

**City of Cape May Planning Board Meeting Minutes
Tuesday, January 9, 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	Present

Also Present: Richard King, Esquire - Board Solicitor
Craig Hurless - Board Engineer
Tricia Oliver - Board Assistant

Reorganization:

Oath of Office: Mr. Shuler, Mr. Inderwies, Councilmember Hendricks, Mr. Elwell, Dr. Wolf, and Mr. Martz were instructed to sign their Oaths of Office and return them to the Board Assistant.

Chairperson:

Motion made by Mr. Jones to appoint William Bezaire as Chairman of the Board, seconded by Mr. Inderwies and **carried 8-0.** Those in favor: Mr. Elwell, Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Shuler. Those opposing: None. Those abstaining: None.

Vice Chairperson:

Motion made by Mr. Elwell to appoint Harley Shuler as Vice Chairman of the Board, seconded by Councilmember Hendricks and **carried 8-0.** Those in favor: Mr. Elwell, Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Bezaire. Those opposing: None. Those abstaining: None.

Board Attorney:

Motion was made by Mr. Shuler to appoint Richard King, Esquire, as Board Attorney, seconded by Mr. Jones 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 opposing: None. Those abstaining: None.

Board Engineer/ Planner:

Motion made by Mr. Elwell to appoint Craig R. Hurless of Polistina & Associates as Engineer/Planner to the Board, seconded by Mr. Jones 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 opposing: None. Those abstaining: None.

Conceptual Review Committee:

Motion made by Elwell to appoint members to the Conceptual Review Committee, seconded by Mr. Shuler 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 opposing: None. Those abstaining: None.

* Those appointed to the Conceptual Review Committee include Mr. Shuler, Mr. Elwell, and Mr. Bezaire, with Councilmember Hendricks and Mr. Inderwies appointed as alternates.

Meeting Dates & Time 2018:

Motion made by Mr. Jones to adopt the Planning Board meeting dates and time, seconded by Dr. Maslow 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 opposing: None. Those abstaining: None.

Official Newspaper:

Motion was made by Mr. Elwell to designate the Cape May Star and Wave as the primary newspaper for publishing purposes for the Planning Board, and the Press of Atlantic City as the secondary paper, seconded by Dr. Maslow 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 opposing: None. Those abstaining: None.

Minutes:

Motion was made by Dr. Maslow to approve the minutes from the December 12, 2017 Planning Board Meeting, seconded by Mr. Inderwies 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 opposing: None. Those abstaining: None.

Resolutions:

Motion was made by Mr. Jones to adopt Resolution number 01-09-2018: 1, Cape Coachman Realty, LLC "Beach Shack," 205-211 Beach Avenue, Block 1019, Lot(s) 26 & 40, seconded by Mr. Inderwies and **carried 8-0.** Those in favor: Mr. Elwell, Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Shuler. Those opposing: None. Those abstaining: Mr. Bezaire.

Motion was made by Dr. Maslow to adopt Resolution numbers 01-09-2018: 2, appointing the Planning Board Solicitor, and 01-09-2018: 3, appointing the Planning Board Engineer and Planner, seconded by Mr. Elwell 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 opposing: None. Those abstaining: None.

Discussion:

Mr. Bezaire gave a brief history of the process of which and the reasons behind this particular study having been done. He mentioned that it is greatly understood by the all of the board members that there is public concerns and stated that Board Engineer, Craig Hurless has extensive expertise on the matter and has completed such study's for other municipalities.

* Mr. Bezaire recused himself from discussion and action related to the redevelopment study. Vice Chair, Mr. Shuler stepped in as acting Chair.

Board Engineer, Craig Hurless, started with encouraging the community members to further engage and participate with the ongoing process that the Planning Board will have during meetings/work sessions to be held throughout the calendar year (2018) for the completion of the City's Master Plan Reexamination. He stated that the public involvement is key to this process.

Mr. Hurless opened up his presentation explaining redevelopment; citing the definition in the Redevelopment Handbook - A Guide to Rebuilding New Jersey's Communities. He gave detail as to the particulars regarding the fact that this is a non-condemnation planning process and no eminent domain is in effect here, which he stated was very important. He continued on to explain the overall bigger process as to how both the Planning Board and City Council, as well as the public, would have a part in the progression of redevelopment. Mr. Hurless stated that the report before the board is to seek the recommendation to City Council that the subject property was in fact found to be in need of redevelopment by the Planning Board. He continued on to stated that if the subject area is deemed in need of redevelopment, the plan may in fact be partially executed (i.e. working on one lot or section of the subject property at one time).

It was reaffirmed by Board Attorney, Richard King, that the Determination of Need would not include such things as the taking of private property, a decision as to what is to be built, the creation of a redevelopment plan, or the designation of anyone to build any particular structure. This meeting, Mr. King stressed, was strictly to determine whether the Planning Board would recommend City Council declare or not declare the subject property to be an area in need of redevelopment per the statutory criteria.

Craig Hurless reviewed his report in great detail, reading directly from the report into record. Mr. Hurless indicated that the intent of the C-1 District is to promote the most desirable use of

land and pattern of building development for further economic growth and stability. Mr. Hurless summarized the subject lots, giving ownership details and noting that a total of eight (8) of said lots are currently owned by the City of Cape May. Continuing on, Mr. Hurless read each of the conditions to which the area in need of redevelopment would have to meet. Items (a) through (h) were read into record, with item (g) not applicable to the subject area. He stated that the subject area would only have to meet one (1) of the statutory criterion in order to be considered an area in need of redevelopment.

The use of the word "blight" was used often throughout Mr. Hurless' report, which encouraged the explanation and definition to be stated for all parties present. This definition was included within Mr. Hurless' report as well. Reviewing his report, step by step, Mr. Hurless read into record the findings for each lot within the subject area. He continued with his study regarding the property values and the potential development outlets that are permissible within the C-1 Primary Business zoning district. Overall, the area is currently underutilized as a non-residential growth area and the lack of investment in the area has reduced property values. It was also noted that a total of 1/3 of the study area was made up of municipal offices, including City Hall, the City's Police and Fire Departments, and municipal off-street parking. This area in particular, Mr. Hurless stated, could be better modernized and made more efficient.

According to Mr. Hurless' report, his opinion is that the study area offers an opportunity for the preservation and/or upgrade of existing uses, replacement with higher or better use and creation of new permanent jobs and construction employment opportunities. Based on his study of construction records, new investment in the study area has not been undertaken in recent history.

The report also mentioned that the preservation of the City's only full grocery store has been identified as a goal in the past master plan reexaminations, but has fallen to the wayside. Citing from the 2009 Master Plan Reexamination on pages 104-105, Mr. Hurless read into record that this reexamination was not proposing an "immediate solution to the administrative needs of the City, but the City should remain alert to opportunities for future options, including the potential redevelopment of this entire complex of public buildings in the half-block bounded by Lafayette, Franklin, and Washington Streets." The cited section indicates, as stated by Mr. Hurless, that the Planning Board has in fact already contemplated and found existing development problems with the study area.

Summarizing his conclusions, Mr. Hurless explained that the study area did in fact meet one or more of the criteria for an area in need of redevelopment. He detailed the reasons that the study area met items (a), (b), and (d) on page 21 of 23, and item (h), on page 23. Based on these findings, Mr. Hurless indicated that it was his opinion that "based upon his findings, the Study Area meets the criteria of the Local Redevelopment and Housing Law as an area in need of redevelopment under N.J.S.A. 40A:12A-5.e. and that the Study Area has caused blighted condition in the area which negatively impacts the surrounding properties. It is therefore recommended that the City Council and Planning Board take action necessary, after public notice and hearing required, to make that determination by law."

A brief discussion ensued between the Board members and professionals regarding the board's consideration. A topic of concern to members was the assessment of property values and the research behind the information provided within the report. Per Mr. Hurless, tax records were used to gather this information. Foot traffic was also brought to light in regards to the capacity

of which streams into the Washington Commons area, compared to that of which flows within the Washington Street Mall.

It was stated by Mr. Hurless that it is in fact his professional opinion that eat parcel within the Study Area would be included with the redevelopment planning process.

Discussion was opened to the public at 7:46 PM.

William G. Gaffney, 810 Columbia Avenue, found that he was in great disagreement with the overall findings of the report by Mr. Hurless, stating that this report made it seem as though Cape May was depicted as "downtown Camden (NJ)." Mr. Gaffney also questioned the process as to what City Council could do in regards to over ruling the Planning Boards decision if in fact the subject area was not recommended as being in need of redevelopment.

Board Attorney, Rich King, and Board Engineer, Craig Hurless, stated for the record that it was their understanding that City Council would need the recommendation from the Planning Board in order to move forward with the process of redevelopment. Should the board find that the study area is not in need of redevelopment, than the process would come to a halt.

Jules Rauch, 1010 New York Avenue, also voiced concerns and his disagreement with the report. He mentioned that he did not see definitive proof that any of the study area was indeed dilapidated. Furthermore, he thought that there was much more investigation to be done on each parcel included within the redevelopment area and as the report was well written, it was without foundation or facts. Also reaffirming the planning process, Mr. Rauch again insisted that there is no real public hearing for input.

* Mr. Rauch submitted a statement and pictures of the study area into record.

Robert Mullock, 301 Howard Street (Chalfonte) & 221 Jackson Street, voiced his concern for what he named the "heart of the city" - meaning the City Hall building and was also negative in regards to the report. It was also his opinion that a redevelopment plan limits public input and empowers only a specific two or three people. Mr. Mullock also mentioned a part of Harriet Tubman history that dates back to Cape May.

Edward Mahaney, 1031 Ohio Avenue, was negative about the report regarding the way in which the process occurred. He also believes that there is in fact no other platform for public involvement to further contribute to a redevelopment plan. Questions he proposed included where funding for the plan would come from and that the involvement of HPC was vital to preserving the City's designation as a National Historic Landmark. It was also his opinion that Mr. Curtis Bashaw would be the sole beneficiary of any redevelopment plan put into play on the City's behalf.

* Dr. Mahaney submitted a statement into record.

Margaret Bethel, 315 Ocean Street, as a building owner within the Washington Commons area, she stated that it is very disheartening to hear of her building as obsolete or dilapidated. She told the board that her business, as well as many other businesses within this complex, are quite productive and have grown year over year.

Zack Mullock, 1149 Lafayette Street, stated that it was not made clear to the public what in fact a "no bid" contract entailed and what sort of tax abatements were involved with such a plan.

He testified that statistically other towns have in fact not had substantial benefit from redevelopment areas.

Christine Miller, 535 Bank Street, was negative regarding the redevelopment study and stated that she did not see concrete evidence that any of the statutory criteria was met. Her opinion is that the City Council would have complete control and would not have to follow Planning, Zoning, or HPC regulations/requirements. Mrs. Miller cited a 1973 case from West Milford to help instill to the board members that the redevelopment plan should not move forward without proper investigation and factual evidence.

Dorothy Jarmon, 16 Lafayette Court, did not voice a negative or positive opinion on the matter, but as a member of the Baptist Church within the study area, Ms. Jarmon stated that the church does not have funds available to fix the parsonage and that there is a need for assistance to repair this structure before it falls down. She is in favor of a parking structure (garage) being built to help with the obvious parking issue within the city.

Thomas Kilareski, 204 Madison Avenue, was negative regarding the redevelopment and expressed that his background as a Civil Engineer and in the construction business warranted much concern regarding the report deeming particular parts of the study are a blight or dilapidated.

Joyce Gooch-Dali, 608 Washington Street, as a member of the Baptist Church within the study area, she voiced concern that the entire plan was unnecessary and that there are other parts of the City that are older and might be more in need of redevelopment.

Paul Johnston, 11 S. Broadway, voiced negative commentary regarding the report, citing that there are too many factors and "what ifs" within the plan a whole.

Dillon Mullock, 825 Corgie Street, mentioned that it was his understanding that there are plans that are secretly being shared amongst board members and city officials in regards to a particular developer. He too voiced negative commentary.

Representative for Washington Commons Equities, LLC, Mr. Tony Monzo, Esq. expressed that it was his clients opinion that the Planning Board was not approving a redevelopment plan. The task at hand was to recommend the redevelopment area to Council and that from there a redevelopment plan would evolve, including the public's input. Mr. Monzo made it clear that the board, as well as the public need to understand the process of deeming a redevelopment area, as a whole, and that the public input is strongly encouraged. He went on to explain that it is the intent of Mr. Curtis Bashaw (of Washington Commons Equities, LLC) to keep the Acme super market intact and to work on expanded that parcel. The Master Plan Reexamination of 2009 was also referenced by Mr. Monzo, stating that block 1059 was in fact to be studied as a possible area of redevelopment. He stressed that subsection (d) of the report relating to faulty arrangement and an obsolete design met the applicable criteria.

Craig Gras, 1223 Washington Street, stated that she felt Mr. Monzo presented "smoke and mirrors" for Mr. Bashaw and questioned why Mr. Bashaw would want to expand and improve the Acme market when he has in fact owned the property for several years. She too was negative regarding the redevelopment study and said that although the public who have already testified were not professionals, it was easy to see that the study area is in fact not blight.

Brief discussion was undertaken to make sure that the board members, as well as the audience knew and understood the process as to which a redevelopment plan is implemented.

Jeff Hebron, 608 Washington Street, did not specifically speak for or against the project, but encouraged and expressed approval of the citizen involvement in the process and at this time, particularly the time of year, the current meeting did not involve enough public, as it is obvious that the City's population is drastically different in the Summer season. .

Bernard Haas, 1016 Illinois Avenue, expressed negative commentary regarding the redevelopment area and stated that the theater located on Beach Avenue would be a more suitable area to redevelop.

Discussion was closed to the public at 10:05 PM.

Board member Mr. Inderwies voiced concern regarding the members having enough education and knowledge of what a redevelopment area is and the process in which a particular area can be deemed in need of redevelopment. He made this statement as a comment, and no formal motion was made. He expressed the idea of tabling the report in lieu of not having enough tools to make a decision at the time.

Dr. Maslow added that it was obvious that the public did not want a redevelopment of the study area. He in fact did not view the area as blighted and expressed his disagreement with portions of the report, referencing pages 11 and 17 of the report.

In closing, Mr. Elwell stated that he too did not see hard evidence confirming the findings of Mr. Hurless' report. He also indicated that if the properties were dilapidated, there would be code violations and the City would be shutting them down. Mr. Elwell felt that the board should vote on the determination of need at this time and "put it to rest."

At the request of the Board Attorney, Rich King, a motion would be made in the affirmative.

Motion was made by Mr. Elwell to recommend to City Council that the study area be declared an area in need of redevelopment, seconded by Dr. Maslow and **carried 2-7**. Those in favor: Mr. Jones, Mayor Lear. Those opposing: Mr. Elwell, Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Dr. Maslow, Dr. Wolf, Mr. Shuler. Those abstaining: None.

Motion made to adjourn by Mr. Jones at 10:23 PM with all in favor.

Respectfully submitted: Tricia Oliver, Board Assistant.

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