

City of Cape May Planning Board Meeting Minutes
Tuesday, May 26, 2026

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairperson Bezaire at 6:00 PM in the City Hall Auditorium. In compliance with the Open Public Meetings Act, adequate notice was provided.

Roll Call:	Mr. Bezaire, Chairperson	Present
	Mr. Jones, Vice Chairperson	Present
	Councilmember Bodnar	Present
	Mr. Crowley	Present
	Mr. Gorgone	Present
	Mr. Lundholm	Present
	Deputy Mayor McDade	Present
	Mrs. Reed	Present
	Mr. Riggs	Present
	Mr. Padussis Alt # 1	Present
	Mr. Crippen Alt # 2	Present

Also Present: Robert Greenbaum, Esquire, for Richard King, Board Solicitor
Craig Hurless, Board Engineer and Planner
Karen Keenan, Board Secretary

Resolution:

Motion made by Mr. Jones to adopt Resolution numbers 05-26-2026: 1 Adis Inc., 1317 Beach Avenue, Block 1146 Lot(s) 6-24, seconded by Deputy Mayor McDade and **carried 8-0.** Those in favor: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Lundholm, Mr. Riggs, Mr. Jones. Those opposing: None. Those abstaining: Mr. Bezaire.

Minutes:

Motion made by Mr. Riggs to approve the meeting minutes of April 14, 2026, seconded by Mr. Lundholm and **carried 8-0.** Those in favor: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Lundholm, Mr. Riggs, Mr. Jones. Those opposing: None. Those abstaining: Mr. Bezaire.

Application:

RAJ Realty Investments LLC
1501 & 1601 Idaho Avenue & Cape May Avenue
Blocks 1177, 1178, 1188 & 1189 Lot(s) All

Attorney Anthony Monzo of Monzo Catanese DeLollis PC introduced the application seeking

preliminary major subdivision approval and hardship and substantial benefit variance relief to create 22 residential lots and three remainder lots with no development proposed on them.

RAJ Realty Investments LLC Owner Rob Atasanov, who has owned the property since 1988, was present but not expected to speak. Professional Engineer Wassim Nader of Nader House of Design, Planner Creigh Rahenkamp and Board Engineer and Planner Craig Hurless were sworn in by Solicitor Rosenbaum.

Attorney Monzo shared Exhibit A-1, a prior decision that was rendered by the Department of Environmental Protection (DEP) with respect to the wetlands in this area in 2000 when the Velvento Avenue site was being developed and said he would refer to it later.

Attorney Monzo said the property was never part of the Sewell Tract and the land is not all wetlands. Included in the application is a letter of interpretation that approved the wetlands boundary and applied a 150 foot buffer. They are seeking preliminary approval, as they need two DEP permits and an amendment to the water quality management plan.

Only blocks 1177 and 1178 are being considered for this application. Two of the lots are irregular and will be deed restricted and one large middle lot being reserved for conservation easement if needed. The applicant will comply with all DEP regulations, and paper streets will be vacated as requested by the city.

Attorney Monzo then gave a history of the area, including the East Cape May Associates 1988 agreement with the city to build 366 single family homes in Sewell Point. The approval was prior to the Wetlands Protection Act, and the result was monetary compensation with a small amount of land still owned by East Cape May Associates.

Member Crowley asked if there are wetlands, and Attorney Monzo said all the development area is out of the wetlands. Engineer Hurless said there are certainly wetlands in the two blocks but not where the houses are proposed.

Attorney Monzo referred to Exhibit A-1 that shows that the applicant's land was determined to be just an intermediate resource and a 50-foot buffer, because most of the wetlands in this area were the result of dredging of the harbor and dredge materials that ultimately became wetlands in this area. The DEP did not look at it as having any significant resource value. They are accepting the DEP's classification of these wetlands as a habitat for threatened or endangered species and not an exceptional resource value. The project that is within the 150 foot transition area.

Engineer Hurless addressed the board and referred to page three of his review memorandum dated May 6, 2026 regarding completeness review. It was determined that the certified list of property owners within 200 feet was provided. He summarized two items that were required for the major subdivision were not provided: a copy of any protective covenants or deed restrictions (homeowner association documents) and evidence of NJDEP approvals regarding wetlands and said the board should decide whether the waiver is appropriate.

There was a brief discussion on the requirement of an environmental impact statement. Engineer Hurless said the item is not on the checklist for a major subdivision and the Coastal Area Facilities Review Act (CAFRA) compliance statement is typically accepted in lieu of an environmental impact statement, as the CAFRA compliance statement is a more intensive than the environmental impact statement. Member Crowley wanted an environmental impact study.

Attorney Monzo said the application meets all the requirements for the intent and purposes in R-1 Preserved Wetlands District except for the retaining wall. He also explained that the affordable housing requirement will be phased, and the applicant is not taking advantage of the density bonus available to him.

Motion made by Mr. Riggs to deem the application complete with waivers for preliminary plat items F and I as listed on page three in the memorandum by Craig R. Hurless, PE, PP, CME, as dated May 6, 2026, seconded by Deputy Mayor McDade and **carried 8-1.** Those in favor: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Lundholm, Mr. Riggs, Mr. Jones, Mr. Bezaire. Those opposing: Mr. Crowley. Those abstaining: None.

Engineer Nader presented his credentials and was accepted as an expert in engineering by Chairperson Bezaire. Engineer Nader shared Exhibit A-2, a colorized version of Sheet C-101 Site Plan Render. Also described was Exhibit A-3, a colorized version of Sheet C-102 Site Plan Render with the proposed retaining wall highlighted. He described the project in detail and focused on the retaining wall and roadway. The entrance to the development is off Brooklyn Avenue to access Cedar Drive and Cedar Court. He explained the retaining wall is needed to limit additional disturbance to the buffer and the plan for a gravity sewer system. Engineer Nader explained the roadway will be elevated to bury the sewer line and limit disturbance to the buffer. He indicated there is a gate, for emergency vehicle use only, in the Cedar Court cul de sac. Engineer Nader listed the following portions of streets to be vacated: Idaho Avenue, Cape May Avenue, right of way of Brooklyn Avenue, and partial right of way of Baltimore Avenue.

Board members were allotted time for questions of Engineer Nader. There were many questions about the retaining wall. He said the height of the retaining wall varies and starts at 1.9 feet to a maximum height of approximately 7 feet above grade. He said the width of the wall is eight inches, there is a fence atop the wall, and vegetation will cover wall. He added that a lot of vegetation planned.

Planner Creigh Rahenkamp presented his credentials and was accepted as an expert in planning by Chairperson Bezaire. He said the hardship variance is due to the topographic conditions and physical features uniquely affecting the property. The wetland buffers and upland area create a peculiar or exceptional practical difficulty in the development of the parcel. He said the retaining wall creates a demarcation for the residential lots.

He said the proposal is to develop the land as zoned and the purposes of zoning that are advanced are to guide the appropriate use or development of all lands in a manner that will promote the public health, safety, morals and general welfare, to provide sufficient space in appropriate locations for a variety of uses according to the respective environmental requirements, to promote the conservation of historic sites and districts, open space, energy resources and valuable natural

resources through proper land use and prevent the degrading of the environment through improper use of land and to encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential development to the site. He said the variances can be granted under c-1 and c-2 requirements. He said lot 24 will technically require a variance for lot frontage but would be supported as being an efficient use of land. Undersized lot 25 and off tract affordable housing were determined to require variances. Engineer Hurless said city ordinance allows the flexibility of affordable housing on-site or off-site.

Engineer Hurless asked why not consolidate lot 25 with block 1188. Planner Rahenkamp explained it is a better practice to not have constrained lands that would be under control of DEP and deed restrictions in private ownership at the same time. It is better to have the additional land that is being constrained by any DEP restriction to be off lot. He said a variance for the undersized lot could be granted for the same reasons as the testimony previously given. Lots 23, 24 and 25 will be maintained and owned by the homeowners association.

Board members were allotted time for questions of Planner Rahenkamp. Member Reed expressed concern about the water supply. Member Riggs clarified the question to be about the infrastructure. Member Reed wondered about the impact of pools and multiple bathrooms on the city and homeowners insurance. Attorney Monzo and Engineer Nader did not believe there would be a problem for property owners to obtain insurance. Engineer Hurless has verified that the Water Department has reviewed the application, and the applicant has implemented any concerns into their plans.

Member Lundholm asked about the driving surface to the gate. It was determined that the surface would need to be solid and city emergency personnel and the homeowners association will have keys to the gate. Member Lundholm asked that the width and emergency access road details be reviewed by the Fire Chief for his approval. Engineer Nader said there is no parking in the cul de sac and the design has been done in accordance with Residential Site Improvement Standards (RSIS), which supersede our ordinance. Engineer Hurless said the load must be able to hold the truck of the highest weight. Member Riggs showed the Fire Department report to Engineer Nader, and Engineer Nader said they will comply with the fire hydrant conditions.

Deputy Mayor McDade and Councilmember Bodnar thought the affording housing offsite will contribute to the housing situation in town and strongly suggested being prepared when bringing plans to City Council. Planner Rahenkamp said they will formulate a rational phasing plan and can create residential properties, which were once empty stores or empty industrial buildings, and thereby creating net new units within the community.

Attorney Monzo asked Engineer Nader to comment on stormwater impact. Engineer Nader said there is no adverse stormwater impact on neighbors and explained the stormwater system in detail.

Engineer Hurless then presented his memorandum dated May 6, 2026, including his completeness review, and the waivers to be a provided prior to final major subdivision approval. He detailed the four variances for lot frontage (lot 24), retaining wall height, lot size (lot 25) and offsite affordable housing.

There was a protracted discussion on the blocks listed in the application: 1178, 1179, 1188 and 1189. Attorney Monzo said the four blocks were included in the application, but the blocks 1188 and 1189 were not in the subdivision plans. Solicitor Greenbaum said all four blocks were included in the application.

A short break was taken at 8:37 PM.

The meeting resumed at 8:47 PM.

Attorney Monzo said the applicant has no intention of adding additional residential development. They would rather have the DEP work out those issues. Whatever is determined is subject to a conservation easement, with which they will agree and whatever is not needed for infrastructure, will be added to a conservation easement. They prefer to do it when they return for final approval. They will accept the conservation easement that the city wants to the extent those lots are not already restricted by DEP and to the extent they are not needed for infrastructure. There will be no residential development on any of the remaining lands.

Solicitor Greenbaum restated that the applicant has agreed that there will be no further residential development on blocks 1188 and 1189 and Attorney Monzo confirmed.

The General Review Comments 1-44 were reviewed in detail and classified as conditions of approval. Engineer Hurless said that as lots are to be sold off, a deed notice be required that indicates engineering plan, grading plan, drainage plan, individual landscaping plan, and cost of review or covenant that impacts the entire subdivision with wording approved by the Board Engineer and City Engineer. Item 9 was revised to remove the word paver to allow the homeowner the choice of driveway surface to comply with RSIS. Item 16 was struck, item 18 included no parking signs in the cul de sac, item 23 was revised to include Environmental Commission approval of the species to be recommended and incorporated into the design, item 26 was revised to show the sidewalk width of 4' has been indicated in the plan and the requirement that retaining wall be constructed by the developer was an added condition. Engineer Hurless advised the Police and Public Works Departments recommended approval of the project in their report dated May 18, 2026 and May 20, 2026, respectively. The Fire Department recommended approval with the conditions listed in their email April 1, 2026/report dated May 19, 2026, and the applicant agreed to comply with the recommendations. Engineer Hurless asked that signs prohibiting disturbance in the wetlands areas be provided along the buffer boundaries. Attorney Monzo said the applicant accepts the conditions, except as noted.

Board members were allotted time for questions of Engineer Hurless.

Deputy Mayor McDade asked the applicant to consider not developing some of the lots for homes, specifically lots 1, 2, 3, 4, 5, 7, and 8 due to density and the environmentally sensitive area.

Discussion was opened to the public within two hundred feet at 9:19 PM.

Walter DeForest, 1500 Velvento Avenue, expressed concern about the serene area that is home to coyotes and hawks and felt the application will destroy the ecosystem. He objected to the application.

Discussion was opened to the public beyond two hundred feet at 9:27 PM.

Robert DeYoung, 1608 Maryland Avenue, said the high moisture soil makes it unstable for construction, which was part of a statement prepared by his son who could not attend the hearing. He shared Exhibit 0-1, 0-2 and 0-3, photos taken by his neighbor Ken Yates at 1624 Maryland Avenue. He is concerned about water absorption, flooding and migratory birds. Solicitor Greenbaum asked him to provide personal firsthand knowledge about the property. Attorney Monzo asked him to focus on the retaining wall, and Mr. DeYoung responded that he wants to keep the water out. He objected to the application.

Mark Storck, 1629 New York Avenue, said he had ten inches of water in his garage because of Hurricane Sandy. He said the water came from the bay versus the ocean, and it kept pouring over the curb for days. He objected to the application.

Marie Pagliuca, 1620 Maryland Avenue, said the streets flood when it rains and expressed concern about building more infrastructure, the ecosystem and water. She objected to the application.

Stacy Sheehan, 928 Columbia Avenue, asked about CAFRA. Attorney Monzo said a development is subject to CAFRA when the number of residential units reaches 25. Ms. Sheehan would like a wider street and more parking. She objected to the application.

Patricia Gray Hendricks, 108 Trenton Avenue, put on the record of the preservation of the Sewell Tract by decades-long efforts by residents who acted as intervenors during litigation using solely private funds. She said the state purchased the Sewell Tract for preservation and reduced the supply of housing in the area. The applicant's property borders the Sewell Tract, and the market demands increased the value of the land from \$5 million per block to \$25 million per block after the settlement of Sewell Tract. She said the application should be consistent with the master plan and the proposed development would cause increased traffic. She spoke about the landscape, preservation and the value of the land. She objected to the application. Attorney Monzo asked if she restricted the land for conservation while she was on City Council. She replied that she did not say anything about conservation then.

Roz Johnson, 826 Lafayette Street, asked the board to keep the best interest of all of Cape May when making their decision.

Discussion was closed to the public at 9:54 PM.

Attorney Monzo made his closing statement.

Board members were allotted time for comment. Member Crowley commented that the core element of the application is the design of the retaining wall. He is concerned about the wall

construction on low land surrounded on three sides by preserved land and said the wall will have an undetermined effect.

A break was taken at 10:02 PM.

The meeting resumed at 10:05 PM.

Solicitor Greenbaum explained the vote to the board.

Motion made by Deputy Mayor McDade to grant the variance for §525-57D Retaining Wall Height, seconded by Mr. Lundholm and did not carry 4-5. Those in favor: Mr. Gorgone, Mr. Lundholm, Mr. Riggs, Mr. Jones. Those opposing: Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Bezaire. Those abstaining: None.

Members gave reasons for their votes. Member Gorgone agreed with the public. He said the applicant must take a lot of steps and there will be constraints, restrictions and controls of this by-right application. Councilmember Bodnar appreciated the input from the public and thanked counsel for the presentation. He was struck by the scope of the retaining wall. Deputy Mayor McDade said the impact of the wall is unknown, and she has experience of a retaining wall that fell without warning. Mrs. Reed agreed with Councilmember Bodnar and Deputy Mayor McDade. Member Crowley felt the wall should protect the wetlands versus protecting the homes in addition to his previous comments. Member Lundholm thought the wall was less impactful than a slope that could go into the wetlands. Vice Chairperson Jones said the subdivision application is by-right. Chairperson Bezaire thought there could be a redesign that changes the slope to a more natural setting.

Motion made by Deputy Mayor McDade to grant approval for preliminary major subdivision and §525-14B(1) Table 1 Lot Frontage – Lot 24, §525-14B(1) Table 1 Lot Size – Lot 25 and Off-Tract Affordable Housing variances, seconded by Mr. Riggs and did not carry 0-9. Those in favor: None. Those opposing: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Lundholm, Mr. Riggs, Mr. Jones, Mr. Bezaire. Those abstaining: None.

Discussion:

Payment of Bills

Motion made by Deputy Mayor McDade to approve the payment of bills, seconded by Mr. Padussis and carried 9-0. Those in favor: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Lundholm, Mr. Riggs, Mr. Jones, Mr. Bezaire. Those opposing: None. Those abstaining: None.

Motion made to adjourn by Mr. Riggs at 10:20 PM with all in favor.

Respectfully submitted: Karen Keenan, Board Secretary