

**RESORT HOUSE ADVISORY COMMITTEE**  
**Minutes of November 15, 2013 2:00 P.M.**

The meeting was called to order by Mayor Mahaney at 2:00 on Friday, November 15, 2013 in the Cape May City Hall Auditorium. The Pledge of Allegiance was recited.

Present:       **Mary McKenney, Resident, Rental Property Owner**  
                  **John VanDeVaarst, Resident, Planning Board, Green Team**  
                  **Bonnie Pontin, Resident, Inn Keeper Owner, HPC**  
                  **Mary Rothwell, Zoning Officer**  
                  **Bruce MacLeod, City Manager**  
                  **Ed Mahaney, Mayor**  
                  **Bill Murray, Deputy Mayor**  
                  **Tony Monzo, City Attorney**  
                  **John Queenan, Code Enforcement Officer**  
                  **Robert Sheehan, Police Captain**

Mayor Mahaney announced that under the Open Public Meetings Law, notice of this meeting was posted.

**MAYOR'S ANNOUNCEMENT: "Open Public Meetings Law"**

**DISCUSSION:** Mayor Mahaney briefed the public on the objective of the Advisory Committee on Resort Houses. He expressed that there are constant change as times change, conditions change, peoples desires change, economy moves forward. He indicated there is never a status quo and city government has the responsibility to periodically review all aspects of the city's operations programs and services. He stated that because of the economy, property owners are looking at how to maintain the affordability for themselves of owning and operating property in this town. He mentioned that as we go through the process key documents that will be called into reference which are the City's 2009 Master Plan, COAH Plan adopted in 2011, Floodplain Management Plan 2010, and Plan Endorsement Document and that these documents were all done in public meetings. He expressed the need to look at where we are going and what we are going to do to maintain the quality of life and have commercial and residential enterprises work together. He acknowledged there are parking, zoning, licensing, noise, and number of other issues.

**EACH MEMBER STATED THEIR CONCERNS:**

**Mayor Mahaney-** Stated that the Police go to a call that deals with quality of life issues, our personnel are trained and they try to talk a situation through, they are not trying to have huge arrest records. They handle matters so people enjoy their stay and people who live here feel they still have a town where they enjoy living. He believes they can preserve the integrity of the residential neighborhoods. He expressed concern over how much a house can hold given it's age, are there enough restrooms, and is there enough parking. He suggests that maybe with more inspections we would know the ins and outs of a building.

**Tony Monzo** – He presented an example definition of resort house. He stated that over the years there has been more usage of residential properties for a large get together and events such as weddings, etc., not used by the home owner but rented out for that purpose. He stated not only is noise an element but traffic, quality of life, zoning, and life safety issues will be the focus of this process. He suggested the need of a bright line in determining when a residential property crosses the line for commercial use. He expressed that some areas of concern are where we are going to allow resort houses to operate, what are regulations in terms of setbacks, lot coverage, in a specific zone or with a specific use. He questioned how the parking requirements will be determined. He stated that life safety issues, such as occupancy limits, fire code, and fire code analysis in commercial use are different than residential use. He indicated that hotel/motel/ multiple dwellings could come into play and that outside areas use of yards and other exterior portions of the property. He is going to present a draft definition of “resort house” and provide copies of ordinances that affect resort homes, noise, etc. to the committee.

**John Queenan** – He mentioned fire codes such as cooking with a propane device require permits from the state. He indicated there is a calculation used by the state for how many people can occupy a hotel or multiple dwelling based on square footage. John will provide a list of fire code inspections to the committee.

**Captain Sheehan** – Stated that the quality of life issue is the main goal of police. He indicated the need to keep noise down along with traffic, parking, and disorderly conduct kept in check. He explained when police arrive the summons goes to the people making the noise not the owner.

**Mary Rothwell**- Stated zoning is affected and it has evolved over the years and that it does overflow into the residential areas. Mary is going to put together a fact sheet on the various zones in the city.

**John Vandaaraesrt**- He believes a victorian home with a tent and port-o-pots behind it is not the road to go down.

**Mary McKenney** – Indicated she allows events at 2 of her properties 2 times a year. She explained she does not market properties for this but there is more demand than ever before. She suggested Cape May is getting a reputation and getting more and more of this type of demand. She expressed her understanding that rules and guidelines need to be put in place. She expressed concerns about what ordinances are in place to guide noise, trash, etc. She will provide a copy of a list of amenities offered.

**Bonnie Pontin** – She stated she understands both sides of the issue but would like to see the town level the playing field. She feels fire codes should be at the top of the list. She stated the B&B’s have very strict codes and that the burden should fall on the owners. She is concerned about safety when you have so many people in a home that was built so long ago.

**Bill Murray**- Stated the City has changed significantly over the last 60 years and is developing into commercial which is fine for a resort town. He stated there are 287 vacation rentals by owner listed online. He raised concerns with parking, noise, zoning, occupancy limits, code enforcement, fire safety, construction permits, licensing, taxation, family rentals vs. commercial rentals. He expressed the need to be fair to citizens of the city and to the property owners as well.

**Bruce MacLeod** - He expressed concerns with lot size, noise, lighting and the property owner’s use of the property vs. tenants. He asked if there is a role for the real estate community and commented on absentee landlords. He suggested that real estate not be permitted to be rented out if they haven’t

passed inspection. He mentioned any changes we make need to be distributed to the public and that we could attach the new information to the mercantile license.

**PUBLIC PORTION:** Those wishing to publicly comment shall come forward, give their name and address and speak into the microphone.

**Dennis Crowley** – 806 Lafayette Street- Stated the fact that we've known for some time according to the census bureau 65%-70% of residences in this town are classified as vacant. The owners either use their property as a second vacation home or rent it out for profit. He stated that resort properties vs. rental properties in terms of the destination of Cape May and the nature of this town there doesn't seem to be a difference of those two concepts. He commented that the industry pays their fair share.

**Trish Hendricks** – Reference Mr. Murray's comment regarding the 287 rental properties in Cape May and stated that the 287 VRBO properties listed for Cape May include surrounding areas as well, that Cape May is a code word and those numbers are not an accurate count of properties in Cape May City in the VRBO search. She stated that economics is the drive for people to use this technology in renting their home. She mentioned the City is called the nation's first resort, and suggested if we start working on this resort house definition that it could put a negative connotation on the word resort. The word resort should not have a negative connotation. She asked if the committee could make some suggestions with regard to the mercantile license to strengthen the language, make owners understand they have to provide accurate information, possibly attach fines for inaccurate information.

**Charles Hendricks** – Stated that 65%-75% of owners are people who have primary residence somewhere else. Commented that if there is excessive noise, there is excessive people, parking and traffic. He mentioned he is representing Kevin Solar who could not be present. He commented there are bad apples in town like the people who own the Abbey House. He suggested the reason there is not a noise problem in town is because there is a higher quality of tourists that come here, it's upscale, it's not the same as other towns.

**Lance Pontin** - Gurney Street- Commended the committee and their effort. Commented that they are a good group of people who have a grasp of what needs to be done.

**Harry** - 511 Pearl Street – Complimented the committee on beginning this complicated process. Stated these issues have been growing in Cape May for years. Mentioned his concern with safety, noise, parking issues, inspections and mercantile fees.

**Vickie Allison** – 905 Beach Avenue – She stated she has been coming here 67 years, her grandfather bought the home in 1936, her grandparents and parents lived there and she inherited it in 2003. She has invested \$400,000 in upgrades and her intention is to have the house stay in her family for the next 5 generations. She stated she is not seeking to pad her pockets, and that every dime she makes from rental income is used to cover the cost to maintain the home. She indicated she needs to rent in order to be able to hold onto the property. She stated that she does not consider her house a resort house but does rent to reunions and is concerned about the label of commercial property.

**Motion made to adjourn.**