City of Cape May Planning Board Meeting Minutes  
Tuesday, April 9, 2019

Opening:  The meeting of the City of Cape May Planning Board was called to order by Chairman Bill Bezair at 6:30 PM. In compliance with the Open Public Meetings Act, adequate notice was provided.

Roll Call:  
- Mr. Bezaire, Chairperson  
  Absent - excused
- Mr. Shuler, Vice Chairperson  
  Present
- Mr. Elwell  
  Present
- Mr. Macciocchi  
  Present
- Deputy Mayor Hendricks  
  Present
- Mr. Inderwies  
  Present
- Mr. Jones  
  Present
- Mayor Lear  
  Present
- Dr. Maslow  
  Present
- Dr. Wolf  
  Alt #1  
  Present
- Mr. Martz  
  Alt #2  
  Present

Also Present:  Richard King, Esquire - Board Solicitor  
Craig Hurless - Board Engineer  
Edie Kopsitz – Acting Board Assistant

Application:

Cape Real Estate Developers, LLC  
1024 Washington Street  
Block 1110, Lot 12

Prior to the start of presentation of the application, Board Solicitor King spoke about a board member who is Vice President of the Tennis Association, a property neighboring the applicant. Mr. King explained that even though he is not a landowner, someone has to speak for the organization. Normally it is preferred that the board member be represented by another, but it cannot always be done. Since the board member is in a leadership position and also intends to speak regarding the application, he has to recuse himself. Just because one is a board member, it does not mean you have to give up the right to exercise your First Amendment privileges. Board members can speak, but they must step down. When they come up, you are not to give their testimony any more weight to them than any member of the public. Board members are not supposed to claim any expertise as to what the board should or should not do based on their experience on the board, but they can express what affects them and/or their organization. Mr. King stated that it is his policy is to allow them to speak and be liberal with them. Mr. King asked that board members try to limit their presentation to factual impact of the application on them as an adjacent owner or as an impacted person and not try to influence the board in any way or claim any particular expertise or influence as a result of their being on the board. Mr. King offered to send a memo he has prepared on this issue to any interested board member. Mr. King made Mr. Gelzunas aware that two other board members are members of the Tennis Association and that
Mr. King did not view the membership as disqualifying. Mr. Gelzunas stated that all are acceptable.

*Mr. Martz recused himself from the application.*

Mr. Ronald Gelzunas, Esquire, Professional Engineer, Vince Orlando, Scott Peter, Property Owner, and Board Engineer, Craig Hurless, were sworn in for the record.

Mr. Ronald Gelzunas, Esq., detailed the property location on Washington Street and stated that Mr. Peter is the contract purchaser for the property contingent on the approvals sought tonight to subdivide the lot to construct two single family homes. Mr. Gelzunas established that conceptual approval has been granted by the Historic Preservation Commission. Mr. Gelzunas submitted Exhibits A1-3 photos of 1035 Washington Street which was recently built by Mr. Peter and 1024 Washington Street as it exists today and is proposed to be demolished. Exhibit A4 is a color rendering of a red house and Exhibit A5 is a color rendering of a blue house.

Mr. Peter described the property he developed at 1035 Washington Street in 2017. He said it is difficult to tell when the house was built as it fits in with the streetscape. The 1035 Washington lot is 66 x 140, and the current proposed lots are 73 feet wide. He worked with the HPC to design structures similar in historical context including porches. One proposed home is colonial style; the other is craftsman style with designs that step down as they move away from the larger Physick Estate, as suggested by the HPC which also was not against the demolition of the existing home on the lot. The actual square footage of each lot was discussed with Craig Hurless indicating that the Habitable Floor Area on the Lot 12 house is 2489 and the Lot 12.01 house is 2744. The applicant confirmed that is what they intend to build.

The applicant’s engineer, Vince Orlando, indicated that existing on the lot is a home he describes as a 1960s style constructed building with preexisting non-conforming setback very close to the tennis courts. The subdivision of this property will result in two lots which comply except area. The area required is 7500, and the proposed lots are 7285 which is less than 3% nonconforming. Mr. Orlando presented that the application is supported regarding zoning under both the C1 and C2 criteria and promotes light, air and open space as they are not asking for other relief on the lot relating to bulk standards and are removing a structure that violates the rear setback.

Craig Hurless testified as the Board Engineer and indicated that the plans require a storm water system. The applicant agreed to install a storm water system. Mr. Hurless outlined his 3/19/19 review memorandum. Applicant has applied for a minor subdivision, C2 variances and a site plan waiver which is not required. There is no need to grant site plan waiver. He reviewed the Completeness Review on pages 2 and 3 and the Details Required for Minor Subdivision Approval. He addressed the zoning requirements for the R-2 District listed on page 4 and indicated that all of the bulk area requirements have been met with the exception of lot size of 7500 square feet per lot being required in the zone whereas 7285 square feet per lot is being requested. These are the two variances that are necessary. The applicant has testified that this is a better zoning alternative. Regarding the table on page 4, Mr. Hurless noted that the rear setback for lot 12 is nonconforming, and the A/C unit platform must be relocated to conform, and the applicant agreed to relocate the A/C unit platform. Mr. Hurless went on present his General Review Comments on pages 5 and 6 regarding flood elevation, relocation of the A/C platform, swimming pools have been indicated as...
optional on the plan; the pools do not meet the 10 foot setbacks; pools would have to comply to §525-61A, the sight triangles that must be provided; grading and drainage plan requirements including a minimum of 50 feet around the property including that the path of run off does not affect the tennis courts or any other adjoining property; the requirement to submit a landscaping and vegetation plan to the Construction/Zoning Official; efforts should be made to keep existing trees greater than 3” in diameter and, if unable to keep those trees, a two for one replacement should be required; sidewalk is to be replaced adjacent to the site; new driveways are required and are to be submitted to the Superintendent of Streets and Roads; City Sewer and Water Department approval is required; performance guarantees and inspection escrow must be provided in accordance with the law; requirement of inspection escrow and certificate of occupancy until the developer’s engineer signs off on the correctness and accuracy of all site improvements; evidence of City Tax Assessor’s approval of the lot numbers; minor subdivision plan will be reviewed for compliance with the Title Recordation Act by the Board; the proposed monuments required by law must be in compliance; evidence of final HPC approval will be required; the applicant will comply with any Shade Tree Commission requirements; any state, county and local approvals must be obtained by the applicant; the applicant is required to comply with applicable affordable housing requirements; and the applicant is required to submit the requisite number of copies of compliance plans if the board grants approval.

Discussion was opened to the public within 200 feet at 7:30 PM.

Robert L. Boyd, 1009 Washington Street was sworn in. Mr. Boyd asked the intent of the owner and Mr. Peter stated he is the contract purchaser and most of his clients do not rent the homes he sells to them. Mr. Boyd described the difficulty he has finding a place to park and his concerns about congestion and flooding in front of his home.

Jill Bremer, 1035 Washington Street stated that she purchased her home from Scott Peter and has received many compliments on the home, which has been featured on the Mid Atlantic Center for the Art’s Candlelight Tour. She said that she would never rent her home and that many people have been surprised that the home is a new build. Mrs. Bremer reported that she is a year-round resident and feels the home is perfect in the neighborhood.

Carol Boyd, 1009 Washington Street expressed her concern about density in Cape May.

David Martz, 1163 Indiana Avenue remarked that he intended to speak on behalf of himself. As Mr. Martz is a Board Member, Board Solicitor King read the Cox ruling into the record regarding board members speaking about an application so as to not use the position to gain favor. Mr. King also spoke about allowing a board member to speak with a focus on the impact on them especially if their property is within 200 feet. Mr. King asked Mr. Martz if the impact is to the neighboring Tennis Association or himself. Mr. Martz withdrew his comments.

Discussion was closed to the public at 7:58 PM.

Comments by the Board included whether just one home on the lot would not be more appropriate due to density concerns and expressed positive comments on 1035 Washington Street. Also expressed was the addition of pools on these lots on top of the density, congestion, and noise.
concerns. Mr. Peter agreed to eliminate the pools if the board grants the approval for the subdivision.

Applicant Attorney Ronald Gelzunas made his closing comments and offered the scenarios if this application is not approved plus stressed the agreeability of the applicant to amend his plan to the Board’s wishes.

Motion made by Dr. Wolf to approve the minor subdivision with one variance for lot area with the conditions and waivers set forth in the March 19, 2019 memorandum from Board Engineer Craig R. Hurless Mr. Hurless, PE, PP, CME with the additional condition that there will be no swimming pools at either of the structures/homes and that it is in the deeds seconded by Dr. Maslow and carried 6-3. Those in favor: Mr. Macciocchi, Deputy Mayor Hendricks, Mr. Jones, Mayor Lear, Dr. Maslow, Dr. Wolf. Those opposed: Mr. Inderwies, Mr. Elwell, Mr. Shuler. Those abstaining: None.

Motion made to adjourn by Mr. Shuler at 8:30 pm with all in favor.

Meeting was conducted by: Edie Kopsitz, Acting Board Assistant

Respectfully submitted: Karen Keenan, Board Secretary

**Copy of presentation available on the City of Cape May website.**