

City of Cape May Planning Board Meeting Minutes
Tuesday – June 10, 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.

Roll Call:	Mr. Bezaire, Chairperson	Present
	Mr. Shuler, Vice Chairperson	Present
	Mr. Jones	Present
	Mayor Dr. Mahaney	Present
	Mr. Murray	Present
	Mr. Elwell	Present
	Ms. Weeks	Present
	Mr. Winkworth	Absent
	Mr. Dr. France, 1 st Alernate	Present
	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
Edie Kopsitz, Recording Secretary

Minutes: May 27, 2014

Motion made by Mr. Elwell to approve the meeting minutes of May 27, 2014, seconded by Ms. Weeks and **carried 6-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mayor Dr. Mahaney, Dr. France, Mr. VanDeVaarst, and Mr. Shuler. Those opposed: None. Those abstaining: Mr. Murray, Mr. Jones and Mr. Bezaire.

Business: Cape May City School Travel Plan 2014

Mayor Dr. Mahaney stated the City is seeking from the Planning Board an endorsement through a letter of recommendation for the signature of the Chairman of the Planning Board, authorizing and endorsing the City's application to the state for a school travel plan, specifically the New Jersey Department of Transportation Safe Route to School grant application. He stated an application similar to this was pending in the Governor's office in the finals for funding; however, because of the impending problems in North Jersey because of the aftermath of Hurricane Sandy if we are unable to get this grant money, and it is sent to North Jersey, we want to have an application in competition for the coming year when there will be money available. It provides a safe pedestrian and bicycle route mainly from the coast guard base through Village Greene to the elementary school and is a compliment that adds to the physical education and the recreational and safety programs of the school in the community.

Motion made by Mr. Murray to approve the Cape May City School Travel Plan application for 2014, seconded by Mr. Jones and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mayor Dr. Mahaney, Mr. Jones, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Applications: DiDonato, 1105 Pittsburgh Avenue, Block 1172, Lot 4
Preliminary Subdivision**

Vincent Orlando, Peter Lomax, Tom DiDonato and Craig Hurless were all sworn in and clarified their credentials for the record.

Lou Dwyer asked Mr. Orlando to explain how the application this evening is different from what was presented at a prior meeting. The subdivision plan originally dated 9/26/12 and revised 5/29/2014 consists of a 14 lot subdivision. The layout, configuration of the lots and configuration of the homes are exactly as how they were proposed prior to the Board. He stated the difference this time is the indication of the location of the low moderate housing that would be constructed. Originally there was a request for variance relief for lot width, lot frontage and lot area for the lots. This plan differs by placing them onsite under the inclusionary statute of the ordinance; no variances are being sought for this application.

Sal Perillo stated he did not believe this was part of the application. This was a requirement under the affordable housing ordinance. He stated he believed the City's ordinance does require renderings of the proposed low moderate buildings be provided. He would like the applicant to comply with the requirements of the ordinance.

Craig Hurless noted on page 3 of 15 of his report, there is a completeness review checklist, details required for C Variances. He did recommend because of the requirement of the applicant to comply with the affordable housing provisions, if the board grants approval, that it is only preliminary at this point. The applicant would have to come back with an affordable housing plan for approval.

Mr. Dwyer asked Mr. DiDonato to explain how the inclusionary zoning will be handled on the site. Mr. DiDonato stated it was his intent to retain ownership of the affordable housing, control the rentals and maintain the property over the next 30 years. The buildings built as low and affordable housing will mirror the other housing being built.

Mr. Orlando proceeded to review the plans before the Board with regards to the calculation of the lot sizes. Drainage was also discussed as well as the retaining wall.

Ms. Weeks questioned if they built fewer market rate units, how many affordable units would be able to be built. She stated if they built fewer market rate units on larger lots they could still preserve low income housing in the City of Cape May. Mr. Elwell remarked he felt the plan for the house was too dense. There was a good detail of debate between the board members and the applicant regarding the affordable housing proposed.

There were no further questions or comments from the board.

Sal Perillo began to cross examine Mr. Orlando. He questioned what was shown on the plan in regards to if it was the proposed footprints of the home that comply with the subdivision ordinance. Mr. Orlando stated he has shown the maximum footprint that can be built on the site. Mr. Perillo questioned Mr. Orlando regarding sidewalks being shown on the plan. Mr. Orlando stated that his plan includes existing conditions with regards to sidewalks, light poles and other items. Mr. Perillo then discussed the zoning for the area of the homes being proposed in detail.

Chairman Bezaire called for a five minute recess at 8:55 PM.

The meeting resumed at 9:05 PM.

The meeting was opened to the public. All members of the public testifying were sworn in by George Neidig:

Mrs. Perillo, 29 Harbor Cove, Cape May, NJ.
George Via, 35 Harbor Cove, Cape May, NJ.
Ted McKenney, 33 Harbor Cove, Cape May, NJ.
Mark Lomanno, 1450 Missouri Avenue, Cape May, NJ.
Steve Teitelmen, 41 Harbor Cove, Cape May, NJ.
Mary McKenney, 33 Harbor Cove, Cape May, NJ.

All members of the public that spoke voiced their concerns and wishes that the current plan before the Board be voted down.

The meeting was closed to the public at 9:21 PM.

Sal Perillo stated his closing arguments regarding the site plan amendment, the ordinance, density and parking issues, the drainage issues, and DEP approval. Lou Dwyer also stated his closing arguments, discussing the same issues.

Craig Hurless asked the Board if they wished to determine if variances were required for this application. Lot Width, Lot Area and Lot Frontage are the variances proposed. Craig stated the applicant is proceeding with the application as if there are no variances required. If there are variances required, the Board needs to stop the application at that point and the applicant would need to address those variances. His opinion is that no variances are required.

George Neidig stated his opinion for the record. He read a letter he wrote to Mr. Perillo regarding the application which stated that he agreed with Craig Hurless that no variances were required.

Motion made by Mr. Murray Lot Width, Lot Size and Lot Frontage Variances are not required, seconded by Mr. Jones and **denied 5-4**. Those in favor: Mr. Murray, Mr. Jones, Dr. France and Mr. Bezaire. Those opposed: Mr. Elwell, Ms. Weeks, Mayor Dr. Mahaney, Mr. VanDeVaerst and Mr. Shuler. Those abstaining: None.

All Board members who vote opposed stated their reasons for the opposition.

