

**City of Cape May Planning Board Meeting Minutes
Tuesday, August 14, 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.

Roll Call:	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	Absent - excused

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 June 12, 2018, seconded by Mr. Jones and **carried 7-0.** Those in favor: Mr. Macchiocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Shuler. Those opposed: None. Those abstaining: Mr. Elwell, Mr. Bezaire.

Motion was made by Mr. Elwell to adopt the meeting minutes from June 26, 2018, 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.

Applications:

***Cape Jetty, LLC – Extension of Approval
12 Second Avenue
Block 1012, Lot(s) 15.01***

**Mr. Bezaire and Dr. Maslow recused themselves from the application. Mr. Shuler stepped in as acting Chair for the application.*

Richard Hluchan, Esquire, Vincent Orlando, EDA, Professional Planner, and Mr. Manny DeMutis, property owner, as well as Board Engineer, Craig Hurless, were sworn in for the record.

Mr. Hluchan briefly explained the previously granted approvals, including the transfer of the property on lot 15.02, which is now constructed with a single family dwelling, and not a part of the application any longer. He continued on to mention that the extension of approvals was exactly the same as the 2010 application heard before the Planning Board. The new extension, Mr. Hluchan stated, is requested until June 30, 2019, at which time, it is his understanding that the CAFRA permitting process that is currently pending for the site would be complete and within the years' time, the applicant would return to the Planning Board for final site plan approval.

Mr. Vince Orlando, further explained that the initial comment from the first CAFRA submission was negative and it took roughly 6-8 month to get extensive work done at the site in order to submit again to CAFRA. He continued to state that CAFRA has no major issues with the application submitted in May 2018, but the survey work that was required at the site was much more extensive than anticipated at the State level. Again, Mr. Orlando assured that he is confident that this process would be complete well before the extension date in order for the application to return to the board for final site plan approval.

Board Engineer, Craig Hurless, PE, PP, CME, then quickly summarized his latest memorandum dated July 6, 2018. Mr. Hurless briefly explained the previously granted two (2) variances required (page 5 of 5):

1. N.J.S.A. 40:55D-35 - Permit to Build on Lot not abutting a Street
2. §525-24B(1) Table 2 - Side Yard Setback

General Review Comments 1-4 were reviewed and briefly explained, with all items classified as conditions of approval, as per conditions of approval made part of resolution 7-13-2010.

Discussion was opened to the public within 200 ft. and beyond at 6:46 PM.

Joe Schlitzer, 19 Second Avenue, questioned the number of extensions that the application is legally allowed and his concerns for parking.

*Mr. Hluchan responded to Mr. Schlitzer's concerns for parking, explaining that no changes are requested to the original approval from 2010.

Rich Johnson, 305 S. Beach Avenue, questioned the letter of public notice that was sent to the surrounding neighbors regarding the current hearing, since it mentioned possible additional variances.

*Clarification was given by Mr. Hluchan, as well as Board Engineer, Craig Hurless, that no changes to the original approvals was made with the current application.

Discussion was closed to the public at 7:00 PM.

Motion made by Mr. Elwell to approve the approval extension as presented with the withstanding preliminary approval and final site plan approval by June 30, 2019; subject to all conditions of approval made part of Resolution No. 7-13-2010 as discussed at the hearing

and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated July 6, 2018 seconded by Mr. Inderwies and **carried 8-0**. Those in favor: Mr. Elwell, Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Wolf, Mr. Shuler. Those opposed: None. Those abstaining: None.

**Mr. Bezaire and Dr. Maslow re-entered the meeting. Mr. Bezaire took over as acting Chair.*

Discussion:

Discussion was undertaken by the Board and their professionals regarding Cape May City Ordinance 359-2018: An Ordinance Amending the City of Cape May's Affordable Housing Ordinance in Compliance with the City's COAH Settlement. As lead by Board Engineer, Craig Hurless, the board was explained the revision of the current ordinance and the process of Fair Share Housing certifications. Mr. Hurless went on to explain that moving forward it was determined that COAH/Affordable Housing issues would be dealt with at a Court level, not within a municipality.

Mr. Hurless spoke at length regarding Affordable Housing changes and revisions that effect the City.

Board Solicitor, Rich King, clarified to the membership that was their role to determine if the revisions to the ordinance are in fact consistent with the City's Master Plan.

Motion made by Councilmember Hendricks to support the revisions to Ordinance 359-2018, with the recommendation of the inclusion of off-site regulation of construction and architectural features of those homes (ref. §59-43(D)2), seconded by Dr. Wolf and **carried 9-0**. Those in favor: Mr. Elwell, Mr. Macciocchi, 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 Councilmember Hendricks at 7:55 PM, with all in favor.

Respectfully submitted: Tricia Oliver, Board Assistant.

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