

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – January 22, 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

Resolution: #1-22-2013:1 – 1136-1138 Lafayette Street LLC, Block 1113 Lot 9

Motion made by Mr. VanDeVaarst to approve Resolution #1-22-2013:1 – 1136-1138 Lafayette Street LLC, Block 1113 Lot 9 with the noted correction on pages 2 and 5. Seconded by Mr. Murray and **carried 8-0.** Those in favor: Mr. Elwell, Mr. Murray, Ms. Weeks, Dr. Mahaney, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Mrs. Nelson.

APPLICATIONS:

**Montreal Inn, 1025 Beach Avenue – Continuation
Block 1095 Lot 8-13
Requesting Preliminary & Final Site Plan, Variances & Waivers
Major Addition to an existing Motel**

Chairman Bezaire requested a five (5) minute recess at 7:08pm in order for the Board Members to review briefs from Mr. Dwyer, (Representing the Applicant) dated January 16, 2013 and Mr. Kaufmann (Representing the Objector Kevin Soler). **Members returned at 7:15pm.**

Mr. Dwyer expressed his concern of this procedure in the middle of an application to raise jurisdictional issues. He clarified that the Montreal Hotel historically has been treated as a conforming use and has appeared before this very board several times. He elaborated on Accessory Uses expounding on Cape May's Zoning Ordinance §525-4, §525-242(g) and indicated The Montreal Hotel along with other Hotels in Cape May that have the Accessory Use Sale of Alcohol. He stated that nothing in the C3 Zoning District precludes this use and contends it is a permitted accessory use. Mr. Kaufman clarified that a jurisdictional issue can be raised any time during a hearing. He contends the liquor store is a preexisting non conforming use and would require a D2 Variance that only the Zoning Board of Adjustment could grant. They debated on the language of Accessory Use §525-24A. Members were afforded questions and were given responses by both attorneys. Members referred to Board Attorney Mr. Neidig who gave the determination with a lengthy explanation that the application does not require a D2 Variance.

Motion made by Mr. Murray to proceed with the application based upon the advice of the Board Solicitor recommending that the Planning Board has jurisdiction in this case. Seconded by Ms. Weeks and **was carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Dr. Mahaney, Mr. Murray, Mrs. Nelson, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

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

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 Nathan Mosley of Shropshire Associates, LLC all were sworn in by George Neidig.

Mr. Kauffman called on his client Kevin Soler, 10 Stockton Avenue who was sworn in by George Neidig. Mr. Soler testimony confirmed his vacation rental property and voiced his concerns regarding the parking issues. He expressed his concern of the parking variance being requested he submitted flyers from the Montreal Inn Web site advertising the Liquor Store **marked O-3**, A binder **marked O-4** that contained (109 pages) that included correspondence from City Manager of Cape May from 1975,1976, & 1977 regarding the sidewalk/curbing, bicycling issues, photographs (current date) of views from a variety of angles denoting the parking concerns of the surrounding area, Photographs of the Shore Motel in North Wildwood that had a fire, **marked O-5, O-6, O-7, O-8, O-9** voiced his concern stating it could happen in Cape May **and marked O-10** was a Resolution dated September 1, 1987 for the Montreal Inn and expressed his opposition to the application. Louis Dwyer cross examined Mr. Soler and submitted into evidence a photograph **marked A-8** depicting Mr. Soler vacation home stating that the property does not have sufficient parking but they advertise a 9 bedrooms, 3 kitchens residence for rent for up to 22 people.

Board Engineer, Craig Hurless then reviewed his report of November 7, 2012 clarifying the description for the membership. He reviewed the Completeness review on pages 3 & 4 and addressed the details for Site Plan – Waiver with Variances, #18, #3, (f), (o), (r), (v), (w), details required for preliminary Site Plan approval §417-5C of the City of Cape May Code

and (aa) Site Plan in digital format on CD-ROM. He addressed the Zoning Charts on page 4 addressing the C-3 District §525-24 Hotels/Motels. He addressed the Variances on pages 5 & 6 of the Building Setback §525-24B(1), §525-24B(2) Building Height, §525-24B(2) Lot Coverage, §525-49A, §525-49B, §525-49C and §525-53E(7). Mr. Hurless reviewed the Design Waivers on page 7, §437 Stormwater Management, §525-59F Lighting and §525-59D Curbing. He explained the general review comments on pages 7 through 10 - #1 (condition), #2 (addressed), #3 (condition), #4 (condition), #5 Solid Waste & Recycling (condition), #6 Traffic, Parking & Circulation (condition), #7 (condition), #8 (condition), #9 (condition), #10 (condition), #11, #12, #13, Grading Drainage & Utilities #14, #15, #16, Signage, Lighting & Landscaping #17, #18, #19, Other Approvals #20, #21, #22 (Fire Department correspondence), #23, #24, #25, #26, #27 and #28.

Chairman Bezaire requested a five (5) minute recess at 9:00 pm. The meeting resumed at 9:05pm. Chairman Bezaire announced the meeting will be opened to the public.

Meeting opened for public comments at 9:05pm to those 200 feet and beyond, Dr. Linda Wolf, 1015 New Jersey Avenue, Opposed application due to parking issue, will create a congested area year round, not a hardship, major safety issues to which she spoke at length reiterating her comments. **Elizabeth Hyde, 1007 New Jersey Avenue,** opposed application expressed her concerns regarding – parking inadequacies, employees parking everywhere not leaving spaces for the residents,(Mr. Hirsch responded that he was arranging employee pick up that addressed this issue), she recommended the applicant fix up the house that is used for employees, complained about the visibility of the storage area containers, expressed the unsafe Loading/Unloading Zone and stated there should be more enforcement of these areas. **Kathy Wilkinson, 1021 New Jersey Avenue** opposed the application stating the unsafe back out parking conditions (safety issues with people on bicycles), the applicant being deficient 63 parking spaces but expressed that it was not personal opposition of the Hirsch's which she shared that she frequents their restaurant and liquor stores. **Charles Hendricks, 106 Trenton Avenue,** negative on application because he feels the residence are going to suffer because of commercial interest, over development issues and if approved will establish precedent setting for other hotels in the area. He strongly requests the Board to deny the application. **Matt Glenn, 1404 New Jersey Avenue,** opposes application do to the existing parking issues that face the city and residential properties, expressed there is no need for a banquet facility because of the new Convention Hall, expounded on the current parking problems. He has concerns with the restriction on the Deed proposed and enforcement if approved. Mr. Dwyer clarified the Banquet Facility would only be operational on the shoulder season June 15th to September 15th. **John Kelly, representative of the Cape May County Chamber of Commerce,** supports the application for the banquet facility and read a letter into the record dated January 17, 2013 that encourages the economic vitality for the visitors and residence. **Elizabeth Stieger, 1151 Indiana Avenue,** supports the application because the Hirsch's family has the interest of Cape May and feels the banquet facility will help with the off season. **Tim Walsh, 1022 New York Avenue,** opposes the application because of the existing parking problem in Cape May, employees parking in the residential areas, the Montreal Inn staff cleaning their kitchen mats and other items causing a run off problems. **Susan Tishler, 507 Washington Street Mall,** supports application stating the Hirsch's are excellent business people and encourages the banquet facility. **Alice Burke, 966**

Shunpike, Encourages the Board to approve stating it will promote more year round employment and visitors who will attend all establishments in the City. **Leo Leza, 301 Sunset Boulevard**, positive on application because it will benefit the local economy. **David Craig, 1007 Michigan Avenue**, supports the application, the Hirsch Family and encourages the Board to approve the Banquet Facility as it will benefit all businesses in Cape May. **The public portion was closed at 9:58pm.**

Chairman Bezaire announced the hour and encouraged the Members to move forward until a decision is determined, with Members responding in the positive to continue. Mr. Dwyer gave his closing remarks which encompassed a summation of his presentation in the positive. Mr. Kauffman closing remarks highlighted his opposition.

Mr. Neidig suggested the number of variances being requested and stated the Required Off Street Parking §525-49C variance should be voted on first.

Motion made by Mr. Murray to allow the Parking Variance of 95 spaces where 158 spaces are required. Seconded by Mr. Jones and **was denied 5-4.** Those in favor: Mr. Murray, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: Mr. Elwell, Ms. Weeks, Mrs. Nelson, Dr. Mahaney and Mr. VanDeVaarst. Those abstaining: None.

All Members voiced their reasons in detail for the record.

Motion made by Mrs. Nelson, Seconded by Mr. Jones to adjourn the meeting at 10:35 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