

City of Cape May Planning Board Meeting Minutes
Tuesday, January 26, 2016

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairman William 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	Absent - Excused
	Mr. Jones	Present
	Mayor Dr. Mahaney	Present
	Mr. Picard	Present
	Mr. Elwell	Present
	Dr. France	Absent - Excused
	Councilperson Swain	Present
	Mr. Winkworth	Absent - Excused
	Mr. Macciocchi, 1 ST Alternate	Present

Also Present: Richard King, Esquire – Board Solicitor
Craig Hurless, PE, PP, CME Associate – Polistina & Associates
Anthony Monzo, Esquire – City Solicitor
Erin Burke, Board Assistant

Business:

Discussion was undertaken regarding the proposed **Ordinance 300-2016** – An Ordinance of the City of Cape May, introduced by City Council on January 5, 2016, amending Chapter 525-5 and 525-6 of the Revised General Ordinance of the City of Cape May. The Council forwarded this ordinance to the Planning Board for review to certify its consistency with the Master Plan of the City of Cape May. The purpose of this ordinance is to designate all of blocks 1177, 1178, 1188, and 1189 into the R-1 District. Planning Board Engineer Craig Hurless presented the Board with copies of the old Zoning Map from 1992 and a draft of the new Zoning map that will hopefully be adopted in the near future. Mr. Monzo detailed the history of the Sewell Point Tract and the blocks within, most of which are owned by East Cape May Associates. He described the prolonged litigation between East Cape May Associates and the Department of Environmental Protection as a result of the denial of a CAFRA (Coastal Area Facility Review Act) permit following the receipt of Planning Board approvals for the development of 366 single-family units. The City of Cape May had an obligation based on an agreement that was reached several years earlier to provide all of the infrastructure for the entire tract at a cost of approximately \$10 million. A settlement agreement was reached in 2009 in which the City was relieved of its obligation to provide the infrastructure, and was allocated \$2.2 million of Green Acres grant funds. The City matched those funds through a \$2 million dollar Open Space grant by the County of Cape May, resulting in the City contributing only \$200,000.00 from its Open Space grant fund. The DEP agreed to contribute \$2.6 million in exchange for development of

approximately 20% of the tract. Mr. Monzo explained this all in length. The settlement agreement that was approved by City Council at their Reorganization meeting on July 1, 2009, required as a condition that the City adopt a Zoning Ordinance to accommodate development within the tract. The blocks in question (1177, 1178, 1188, and 1189) were privately owned, and originally designated in the RC(PW) (Residential Cluster Preserved Wetlands) district. In 2010, the City adopted Zoning Ordinance 198-2010, which was consistent with the settlement agreement, that eliminated the RC district and created the PRC (Planned Residential Conservation). The PRC (O) (Planned Residential Conservation Overlay) district overlaying the PRC district was adopted to accommodate the affordable housing units that were planned. Mr. Monzo explained that when the PRC district was adopted, it was never intended for any lands to be included in that district other than those owned by the East Cape May Associates. As a result, the four (4) blocks in question were omitted from the PRC district, and therefore are still assigned to the non-existent RC (PW) district. The intent of the proposed Ordinance 300-2016 is to correct the error that was made when the original ordinance was adopted, and put blocks 1177, 1178, 1188, and 1189 in the R-1 Low Density Residential District (which is the general zoning scheme for that part of Cape May).

Board Engineer Craig Hurless then gave a brief zoning analysis and detailed his review of the proposed ordinance and Master Plan Reexamination. Prior to the adoption of Zoning Ordinance 198-2010, the blocks in question were assigned to the RC zone which allowed for 10,000 square foot lots but included a 40% open space requirement for the tract. After the passing of the aforementioned ordinance, the subject blocks were designated to the PRC district which allowed for 8,000 square foot lots and required a 95 acre tract size, also with required open space land area. In the R-1 District (the proposed district for the four (4) blocks in question) would have a lot area of 9,375 square foot minimum and lot coverage of 30% maximum, with no open space set aside. Mr. Hurless explained that including the four (4) blocks in the R-1 District would be appropriate as it is the least dense residential district within the City. The reason the City has larger lot sizes in East Cape May is due to the sensitivity to the environmental constraints and wetlands in the area. Mr. Hurless recommended that the Planning Board maintain the "PW (Preserved Wetlands)" designation along with the R-1 designation because it denotes that there is environmentally sensitive land in that area, and therefore the public must conform with the governmental regulations that exist for the area. When questions arose from the Planning Board regarding the "PW" district designation, Mr. Hurless read directly from "**§525-58 — Common Development Standards**" of the City of Cape May Code Book under letter "**(F.) Preserved Wetlands**" for explanation. Mr. Hurless stated that he is of the opinion that the R-1 District is consistent with the development patterns and complements the sensitive nature of the area. He affirmed that the designation of Blocks 1177, 1178, 1188, and 1189 in the R-1 District is consistent with the land use plan element and housing plan element of the Master Plan of the city of Cape May.

Member Michael Jones questioned whether or not the appropriate public has been or will be noticed of the proposed district change. Mr. Monzo stated that he had spoken to the City Clerk regard noticing.

Referring to a portion of the map that members were questioning located directly across from the Beach Club — Mayor Dr. Mahaney explained that the lots being questioned were privately

owned. The City originally thought that development on those lots would not be feasible due to the wetlands and Mosquito Commission trenches existing on or near those lots. The private owners of those lots ultimately went to the Department of Environmental Protection and negotiated development of the lots.

Board members asked for clarification regarding certain designations and areas depicted on both the old and updated Zoning Maps Mr. Hurless provided for the meeting. Mr. Hurless explained that the updated map provided was a draft, awaiting final editing. If and when City Council adopts Ordinance 300-2016, Mr. Hurless will have to further update the Zoning Map to reflect the changes. Once final revisions are made, Mr. Hurless stated that he will provide the Board with an updated Zoning Map for comment and review prior to the formal adoption process.

Mayor Dr. Mahaney stressed the importance of bringing the Zoning Map up to date, specifically in reference to the ongoing relationships the City has with state and federal agencies for certain projects and approvals. Mr. Hurless expounded on the Mayor's statement, emphasizing the need for consistency within the City's planning elements and documents.

Motion was made by Mr. Jones that the proposed Ordinance 300-2016 is consistent with the Master Plan, and the Planning Board favorably recommends it move forward to City Council. The motion was seconded by Mr. Picard, and carried 7-0. Those in favor: Mr. Elwell, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Macciocchi, and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion to adjourn was made by Mr. Elwell at 7:35 pm with all in favor.

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

Respectfully submitted: Erin Burke, Board Secretary.