

**City of Cape May Planning Board Meeting Minutes
Tuesday – March 22, 2011**

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

Roll Call:	Mr. Bezaire,	Chairperson	Absent - excused
	Mr. Shuler,	Vice Chairperson	Present
	Mayor Dr. Mahaney		Present
	Mr. Elwell		Present
	Mrs. Nelson		Present
	Mr. Jones		Present
	Ms. Weeks		Absent - excused
	Mr. Murray		Absent - excused
	Mr. Winkworth		Absent - excused
	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
Edie Kopsitz, Recording Secretary

Absent: Mary L. Rothwell, Board Assistant/Zoning Officer

Minutes: December 14, 2010

Motion made by Mrs. Nelson to approve the minutes of December 14, 2010 with noted corrections. Seconded by Mr. Elwell and **carried 7-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. Briant and Mr. Shuler. Those opposed: None. Those abstaining: None.

BUSINESS:

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

Vice Chairman Shuler resumed the duties of Chairman for the meeting. Mr. Neidig wanted it noted for the record that Mr. Murray and Chairperson Bezaire recused themselves from this application at the previous meeting March 8, 2011.

Craig Hurless clarified his credentials for the record.

Louis Dwyer, Esquire introduced the applicant Nick Nezaj along with their professional, Vincent Orlando, PE of Engineer Design Associates and were sworn in by Board Attorney, George Neidig for the record.

Vice Chairman Shuler gave a synopsis of the March 8th meeting for the public. He then turned the meeting over to Louis Dwyer, Esquire who clarified that it is the same application with revisions and substantial changes that address concerns from the members as well as the immediate neighbors.

Mr. Orlando referred to the color rendition Site Plan by EDA dated 2-21-2011 with revision dated 3/10/11 marked Exhibit **A-4 sheet 2 of 4**. His testimony began by describing the original site plan regarding the parking area, then explained the revision as an omission of the back out parking onto New Jersey Avenue (20 spaces have been eliminated), incorporation of a fence with extensive landscaping within the New Jersey Avenue right of way in front of the fence, redefined entrance of the parking area (making it right angle to New Jersey Avenue), placed parking on westerly side realignment of driveway entry and provided a curb New Jersey Avenue along the frontage along with a sidewalk. He then elaborated on the reorientation of the driveway creating a circulation flow that allowed a one-way system. He explained the reduction in number of parking spaces from 109-108, the six (6) parking spaces along Beach Avenue are proposed to be removed to allow for restaurant expansion and ten (10) stacked parking spaces are proposed and will be reserved for employees only. Mr. Orlando described the changes to the front of the building by decreasing the open deck area (set back 6 feet), the elimination of 14 seats on the open deck, increased the landscaping on Beach Avenue and to omit the open fire pit. He also stated a reduction in the number of hotel units from 95 to 90 units. Mr. Orlando stated that all other aspects of the application would remain as presented March 8, 2011. Mr. Orlando feels they addressed all concerns stated and that the benefits out way the detriments. Mr. Dwyer reiterated that it has been the practice that the Zoning Board does not approved stack parking with Mr. Orlando concurring that stack parking is a prohibit element. Mr. Orlando expressed that the revisions presented are a better compromise to an existing facility.

The applicant is requesting a temporary Certificate of Occupancy with a reasonable bonding to make sure the improvements are completed should the application be approved. Mr. Nazaj testimony to facilitate this project they are using local projects.

Members' questioned the applicant regarding if the determination of this application does not include the approval of stack parking what it would do to the plan. Mr. Orlando responded they would lose five (5) parking spaces. Members requested clarification regarding the trash enclosure coverings not the placement. Mr. Orlando responded that they doubled the size of the enclosure and stated they would be covered.

Craig Hurlless, Board Engineer updated the membership by summarizing his report dated March 15, 2011 and reiterated the applicant's proposal in his description encompassing the revisions. The Completeness review on pages 2 & 3 addressing the details for a Preliminary Site Plan approval outlined in #417-5C of the City of Cape May Code itemizing #1, #3, (v), (w) & (aa). He addressed his Zoning Charts page 4 addressing C-3 Hotel District (§525-

24a(2), §525-24B(1) table (2) Hotels/Motels and Parking & Signage Requirements. He clarified the Variances sought pages 4 through 6, §525-24B(1) Table 2 Building Setback – Beach Avenue, §525-24B(1) Table 2 Side Yard Setback & §525-49 Parking Standards – Locations, Number of Spaces & Configuration. Mr. Hurless continued with his General Review comments on pages 6 through 9 items #1, #2, #3 (Revised Architectural Plans), #4, #5, #6, #7(Noise from Restaurant will be controlled), Solid Waste & Recycling: #8, Parking & Circulation: #9, #10 (Drop off /valet parking concerns) Mr. Orlando stated it is County approved, explained the revised front façade with front door access controlled, #11, #12 (Parking stall designation) Mr. Orlando responded there will employee signage and striped, #13, #14 (ADA compliant), #15 (Parking bumpers), Grading, Drainage & Utilities; #16 , #17, #18, #19, Landscaping & Lighting: #20, #21, #22, #23, #24, Signage #25, Approvals & Other Review Requirements: #26, #27, #28, #29 & #30 (COAH).

Meeting was opened for public comments at 8:10pm. Ronald Stagliano, Esquire of Stagliano & Dewese who is representing several owners who front on New Jersey Avenue (the rear of the Ocean Club/Atlas) that was presented at the March 8th meeting wanted it noted for the record an additional client he is representing **David Strassner, 1033 New Jersey Avenue**. The neighbors he represents are in favor of the stack parking for this particular application, by stating it is a benefit to the neighborhood and the daily operation of monitoring the employee spaces should rely on the management. The general consensus of the neighbors is they view this is fewer parking spaces for the hotel and more for the neighbors. They believe that every application should stand on their own set of circumstances and they as a group strongly support this application because it removes employee parking on the streets. The neighbors are in support of the additional landscaping proposed, they are requesting two additional street trees, request an additional fencing (15 to 20 feet) that will go around the corner for additional shielding of head lights and they feel it will not create a safety issue, they support the new lighting and request that the lights on New Jersey Avenue be shielded, support the issuing of the TCO and request the loud fans from the Restaurant be buffered as stated in the previous meeting. **Public with in 200 feet: Linda Wolf, 1015 New Jersey Avenue** positive on the applications had concerns regarding the noise from the buses that sit idle at the hotel, Mr. Dwyer informed Ms. Wolf that the renovations are for a 1st class hotel and they will not be promoting the bus tour industry. **Elizabeth Hyde, 1007 New Jersey Avenue**, was in favor of the application with positive comments but had concerns with expanding the facility. **Catherine Wilkens, 1021 New Jersey Avenue**, is in favor of the application moving forward, she is appreciative of buffering of the front of the hotel and encourages the additional buffering of the fence suggesting (to go around to New Jersey Avenue) be part of the condition of approval. **Patty Schmucker, 1033 Beach Drive**, positive on the application but had concerns of the additional new 16 parking spaces that are now facing her property, she is requesting additional wood fencing to run the length of the property to buffer the additional lights that will shine on her guest house. The applicant agreed to emplace a 4-foot wooden fence with concrete bumpers on the westerly side of the property.

Vice Chairman Shuler called for a 10 minute break @ 8:35 pm and resumed @ 8:45 pm.

Those of the public beyond 200 feet where called to speak. Andrew Bulakowski, 4500 Wildwood Avenue and Vanessa Brown 1317 Washington Street. Was positive on promoting the renovations but commented that even though a local contractor was hired for the construction for the project, he questions if the workers hired are local or even from the County, State or Country. He also stated that stack parking should be permitted for all applicants that request it. There were 40 construction workers present that stood up to make their presence known and left in an orderly fashion. Mr. Neidig explained the procedures and jurisdiction of the Planning Board. **The public portion was closed at 8:50pm**

Mr. Dwyer closing statement was brief believing that Mr. Orlando addressed the positive and negative criteria. The applicant has addressed all the concerns of the neighbors and the renovation will be an asset to the community.

Motion made by Mrs. Nelson for the approval of stack parking. Seconded by Mr. Jones with an amendment to the motion by Mayor Dr. Mahaney to include that: 1) The stack parking has to dedicated for EMPLOYEE PARKING ONLY, signed and striped to that effect, 2) Safety issue by elimination of back out parking on New Jersey Avenue to a sign bike path. 3) Adequate Signage delineating the public parking area so it is clear. 4) By granting this applicant is limiting access to the Hotel site on New Jersey Avenue to one means of ingress & egress. 5) The creation of on-street parking on New Jersey Avenue and will be site specific to 1035 New Jersey Avenue. And carried 5-2. Those in favor: Mr. Elwell, Mrs. Nelson, Mayor Dr. Mahaney, Mr. Jones and Mr. Briant. Those opposed: Dr. France and Mr. Shuler. Those Abstaining: None. **All members voiced their vote for the record.**

Motion made by Mr. Elwell to grant the variances for location and number of spaces that has been testified. Seconded by Mr. Jones **and carried 7-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. Briant and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Jones to approve the variance for the building set back that relates to Beach Avenue. Seconded by Mr. Elwell **and carried 7-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. Briant and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Elwell to approve the variance for the side yard set back. Seconded by Mrs. Nelson **and carried 7-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. Briant and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Elwell to grant the Design Waiver for light system of 0.5-foot candles as noted on Mr. Hurless revised report dated March 15, 2011 page 8 item with §525-59F. Seconded by Mr. Jones **and carried 7-0.** Those in favor: Mr. Elwell, Mrs. Nelson,

Dr. Mahaney, Mr. Jones, Dr. France, Mr. Briant and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Elwell to grant the waiver for the provision of an environmental impact and traffic reports. Seconded by Mrs. Nelson and carried 7-0. Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. Briant and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mrs. Nelson to impose the following conditions as noted in Mr. Hurless revised report dated March 15, 2011, he cited page 3 section (v), A Jurisdictional Determination from the NJDEP CAFRA will be provided, 2) Site Plan on CD ROM, General Review Comments pages 6 through 9, items, 1, 2, 3, 6, 7, 8, 10, 12 with sign & striping added, 14, 15 parking bumpers, 17, 18, 21, 22, 24, 26, 27, 28, 29, 30, Shade Tree to determine the additional trees requested by the neighbors, the planting schedule is to reflect the revised the number, type and size of trees, to present the Board Engineer a resolve to reduce or eliminate the noise that emanates from the exhaust fans and if Preliminary & Final Site Plan be approved only Temporary Certificated of Occupancy will be granted with a Completion date of May 20, 2012 with an appropriate bond in place. Seconded by Mr. Jones and carried 7-0. Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. Briant and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Elwell to grant Preliminary & Final Site Plan approval subject to any and all other approvals. Seconded by Mr. Jones and carried 6-1. Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Mr. Briant and Mr. Shuler. Those opposed: Dr. France. Those abstaining: None.

Motion made by Mayor Dr. Mahaney, Seconded by Mr. Jones to adjourn the meeting at 9: 30PM with all in favor.

Respectfully submitted: Edie Kopsitz, Recording Secretary

Adopted