

**City of Cape May  
Planning Board Meeting  
Minutes – Tuesday – July 10, 2012**

**Opening:** The meeting of the City of Cape May Planning Board was called to order by Chairman 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
	Mayor Dr. Mahaney		Present
	Mr. Elwell		Present
	Mrs. Nelson		Present
	Mr. Jones		Present
	Ms. Weeks		Present – arrived 7:01pm
	Mr. Murray		Present
	Mr. Winkworth		Present
	Dr. France, 1 <sup>st</sup> Alternate		Present
	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

**Minutes: June 12, 2012**

**Motion made by Mrs. Nelson to approve the minutes of June 12, 2012 as presented.** Seconded by Mr. VanDeVaarst and **carried 8-0.** Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Murray.

**Resolutions: #7-10-2012:1 R1 Lot Coverage - Amending #5-8-2012:1**

**Motion made by Mr. Jones to approve the R1 Lot Coverage #7-11-2012:1 as presented.** Seconded by Mr. Murray and **carried 7-1.** Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: Ms. Weeks. Those abstaining: Mr. Winkworth.

**BUSINESS:**

**The Episcopal Church of the Advent  
686 Washington Street & 612 Franklin Street  
Block 1058 Lot 12**

## **Site Plan – Waiver, Hardship & Substantial Variance(s)**

Craig Hurless clarified his credentials for the record. Member Murray recused himself from the application.

Timothy Dwyer, Esquire appearing for the applicant Church of the Advent and representative Corbin Cogswell, Facilities Manager who was present along with their professional Richard Stokes, Architect. Mr. Dwyer indicated they are returning to the Board with a revised site plan. He stated the revisions were undertaken do to the concerns of Board Members and adjacent neighbors at the June 12, 2012 hearing. The presentation was then turned over to Mr. Stokes who's testimony referred to enlarged Site Plans dated October 13, 2010, March 23, 2012 Revised Zoning Set, with a revision date of June 21, 2012 Sheet 1 through 4. He explained the revisions to the ambulatory walkway was moving off the property line by 2 ½ feet and create a larger planting bed to be viewed by the neighboring side and will save the existing tree, ambulatory walkway open concept small sloped roof shallow pitch standing seam metal roof, eaves & brackets on edge of roof decorative brackets to match Historic features of the Church, repositioning of the mechanical equipment inside the building, with the condensers being placed on the roof on the further side surrounded with a 4 ft. high wood fence and the Lighting Plan in detail emphasizing that the lighting will be directed towards the church. Mr. Dwyer summarized the revisions of the Church's proposal indicating the amendments to the plan that reasonably address the public concerns of the last meeting. He stated the improvements will allow handicap access to the building. The Church always had limited parking and what is proposed will not increase parking demand. The proposed will allow the buildings to be connected, space for church functions and the increase to the lot coverage will have minimum impact to the site, side yard setback that is requested is to allow a covered public walkway that provides coverage to the members between the two buildings and the benefits of this deviation far out way any negative impact especially since the redesign of an open walkway has been presented. His closing remarks expressed in detail the request and its unimpeded use with the Land Use perspective for Residential Use. Mr. Dwyer believes the testimony provided to grant variance relief has been addressed and is respectfully requesting approval of the application.

Board Engineer, Craig Hurless then reviewed his updated report of June 26, 2012 (previous May 9, 2012) clarifying the description of for the membership. He reviewed the Completeness review on pages 2 and addressed the Details for Preliminary Site Plan Approval #3 and (aa) CD-ROM. He addressed the Zoning Charts on page 3 addressing the C-1 District (§525-22) All Uses & §525-62B Churches. He clarified the variances being sought as §525-62B(2) Building Setback, §525-62B(2) Rear Yard, §525-62B(2) Side Yard, §525-62B(2) Building Coverage, §525-62B(4) Lot Coverage and §525-49C(2) Parking explained the existing parking (9 spaces) is functionally obsolete with the 7(parking spaces proposed) being in conformance. The general review comments on page 4 & 5 - #1 revised plan based on comments from last board meeting, #2 existing drainage runoff paths, #3 sidewalk replacement, #4 HVAC equipment location denoted on plan, #5 construction details of site improvements, #6, #7 Shade Tree Commission, #8 State, County and Local approvals, #9 Historic Preservation Commission Final Approval, #10 and comply with COAH obligations.

The meeting was then **opened to the public within 200 feet at 7:20pm – David Onorato 680 Washington Street Unit 2, Heritage House Condominiums**, negative on the application with lengthy questioning of the Engineer Mr. Stokes regarding Sheets (1 through 4) of the revised plans regarding the view from both Franklin Street and Lot 11 requesting clarification of the proper scale from his view, fence height, questioned 2<sup>nd</sup> floor expansion of parish hall submission dates (verification to which Mr. Hurless responded ), lighting plan and confirmation that the chestnut tree would not be removed. Mr. Stokes responded to all questions in detail. Mr. Onorato submitted a letter dated June 22, 2012 composed by himself and was marked into evidence as **O-15** that was addressed to Louis Dwyer, Esquire (on behalf of Mr. & Mrs. Onorato, Mr. & Mrs. Swann & Caroline Detrick) regarding their concerns the Heritage House and was submitted for the record. **Wayne Swann, 680 Washington Street Unit 3**, opposed to the application, he stated his unit is in direct view of the proposed renovations/additions and depicted the closeness of his property to the proposed renovations. He feels there is a lack of need of an ambulatory covered walkway from parish hall to the church. Concerns of the 2<sup>nd</sup> story addition and submitted an exhibit marked **O-16** of a current view from his unit, proposed view of the 2<sup>nd</sup> floor addition and picketed fence next to proposed walkway. He is appreciative that the tree will be saved and will help block the view of the proposed addition but feels the other proposed additions will affect his light, air and open space. **Robert Anderson, 1240 Washington Street and owns units 2, 4, 5 & 6 at 678 Washington Street (Heritage House)**. Negative on application stating he was offended by the proposal and feels it bastardized the Historic Structure. Chairperson Bezaire and Corbin Cogswell responded to the project receiving HPC Conceptual approval. He expressed his concerns regarding the proposed ambulatory walkway, rooflines, planting beds on the church's section and discussed the existing conditions of the vegetation that has not been maintained. He believes the applicant has not presented, proved or satisfactorily justified all the variances they are requesting. **Thomas Phelan, 1013 Maryland Avenue and joint owner of Units 1 & 3, 678 Washington Street**, shared his concerns regarding the ambulatory walkway stating he feel there is no need but was positive that the chain link fence with vegetative overgrowth is being removed. **The public portion was closed at 8:00pm.**

Members were allotted time for questions and suggestions directed to Mr. Stokes regarding the ambulatory walkway railing systems, termination of fence at the ambulatory ramp and stated their concerns on the positive with an open air concept. Craig Hurless suggested a railing system with privacy lattice (open air concept) that meets the construction code, which needs to be forwarded to the HPC (which Mr. Neidig stated is an advisory board) for final approval. Member Nelson suggested the ambulatory railing system match the railing system proposed for the steps and rails proposed on the Church (sheet 4 of the plans dated June 21, 2012). Member Shuler suggested a meeting between the neighbors of Heritage House, Shade Tree Commission and the representatives of the Church meeting and discusses the foliage that will be visually agreeable on both sides. All members were in agreement that the Construction Official and the Board Engineer will have final approval.

Mr. Neidig requested clarification from Mr. Stokes regarding the purpose of the covered ambulatory walkway. Mr. Stokes responded confirming the purpose.

**Motion made by Mr. Jones to approve the variance for the §525-62B(2) Building Setback (that relates to both Washington & Franklin Streets).** Seconded by Mr. Elwell and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Mrs. Nelson to approve the variance for §525-62B(2) Rear Yard.** Seconded by Mr. Jones and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Ms. Weeks to approve the variance for §525-62B(2) Side Yard.** Seconded by Mr. Elwell and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Ms. Weeks to approve the variance for §525-62B(2) Building Coverage.** Seconded by Mr. Jones and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Mrs. Nelson to approve the variance for §525-62B(4) Lot Coverage.** Seconded by Mr. Jones and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Jones to approve the variance for §525-49C(2) Parking .** Seconded by Mrs. Nelson and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made by Mr. Elwell to approve the Site Plan Waiver.** Seconded by Mr. Jones and **carried 9-0**. Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Dr. Mahaney reasons for approval (verbatim for the record) is based on testimony and exhibits put forth by the applicant during the June 12, 2012 and July 10, 2012 meeting, they have met the requirements regarding the hardship variance and substantial benefit variances and in the City of Cape May have seven (7) churches is what is very representative of the interior texture of this community and the population of all those churches is aging and any effort the City can make in a town that is built out with a congested center city we should make to keep the church congregations alive and functioning well.

**Motion made by Mrs. Nelson to impose the following conditions as noted in Mr. Hurless revised report dated June 26, 2012, page 2 of 5 Site Plan on CD ROM section #3 (aa),**

**General Review Comments pages 4 & 5, items, 3, 4, 5, 6, 7 (2<sup>nd</sup> sentence omitting the ivy and allow the verbiage foliage with final approval of the Construction Official and Board Engineer) , 8, 9, 10 and railings for the ambulatory walkway approval by the HPC for type and material.** Seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Chairman Bezaire called for a five (5) minute break at 8:25pm and returned at 8:30pm.**

**Member William Murray returned to the meeting.**

**Business/Discussion:**

Craig Hurless, Board Engineer reviewed his memorandum dated May 9, 2012 that was distributed and perused by the Members regarding the R-1 Low Density Residential District. The request to increase the lot coverage to 40% for the lots fronting on Cape May Avenue. He informed the members that he gave an update along with a copy of the May 9, 2012 memorandum to Council regarding the Planning Boards recommendation for the portion of the R1 District pertaining to Cape May Avenue. This will aid Council in whether the Ordinance should be introduced and adopted to move forward. Mayor Mahaney expounded on City Council's unanimous agreement to introduce the ordinance and will be guided by public comment. The Ordinance will come before the Planning Board on August 14, 2012 at 7:00pm and this will also allow the public to comment and the Planning Board approve or oppose the Ordinance before it goes to Council. The Ordinance will come up for a second reading on August 21, 2012 Council Meeting at 7:00pm and will have public comment. Mayor Mahaney explained this will allow the public to comment on both dates, he also reiterated that the Council stated it has met their requirements to put forth an ordinance that has been requested by the Planning Board. Mary Rothwell, Board Assistant/Zoning Officer requested clarification on the noticing procedures with the Mayor responding the Clerk's Office will send certified notices to the residence in the affected R1 Zone District and those residences within 200 feet of the lots for the August 21, 2012. The Planning Board notices for August 14, 2012 should be all lots in the R1 Zoning District plus 200 feet and this will allow public comment. Discussion was entered regarding the 2<sup>nd</sup> part of the Analysis pertaining to the remaining lots in the R1 area and when they should reexamine it. George Neidig, Craig Hurless and Mary Rothwell will collaborate on the verbiage of the legal notice to input not only the Ordinance but discussion for the 2<sup>nd</sup> part of the analysis pertaining to the remaining lots in the R1 Zoning District. The Mayor also commended Craig Hurless on the thoroughness of his report pertaining to the R1 Zoning District.

**Public Comment: Kevin Mahoney, 43 Harbor Cove** came forward to ask if there was any precedence in other communities and whether this Lot coverage request been challenged legally, he stated he was speaking from a taxpayer's perspective. Chairman Bezaire responded and explained these comments will be heard on August 14, 2012. **Al Beal, 1224 Idaho Avenue,** commented on why the R1 was 30% and for the Board to research the original reasons and what initiated this increase. Mr. Beal shared his concerns regarding

existing flooding conditions surrounding Cape May Avenue. Mr. Neidig advised the Mr. Beal attend the meeting on August 14, 2012.

**Motion made by Mrs. Nelson, Seconded by Mr. Jones to adjourn the meeting at 9:00 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**