

City of Cape May Planning Board Meeting Minutes
Tuesday – November 23, 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		Present
	Mr. Jones		Present
	Ms. Weeks		Absent - excused
	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

Resolutions:

Adis Inc./LaMer Beachfront Inn, Block 1146 Lots 6, 7, 10-24

Motion made by Mr. Murray to approve Resolution #11-23-2010 with noted corrections. Seconded by Jones and **carried 7-0.** Those in favor: Mr. Elwell, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France and Mr. Shuler. Those opposed: None. Those abstaining: Dr. Mahaney and Mr. Bezaire.

Application:

Cape May Harbor Village & Yacht Club Association
Harbor Cove, Block 1172 Lots 3.26 & 3.27
Major Subdivision – Preliminary & Final
Proposed Right – of – Way Dedication

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

Elizabeth Casey, Esquire of the office of Norman Briggs appearing for the applicant Harbor Village Yacht Club Association along with Professional Vincent Orlando of

Engineering Design Associates were sworn in by Mr. Neidig. Ms. Casey's gave a brief history of Harbor Cove stated the applicant is seeks major subdivision approval to divide existing lot 3.26 to separate Harbor Cove cart way from the open space so that the street may be accepted as a public right of way by the City.

Mr. Orlando gave testimony verifying the Plan of Minor Sub-division by Stephen C. Martinelli, Dated June 18, 2010 that identified the three open space lots created; 3.26, 3.27 & 3.28 (R2 Zoning District) that will be owned and maintained by the homeowners association and deed restricted from any future development. He explained the Lot Area required is 9,375 SF with the proposed lot 3.28 having 4,928 SF stating the parcel is undevelopable under current zoning requirements and Lot Width required 75 feet with the proposed lot 3.28 has a width of 57 feet will remain an attractive landscaped buffer area. The creation of the lots creates the variance sought 525-14. He also indicated that this would require a de minimis exception the RSIS standards because the application does not meet the right of way width for a cart way. He believes that on-street parking can exist in certain areas of Harbor Cove.

Meeting opened for public comments. Kevin Maloney, 43 Harbor Cove, encouraged the approval of the application and indicated the Association wants to work with the City.

Board Engineer, Craig Hurless then reviewed his report of November 15, 2010 clarifying the description for the membership. He reviewed the Completeness review on pages addressed the general requirements for all application itemizing 2, 5, 6 & 10, the Details for Minor Subdivision approval on pages 2 through 4, reciting Article VIII requirements common to both Minor & Major subdivision under §445-17 & §445-18 #3, (I), (L), (M), (P), (Q), (R) & (S), §445-28 Preliminary plat details (D), (E), (F) condition of approval, (G) and §445-34 (E) & (F). He addressed the Zoning Charts on page 5 addressing the R1/PW District (§525-14) All Uses and Clarified the variances being sought as §525-14B(1) Table 1 Lot Size and §525-14B(1) Lot Width reviewing his comments for the variances. The general review comments on pages 6 through 9 – Zoning & Subdivision #1, #2, #3, #4, & #5, Grading Drainage & Utilities (as built info) #6, #7, #8, #9, Traffic, Parking & Circulation #10 RSIS review (including Street Hierarch Classification Determination, #11, #12, #13 Curbing (Mr. Orlando responding and addressing the concerning signage), #14, #15, Map filing Review #16, #17, #18, #19, General Conditions and other Jurisdiction Requirements #20, #21, #22 and #23.

Members were positive on the application but had concerns and raised questions regarding access by emergency vehicles and if the Fire Department reviewed the application addressing these concerns. Mayor Mahaney gave a brief past history of the applicant indicating that the City's proposed resolution with the applicant was negotiated in good faith and that the parking issue now raised was brought back after the negotiation of the agreement. Mayor Mahaney then and now opposes on street parking and stated the 24 ft. existing cart way will not get wider and allow 7 ft. parking for one side it only leaves 17 ft. for a travel lane and brought to light the curvatures of the streets.

Mr. Orlando responded to the concerns and proposed to widen certain areas of the roadway by four (4) feet and have the parking granted on the proposal that no street parking would be permitted if none of the streets are widened and that the westerly section of Harbor Cove (parallel and nearest to Pittsburgh Avenue) and southerly section of Harbor Cove (parallel and nearest to Missouri Avenue) would be widen to allow parking.

Motion made by Mayor Dr. Mahaney that the Board accept that proposal of to widen certain areas of the roadway by (4) feet and have parking granted on the proposal that no street parking would be permitted if none of the streets are widened and that the westerly section of Harbor Cove parallel and nearest to Pittsburg Avenue and southerly of Harbor Cove parallel and nearest to Missouri Avenue would be widen to allow parking. Seconded by Mr. Elwell and **carried 9-0**. Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion made Mr. Murray to grant Preliminary approval to the Major Site Plan based on conditions that will be applied. Seconded by Mr. Jones and **carried 9-0**. Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion made Mr. Shuler that variances for proposed Lot 3.28 for Width & Frontage as per the application is granted subject to the balance of the application. Seconded by Mr. Jones and **carried 9-0**. Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion by Mr. Murray for approval of the waivers as noted on Mr. Hurless report of November 15, 2010 page three (3) I, L, M, P, Q and R subject to all other necessary approvals. Seconded by Elwell and **carried 9-0**. Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion by Mrs. Nelson for approval of the waivers for the general completeness for preliminary plat details as noted on Mr. Hurless report of November 15, 2010 pages 3 & 4 from §445-28 Sections D, E & G, subject to all other approvals. Seconded by Mr. Murray and **carried 9-0**. Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion by Mr. Murray to grant that a de minimis waiver from RSIS standards as stated in Mr. Hurless report of November 15, 2010 pages 6 & 7 #10 (Traffic, Parking & Circulation) subject to all other necessary approvals and conditions. Seconded by Dr. France and **carried 9-0**. Those in favor: Mr. Elwell, Mayor Dr.

Mahaney, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion by Mrs. Nelson to approve with the following conditions being imposed: 1. Must be approved by City Council. 2. That the proposed Lots 3.26, 3.27 & 3.28 will remain open space with no further construction thereon except what is currently there and a deed to be provided to the Board Attorney & Engineer prior to filing shall reflect no further developments of the three (3) lots. The Association will provide to the Board Engineer and Board Attorney the finalized draft Agreement embodying the governance of these improvements to each of them for their approval and same shall not be adopted until the Board Attorney & Board Engineer approve. Items in Completeness Review of Mr. Hurless report dated November 15, 2010 Page 2- #2, #5, #6, Page 3 of Mr. Hurless report dated November 15, 2010 under §445-18 Map detail "S", Page 4 under §445-28 Preliminary plat details "F", under §445-34 Final plat "E" & "F", Page 6 - #1, #2, #3, #4 & #5, Grading, Drainage & Utilities #7 & #8, Page 7 - #11, #12, #14, Pages 8 & 9 - #15, Map Filing - #16, #17, #18, & #19, General Conditions - #20, #21, #22 & 23, subject to all other necessary federal, state and county. Seconded by Dr. France and carried 9-0. Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Mr. Orlando withdrew the request for de minimis exception to the parking for the roadway width.

Adjournment: Motion made by Dr. France, Seconded by Mr. Elwell to adjourn at 8:30 PM with all in favor.

Respectfully submitted: Edie Kopsitz, Recording Secretary

Adoption date: _____