

**City of Cape May Planning Board Meeting Minutes
Tuesday – August 10, 2010**

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.

Roll Call:	Mr. Bezaire,	Chairperson	Present
	Mr. Shuler,	Vice Chairperson	Present
	Mayor Dr. Mahaney		Present
	Mr. Elwell		Present
	Mrs. Nelson		Absent
	Mr. Jones		Present
	Ms. Weeks		Present
	Mr. Murray		Present
	Mr. Winkworth		Present
	Dr. France, 1 st Alternate		Present
	Mr. Briant, 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: June 22, 2010

Motion made by Mr. Elwell to approve the June 22, 2010 minutes. Seconded by Ms. Weeks and **carried 6-0.** Those in favor: Mr. Elwell, Dr. Mahaney, Ms. Weeks, Mr. Jones, Dr. France and Mr. Shuler. Those opposed: None. Those abstaining: Mr. Murray, Mr. Winkworth and Mr. Bezaire.

Application:

**Olsen, 1221 Lafayette Street Block 1061 Lot 89
Minor Subdivision & Variances**

Craig Hurless, Board Engineer was sworn in and clarified his credentials for the record.

Louis Dwyer, Esquire was present to represent the applicants Howard & Edith Olsen along with their professional Matthew Hender, Engineer of Engineering Design Associates all were sworn in. Mr. Dwyer indicated his reason for appearing was for a minor subdivision approval to take one lot and create a second lot in the R2 Zoning district off of Lafayette Street. He stated his clients have owned the property for over 30

years and are requesting to subdivide which is in keeping with the streetscape along Lafayette Street and indicated that the Planning Board has granted past approvals. He continued his presentation by verifying the parcel dissection into two lots, with the front lot being 13,750 square feet in size and the rear lot being 1.038 acres. Mr. Dwyer clarified the variance relief requested is to create a flag lot and have the lot frontage and width variances granted. He is proposing a 15 ft. flag and indicated it was reviewed by the Fire Chief and responded by letter dated July 27, 2010 was submitted and marked into evidence as Exhibit A-1. The new lot 89.01 will have an easement of the flag portion of the new lot 89.02 for ingress and egress.

Matthew Hender, Engineer referred to the plans by EDA dated June 16, 2010 clarifying the 15 ft. wide flat that will serve as a 15 ft. side stone driveway and an easement for access parking to the flag lot. He clarified the variances sought to create the flag lot and referred to his plans displayed depicting other flag lots in combination with the applicants and was marked into evidence as A-2. He testified this application met all requirements of the State Department of Environmental Protection. He elaborated on the requests by the Chief Cape May Fire Department to increase the driveway width to 15 feet from the 12 feet previously requested. He confirmed there is no negative impact to the neighborhood due to the size of the lot and concurred there is no undue hardship to the applicant.

Craig Hurless, Board Engineer updated the membership by summarizing his report dated July 6, 2010. He reiterated the applicant's proposal in his description. He clarified the details required for the "C" & "D" Variances and Conditional Use approval and the Completeness review on page 2 detailing general requirements for all applications addressing #5, #11, #16, #30 to be provided applicant must contact County, #32, Article VIII Requirements Common to Both Minor & Major Subdivisions §445-18 Map details items #P, #R and #S. He addressed his Zoning Chart as R-2 Residential District and PW Preserved Wetlands District and reviewed the required, existing and proposed. He clarified the Variances sought §525-15B(1) Table I – Lot Width, §525-15B(1) Table I – Lot Frontage (referring to the Flag Lot) and §525-15B(1) Table I Side Yard Set Back. Mr. Hurless continued with his General Review comments on page 4 items #1, #2 requested updated information, #3, #4 #5, #6, #7 Subdivision Plan, #8, #9 was addressed, #10 was submitted and addressed, #11, #12, #13, #14, #15 and #16 COAH obligation.

Members were afforded time for questions and were positive on the application. Several questions were put forth; the parking spaces for each residence requesting clarification, the width of both lots were re-confirmed, calculations regarding footage from the rear lot to the front of the road to which Mr. Hender addressed as 222 feet and Mr. Hurless confirming the average lot width is 59.1 feet. Discussion ensued at length regarding the County of Cape May allotment of one (1) curb cut, Lafayette Street being a County Road, the creation of the driveway easement emptying onto Lafayette and determination that this must be a condition emphasizing a written response from the County.

Meeting opened for public comments at 7:35pm with no one coming forward the public portion was closed.

Motion by Mr. Elwell to grant the Sub-Division subject to the passage of the variances request. Seconded by Mr. Murray and **carried 9-0.** Those in favor: Mr. Elwell, Mr. Murray, Dr. Mahaney, Ms. Weeks, Mr. Jones, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion by Mr. Jones to grant all three (3) Variances for both lots: §525-15B(1) – Lot Width, §525-15B(1) – Lot Frontage and §525-15B(1) - Side Yard Setback. Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Mr. Murray, Dr. Mahaney, Ms. Weeks, Mr. Jones, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining.

Motion by Mr. Shuler to grant the completeness waivers as stated in Mr. Hurless's report dated July 6, 2010 page 2 #5, #11, #16 and #30 as clarified by Mr. Neidig. Seconded by Ms. Weeks and **carried 9-0.** Those in favor: Mr. Elwell, Mr. Murray, Dr. Mahaney, Ms. Weeks, Mr. Jones, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining.

Motion by Mr. Elwell to grant the Design Waivers as indicated on Mr. Hurless's report dated July 6, 2010 page 3 of 6 - items P and R. Seconded by Mr. Murray and **carried 9-0.** Those in favor: Mr. Elwell, Mr. Murray, Dr. Mahaney, Ms. Weeks, Mr. Jones, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion made by Mr. Elwell to impose the conditions as indicated in Mr. Hurless's report dated July 6, 2010 page 2 #11, #30, #32, page 3 - P, S (NJDEP & written response from County of Cape May regarding their position, page 4 - #2, #3, #4, #6, #7, #8, #10, #11, #12, #13, #14, #15 and #16 last paragraph. Seconded by Ms. Weeks and **carried 9-0.** Those in favor: Mr. Elwell, Mr. Murray, Dr. Mahaney, Ms. Weeks, Mr. Jones, Mr. Winkworth, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Adjournment: Motion made by Ms. Weeks, Seconded by Mr. Shuler to adjourn at 7:45 PM with all in favor.

Respectfully submitted: Edie Kopsitz, Recording Secretary

Adoption date: _____