

**City of Cape May Joint Meeting  
City Council and Planning Board Meeting  
Minutes – Tuesday – January 24, 2012**

**Opening:** The meeting of the City of Cape May Joint Meeting between the Council and Planning Board was called to order by Mayor Dr. Mahaney at 7:00 PM. In compliance with the Open Public Meetings Act, adequate notice was provided.

**Roll Call of City Council by Diane Weldon, City Clerk** – Present was Mayor Dr. Mahaney, Councilmember Deanna Fiocca, and Councilmember Terry Swain. Also present were City Attorney Anthony Monzo, City Manager Bruce MacLeod. Noted were the absence of Deputy Mayor Jack Wichterman and Councilmember William Murray.

**Roll Call of Planning Board Members:**

|  |                  |                         |
|--|------------------|-------------------------|
| Mr. Bezaire,                               | Chairperson      | Present                 |
| Mr. Shuler,                                | Vice Chairperson | Present                 |
| Mayor Dr. Mahaney                          |                  | Present                 |
| Mr. Elwell                                 |                  | Present                 |
| Mrs. Nelson                                |                  | Present                 |
| Mr. Jones                                  |                  | Present                 |
| Ms. Weeks                                  |                  | Present                 |
| Mr. Murray                                 |                  | Absent - <b>excused</b> |
| Mr. Winkworth                              |                  | Absent- <b>excused</b>  |
| Dr. France, 1 <sup>st</sup> Alternate      |                  | Absent - <b>excused</b> |
| 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

**Pledge of Allegiance:**

Mayor Dr. Mahaney explained the purpose for the Joint Meeting is for the State Planning Commission along with the discussion and action of this evening Agenda be in accordance with the City of Cape May participation in the State Plan Endorsement process. He informed all the accomplishments obtained to date; the Master Plan Reexamination 2009, Flood Plan Management 2009, COAH Plan 2010 and Sustainable New Jersey Certified in 2011 will achieve the Plan Endorsement Status making the City eligible for priority status for any Federal, State, County Grants and low interest programs. The Mayor requested City Board Engineer Craig Hurless, to clarify the cooperative process and commended Mr. Hurless for his time, effort and expertise with the Plan Endorsement Process.

Mr. Hurless then distributed a Process Outline of the Plan Endorsement with a draft date of February 27, 2008 that was perused and followed by all. He explained the 10 steps of the Plan Endorsement process, the timeframes and public participation forums built into the process. **Step 1:** Pre Petition, **Step 2:** Plan Endorsement Advisory Committee (with the Mayor commending the Committee Meryl Nelson, Dennis Crowley, Arnold Pitman, Andy Fontaine and Mary Rothwell). **Step 3:** Municipal Self Assessment, **Step 4:** State Opportunities & Constraints Assessment, **Step 5:** Community Visioning, **Step 6:** Consistency Review, **Step 7:** Action Plan Authorization & Completion, denoting that this is the step we are currently completing. **Step 8:** Recommendation Report & Draft Planning & Implementation Agreement (PIA), **Step 9:** State Planning Commission Endorsement, **Step 10:** Monitoring & Benefits.

**The meeting opened for public comments at 7:20 pm – Shaine Meyer, 1217 Vermont Avenue**, who was sworn in and requested clarification regarding the Center Designation boundaries. Mr. Hurless responded in detail the re mapping and modifications regarding the environmentally sensitive areas. **Anthony Monzo, Solicitor for Cape May City**, put forth questions regarding the Permit Extension Act, on whether the Center Designation will have any impact on what the Office of Planning Advocacy considers Environmentally Sensitive Areas. Mr. Hurless responded that it will have to be researched but confirmed there is draft document being perused regarding the matter. **Public portion closed at 7:30pm.**

Mr. Neidig, Planning Board Solicitor explained the **Resolution #1-24-2012** Municipal Plan Endorsement Recommendation for City of Cape May Council Action on the Memorandum of Understanding and Action Plan.

**Motion made by Mr. Jones to recommend the Memorandum of Understanding and Action Plan by City Council as stated in Resolution #1-24-2012 .** Seconded by Mrs. Nelson and **carried 8-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Ms. Weeks, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

City Council then entertained that Resolution #44-01-2012 adopting a Memorandum of Understanding between the New Jersey State Planning Commission and the City of Cape May for Plan Endorsement and DEP Center Designation to the Coastal Facility Review Act NJSA 13:19-1 et.seq. **Motion was made by Councilmember Swain to adopt Resolution #44-01-2012,** Seconded by Councilmember Fiocca and **carried 3-0.** Those in favor – Councilmember Swain, Councilmember Fiocca and Mayor Mahaney.

Motion by Councilmember Fiocca and Seconded by Councilmember Swain to adjourn the Cape May City Council portion of the meeting at 7:30 p.m. Those in favor: Councilmember Swain, Councilmember Fiocca and Mayor Mahaney.

The Planning Board session resumed with Mayor Dr. Mahaney remaining for the meeting.

**Reorganization:**

Chairman Bezaire clarified the reasons for the Board members reorganization is to implement the Council-voter referendum that changed the Municipal Election date from May to November.

**Oath of Office: Mr. Jones, Ms. Weeks, Mr. Bezaire and Mr. VanDeVaarst.**

**Chairperson:**

**Motion made by Mrs. Nelson to appoint Bill Bezaire as the Chairperson for the Planning Board.** Seconded by Mr. Jones. **With a motion that nominations be closed by Mr. Elwell and Mayor Dr. Mahaney seconded that motion.** Those in favor for Bill Bezaire as Chairperson: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst and Mr. Shuler and **carried 7-0.** Those opposed: None. Those abstaining: Mr. Bezaire.

**Vice Chairperson:**

**Motion made by Mayor Dr. Mahaney to appoint Harley Shuler as the Vice Chairperson for the Planning Board.** Seconded by Mrs. Nelson. **With a motion that nominations be closed by Mayor Dr. Mahaney and Mr. Elwell seconded that motion.** Those in favor for Harley Shuler as Vice Chairperson: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst and Mr. Bezaire and **carried 7-0.** Those opposed: None. Those abstaining: Mr. Shuler.

**Board Solicitor/Legal Advisor:**

**Motion made by Mr. Shuler to appoint George Neidig, Esq. as the solicitor/legal advisor to the Planning Board.** Seconded by Mr. Jones and **carried 8-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Board Engineer:**

**Motion made by Mayor Dr. Mahaney to appoint Craig R. Hurless of Polistina and Associates, to Planning Board.** Seconded by Ms. Weeks and **carried 8-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Meeting Dates for 2012:**

**Motion made by Mr. Elwell to approve the meeting dates for the Planning Board for the year 2012.** Seconded by Mr. Jones and **carried 8-0.** Those in favor: Mr. Elwell, Ms.

Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Official Newspaper:**

**Motion made by Mr. Shuler to appoint the *Star & Wave* as the primary official newspaper to the Planning Board with the Atlantic City Press secondary for the year 2012.** Seconded by Mayor Dr. Mahaney and **carried 8-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Minutes:**

**January 10, 2012**

**Motion made by Mrs. Nelson to approve the minutes of January 10, 2012 as presented.** Seconded by Mr. Elwell and **carried 8-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Resolutions:**

**Bantry Bay, Block 1082 Lots 21**

**Motion made by Mr. Shuler to approve the Resolution #1-24-2012:1 Bantry Bay as presented.** Seconded by Mrs. Nelson and **carried 8-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Mr. Bezaire formally welcomed John VanDeVaarst to the Planning Board. Discussion was entered regarding the status of the plaque for Conrad Briant. Mayor Dr. Mahaney thanked Mike Jones, CMC Assessor for another year of his active participation as a Member of the Planning Board. Mr. Hurless updated the members regarding the shared parking issue that he is drafting a report on and will contact the committee upon completion. Mayor Dr. Mahaney thanked Mary Rothwell and Edie Kopsitz for putting together the Joint Meeting.

**Motion made by Ms. Weeks, Seconded by Mrs. Nelson to adjourn the meeting at 7:45PM with all in favor.**

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

**Respectfully submitted: Edie Kopsitz, Recording Secretary**