

# HPC rejects use of Pet Turf artificial grass in backyard

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — Can you

use artificial turf in the historic district if it is not visible from the street? That's the question Dan

Uffleman, an owner of 10 North St., asked the city's Historic Preservation Commission (HPC) July 18 when he submitted an application to a committee for review and was denied permission to install Pet Turf, an artificial grass, in his backyard.

According to its website, with Pet Turf, "muddy paws and dead grass patches are a thing of the past."

"With Pet Turf, there are no mud prints brought into the house and no spotty lawn patches from pets rolling and digging either."

Uffleman said he was confused about why his application was turned down by the HPC since the Pet Turf would be installed in his backyard, where no one would see it other than he and his wife.

HPC Chairman Warren Coupland said in the historic district with either contributing or key houses, the HPC looks for "materials that are sensitive to the period of significance: 1850 to 1940."

"Artificial turf was not one of the products that you would have seen used in the historic district and so that application was looked at in review and determined it was not an appropriate product for Cape May and as a result, the application was denied," Coupland said.

He said it was no different than approving plastic material in place of wood.

"What's the difference of approving that in the backyard where nobody else can see it but my wife and I and our doggies and approving having a pool in the backyard?" Uffleman asked.

HPC Commissioner Bea Pessagno asked if the HPC standards started artificial turf cannot be installed in the historic district in a backyard.

Coupland said he was not certain the Pet Turf could not be viewed on Uffleman's property from backyards or side yards and that was the reason it was denied. The HPC requires "same for same," so you replace grass with grass, Coupland said.

HPC Commissioner Pip Campbell asked if water would seep through Pet Turf and how well it drained. Uffleman said Pet Turf was 100 percent permeable.

"If you have two border collies like me and they're peeing on the grass all the time, it dyes very quickly and looks ugly," he said.

Campbell said she was glad Uffleman took Pet Turf out of his front yard.

HPC solicitor Robert Fineberg said what Uffleman was asking was also asked by applicants that wanted to use other artificial materials on a portion of their property that can't be seen from the street.

"But the argument is if you stand 10 feet back, you can't tell the difference between this and wood," he said. "The difference doesn't always come down to whether you can see it or not, the difference is are you using historically appropriate materials in the historic district."

Fineberg said artificial grass was not historically

appropriate, so even though the public can't see it, it becomes part of the property and diminishes the historic integrity of the property and of the historic district in total.

Multiple approvals of such materials would create an historic district populated with artificial materials, Fineberg said.

Uffleman said swimming pools were approved for backyards which were not an historic item. Coupland said landscaping is required for pools at historic properties, so they are not visible from the street.

Coupland said Uffleman had the option of requesting a full review of his request from the HPC rather than an application in review by committee.

HPC Commissioner John Boecker asked Uffleman if any of his neighbors would be able to see Pet Turf installed in his backyard. Uffleman said neighbors may be able to see the artificial grass from their second floor.

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## Taxpayers

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Affairs and Recreation.

An earlier enabling ordinance did not account for the city raising the occupancy tax from 2 percent to 3 percent and revenue from Airbnb and VRBO transient rentals.

On June 21, Mullock said placing too much money in the Tourism Utility would go beyond making it solvent.

"The thought was giving the CFO and the city manager and City Council through the approval process the power to use it for capital expenditures," he said at the time.

Rauch said any improvement, expansion or correction to the existing Convention Hall building would also come out of that room tax fund.

Mullock said the city's Municipal Taxation and Revenue Advisory Committee (MTRAC) assisted in creating the ordinance.

Rauch said he would be willing to work with MTRAC to give council a recommendation.

MTRAC Chairman Dennis Crowley said he disagreed with the notion the occupancy tax was to be used for tax relief. He said the original state statute creating the occupancy tax requires that revenue

be dedicated to the state Council of the Arts, the state Historical Commission, state Commerce and Economic Growth Commission for advertising and promotion of tourism and the New Jersey Central Trust. He said the occupancy tax came to Cape May with the same set of requirements.

MTRAC predicted the city would generate more than \$2 million from the occupancy tax and that tourism utility language in the ordinance would cause a problem because any money above the threshold had to be given to the tourism utility.

"That was OK when it was a couple of hundred thousand over but when you're talking \$1.8 million over, then you've got a real problem with distribution of funds because those funds are probably better spent in other ways," Crowley said.

He said MTRAC recommended removing the "hogtie" to the million. Crowley said the tourism department has 11 other sources of revenue.

Another issue raised by the TACM, reimbursement of city Council on Affordable Housing funds that were disbursed to city employees as stipends for administering the pro-

gram.

"We need to get that money back," Rauch said. "That money belongs back in the city's coffers to be able to improve the housing complex in this city."

Rauch said action should be taken immediately against each individual for return of the money.

TACM also discussed the need for control of dumpsters on city streets.

Another suggestion was to create an "ambassadors program" and provide teens or senior citizens a uniform to walk the Washington Street Mall and the Promenade to point out violations of city regulations, Rauch said.

"Give them a small card that defines those regulations," he said.

Rauch applauded the city's efforts to repaint crosswalks and bike lanes, suggesting the same be done to parking lanes.

Rauch said a significant number of people park wherever they find a vacant space. He said visitors may not know that parking is prohibited in yellow painted areas.

Mullock asked City Manager Mike Voll to investigate the issue.

The Washington Street Mall has not had any increase in rents for using city property for outdoor dining in more than 10 years, Rauch said, adding that the city should be paid commensurate with the value of that land leased to the restaurants.

The association also discussed police enforcing parking regulations to landscaping companies. Rauch said landscapers park in any manner they wish.

Deputy Mayor Stacy Sheehan said some landscapers and contractors park in the wrong direction and even in front of fire hydrants.

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