

City of Cape May Planning Board Meeting Minutes
Tuesday, February 9, 2016

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.

Roll Call:	Mr. Bezaire, Chairperson	Present
	Mr. Shuler, Vice Chairperson	Present
	Mr. Jones	Present
	Mayor Dr. Mahaney	Present
	Mr. Picard	Present
	Mr. Elwell	Present
	Dr. France	Absent - Excused
	Councilperson Swain	Absent - Excused
	Mr. Winkworth	Absent - Excused
	Mr. Macciocchi, 1 ST Alternate	Present

Also Present: Richard King, Esquire – Board Solicitor
Craig Hurless, PE, PP, CME Associate – Polistina & Associates
Erin Burke, Board Assistant

Minutes:

Motion was made by Mr. Elwell to approve the minutes from January 12, 2016, seconded by Mr. Picard and **carried 6-0.** Those in favor: Mr. Elwell, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Mr. Macciocchi, and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Shuler.

Resolutions:

Motion was made by Mr. Jones to adopt Resolution Number 02-09-2016:1, Planning Board Attorney, seconded by Mr. Macciocchi, and **carried 7-0.** Those in favor: Mr. Elwell, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Mr. Macciocchi, Mr. Shuler, and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion was made by Mr. Elwell to adopt Resolution Number 02-09-2016:2, Planning Board Engineer/Planner, seconded by Mr. Picard, and **carried 7-0.** Those in favor: Mr. Elwell, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Mr. Macciocchi, Mr. Shuler, and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Business:

Discussion was undertaken regarding the Draft Municipal Public Access Plan (MPAP). Mayor Dr. Mahaney gave a brief history of the process of re-writing and re-drafting the MPAP

due to changes of the draft rules and legislation to be implemented by the State via the Department of Environmental Protection. He emphasized that the major issue is that the tidal waterways in Northern New Jersey are already occupied by commercial and industrial buildings, which limit the public access to waterways. The MPAP provides local options and authority for the municipal access ways on Cape May lands, assures the City's compliance with state regulations, and also maintains the City's priority status for State and Federal grant programs.

Board Engineer Craig Hurless echoed the Mayor's sentiments that the MPAP assists with funding and is an effective planning tool that inventories all the public access points to beaches, the harbor, and Cape Island Creek (the three (3) water bodies covered under this legislation). Mr. Hurless detailed the process of having the future final draft of the MPAP approved by the New Jersey DEP and then ultimately adopted by the City to be incorporated into Conservation element the Master Plan. Mr. Hurless then gave a brief summary of the draft of the MPAP dated January 19, 2016. Mr. Hurless detailed the five (5) sections of this plan:

1) Municipal Public Access Vision - deals with a description and overview of the municipality, and describes all the public access points and the amenities present. This section also details municipal public goals and objectives, and lists nine (9) additional goals that directly correlate with the City's Master Plan, of which Mr. Hurless gave a brief description.

1. All existing public access shall be maintained to the maximum extent practicable.
2. Maintain safe and adequate access locations for fishing, surfing, kayaking and other water related activities where safe, sensible, and feasible.
3. Provide and maintain clear informative signage for access locations.
4. Provide additional accessible access improvements at existing access points.
5. Facilitate better access to Cape Island Creek by developing the proposed Lafayette Street Open Space project.
6. Facilitate improved access to Cape May Harbor by developing the proposed Harborview Park project.
7. Extend the Promenade to create better access by linking all beach access locations and amenities along the entire beach front.
8. Provide more beach amenities including convenience stations, showers, handicap ramps, etc.
9. Continue to develop better parking opportunities consistent with the Master Plan that facilitate public access.

2) Existing Public Access - details public access locations, improved access locations, and limitations to public access due to sensitive wetland areas and safety concerns.

3) Community Needs Assessment - considers the public access needs of the community.

4) Implementation Plan - detail how the City of Cape May anticipates meeting those public access needs, specifically how to maintain existing public access as well as planning the enhancement of public access locations and facilities. This section is very specific with regards to Cape May Harbor access at Harborview Park, and the Open Space project at the Lafayette Street Park (with both projects being incorporated into the appendix of the MPAP draft). This section also inventories the signage present at public access points throughout the City. Ultimately the City of Cape May will have to adopt a municipal ordinance requiring public access signs be installed at each public access way, public access area and/or public parking area at the development site.

5) Relationship to the Other Regional and State Plans (OPTIONAL) - states that the City of Cape May's MPAP has been review for consistency and is consistent with the State Development and Redevelopment Plan.

6) Resolution of Incorporation - states that Cape May has approved a resolution for the incorporation of the MPAP, with a draft resolution included in Appendix 2 of the plan.

Mr. Hurless then gave a brief description of all appendices included in the draft MPAP.

Several members then mentioned a few minor typos they discovered in the draft, with Mr. Hurless making note of each. Chairman Bezaire questioned the working hours of the lifeguards on Cape May beaches (detailed on page 8 of the draft MPAP), and discussion ensued.

Mr. Bezaire then noted that boating access is not being addressed in the draft MPAP. Mr. Hurless explained that while the City supports and encourages boating, the City of Cape May does not have any municipal boat access points. Mayor Dr. Mahaney made note that throughout the draft MPAP, it is detailed that private businesses within the City and in neighboring communities provide ample marinas, boating ramps, dockage or other boating improvements. Mayor Dr. Mahaney they echoed Chairman Bezaire's concern that the lack of addressing boating access within the draft MPAP could be interpreted as the City not supporting public boating access, and affirmed that the door should be left open for additional discussion on this topic.

Mayor Dr. Mahaney emphasized the importance of the Municipal Public Access Plan, in regards to its highlighting of the value of the Lafayette Street Park and Harborview Park projects. The MPAP also draws attention to the need for and justification for federal funding for the Hazard Mitigation programs.

Board Solicitor, Richard King, Esquire, questioned previous litigation that discussed an aspect of MPAP implementation strategy where the Municipality may create its own public

access fund to which developers may contribute in lieu of providing public access on site. Discussion ensued.

Mr. Hurless explained that an additional benefit to the MPAP is that, once adopted by the NJDEP, it relieves individuals and individual projects within the City of Cape May from having to fulfill public access requirements, because the City itself has already been deemed to have met the State requirements for public access. Mayor Dr. Mahaney expounded on Mr. Hurless' topic, stating that after touring the major public access points for Cape May Point and City of Cape May, the officials from NJDEP determined that there is more than adequate public access within the City.

The meeting was made open to the public at 7:30 PM, and subsequently closed when no one came forward to comment.

Motion was made by Mr. Shuler for the Planning Board to accept the draft of the Municipal Public Access Plan, and recommend the forwarding of it to the Department of Environmental Protection for consideration. The motion was seconded by Mr. Jones, and carried 7-0. Those in favor: Mr. Elwell, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Mr. Macciocchi, Mr. Shuler, and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion to adjourn was made by Mr. Elwell at 7:35 pm with all in favor.

Respectfully submitted: Erin Burke, Board Secretary.

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