

City of Cape May Planning Board Meeting Minutes
Tuesday, September 22, 2026

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairperson Bezaire at 6:00 PM in the City Hall Auditorium. In compliance with the Open Public Meetings Act, adequate notice was provided.

Roll Call:	Mr. Bezaire, Chairperson	Present
	Mr. Jones, Vice Chairperson	Present
	Councilmember Bodnar	Present
	Mr. Crowley	Present
	Mr. Gorgone	Present
	Mr. Lundholm	Present
	Deputy Mayor McDade	Present
	Mrs. Reed	Present
	Mr. Riggs	Present
	Mr. Padussis Alt # 1	Present
	Mr. Crippen Alt # 2	Present

Also Present: Richard King, Esquire, Board Solicitor
Craig Hurless, Board Engineer and Planner
Karen Keenan, Board Secretary

Resolution(s):

Motion made by Deputy Mayor McDade to adopt Resolution number 09-22-2026: 1 Joseph & Carole McCarraher, 701 & 703 Beach Avenue, Block 1062 Lot(s) 6, seconded by Mr. Riggs and **carried 6-0.** Those in favor: Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Riggs, Mr. Bezaire. Those opposing: None. Those abstaining: Mr. Gorgone, Mr. Lundholm, Mr. Jones.

Motion made by Deputy Mayor McDade to adopt Resolution number 09-22-2026: 2 7 Ocean LLC, 7 & 10 Ocean Street, Block 1056 Lot(s) 13.02 & Block 1047 Lot(s) 5, seconded by Mr. Riggs and **carried 6-0.** Those in favor: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Riggs, Mr. Bezaire. Those opposing: None. Those abstaining: Mr. Crowley, Mr. Lundholm, Mr. Jones.

Minutes:

Motion made by Deputy Mayor McDade to approve the meeting minutes of August 25, 2026, seconded by Mr. Crowley and **carried 6-0.** Those in favor: Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Riggs, Mr. Bezaire. Those opposing: None. Those abstaining: Mr. Gorgone, Mr. Lundholm, Mr. Jones.

Motion made by Deputy Mayor McDade to approve the meeting minutes of September 8, 2026, seconded by Mrs. Reed and **carried 8-0**. Those in favor: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Crowley, Mr. Lundholm, Mr. Jones, Mr. Bezaire. Those opposing: None. Those abstaining: Mr. Riggs.

Application:

RAJ Realty Investments LLC

1501 Maryland & Idaho Avenues, Block 1177 Lot(s) 1

1501 Idaho & Cape May Avenues, Block 1178 Lot(s) 1

Chairperson Bezaire asked that the application and the report of Board Engineer and Planner Craig Hurless be presented before any questions by the board, unless any member has serious questions.

Attorney Anthony Monzo of Monzo Catanese DeLollis PC introduced the application seeking preliminary major subdivision approval to create 21 residential lots and one remainder lot with no development proposed. RAJ Realty Investments LLC Owner Rob Atasanov, who has owned the property for about forty years and was seated in the audience, Professional Engineer Wassim Nader of Nader House of Design, and Board Engineer and Planner Craig Hurless were sworn in by Solicitor King.

Attorney Monzo described the property consisting of two full city blocks along Maryland Avenue in the R-1 Low Density Residential District with a preserved wetlands overlay. He said the application meets the bulk requirements, and the one additional lot 22 in the center of the development lot will be deed restricted for conservation purposes. Attorney Monzo said the property is not part of the Sewell Tract that was litigated through East Cape May Associates. He said the application meets the zoning standards for the preserved wetlands overlay and will meet or exceed the state Department of Environmental Protection (DEP) regulations for development adjacent to wetlands. He said there is no filling of wetlands contemplated. He explained that the DEP issued a letter of interpretation that established the boundary lines of the wetlands on the site and established a 150 foot buffer based on a determination that the wetlands on the site are suitable for threatened and endangered species. They did not agree with the interpretation but will adhere to the determination and said there was no finding or documented threat of endangered species at the site.

Attorney Monzo explained that the Velvento Avenue project was approved with a fifty-foot transition area/buffer based on the determination that there are no areas that are suitable for threatened and endangered species north of Velvento, which is the location of the applicant's property and a difference from the DEP 2025 determination. He said they are meeting the 150-foot buffer, except for the transition area waivers to be requested, with some buffer averaging consistent with DEP rules if the application is approved.

Attorney Monzo understood that there are concerns over wetlands and flooding. He said there is no plan to fill wetlands or violate the DEP transition area requirements other than through permits readily available through DEP rules. Engineer Nader will explain the stormwater management plan and the landscaping plan. Attorney Monzo said it is customary to obtain Planning Board

approval before seeking DEP approval and City Council vacation of streets approval. He added that the streets are suitable for vacation, as they lead nowhere with the land around them preserved open space. He explained the streets legally belong to the owner of the property subject to public right-of-way unless the public right-of-way is no longer needed.

Attorney Monzo said any approval by the Planning Board would include the conditions of obtaining DEP permits, amendment to allow sewer service based on the Water Quality Management Plan and City Council approval to vacate streets. Attorney Monzo said they would provide a homeowner association declaration of covenants as a condition of approval.

Engineer Nader was accepted as an expert in engineering. Engineer Nader referred the board to Exhibit A-1 titled Rendered Subdivision Plan (Drawing C-04R), dated June 9, 2026, which shows a rendering of the updated subdivision that reduces the number of lots by one. He explained the proposed subdivision sits in the direction and along Maryland Avenue, but the rear of the Velvento subdivision Maryland Avenue lots face the Nestling Cedars subdivision.

Engineer Nader described the study of the Velvento project determined that there were no migratory birds or threatened or endangered species in the area which would have yielded that development as an intermediate value wetland and subject to a 150 foot buffer. He referred the board to the green area of Exhibit A-1. The green area represents the location of wetlands dead center to the two blocks proposed for Nestling Cedars. They did not agree with DEP letter of interpretation but decided to proceed.

Engineer Nader said they are not disturbing the wetlands except for the crossing to provide an entrance to the subdivision off Maryland and Brooklyn Avenues or to get to the uplands. He showed the buffer to the wetland. Engineer Nader said they were able to widen the emergency access drive to the cul-de-sac from fifteen feet to twenty feet and explained that the emergency access is controlled by a gate and fence to limit access to emergency personnel only.

Engineer Nader explained that whatever they are disturbing as a result of the subdivision in the rear yards of the proposed lots is allowed by DEP by buffer averaging. He said whatever you take in footprint must be given back in footprint elsewhere on the property and referred to the application Sheet C-05 Landscaping & Grading Plan which includes a table in the lower left corner that depicts what is proposed to be submitted to DEP in the permit applications.

Attorney Monzo advised the board that the DEP June 9, 2025 letter of interpretation is in the Stormwater Management Plan in Appendix C. Solicitor King asked for clarification of the buffer. Attorney Monzo said they are building to comply with the 150 foot buffer area and added that the only relief are some general permits for transition area waivers and buffer averaging. It was clarified that the DEP left the door open to the applicant presenting evidence to support a fifty foot buffer, which the Attorney Monzo said they decided not to pursue. Engineer Nader confirmed the decision to stay with the 150 foot buffer.

Engineer Nader explained the entire retaining wall height was reduced to meet the requirements of no more than two feet. He referred to Sheet C-05 Landscaping & Grading Plan that shows the street trees that line both sides of proposed Sienna Drive and Grayish Court. There are 39 trees

proposed within the right-of-way. Engineer Nader said the lighting includes six streetlights with two at the very beginning of the development, one at the first change in direction, two at the first cul-de-sac and one at the second cul-de-sac. He said they had twelve streetlights in the original design and reduced the number to six based on comments by the Board Engineer. He added that they have no issue reducing or adding streetlights to ensure safety for pedestrians and drivers.

Engineer Nader directed the board to Sheet C-09 Illustrative Construction Details – A which shows a typical lot landscaping plan and said the individual lot site plans would meet the requirements shown at a minimum.

Engineer Nader testified there is no plan to fill the wetlands and said the emergency access drive touches the very tip of the wetlands, as seen on Sheet C-05, to stay within the right-of-way that is allocated and granted through a general permit. He said he is not aware of any threatened or endangered species and has not observed any during numerous visits to the site. He said the site is difficult to walk, and they had to open paths for DEP inspection to verify the location and review for the letter of interpretation.

Engineer Nader testified that the vacation of the paper streets will not result in any landlocked parcels that are developable. He said they have identified an appropriate site to meet the affordable housing requirements and are currently in negotiations with the property owner.

Attorney Monzo asked for comment on the Environmental Commission report. Engineer Nader said they must comply with the DEP standards and regulations, so the design is based on what they allow. He said the sycamore trees they propose are native. He said they are very open minded on the landscaping of the individual lots and will put a note on the plans that the requirements of the city must be met on any site plans. Engineer Nader said water is available to the property, and the emergency access is also for utilities such as water and sewer from the property. They can tie to the existing water and sewer lines on both ends of the proposed property. In response to the comment about the portion of the tract being considered upland and low-lying land with elevations of only five to six feet above sea level and highly flood prone, Engineer Nader said the property is a tidally influenced property subject to impact from the ocean. Any need for stormwater management above and beyond water quality, such as water quantity, is not required by DEP standards. He said DEP requires them to raise the road and the finish floor elevation on the proposed homes above FEMA and city ordinances to have a minimum finish floor elevation of 10.45 feet.

Attorney Monzo said they do not take any exception to Mr. Hurless' review comments.

Engineer Hurless said that the public perception was that development in the area would not occur due to the Sewell Tract settlement. He described the affordable housing report that he prepares for the city including the vacant land analysis. The report does not include this property, as the report is based on the DEP prepared maps, which show this property as environmentally constrained. He said the maps are general and not enforceable, forcing applicants to do site specific analysis to show wetlands and obtain a letter of interpretation from the DEP. The applicant's analysis showed more uplands than expected. He then reviewed his memorandum dated August 21, 2026 and explained that the applicant is seeking preliminary major subdivision approval and

will need to return for final approval in addition to future street vacations of Cape May, Maryland, Idaho and Brooklyn Avenues from the governing body. He explained that a new right-of-way, an extension of Brooklyn Avenue, has been proposed. He described the proposed road as curve linear which ends in a cul-de-sac and includes a utility easement and access way out to Velvento Avenue at the intersection of Maryland Avenue. Engineer Hurless said the lot is not sewerable, so the applicant will need an amendment to the water quality management plan. Any approval by the board would be conditioned on the applicant obtaining the outside approvals, including DEP general permits.

He then described the completeness review and the waivers he supported for submission of any protective covenants or deed restrictions applying to land being subdivided and evidence of DEP approval. He said these items would be required for the final major subdivision application submission. He detailed the zoning requirements and noted the applicant did not include blocks 1188 and 1189 which were included in the application heard in May. He recommended that those blocks be included with this application and deed restricted from future development. Attorney Monzo responded that it is premature for the applicant to make the decision before the DEP renders their approval. He said the applicant will consider it, but it is not part of this application.

Solicitor King asked when the applicant planned to get their street vacation, since it is not part of the preliminary application. Engineer Nader said they want to wait until they have DEP approval. Engineer Hurless said they will be requesting the street vacating from the governing body who may want deed restriction of those blocks and lots abutting the streets proposed to be vacated. Attorney Monzo thought the governing body can include that as a condition if desired.

The General Review Comments 1-49 are to be conditions of approval, and Engineer Hurless emphasized the following: vacation of paper streets being approved prior to final major subdivision review, the vacant lot at 5.9 acres should be deed restricted from future development, the common improvements for the development to be maintained by a homeowners association with documents to be provided for review prior to final approval consideration, first floor elevation to be provided on the plan and the lower floor shall be no lower than 10.5 feet above mean sea level, applicant must comply with Chapter 525 minimum stormwater management and grading requirements during and after construction, provide a deed notice, if lots are to be sold off, that applicants shall submit a stormwater, drainage and plot plans, which complies with all bulk, area and stormwater requirements, signed and sealed by a professional engineer, to the Board Engineer for review and approval at the time of applying for individual building permits,

Additionally, Engineer Hurless explained the right-of-way is 40 feet wide, the cartway is 24 feet wide at the beginning of the entryway and 20 feet wide through the rest of the development, and the sidewalk is on one side of the street, requiring no parking signs at the side of the street, meeting the residential site improvement standards (RSIS). He found the design acceptable. He did note that the sidewalk is squeezed in the narrow stretch of roadway with no separation between the curb and sidewalk, and it will be a condition of approval to move the sidewalk back to be consistent with the design and development in Cape May and RSIS and for safety purposes. Engineer Nader agreed to the condition. He shared that he reviewed the retaining wall design and found the wall does not exceed two feet at any location. Engineer Nader confirmed there is no fencing required on top of the wall.

Regarding the affordable housing units, Engineer Hurless asked if they are going to comply with city's affordable housing plan and the state code NJAC5:93-5.6(d) (provided by Solicitor King) which specifies when the affordable units must come online, for example, zero at 25% market rate and 100% at 90%. Engineer Nader agreed to comply on behalf of the applicant. Solicitor King cautioned that the affordable housing will be very clearly hashed out at the final major subdivision application hearing and very strictly enforced.

There was a question from the public about the list of property owners within two hundred feet, and the board secretary confirmed that the applicant relied on two lists that were updated by the Tax Assessor on May 12, 2026. Solicitor King said the list on the plan was stale.

Discussion was opened to the public within two hundred feet at 7:13 PM.

Discussion was opened to the public beyond two hundred feet at 7:14 PM.

The members of the public were sworn in by Solicitor King.

Gary Bartlett, 1600 Maryland Avenue, asked and it was clarified that the entrance is from Brooklyn (not Baltimore) Avenue.

He asked why Maryland Avenue could not be extended for the Velvento project, and Engineer Nader replied that they would be parallel to the wetlands and disturbing tremendous amount of wetlands and buffers. He added that they are not disturbing Maryland Avenue.

Hunter Cochrane, 1429 New Jersey Avenue, asked how many lots could have been developed if no streets were vacated, and Engineer Nader and Attorney Monzo did not know the answer. Attorney Monzo said the proposed subdivision includes the ability to ask for a vacation of streets.

Mr. Cochrane described Velvento Avenue as higher than his property and said stormwater runs down Baltimore Avenue to the front of his property and overwhelms the storm drains there regularly when there is a decent amount of rain. He thought that the stormwater from the proposed subdivision would drain to Velvento and then to his property.

Engineer Nader said the stormwater system is designed for a 25-year storm, as required. Stormwater is to remain on the subdivision property and not exit the property. Engineer Nader said there is no drainage system that can handle a 100-year storm, which would cause flooding throughout the city.

He asked about parking, and Engineer Hurless clarified that the 28 foot wide roadway allows parking on one side of the street, which meets RSIS.

Mr. Cochrane does not want the property to be developed. He asked the board to consider the significant impact on current taxpayers. He said the vacating of streets is one of the key elements that facilitates intensity of the development, and he cannot see a reason to accommodate the developer's plan to sell more lots.

Patricia Gray Hendricks, 108 Trenton Avenue, shared that she has lived in this neighborhood for over 41 years and said the preservation of Sewell Tract was one of Cape May's most significant environmental achievements that secured the permanent protection of environmentally sensitive lands. She said the efforts of Concerned Citizens and Charles Hendricks protected wetlands, wildlife habitat, open space, and the natural character of an area that serves as an important environmental buffer for the city in one of the longest running environmental and land use litigations in state history.

She did not want the application viewed in isolation and said that significant change often occurs incrementally. A modest proposal can be far more significant when seen as part of a larger pattern of development. She expressed concern that the application may be the first step of a broader development strategy. She wanted to understand whether the vacation of paper streets associated with this or future applications could create additional development opportunities, increase developmental development potential or eliminate the need for variances and transparency.

Mrs. Hendricks asked the board to consider if future development would require variance relief if the paper streets remain in place, would vacating the paper streets create conforming lots that otherwise would not exist, could the vacation of these streets effectively convert future development into a by right application, could approval of this application facilitate future development proposals in the vicinity of Maryland and Idaho Avenue, and what development could occur if the paper streets remain in place versus what development could occur if they are vacated?

She asked that her prepared written statement with a comprehensive list of legal and planning questions be accepted into the record. She summarized her statements and thanked the board for their time and consideration. Solicitor King was not critical of the statement but said it is difficult to put a statement consisting of about ten pages on the public record. Deputy Mayor McDade asked for the expectation of the board regarding the statement, and Mrs. Hendricks replied that she wanted to provide considerations for the board. Solicitor King returned the statement to Mrs. Hendricks, and Mrs. Hendricks returned to her seat in the audience.

Solicitor King said the question that Mrs. Hendricks posed about the vacation of streets may make the application not a by right application, as she raised a very legitimate legal issue that he wants on the record. Solicitor King explained that traditionally the board reviews an application that is either creating a street or has a street, making it a by right application, because the lots conform to the requirements of the ordinance. He wondered if the application is a by right application if the existing street needs to disappear for the lots to be conforming lots. Attorney Monzo responded that it is a by right subdivision because the streets are owned by the property owners. They were dedicated by the property owners when they laid out the plan. And if those streets are no longer needed and no longer serve a public purpose, the city would normally vacate them, and the ownership would stay with the property owner. Attorney Monzo reported the request was made to go to City Council first, and City Council said to go to the Planning Board first and then return for consideration of vacating streets. He said the vacation of the streets is not a decision before or for the board; they are asking the board to decide the subdivision application conditioned on City Council agreeing to vacate the streets. Solicitor King put on the record: Menk Corporation versus Township Committee of Barnegat 2006 was decided by the Superior Court of New Jersey on

March 24, 2004, 389 NJ Super. 263 (Law Division 2006), a subdivision was granted with the condition that three paper streets be vacated. He said the objective of modern zoning process is elimination of applicants bouncing back and forth between the Planning Board and City Council, etc.

Member Crowley asked if it is a recommendation to City Council that they vacate those streets if the board approves the application. Solicitor King said an approval would be conditioned that the streets be vacated.

Tracy Bartlett, 1600 Maryland Avenue, lives at the corner of Cape May and Brooklyn and expressed concern about increased traffic and speeding. She asked if the density is the same as Venuto and for the size of the lots. Engineer Nader responded that all the lots meet or exceed the zoning requirements and range from 9,400 11,000, 13,000, 14,000 and 18,000 square feet.

Charlotte Todd, 1308 Maryland Avenue, gave her history of living in the city for 55 years. She founded the Environmental Commission and currently serves as the historian of the commission. She shared Exhibit O-1 National Register of Historic Places – Nomination Form, which was submitted by Ed Bramble in 1970 and includes the following: “The undeveloped land in Cape May is a valuable scenic and conservation area which is an affective adjunct to the 19th and 20th Century areas of development. This undeveloped area is a unique natural habitat for birds and a rich breeding ground for aquatic life.”

She talked about the new desalination plant and wondered if the developer would be paying anything toward it, because it will place more demand on it with people drinking and using the water in various ways. She said the city had to purchase water from Lower Township in the 1980s. She referred the board to the Master Plan goals and objectives to protect the quality of Cape May's natural and man-made environment to preserve the balance of ecological systems and safeguard the future health and welfare of our residents and visitors. She sees many creatures that need protection including monarch butterflies.

Stephanie MacRae, 1136 Idaho Maryland Avenue, expressed concern about traffic and shared her hobby of doing wildlife studies which track animals with trail cameras, usually at night. She set one up at New York and Baltimore Avenues facing the Velvento homes and the proposed plan area. The camera ran from 9:00 PM to 6:00 AM. She was specifically interested in the activity in and out of the Sewell Tract. She was shocked by the amount of people traffic that she observed including golf cart and car traffic, joggers, walkers, and dog walkers. She said many of the area homes sleep 16-18 people and generate a lot of traffic.

Tim DeYoung, 1608 Maryland Avenue, believed his property should be in the two hundred foot list. Solicitor King explained the process to obtain the certified list of property owners within two hundred feet and said the applicant is justified to use the certified list.

Mr. DeYoung asked about the wildlife present in the vegetation, and Engineer Nader said his comments were based on his opinion not based on his credentials. Mr. DeYoung said there are twelve threatened or endangered species that live in and use the area for migration.

Christine DiDonato, 1352 Vermont Avenue, gave her history of living in the city since the 1970's and serving on the Beach Safety Committee. She expressed concern about flooding and the continuation of land development. She said we need preservation especially land adjacent to wetlands.

Hunter Cochrane, 1429 New Jersey Avenue, returned to speak. He asked if the application could be denied based on the vacation of the streets. Solicitor King said it will be a denial if the applicant cannot meet the condition. He explained that a board member can vote as they wish but it may not be upheld on appeal.

Mr. Cochrane questioned whether the application was signed by the applicant or if the attorney's signature as agent is adequate. The applicant signed the application at the meeting.

Discussion was closed to the public at 8:31 PM.

A break was taken at 8:31 PM.

The meeting resumed at 8:41 PM.

Board members were allotted time for questions and comments.

Member Crowley asked if the applicant asked the DEP to assess the environmental impact on the adjoining property. Attorney Monzo said the letter of interpretation only applies to four blocks: 1177, 1178, 1188 and 1189. Engineer Hurless said the request is for a line verification not an environmental impact. Member Crowley said the DEP said the property is an exceptional resource and described it as a priority wetland. He asked if the applicant would ask for a change in the classification. Engineer Nader replied no and said they are working with the DEP classification and acknowledge the classification. Member Crowley asked if the recording required in the DEP letter of interpretation was satisfied and Engineer Nader confirmed.

Member Crowley asked about the classification of rural street in the stormwater report. Engineer Hurless said he did the analysis: less than five hundred trips a day requires parking cartway width of twenty eight feet on street and said on street parking is surplus only. The dwelling must be analyzed, and parking onsite must be provided accordingly.

Member Crowley asked for comment from the applicant regarding the Environmental Commission report. Attorney Monzo replied Engineer Nader addressed them during his testimony.

In response to Deputy Mayor McDade's questions, Engineer Nader said the water and sewer line connections will be coming across through the emergency access road. They created a loop for the water line to go through the property from Brooklyn circling the proposed road and right-of-way and continuing through the emergency access and coming down to Baltimore. The sanitary sewer line is split with a portion going down to the left to Baltimore and the other portion going down to the right to Brooklyn. There will be fill to allow fire apparatus to drive on it at the request of the fire official. He said this would be in the DEP application.

Deputy Mayor McDade asked if an application had been made to the Cape May County Planning Board and Engineer Nader replied yes. She asked about the affordable housing and requested that the number of units be increased to five units. Engineer Nader said they are looking to provide the city with five affordable housing units versus providing four units and paying for the .2 units.

Deputy Mayor McDade said she has heard the comments of the public about the environmental impact, and she expressed concern about the implication of this type of development. She thought the vacating of paper streets and deed restriction of the other two blocks to be major components of consideration.

Member Riggs asked about affordable housing. Engineer Nader confirmed that there is a property with the ability to address five affordable housing units and said they will conform to the phasing aspect of the affordable housing plan. Member Riggs asked about the entranceway roadway at 24 feet, and Engineer Nader responded that they proposed it to be the required RSIS twenty feet. The city wanted it widened and they accommodated by increasing it to 24 feet then back to twenty feet cartway width through the property except for the additional eight feet for the parking on one side. Member Riggs asked about the uniformity of the proposed curb and sidewalk to way the city is structured, and Engineer Nader agreed to conform.

Member Riggs asked if Blocks 1188 and 1189 could be deed restricted before street vacation goes before City Council, and Attorney Monzo responded that these blocks are not part of the application. Chairperson Bezaire said it could be a condition of approval and Engineer Nader agreed to the condition. Deputy Mayor McDade made it clear that the Planning Board is not negotiating on behalf of City Council.

A short break was taken at 9:08 PM at the request of Attorney Monzo.

The meeting resumed at 9:10 PM.

Attorney Monzo said the applicant will deed restrict the two blocks as a condition of approval if the approval of the application is received.

Member Bodnar said this kind of application is not one the board sees often. He appreciated the deed restriction of Blocks 1188 and 1189 condition of approval. He did not prefer the plan that has seven inside lots and four outside lots in the overlay wetlands zone. He addressed the Environmental Commission report which identified twelve threatened and endangered species and understood the area is thick with vegetation which makes it a perfect habitat for animals and plants. He would like more clarity and wondered if further investigation is in order. Engineer Nader said a study had been done many years ago and the DEP permitted a buffer of 150 feet. Deputy Mayor McDade said twenty one homes will create a lot of disruption to the area for years and years.

Member Bodnar referred to the Environmental Commission report indicated that the building sites are extremely restricted by the buffer plan and recommended restriction of personalized landscaping, patios and pools. The Commission believed in-ground swimming pools should be prohibited due to low elevation, water usage and proximity to sensitive wildlife habitat. Engineer Nader said there is over thirty feet of backyard, on average, every home within the area where they are proposing to do a buffer averaging. He said this exceeds the lots on Velvento.

Member Bodnar asked if they would agree to a condition of approval to not build pools in this environmentally sensitive area. Deputy Mayor McDade said pools mean digging into the ground, and Member Crowley said pools mean adding 10,000 gallons of chlorinated water in a buffer zone. Attorney Monzo did not recommend his client agree to the condition.

Member Bodnar said he would prefer a wider street with parking and sidewalks on both sides of the street in the development. He anticipated that the area may attract beach parking and pedestrians walking in the development. Engineer Nader said the subdivision is proposed as a dead end cul-de-sac and gives the impression of a private community. He added that additional expansion will increase disturbance to the wetlands and their buffers. Councilmember Bodnar thought that perhaps there could be less houses if the street were wider or there could be smaller or less lots. He appreciated the five affordable housing units.

Member Crowley said by right approvals are not absolute and subject to the conditions of approval, DEP and all other approvals required. He did not think the board should approve waiver of the completeness requirements listed in the Board Engineer's memorandum.

There was a discussion on the voting. Solicitor King read 445-21 from the code book and thought it also applies to the application along with 445-28.

Attorney Monzo said they will be going to DEP before going to City Council in response to requests by Deputy Mayor McDade and Member Riggs.

Solicitor King explained the vote for the board.

Motion made by Mr. Lundholm to grant approval for preliminary major subdivision approval subject to conditions in code 445-21, 445-28 F and I as listed on page three, items 1-49 on pages four through nine in the memorandum by Craig R. Hurless, PE, PP, CME, dated August 21, 2026 and subject to all conditions and commitments discussed at the hearing are incorporated by reference, including, but not limited to, the staggering for certificates of occupancy for the fair market value and affordable housing under N.J.A.C. 5:93-5.6(d), specifically recognized and agreed to by the applicant, Blocks 1188 and 1189 will be deed restricted from development if the project is fully approved as requested and will be recorded prior to the board engineer's compliance review for any building permit, five units of affordable housing, not merely four units and paying for a .2 unit, and the DEP permits will be obtained before seeking vacation of the paper streets, seconded by Mr. Riggs and carried 8-1. Those in favor:: Mr. Gorgone, Councilmember Bodnar, Deputy Mayor McDade, Mrs. Reed, Mr. Lundholm, Mr. Riggs, Mr. Jones, Mr. Bezaire. Those opposing: Mr. Crowley. Those abstaining: None.

Members gave reasons for their votes.

Member Gorgone based his vote on the conditions, especially the DEP approval, the affordable housing and the deed restriction.

Councilmember Bodnar said even if the preliminary approval is granted, it is not the end of the process. The applicant must present to the DEP, and he said they have a compelling argument to be able to develop a portion of the property. He said there still are conditions that need to be met including approval of the paper street vacations by City Council. He appreciated the applicant's significant concession to deed restrict the additional blocks and provide five affordable housing units. Councilmember Bodnar added that he has significant environmental concern regarding the development.

Deputy Mayor McDade looked forward to hearing from the experts at the DEP. She appreciated the applicant seeking DEP approval prior to requesting the vacation of streets and for the five affordable housing units, a critical component for her. She felt the applicant gave pledges of commitment.

Member Reed said the property is a jewel of Cape May. She felt that with a different mindset of not building density of houses, the property could be turned into a nice deed-restricted preserved community and meet all the expectations for environmental concerns and water consumption. She had hoped that there would be positive changes, and she was concerned that people would build big houses with pools and sheds. She prefers a more controlled development and hopes the affordable housing is comparable to the houses being built in the subdivision.

Mr. Crowley viewed the vote on whether to begin a process and called the application a by right application with a tremendous amount of baggage attached to it. He wondered if the conditions of approval are sufficient. He said the question on the buffer lines is unanswered. He would have preferred the applicant had DEP approval before bring an application to the board. He was concerned about the real issues raised by the Environmental Commission.

Member Riggs had a lot of concern about the environment and did not dismiss the comments of the Environmental Commission. He said the application has a lot of hurdles to clear during the long approval process.

Member Jones voted yes based on a lot of the reasons that have already been stated, including the DEP approval. He expressed concern about a residential development right through the Sewell Tract, but he is on board if the project receives DEP approval.

Chairperson Bezaire said the board is to enforce the zoning code, and the application meets the code. He said the application moves to the DEP for their expertise, and this is a starting point with a lot of approvals needed before the applicant returns to the board.

Motion made to adjourn by Deputy Mayor McDade at 10:01 PM with all in favor.

Respectfully submitted: Karen Keenan, Board Secretary