

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – January 8, 2013**

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairman William Bezaire, at 7:00 PM. In compliance with the Open Public Meetings Act, adequate notice was provided.

Roll Call:	Mr. Bezaire,	Chairperson	Present
	Mr. Shuler,	Vice Chairperson	Present
	Mayor Dr. Mahaney		Present
	Mr. Elwell		Present
	Mrs. Nelson		Present
	Mr. Jones		Present
	Ms. Weeks		Present
	Mr. Murray		Present
	Mr. Winkworth		Absent - excused
	Dr. France, 1 st Alternate		Absent - excused
	Mr. VanDeVaarst, 2 nd Alternate		Present

Also Present: George Neidig, Esquire – Board Solicitor
Craig Hurless, PE, PP, CME Associate - Polistina & Associates
Mary L. Rothwell, Board Assistant/Zoning Officer
Edie Kopsitz, Recording Secretary

BUSINESS: REORGANIZATION

Oath of Office: Mr. Jones, Mr. Murray, Mr. Winkworth and Mr. VanDeVaarst.

Chairperson:

Motion made by Mr. Elwell to appoint Bill Bezaire as the Chairperson for the Planning Board. Seconded by Mr. Murray, **with a motion that nominations be closed** by Mr. Elwell and Mr. Jones seconded that motion and **carried 9-0. With all members voicing unanimously in favor**, Mr. Bezaire is the Chairman of the Planning Board for 2013.

Vice Chairperson:

Motion made by Mayor Dr. Mahaney to appoint Harley Shuler as the Vice Chairperson for the Planning Board. Seconded by Mrs. Nelson, **with a motion that nominations be closed** by Mayor Dr. Mahaney and Mr. Murray seconded that motion and **carried 9-0, with all members voicing unanimously in favor**, Mr. Shuler is the Vice Chairman of the Planning Board for 2013.

Board Solicitor/Legal Advisor:

Motion made by Dr. Mahaney to appoint George Neidig, Esq. as the solicitor/legal advisor to the Planning Board. Seconded by Mr. Elwell and **carried 9-0. With all voicing unanimously in favor**, George Neidig is the Legal Advisor/Board Solicitor of the Planning Board for 2013.

Board Engineer:

Motion made by Mr. Murray to appoint Craig R. Hurless of Polistina and Associates, as the Engineer to the Planning Board. Seconded by Mrs. Nelson and **carried 9-0. With all members voicing unanimously in favor**, Craig R. Hurless is the Board Engineer of the Planning Board for 2013.

Meeting Dates for 2013:

Motion made by Mr. Jones to approve the meeting dates for the Planning Board for the year 2013. Seconded by Mr. Nelson and **carried 9-0, with all members voicing unanimously in favor.**

Official Newspaper:

Motion made by Mr. Elwell to appoint the *Star & Wave* as the primary official newspaper to the Planning Board with the Atlantic City Press secondary for the year 2013. Seconded by Mr. Shuler and **carried 9-0, with all members voicing unanimously in favor.**

Minutes: November 27, 2012

Motion made by Mrs. Nelson to approve the minutes of November 27, 2012 with noted correction on page 5. Seconded by Mr. Jones and **carried 6-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst and Mr. Shuler. Those opposed: None. Those abstaining: Ms. Weeks, Mr. Murray and Mr. Bezaire.

Resolution: #1-8-2013:1 – Montreal Inn, 1025 Beach Avenue, Block 1095 Lot(s) 8-13

Motion made by Mrs. Nelson to approve Resolution #1-8-2013:1 Montreal Inn. Seconded by Mr. VanDeVaarst and **carried 7-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst and Mr. Shuler. Those opposed: None. Those abstaining: Ms. Weeks, Mr. Murray and Mr. Bezaire.

APPLICATIONS:

**Montreal Inn, 1025 Beach Avenue,
Block 1095 Lot 8-13**

**Requesting Preliminary & Final Site Plan, Variances & Waivers
Major Addition to an existing Motel**

Craig Hurless, Board Engineer was sworn in and clarified his credentials for the record.

Members Bezaire, Nelson and Weeks certified for the record that they reviewed the transcript of November 27, 2012 for the Montreal Inn.

Louis Dwyer, Esquire was present representing Larry and Joe Hirsch owners, along with their professionals Daniel Shousky and Jerry Blackman of Olivieri, Shousky & Kiss Architect, Vincent Orlando, Engineering Design Associates and David Shropshire of Shropshire Associates, LLC all were sworn in by George Neidig. Mr. Dwyer briefly recapped the November 27, 2012 and turned over the presentation over to Mr. Orlando to review the Site Plan, a colorized rendition dated February 20, 2012, revision date April 26, 2012, marked A-6 for the record, explaining the parking areas located under the building, the trash enclosures, minor changes were done to parking with reconfiguration of spaces (created two additional spaces, sundeck area from public to semi private , landscaping and expounded on the existing elements that will remain. He clarified in detail the variance requested, building setback, building height, lot coverage, required off street parking (minimum size, buffer, off street parking and parking setbacks) and stated the uniqueness of the site is that the conditions currently on the site will not be changed on this application and the addition is located in the rear of the property. He believes this design is aesthetically pleasing to the area as well as enhancing to the structure. Mr. Orlando explained the C1 & C2 variance requests stating the benefits outweighing any detriments in purpose zoning ordinance in detail. His stated these variances met certain General Provisions of NJSA 40:55D-2 itemizing in detail the sections (a) General Welfare of entire City expounding on the shoulder season, (g) providing sufficient space, (i) Creative development, and (m) Efficient use of land, explaining in detail the reasons being sought. Mr. Orlando emphasized the use of the banquet facility and the dates that it will not be in use as June 15 through September 15.

Members questioned the applicant's professionals throughout the presentation with concerns regarding enforcement of the banquet facility operating times that was debated at length. Mr. Dwyer stated it would be deed restricted and the municipality would enforce the condition. A lengthy discussion ensued regarding the size of the parking spaces existing and proposed with Members remembering the past approvals of the Montreal Inn involving parking. Mr. Hurless then confirmed the standard parking space is 9 x 18 with Mr. Orlando stating the majority of the spaces were pre existing.

Mr. Kauffman was afforded time to cross examine Mr. Orlando and did so at length, a query regarding the Liquor Store on whether it is a permitted use in the C3 Zone, if it is not a permitted use it should be prohibited, debated the expansion is being introduced to a structure that is non conforming and stated it should go before the Zoning Board (D2 Variance), debated existing and deficient parking for the Liquor Store use. Mr. Neidig responded in detail informing Mr. Kauffman to discuss the application before them, not refer to past approvals of the applicant and jurisdictionally issue that is being raised does not require a variance. Mr. Kauffman continued his cross examination stating concerns regarding

pedestrian safety, insufficient parking spaces for the project (which terminology was debated at length with Mr. Orlando) and overdevelopment of the property, right of way issues. Mr. Kauffman who is representing Mr. Solar (objector) and his professional Brian Murphy (Engineer) submitted into evidence and was marked for the record **O-1** Aerial photograph of the site and surrounding (New Jersey, Madison, Beach, Stockton, New York Avenues & Queen Street). Mr. Orlando responded to questions put forth.

Chairman Bezaire called for a five (5) Minute break at 8:35pm. The meeting resumed at 8:45pm.

Mr. Kauffman called on Mr. Murphy who referred to exhibit **O-2** an outline of a one (1) page report called Parking Demand (a parking analysis) indicating 63 parking deficiencies and 22 unencumbered regulation size parking spaces. Mr. Murphy's analysis differs from Mr. Hurless calculations. Mr. Murphy also referred to his report dated November 26, 2012 that referred to Height variance, Lot coverage, Parking –number & sizes, Handicap parking issues, Bike rack & Stair Tower and Shropsire Parking Study (Mr. Murphy calculations differs). He believes that the proposed expansion of the Montreal Inn will exacerbate the existing parking, traffic safety, light, air and open space. Mr. Murphy stated site triangle were omitted from the plans, suggested elimination of back out parking, trash removal and, fire/safety trucks accesses were concerns he elaborated on, storage trailers on site and storm water management is not significant. Mr. Murphy testimony that in his professional opinion there was nothing in NJSA 40:55D-2 that would be fulfilled by granting the relief the applicants are seeking. Mr. Dwyer questioned Mr. Murphy's testimony. Mr. Kauffman stated with the hour nearing 10:00pm and length of the cross examinations suggested the public who have been in attendance be heard. Chairman Bezaire concurred but informed the public the Business section of the Agenda must be heard (Historic Preservation Commission List of Surveys).

Meeting opened for public comments at 9:50pm, Elizabeth Hyde, 1007 New Jersey Avenue informed the Board that she will be returning for a future meeting and will give up her public portion time so another concerned citizen could come forward. **Dan Hudson, 1017 New York Avenue,** voiced his extensive background for the record (Developer) and stated he is empathetic to the Hirshes, commending them as good neighbors but he is negative on the application do the parking deficiencies, existing non conformity issues, believes there is no hardship and would be precedent setting. **The public portion was closed at 10:00pm.**

Chairman Bezaire requested the next meeting date for the continuation of the Montreal Inn application will be **January 22, 2013 at 7:00pm** with all parties in agreement, Mr. Neidig announced the no further notice will be given and suggested all contact the Construction and Zoning Office 609-884-9556. Mr. Neidig announced that the **DiDanato application** that was scheduled for January 22, 2013 **will be heard on February 12, 2013** and Mr. Dwyer, Attorney for the applicant will re notice.

Chairman Bezaire continued the Business portion of the Agenda @ 10:00pm - The Historic Preservation Commission List of 533 Historic Structures. Chairman Bezaire

announced that upon review of the list, he is suggesting the following structures be removed from the list so questions concerning their rating can be researched and resubmitted on the next batch surveys for consideration. The following addresses: 210 Congress Street, 104 North Street, 504 Broad Street, 11 Gurney Street, 906 Stockton Avenue, 943 Sewell Avenue, 905 Columbia Avenue, 611 Jefferson Avenue, 801 Washington Street (Block & Lot duplicate), 1025 Beach Avenue, 1210 Union Street, 1116 New Jersey Avenue (incorrect address should be 1120), 1106 Missouri and 1109 West Street. Mary Rothwell, Board Assistant stated for the record that this process is the procedures for Historic Designation according to §525-36.C of the City of Cape May Code. Mayor Dr. Mahaney clarified that notices will be sent by certified mail to the property owner of the Historic Structure that the rating has been changed.

Motion made by Mr. Elwell that the Planning Board supports the process to generate the list of 519 structures, the recommendations derived from the process, the Historic Preservation Commission determinations and recommend the list proceeding to Council for approval. The following addresses: 210 Congress Street, 104 North Street, 504 Broad Street, 11 Gurney Street, 906 Stockton Avenue, 943 Sewell Avenue, 905 Columbia Avenue, 611 Jefferson Avenue, 801 Washington Street (Block & Lot duplicate), 1025 Beach Avenue, 1210 Union Street, 1116 New Jersey Avenue, 1106 Missouri and 1109 West Street that were in question regarding their rating or error in address, block or lot that must be responded on. Seconded by Mr. VanDevaarst and was carried 8-0. Those in favor: Mr. Elwell, Ms. Weeks, Dr. Mahaney, Mrs. Nelson, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Murray (voiced reason for the record).

Motion made by Mr. Shuler, Seconded by Mr. Jones to adjourn the meeting at 10:15 PM with all in favor.

A verbatim recording of said meeting is on file at the Construction/Zoning Office.

Respectfully submitted: Edie Kopsitz, Recording Secretary