

**City of Cape May Planning Board Meeting Minutes  
Tuesday, February 28, 2017**

**Opening:** The meeting of the City of Cape May Planning Board was called to order by Chairman William Bezaire at 6:30 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
	Mr. Elwell	Present
	Dr. France	Absent-Excused
	Councilmember Hendricks	Present
	Mr. Inderwies	Absent-Excused
	Mr. Jones	Present
	Mayor Lear	Present
	Mr. Picard	Present
	Mr. Macciocchi (Alt. 1)	Present
	Dr. Maslow (Alt. 2)	Present

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

**Minutes:**

**Motion was made by Councilmember Hendricks to approve the minutes from the January 10, 2017 Planning Board Meeting**, seconded by Mr. Elwell and **carried 9-0**. Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Dr. Maslow, Mr. Shuler, Mr. Bezaire. Those opposing: None. Those abstaining: None.

**Resolutions:**

**Motion was made by Mr. Elwell to adopt Resolution Number 02-28-2017:1 Palavest, LLC., "Icona Cape May" - Signage and Pool/Additions, 1101 Beach Avenue, Block 1115, Lot(s) 1, 2, 3, 32, 33**, seconded by Mr. Picard, and **carried 8-0**. Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Mr. Shuler. Those opposing: None. Those abstaining: Mr. Bezaire.

**Motion was made by Mr. Jones to adopt Resolution Number 02-28-2017:2 Gertrude Woehlcke Trust c/o Richard Woehlcke, Trustee, 1235-1239 Lafayette Street, Block 1061, Lot(s) 92, 93**, seconded by Mr. Elwell, and **carried 9-0**. Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Dr. Maslow, Mr. Shuler, Mr. Bezaire. Those opposing: None. Those abstaining: None.

## **Discussion:**

Discussion was undertaken by the Board members and professionals regarding resolution 12-08-2016:3 Zoning Board of Adjustment Report and 02-23-2017:5 2016 Zoning Board of Adjustment report. In summary, these resolutions cite that the Zoning Board has found that it is frequently presented with applications seeking to demolish structures on existing undersized lots, and rebuild homes that are completely compliant to all the bulk, zoning, and flood regulations. These applicants must go before the Zoning Board only for variances for lot size/lot width/lot frontage, due to the existing undersized nature of the lot in question. The Planning Board considered the Zoning Board's recommendation that Ordinance §525-72 "Expansion of Non-Conforming Structures and Structures on Non-Conforming Lots" so as to eliminate the need for variances under the circumstances described above. The Planning Board also considered a letter dated February 23, 2017 from Lou Vito, Jr, City of Cape May Construction Official/Zoning Officer (attached). In this letter, Mr. Vito echoes the recommendations of the Zoning Board. Discussion among the Planning Board members and professionals ensued regarding the possible benefits and detriments to amending the above-mentioned Ordinance.

**Motion was made by Mr. Elwell that the Planning Board Attorney and Engineer create a document recommending the amendment of §525-72 of the City of Cape May Codebook,** seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Dr. Maslow, Mr. Shuler, Mr. Bezaire. Those opposing: None. Those abstaining: None.

Discussion then turned to a different section of the same above-discussed Ordinance §525-72 dealing with Zoning Review (section E). Extensive dialogue was undertaken regarding the ambiguity of this section. The Board members and professionals discussed the varying interpretations of this section. One interpretation is that once a non-conformity on a property exists as a result of variance relief from either the Planning or Zoning Board, then any further expansion would necessitate Board approval. Another interpretation of this section is that only expansion upon the portion of the property/structure for which a variance was granted would result in the applicant having to seek approval from either Board. After much discussion, Board Attorney Richard King, Esquire, concluded that this section of the Ordinance could be re-worded for clarification.

**Motion was made by Mr. Shuler that the Planning Board Attorney and Engineer create a document recommending the amendment of §525-72 of the City of Cape May Codebook, specifically section (E) Zoning Review for clarification purposes,** seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Dr. Maslow, Mr. Shuler, Mr. Bezaire. Those opposing: None. Those abstaining: None.

Mr. Bezaire then gave a brief summary of the Master Plan Subcommittee meeting on February 21, 2017 (minutes attached). The Board discussed whether to complete a whole Master Plan, or just a re-examination. Mr. Bezaire cited that letters have been sent to the Historic Preservation Commission, Shade Tree Commission, and Environmental Commission requesting that they

review their specific sections or elements of the most recent Master Plan Reexamination, and provide the Planning and Zoning Board Assistant with any recommendations or amendments by April 2017.

**Motion was made to adjourn at 7:30 PM with all in favor.**

**Respectfully Submitted, Erin Burke/Board Assistant.**