

**City of Cape May Planning Board Meeting Minutes
Tuesday – March 8, 2011**

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairman 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		Present
	Dr. France, 1 st Alternate		Present
	Mr. Briant, 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

Minutes: November 23, 2010
January 11, 2011

Motion made by Mr. Elwell to approve the minutes of November 23, 2010 and January 11, 2011. Seconded by Mrs. Nelson and **carried 8-0.** Those in favor: Mr. Elwell, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Ms. Weeks.

BUSINESS:

**Bantry Bay, LLC, 901 Stockton Avenue, Block 1082 lot 21
Extension of Preliminary & Final Site Plan Relief**

Craig Hurless clarified his credentials for the record.

Louis Dwyer, Esquire appearing for the applicant, is requesting the third (3rd) and final one (1) year extension for Site Plan approval as stated in Resolutions No. 4-24-2007 and 06-06-2010:3. He stated the reasons are due to the economic climate and there was a delay in acquiring funds to move forward.

Members' questions were positive on the application receiving the final one (1) year extension.

Motion made by Mr. Murray to grant the third (3rd) and final extension. Seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Ocean Club Hotel, CM LLC/Atlas Hotel, 1035 Beach Avenue
Block 1101 Lots 2-4
Preliminary & Final Site Plan/Variance Relief**

Chairman Bezaire and Member Murray recused themselves from the application.

Vice Chairman Shuler resumed the duties of the meeting.

Craig Hurless clarified his credentials for the record.

Louis Dwyer, Esquire introduced the applicant Nick Nezaj and professional for the applicant, Vincent Orlando, PE of Engineer Design Associates. Board Attorney, George Neidig swore all in for the record.

Mr. Orlando referred to the color rendition by Dennis Mitchell, Architect of the proposed site that was marked as Exhibit **A-1** and a colorized Site Plan by EDA dated 2-21-2011 marked Exhibit **A-2**. His testimony began by describing the site in its current condition as a six (6)-story motel facing Beach Avenue known as the Atlas Motor Inn (in existence for 40 years). He clarified the existing parking on the rear off of New Jersey Avenue, described the six (6) parking spaces that are on Beach Avenue and the concern that they also back out on Beach Avenue, the current swimming pool and restaurant. He elaborated on the much-needed renovation/reconfiguration as a modernization both interior and exterior. The exterior will be stucco on top of brick, the reconfiguration & expansion of the restaurant to accommodate 150 patrons, a 40 seat covered porch addition to the restaurant with a ten (10) seat bar above, existing pool bar and pool house to be removed, new pool equipment enclosure at Beach Avenue, the reduction in hotel room from 95 to 90 units and the reduction in the number of parking spaces from 109 to 103 spaces. He elaborated in detail on the parking configuration, valet service to which Mr. Hurless requested clarification on the valet drop off procedure and how it will be implemented. He described the U type fashion in the front drop off area that has more than adequate space and staff and will have sufficient signage in season only. Mr. Orlando with the colorized Architectural Plan marked **A-3** described in detail the fencing and the removal of the wall as an accommodation to the Hotel next door. He then verified the negative and positive criteria referring to the C2 Criteria (40:55 D2) were the benefits out way the detriments. Mr. Orlando alluded to the fact that the aesthetic enhancements to the building as a purpose of Zoning that is being advanced in this application.

Members' questions were numerous regarding the fencing of the pool, the positive aspects of the wall removal on the east side of the building area and the capacity of valet parking regarding the drop off area. Members all agreed to hold off other questions until after the objectors concerns are heard.

Ronald Stagliano, Esquire of Stagliano & Deweese who is representing several owners who front on New Jersey Avenue (the rear of the Ocean Club/Atlas), they are as follows: Thomas & Cathleen Wilkenson 1021 New Jersey Avenue, Ray & Terry Guzman 1001 New Jersey Avenue, Kevin Solar 1005 New Jersey Avenue, Dr. Linda Wolfe & Beverly Yanich 1015 New Jersey Avenue, Larry & Beth Hyde 1007 New Jersey Avenue, Dick Lessler 1023 New Jersey Avenue, Jerry and Denise McLynn 1013 New Jersey Avenue, Fred & Marie Lacket 1033 New Jersey Avenue, Wayne & Barabara Kieser 1027-1029 New Jersey Avenue and Bernie & Mary Long 1012 New York Avenue. He proceeded with questions directed towards Mr. Orlando regarding the elimination of parking spaces along Beach Avenue requesting the confirmation of the number, the expansion of Restaurant facility voicing concerns pertaining the variance sought for front yard set back for the patio expansion, questions regarding Site Plan review with regards to Chapter 4 of Cape May Code 417-1 purposes, Valet Service regarding the time line and number of employees obtained to conduct the service, Off site parking, grave concerns of the limited parking area, the landscaping screening proposed, verification of the proposed offices, storage, remodeling of the units, confirmation and reasons for the lack of a traffic analysis and safety concerns regarding vehicle back out procedures that will affect the bicycle path. Mr. Stagliano produced of a diagram marked as **O-1** that introduced stack parking for 10 spaces and with photographs of the homes on New Jersey from the view of the Atlas. He addressed their concerns pertaining to safety and the backing out issue. Mr. Dwyer wanted it noted for the record his objection to the submission of the diagram due to fact it is introducing stack parking which is not permitted in Cape May and was not considered for a variance by the applicant. Mr. Stagliano referred §525-59 E that deals with Design Standard of off street parking regarding curb cuts and informed the members that §525-49 would give the board an opportunity address the stack parking issue and consider it.

Mr. Orlando responded in detail to all the questions expanding on the concern of the back out parking that has been in existence since the hotel was built 40 years ago. He also stated a parking analysis was submitted with the application and felt a traffic study would not apply. Mr. Dwyer stated this is going to be a first class hotel with proper accommodations, suitable amenities for their guest and an asset to the community. He explained that his client recently purchased the Atlas and informed the members that his client was not a new face in Cape May. His client rehabilitated and refurbished the Hotel Alcott on Grant Street.

Vice Chairman Shuler called for a ten (10) minute break at 8:40 pm. Meeting resumed at 9:00 pm. George Neidig explained the reason for the lengthy break was due to the surrounding neighbors requesting the renovation to come to fruition and suggested the applicant to return with a revised plan including curbing New Jersey Avenue,

landscape buffering, pulling back the restaurant, remove some seating in the restaurant and the introduction of stack parking in the rear of the property. Legal Representation on both sides discussed several options in order to move forward. In fairness to the public not represented by Mr. Stagliano they will be able to speak this evening in the open public forum. The meeting will then be continued until March 22, 2011 giving the professionals ample time to review and comment the revisions. The applicant will have to re-notice the revision (new plans) and the variance to the application.

Meeting was opened for public comments at 9:00pm. Tim Walsh, 1022 New York Avenue had concerns regarding the graphics of the 200ft noticing stating his property is behind the Atlas. Denise McGinn, 1013 New Jersey Avenue, was positive on the application but had issues regarding the noise concerning the exhaust fan on top of restaurant and the buses that idle in the parking lot. Claudia Gatka, 1039 Beach Avenue, Periwinkle Inn, positive on the application and welcomes the long overdue renovation. Patti Schmucker, 1033 Beach Avenue, Capri Motor Lodge, had concerns regarding the fire pit proposed and noise ordinance procedures with regards to the outside seating. Lorraine Jorgenson Walsh, 1022 New York Avenue, requested clarification on the hotel room layouts. Beth Hyde, 1007 New Jersey Avenue, requested verification on the continuation date of the application so she could be in attendance.

Motion made by Mrs. Nelson to table the application until March 22, 2011 at 7:00pm. Seconded by Mr. Jones with all in favor, the motion carried.

Adjournment: Motion made by Dr. France, Seconded by Mrs. Nelson to adjourn at 9: 25PM with all in favor.

Respectfully submitted: Edie Kopsitz, Recording Secretary

Adopted