russell who were present and sworn in by Mr. Neidig. Mr. Gelzunas presentation explained the applicant proposes to subdivide the parcels to create two (2) lots. Lot 6.01 is developed with a two (2) story from dwelling and accessory detached garage (under construction) with existing off street parking and proposed lot 6.02 that will be developed at a later date. He explained the applicant's demolition of part of the dwelling (Lot 6.01) to ensure that the existing lot with the structure will conform to the setbacks and indicated that they are not seeking any variance relief.

Board Engineer, Craig Hurless then reviewed his report of April 24, 2013 clarifying the description for the membership. He reviewed the Completeness review on pages 2 and addressed the Details for Minor Subdivision approval on pages 2 itemizing Q and S. He addressed the Zoning Charts on page 2 addressing the R-1B District (§525-14.2) "All other uses". The general review comments on pages 3 & 4 - #1, #2 (moratorium), #3 (condition FAR), #4 (condition delineated parking spaces), #5 (condition), #6 (condition), #7 (condition), #8 (condition), #9 (condition), #10 (condition), #11 (condition reverse lot number house 6.02 & vacant lot 6.01), #12 (condition), #13 (condition), #14 (condition), #15(condition), #16 (condition) and #17 (condition).

**Meeting opened for public comments at 7:40pm with no one coming forward the public portion was closed.**

Members were afforded time to question the applicant with all comments in the positive. Member Jones is the Tax Assessor for the City of Cape May and recommended reversing the lot numbers with the applicant responding in agreement to the request.

**Motion made by Mr. Winkworth to approve the Sub Division.** Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. Winkworth, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Mrs. Nelson to impose conditions as stated in Craig Hurless report dated April 24, 2013; the Completeness review on page 2 Minor Subdivision Q and S, the general review comments on pages 3 & 4 - #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11 (reverse lot numbers - house 6.02 & vacant lot 6.01) per the Tax Assessor, #12, #13, #14, #15, #16 and #17.** Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. Winkworth, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Chairman Bezaire inquired on the status of the Bank Street parking requested on April 9, 2013 to be put forth to Council. The Mayor responded it will be a topic in preparing for the 2014 season.

**Motion made by Mrs. Nelson, Seconded by Mr. Jones to adjourn the meeting at 7:50 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**