

**City of Cape May Planning Board Meeting Minutes
Tuesday – December 14, 2010**

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		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
Edie Kopsitz, Recording Secretary

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

Minutes: **October 12, 2010**

Motion made by Mr. Murray to approve the October 12, 2010 minutes. Seconded by Mr. Winkworth and **carried 8-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Dr. France and Mr. Shuler. Those opposed: None. Those abstaining: Mrs. Nelson.

Application:

**Adis Inc./LaMer Beachfront, 1317 Beachfront Inn, Block 1146 Lot 6, 7, 10-24
Amended Major Site Plan**

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

George Neidig clarified the procedures that will be followed. He announced present was Sanford Schmidt, Esquire who represents several objectors called the Friends and Neighbors of East Cape May.

Vice Chairman Shuler gave a highlighted version of the November 9, 2010 meeting informing all of where the application was at with regards to the legal testimony and stated the start of this meeting would be with the Engineers Report.

Board Engineer, Craig Hurless then reviewed his report of November 3, 2010 clarifying the description for the membership noting the correction to 152 motel units. He reviewed the Completeness review on pages 2 and addressed the Details for Preliminary and Final Site Plan approval on pages 2 through 4, itemizing #3, (c), (e), (f), (v), (w) & (aa). He addressed the Zoning Charts on page 5 addressing the C-3 District (§525-24) Hotels/Motels District and C3 Hotel/Motel District – Parking & Signage Requirements. Clarified the variances being sought as §525-24B(1) Table 2 - Building Setback, §525-24B (1) Table 2 – Side Yard Setback, §525-24B (2) Table 1- Building Height, §525-49C (4) – Parking – Number of Spaces, §525-49E (7) – Parking within Setbacks and §525-58G – Accessory Structure within Setback on pages 6 through 8 #1, #2, #3, #4 noting correction to 180 off street parking spaces with 202 required, #5 and #6. The Design Waivers #1 - §437 – Storm water Management and §525-59F – Minimum Lighting Requirements. The general review comments on page 8 through 11 – General Zoning: #1, #2, #3 & #4, Solid Waste & Recycling: #5, Parking & Circulation: #6, #7, #8, #9, #10 & #11, Grading, Drainage & Utilities: #12 (condition), #13 (condition), # 14 (condition), #15, Landscaping & Lighting: #16 & #17, Signage: #18 (was verified by Mr. Andy), Approvals & Other Review Requirements: #19, #20 require a updated memo from Shade Tree Commission, Ms. Weeks questioned the trees in the parking area with Mr. Orlando confirming the trees will remain, #21 Historic Preservation Commission approval (condition), #22 (condition) Mr. Andy updated the membership the status, #23 (condition) and #24 COAH (condition). Mr. Orlando requested he clarify for the record that there are **152 units**' and **158 sleeping rooms** and that the final Architectural Plans will illustrate this.

Meeting opened for public comments at 7:50pm with Vice Chairman Shuler calling all those within 200 feet and to keep comments brief with a four (4) minute time limit. Richard Zeghibe, 1400 New Jersey Avenue, opposes any further expansion of the property stating it will affect his view, creates more density, increased traffic, pedestrian and vehicle safety issues due to more congestion, professional parking analysis was negligent, signage concerns giving examples of the trolley pick ups and drops offs, he informed the members of his professional background as owner of several parking facilities in Philadelphia (pertaining to parking studies of parking garages in Central Philadelphia), introduced a photograph marked **O-1** of a sign denoting parking by permit only that is posted at LaMer, employee increase with proposed development creating more congestion, does not feel the general welfare of the community will be advanced and feels this development will diminish the quality of life of the surrounding area. Mr. Hluchan crossed examined Mr. Zeghibe by stating he does not have an easement over Mr. Andy's property or air rights and with the Zoning Code the applicant can go up to 35 feet on the property. Mr. Hluchan then showed a pink parking pass marked **A-3** and was passed around to all members. **Matt Glenn, 1404 New Jersey Avenue,** opposes the application, he states the following: that there will be hardship to the surrounding properties if this commercial building is permitted to expand further, inaccurate count of

the employees, lack of an accurate traffic study, congestion problems will only increase, stated that applicant never allows patrons of the Restaurant to park in the lot and feels the City of Cape May lacks the Code Enforcement to confirm/inspect that the applicant will have a restaurant with 96 seats. **Barbara Glenn, 1404 New Jersey Avenue**, opposes the application stating: She and her husband were banned from the Pier House Restaurant after a previous application of Mr. Andy's was denied, commented on the amount stated of employees working at the Pier House Restaurant is not accurate and gives her estimation (16-24 employees) from a previous employee (not named). Mr. Hluchan cross-examined Mrs. Glenn regarding the estimation of number of employees. **Steve Bajus, 1409 Beach Avenue**, informed the members of his profession as a Commercial Real Estate Developer in the Philadelphia suburbs and owns his own Restaurant, questioned employee numbers stating they were not accurate and extremely low giving comparisons to his own. He then gave a number of 8 full front employees he observed while dining at the Pier House on a Saturday night and informed the members he did not observe how many were in the kitchen. Mr. Hluchan crossed examined Mr. Bajus regarding the employee ratio for a restaurant. **Joan Harvey, 1401 Beach Avenue**, opposes the application by stating she had to comply with the Zoning Ordinances when she built her house in 2001 and LaMer was a smaller hotel. Expansion of the LaMer has caused problems with the neighborhood with regards to parking, pedestrian congestion and the bright flood lights pour into her windows. She stated LaMer is over expanded and needs to be curtailed. **Beyond 200 feet. James Testa, 1501 Beach Avenue**, opposes the application owns George W. Boyd House stated his reasons: Parking congestion already plaguing the Beach Front, increase density, becoming a engorged obstacle with the neighboring Residential zoned structures and encourage the Board to only approve Commercial applications if they provide strong buffers. **Connie Belliselli, 508 Sandalwood Road, Cape May Beach**, supports the application because she frequents the Pier House Restaurant, has never experienced a parking problem, and complimented the hotel rooms and the detail of the beautiful landscaping. **Andrew Bulakowski, 4500 Atlantic Avenue, Wildwood**, he speaks for carpenters union, building trades and encourages applicants to use American workers and not outsource the work. **James Chaney, 1107 Maryland Avenue**, spoke in favor of the application. He indicated that because of the local economy and the development of the new Convention Center the City of Cape May will need additional hotel units of this stature. Elucidated positive comments regarding commercial rates and the tax rate. He also referred to shared use parking and requested the Planning Board consider it for economic growth. **Larry Muentz, 653 Washington Street, Alexander's Inn** - positive on the application, stated he reduced Restaurant seating, added quest rooms all with Board approval and it is an adaptive reuse of a building. He also encourages shared parking and feels there would be great public benefit. **At 8:55 pm the public portion was closed.**

Sanford Schmidt, Esquire representing the Friends & Neighbors of East Cape May, Inc. who oppose the application, closing remarks emphasized that it was his third (3rd) appearance before the Board for the same request with minor changes for a parking variance. He reiterated to the members the 22 short falls of parking spaces with the proposed application and the over development of the property. Mr. Schmidt stated the applicant has failed to meet the statutory criteria, it is not a hardship with any benefit to

the public good and members should abide by the neighbors and protect the low-density residential district.

Vice Chairman Shuler called for a five (5) minute recess at 9:10 pm. The meeting resumed at 9:20pm.

Richard Hluchan, Esquire closing was focused on the positive enhancements of the application, request for additional parking, but with reduction in the restaurant, number of units approved above the laundry and make sense for the tourist as well as the community. He stated the neighbors kept referring to demonstrate hardship and reiterated that a hardship variance was not requested. Mr. Hluchan emphasized the loss of Bed and Breakfasts reduction in Hotel units and reiterated that other restaurants along with the new Convention Center don't have any parking. They discussed shared parking and its presence in Cape May and to acknowledge it. He explained the parking and traffic report by Brian Stankus of Orth-Rodgers Associates was conducted on the busiest weekend of the season Friday, July 3rd, Saturday, July 4th and Sunday, July 5th, 2009 (100% occupied) and still had 33 empty parking spaces. He cited the variances requested from NJSA 40:55-70c2 of the Zoning Ordinance and feels they proved the benefits outweigh the detriments.

Members were afforded time for comments. Ms. Weeks stated that she felt the parking study was flawed and incomplete, as it did not encompass all the hours. Mr. France questioned the date of the traffic study (2009) and believes it should have been conducted in the current year season (2010).

Motion by Mrs. Nelson to grant the variance §525-49E for Parking within the set back was according to the application with all other conditions. Seconded by Mr. Jones and **was denied 6-3.** Those in favor: Mr. Elwell, Mr. Murray and Mr. Jones. Those opposed: Ms. Weeks, Mrs. Nelson, Mr. Winkworth, Dr. France, Mr. Briant and Mr. Shuler. Those abstaining: None.

All members voiced for their vote for the record.

Motion by Mrs. Nelson to grant variance §525-49C(4) Parking for 24 spaces based on the previous denial for parking in the set back. Seconded by Mr. Murray and **was denied 6-2.** Those in favor: Mr. Elwell and Mr. Murray. Those opposed: Ms. Weeks, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Dr. France and Mr. Shuler. Those abstaining: Mr. Briant.

All members voiced for their vote for the record.

Adjournment: Motion made by Dr. France, Seconded by Mrs. Nelson to adjourn at 10:10 PM with all in favor.

Respectfully submitted: Edie Kopsitz, Recording Secretary

Adoption date: March 22, 2011