

**City of Cape May Planning Board Meeting Minutes  
Tuesday, July 10, 2018**

**Opening:** The meeting of the City of Cape May Planning Board was called to order by Chairman Bill 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
	Mr. Macciocchi	Present
	Councilmember 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  
Tricia Oliver - Board Assistant

**Minutes:**

**Motion was made by Councilmember Hendricks to adopt the meeting minutes from May 8, 2018,** seconded by Dr. Maslow and **carried 6-0.** Those in favor: Councilmember Hendricks, Mr. Inderwies, Mayor Lear, Dr. Maslow, Mr. Shuler, Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Elwell, Mr. Macchiocchi, Mr. Jones.

**Resolutions:**

**Motion was made by Mr. Inderwies to adopt Resolution number 07-10-2018: 1, *Andrew F. Drake, 1302 Texas Avenue, Block 1159, Lot(s) 3, 4, & 5,*** seconded by Dr. Maslow and **carried 4-0.** Those in favor: Councilmember Hendricks, Mr. Inderwies, Dr. Maslow, Mr. Shuler. Those opposing: None. Those abstaining: Mr. Elwell, Mr. Macchiocchi, Mr. Jones, Mayor Lear, Mr. Bezaire.

**Applications:**

*Thomas DiDonato  
1105 Pittsburgh Avenue  
Block 1172, Lot(s) 4*

Christopher Baylinson, Esquire, Vincent Orlando, EDA, Professional Planner, and Mr. Thomas DiDonato, property owner, as well as Board Engineer, Craig Hurless, and Sal Perillo, Esq., with the intent to cross examine the applicant's professionals, were sworn in for the record.

The representative for the applicant, Christopher Baylinson, Esquire, gave a brief summary of the existing property, a vacant lot purchased by his client, Mr. Thomas DiDonato. He mentioned the new application before the board which includes 13 total lots has various revisions since the previous preliminary Planning Board approval stated in Resolution #10-10-2017: 2, pending further determination at the appellate court division. The new application does not seek to use any of the roadway in the Harbor Cove community that was in question previously and a total of eleven (11) variances are sought for particular lots within the new site plan.

Mr. Vincent Orlando, Professional Planner, continued the presentation with momentary mention of the 2017 site plan already granted preliminary approval that met bulk requirements due to four (4) lots fronting onto Harbor Cove. Mr. Orlando detailed the new site plan, including specific mention of new lots indicated as 4.01, 4.02, 4.03, and 4.04 on the presented site plan. These four lots are proposed to have one shared private driveway and he explained that particular variances sought are indicative of the access to these particular lots as to not access Harbor Cove. He briefly stated an overview of the storm-water management and landscaping plans, as they would be direct responsibilities of the established home owner's association for the development.

Brief discussion was undertaken between the members of the board and the applicant's professionals regarding the "Inclusionary Requirement," and what this means in regards to this particular application requesting only thirteen lots, as opposed to the allowable fifteen lots that could be proposed.

Mr. Orlando described in detail each of the variances requested using the prepared site plan as a reference to show each lot that the particular variance applied to, as not all of the proposed 13 lots require variances. He also mentioned the justification for the C-1 and C-2 variances, reviewing that criteria. A brief explanation of the Floor Area Ratio (FAR) in regard to the new construction on each lot was referenced as it compared to the seemingly non-existent FAR requirements for the homes constructed within the Harbor Cove community. As the presentation continued, Mr. Orlando made specific note that the public present to hear the application (most of which residing within the Harbor Cove community) take a look at the newly proposed site plan, as this strategically does not access the Harbor Cove roadway.

Members of the Planning Board made commentary and questioned the access that safety vehicles would have along the private driveways proposed. This was briefly discussed and it was concluded that a review from Fire Chief, Alex Coulter, would be required for this application, to which the applicant and his professionals agreed. Another topic discussed between the board members and the applicant's professionals was the lot coverage with or without proposed pools within the development.

**The meeting was open to cross examination at 7:40 PM.**

**Sal Perillo, representing Scott and Synda Willand, 23 Harbor Cove,** voiced concerns that his clients have regarding proper input on the application from the Fire Dept., Police Dept., and the Environmental Commission while indicating specific errors that were found on the site plan

prepared by Mr. Stephen Martinelli. It was verified by Board Engineer, Craig Hurless, that errors were in fact present and further clarification was provided. Mr. Perillo continued at length on behalf of his clients.

Board Solicitor, Rich King, Esq., quoted the court holding decision of Judge Mendez regarding the calculation of lot size for this particular development.

Board Engineer, Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated April 25, 2018. Mr. Hurless explained the eleven (11) variances required in detail (page 8 of 14):

1. §525-14B(1) Table 1 - Rear Yard Setback – Lots 4.01-4.04
2. §525-14B(2) - Lot Coverage – Lots 4.05-4.11 & 4.12

The Requirements for “C” Variances and Major Subdivision Approval were reviewed (pages 3 & 4 of 14), as well as General Review Comments 1-39 were reviewed and explained in detail, and all items were classified as conditions of approval.

**Discussion was opened to the public within 200 ft. and beyond at 8:43 PM.**

**George Via, 35 Harbor Cove**, voiced his negative opinion in regard to how many lots were being proposed with the application, which in his opinion changes the character of Cape May that is so appealing.

**Charlene Mayer, 1005 Pittsburgh Avenue**, was negative regarding the application since it would inevitably cause major congestion around Missouri Avenue.

**Mary Ellen Perillo, 29 Harbor Cove**, voiced concern for the process in which this development will be built, either in phases or all at once, which will cause issues with large trucks in the area. She also mentioned that there is no way to enforce areas for “no parking.”

**Mark Lommano, of 1450 Missouri Avenue, and Kathleen Brown, of 1430 Missouri Avenue**, both made negative commentary regarding the application.

**Frank Geco, 44 Harbor Cove**, (*son in law to home owner*), spoke on behalf of property owner, Mr. Giordano, stating that the drainage and maintenance for the proposed lots was not feasible.

**Ray Keller, 42 Harbor Cove**, stated that it is his belief that the development of the property does not benefit the surrounding area and only benefits Mr. DiDonato. It is also his opinion that the manner in which Mr. DiDonato acquired the property had somehow bypassed proper notice procedure.

**Synda Willand, 23 Harbor Cove**, is concerned that the development would bring many rentals into the area and she voiced negative commentary regarding so.

**Mary McKenney, 33 Harbor Cove and 1005 Pittsburgh**, addressed the public stating that the new proposed plan presented to the board is a vast improvement from the preliminary approval granted in 2017. She pleaded to those present to consider the only other alternative, which was the use of Harbor Cove.

**Nelson Brown, 1430 Missouri Avenue**, made negative commentary regarding the application, speaking at length regarding drainage as it would inevitably effect his property.

**Walt MacDonald, 21 Harbor Cove**, made negative commentary regarding the application.

Board Engineer, Craig Hurless, clarified to the public commentators the responsibility that the established Home Owner's Association would have in regard to maintenance of the property for the drainage especially.

**Discussion was closed to the public at 9:26 PM.**

**A short recess was taken at 9:26 PM.**

**The meeting returned at 9:35 PM.**

Representative, Chris Baylinson, Esq., stated in closing that the proposed plan before the membership was the attempt of Mr. DiDonato to appease the public due to the outcry of commentary from the last hearing for the same subject property. It was the request of Mr. Baylinson, on behalf of his client, to table the application to be heard for decision of the board no later than 90 days of the present date, subject to re-noticing as per Municipal Land Use Law requires.

**Motion was made by Councilmember Hendricks to table the application**, seconded by Dr. Maslow and **carried 9-0**. Those in favor: Mr. Elwell, Mr. Macchiocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Shuler, Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Motion made to adjourn by Mr. Inderwies at 9:45 PM, with all in favor.**

**Respectfully submitted: Tricia Oliver, Board Assistant.**

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