

**City of Cape May Planning Board Meeting Minutes  
Tuesday, June 12, 2018**

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

<b>Roll Call:</b>	Mr. Bezaire, Chairperson	Absent - <b>excused</b>
	Mr. Shuler, Vice Chairperson	Present
	Mr. Elwell	Absent - <b>excused</b>
	Mr. Macciocchi	Present
	Councilmember Hendricks	Present
	Mr. Inderwies	Present
	Mr. Jones	Present
	Mayor Lear	Present
	Dr. Maslow	Present
	Dr. Wolf      Alt #1	Absent - <b>excused</b>
	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 April 10, 2018,** seconded by Dr. Maslow and **carried 5-0.** Those in favor: Councilmember Hendricks, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Martz. Those opposed: None. Those abstaining: Mr. Inderwies, Mr. Shuler.

**Motion was made by Councilmember Hendricks to adopt the meeting minutes from April 24, 2018,** seconded by Dr. Maslow and **carried 8-0.** Those in favor: Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Martz, Mr. Shuler. Those opposed: None. Those abstaining: None.

**Resolutions:**

**Motion was made by Mr. Jones to adopt Resolution number 06-12-2018: 1, Cape Coachman Realty, LLC – “Beach Shack,” 205-211 Beach Avenue, Block 1019, Lot(s) 26 & 40,** seconded by Mr. Inderwies and **carried 7-0.** Those in favor: Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Martz. Those opposing: None. Those abstaining: Mr. Shuler.

**Motion was made by Councilmember Hendricks to adopt Resolution number 06-12-2018: 2, Anthony & Donna Caputo, 286 Windsor Avenue, Block 1023, Lot(s) 7 & 8,** seconded by Dr. Maslow and **carried 7-0.** Those in favor: Mr. Macciocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Shuler. Those opposing: None. Those abstaining: Mr. Martz.

## **Applications:**

***Andrew F. Drake***  
***1302 Texas Avenue***  
***Block 1159, Lot(s) 3, 4, & 5***

*\* Mr. Macchiocchi, Mr. Jones, and Mayor Lear recused themselves from hearing the application.*

Mr. Ronald Gelzunas, Esquire, Mr. Brian Murphy, Project Engineer, Mr. Andrew Drake, property owner, and Board Engineer, Craig Hurless, were sworn in for the record.

Board Solicitor, Mr. Rich King, Esq., addressed the board, the applicant, and his professionals, stating that those Planning Board members who are patients of Dr. Drake's would in fact have a conflict of interest and therefore, should recuse themselves from hearing the application. He continued to explain that the remaining five voting members would suffice as a quorum to either approve or deny the proposed application.

Mr. Ron Gelzunas, Esq. detailed the current structure on the property as a single family dwelling converted into a doctor's office space in 1978, which is in fact a non-conforming use within the R-2 zoning district. It is now proposed to abandon the non-conforming use of the office and result in two (2) residential lots. Mr. Gelzunas referenced Exhibit [A-1], a color aerial photo of the subject property.

Engineer, Brian Murphy, explained the survey of the large existing lot (comprised of 3 lots total), showing an aerial view of the neighborhood, referencing the exact location of the subject lots. The goal, he continued, is to divide the existing three lots that currently extend from Texas Avenue, to two lots extending from Massachusetts Avenue. Mr. Murphy detailed the elimination of the existing non-conforming use on the lot as it exists and went into detailed explanation of the each of the now four (4) variances being requested with the proposed application, as well as zoning requirements as they pertain to the new lots.

Mr. Murphy also explained a conceptual dwelling foot print for the proposed created vacant lot, stating that this dwelling is reasonably sized for a new single family home and fully conforming to the new lot. It was Mr. Murphy's opinion that the use of a commercial space is more intense, so it is ideal to eliminate this type of use where possible and this is in fact what the application proposes. He also gave perspective to the board members in regards to neighborhood lot sizes (along Texas, Massachusetts, and Trenton Avenues) as compared to the sizes of the newly divided lots as a part of the current application.

Property owner, Dr. Andrew Drake, spoke in regards to the plans for the two new lots, explaining that it is his intent to convert the now office back into a single family home so that he may live full time in the City of Cape May once again, or possibly sell this dwelling and build a new single family home on the proposed vacant lot for full time personal residential use.

Questions regarding driveways were brought up by members of the board. It was stressed that the applicant take great care as to reduce as much of the impact on the on-street parking on Massachusetts Avenue as possible. The applicant and his professionals were agreeable to this.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated April 12, 2018. Mr. Hurless explained the four (4) variances required in detail (page 5 of 8):

1. §525-15B(1) Table 1 - Lot Width – Lot 3.02
2. §525-15B(1) Table 1 - Lot Frontage – Lot 3.02
3. §525-15B(1) Table 1 - Building Setback – Lot 3.01 (Texas Ave.)
4. §525-15B(1) Table 1 - Rear Yard Setback – Lot 3.01

The General Review Comments 1-22 were reviewed and explained in detail, and all were classified as conditions of approval.

**Discussion was opened to the public within 200 ft. and beyond at 7:54 PM.**

**Larry Reed, 1335 Massachusetts Avenue**, expressed his satisfaction with the elimination of the non-conforming use of the office space, but was concerned about the on-street parking. He also felt as though there were too many conditions and unknown final variables and asked the board to consider this.

**Discussion was closed to the public at 7:56 PM.**

**Motion made by Dr. Maslow to approve the Preliminary Site Plan for a minor subdivision with variance approval for §525-15B(1) Table 1 - Lot Width – Lot 3.02, §525-15B(1) Table 1 - Lot Frontage – Lot 3.02, §525-15B(1) Table 1 - Building Setback – Lot 3.01 (Texas Ave.), and §525-15B(1) Table 1 - Rear Yard Setback – Lot 3.01; subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated April 11, 2018** seconded by Mr. Inderwies and carried 5-0. Those in favor: Councilmember Hendricks, Mr. Inderwies, Dr. Maslow, Mr. Martz, Mr. Shuler. Those opposed: None. Those abstaining: None.

**Discussion:**

An update on the progress of the Master Plan Reexamination was given by Board Engineer, Craig Hurless. He explained that the next element up for discussion was the Historic Preservation Element and it was his intent to have the Historic Preservation Commission Chairman, Warren Coupland, and possibly other commission members, to attend the next work session in order to present to the Planning Board, as they are more so the experts within this field.

Brief discussion was undertaken by the membership regarding redevelopment and possibly having an expert of the subject available to the Planning Board for a question and answer session in the near future.

**Motion made to adjourn by Mr. Inderwies at 8:12 PM with all in favor.**

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

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