

**City of Cape May Planning Board Meeting Minutes**  
**Tuesday – January 28, 2014**

**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
	Mr. Jones	Absent
	Mayor Dr. Mahaney	Present
	Mrs. Nelson	Absent
	Mr. Murray	Absent
	Mr. Elwell	Present (left due to illness)
	Ms. Weeks	Present
	Mr. Winkworth	Absent
	Mr. Dr. France, 1 <sup>st</sup> Alernate	Absent
	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

**Resolutions:**

**# 1-28-2014:1 – Board Attorney.** Chairman Bezaire read the Resolution to the Planning Board. **Motion made by Ms. Weeks.** Seconded by Mayor Dr. Mahaney and **carried 5-0.** Those in favor: Ms. Weeks, Mayor Dr. Mahaney, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**# 1-28-2014:2 – Board Engineer.** Chairman Bezaire read the Resolution to the Planning Board. **Motion made by Ms. Weeks.** Seconded by Mayor Dr. Mahaney and **carried 5-0.** Those in favor: Ms. Weeks, Mayor Dr. Mahaney, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Applications:**

**DiDonato, 1105 Pittsburgh Avenue, Block 1172 Lot 4**

Louis Dwyer, Esquire appeared for the applicant. He requested the application be continued to the February 25, 2014 meeting to allow the opportunity for a full Board.

**Motion by Mr. VanDeVaarst to postpone to February 25<sup>th</sup>, 2014.** Seconded by Mr. Shuler and **carried 5-0.** Those in favor: Ms. Weeks, Mayor Dr. Mahaney, Mr. VanDeVaarst, Mr. Shuler, Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Osprey Landing Condominium Association, LLC, Osprey Landing Development Company, LLC. 1263 Lafayette Street, Block 1061 Lot(s) 101 & Qualifiers. Final Amended Site Plan with Variances.**

Louis Dwyer, Esquire stated he had Applicant Sean Scarborough and Ed Speitel, Engineer, in attendance and asked that they be sworn in.

**Craig Hurless, Board Engineer, Applicant Scarborough and Mr. Speitel, Engineer,** were sworn in and clarified their credentials for the record.

Louis Dwyer noted the architectural renderings for review. Sean Scarborough briefly described the **A-1** and **A-2** architectural renderings. Lou Dwyer noted the applicant addressed 98% of the conditions attached to the preliminary approvals, and tonight is seeking final approval. For some of the more technical issues to be addressed, he referred to Mr. Hurless's report to determine if the conditions have been met. He stated there was a need to do a small redesign to deal with one of the areas in this development; eliminate access to Lafayette Street which is recommended by both this Board and the Cape May County Planning Board. That necessitated some additional variance relief. Mr. Hurless proceeded to go into detail on drawings **A-3, A-4 and A-5.**

Chairman Bezaire and Mayor Dr. Mahaney raised some concerns regarding safety on the side of the building. Mr. Hurless stated that safety would most definitely be improved. Mayor Dr. Mahaney pointed out that he and Mr. Hurless were authorized by this Board to meet with the County subsequent to the preliminary approval, which they did do promptly. County officials met with Mr. Dwyer, Mr. Speitel and Mr. Scarborough, and they felt that the redesign, especially on the lots being discussed, not only made it more aesthetically pleasing but also eliminated the safety hazards on Lafayette Street, specifically to the eastbound traffic on Lafayette Street.

Mr. Dwyer asked if there were any other questions at this time for Mr. Speitel, regarding his testimony or concerning the architectural renderings. Mr. Bezaire questioned the proposed house across from the houses that will face Lafayette Street, if there was something that can be done to make that look like the front of the building. Mr. Speitel assured the Board they will tie in with the rest of the building.

Mr. Dwyer stated if the Board had no other questions at this juncture he felt it would be ideal to move the process along and review Craig's completeness review.

Mr. Hurless addressed the Board and stated the latest review memo he had for this application was dated January 7, 2014. He stated he took his older review memo, leaving a lot of content in there, but noted a lot of those items were already addressed. He preferred to leave all detail there to give the Board a sense of what was required and how the applicant has addressed it.

Mr. Hurless reviewed his report of January 7, 2014, completeness items on pages 10 through 16, item numbers 1, 2, 4, 7, 8, 12, 13, 15, 20, 28, 32, 35, 41 through 48. He also reviewed the

zoning requirements on pages 5 and 6, which is a breakdown of how the application was treated before the applicant decided to subdivide everything. The Zoning Chart on page 7 highlights changes that the applicant made due to circulation. Mr. Hurless also reviewed variances 1 through 6 on page 9 of 16.

Variance #7 on page 9 of 16 was also reviewed. The applicant requested a signage variance. The signage variance in this district states “signs attached to a building may not exceed 45 square feet”. The applicant has proposed a 23 x 2.67 foot marina sign that has a total square footage of 61.33 feet. Mr. Hurless also noted the applicant has met the city requirement for parking spaces; 92 spaces are required, he has allotted for 96.

Mr. Hurless noted there were no modifications made to the design waiver variances. Chairman Bezaire had a question regarding the public alley that was changed to 19’ wide, if that width was allowed for street parking. Mr. Hurless stated that 19’ is not allowed for street parking.

There were no other questions from the Board.

**The meeting was opened for public comments at 8:08 PM. Patricia Hendricks, Cape May resident and a Broker/Realtor addressed the Board.** Ms. Hendricks was sworn in by Esquire Neidig. Ms. Hendricks posed numerous questions to the Board. Her first question was regarding the lots that will be for sale, if they were the models that would be constructed on the lots. She also questioned if there was no other design or model, and if there would be a specific list of preferred builders. Mr. Speitel noted that of the lots for sale, only those particular models would be built and there would be a list of builders. Ms. Hendricks stated it would be nice if local builders would have preference to bid on the models. Her only other concern was with regards to rentals; perhaps it would be a good idea to have none, or less, limitations. She also wanted to make the Board aware that since December, there were 80 warnings given to real estate offices, other businesses, and contractors around town, stating they didn’t meet the sign ordinance.

**The public portion of the meeting was closed at 8:12 PM.**

**Motion made by John VanDeVaarst to approve Variances 1 through 6, on page 4 of 16.** Seconded by Harley Shuler and **carried 5-0.** Those in favor: Ms. Weeks, Mayor Dr. Mahaney, Mr. VanDeVaarst, Mr. Shuler and Chairman Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Ms. Weeks for signage Variance, number 7 on page 4 of 16.** Seconded by Mayor Dr. Mahaney. Those in favor: None. Those opposed: Mr. VanDeVaarst, Ms. Weeks, Mayor Dr. Mahaney, Mr. Shuler and Chairman Bezaire. Those abstaining: None.

**Motion made by Ms. Weeks to approve the Preliminary, Final and Sub Division Site conditions.** Seconded by Mr. Shuler and **carried 5-0.** Those in favor: Mr. VanDeVaarst, Ms. Weeks, Mayor Dr. Mahaney, Mr. Shuler and Chairman Bezaire. Those opposed: None. Those abstaining: None.

**Motion by Ms. Weeks to approve the conditions on page 4 of 16, condition numbers 1,2,4,7,8,12,13,15,20,28,32,35 and 41 through 48 from Craig Hurless's, Board Engineer report, dated January 7, 2014. Seconded by Mr. VanDeVaarst and carried 5-0. Those in favor: Ms. Weeks, Mr. VanDeVaarst, Mayor Dr. Mahaney, Mr. Shuler and Chairman Bezaire. Those opposed: None. Those abstaining: None.**

**Motion to adjourn meeting at 8:24 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.**

**Jill Devlin, Board Secretary.**