

**City of Cape May Planning Board Meeting Minutes**  
**Tuesday – February 11, 2014**

**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.

<b>Roll Call:</b>	Mr. Bezaire, Chairperson	Present
	Mr. Shuler, Vice Chairperson	Absent
	Mr. Jones	Present
	Mayor Dr. Mahaney	Present
	Mrs. Nelson	Absent
	Mr. Murray	Present
	Mr. Elwell	Present
	Ms. Weeks	Present
	Mr. Winkworth	Absent
	Mr. Dr. France, 1 <sup>st</sup> Alternate	Absent
	Mr. VanDeVaarst, 2 <sup>nd</sup> 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:** **Motion to approve the November 26, 2013 meeting minutes by Mr. VanDeVaarst.** Seconded by Ms. Weeks and **carried 5-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. VanDeVaarst, Mr. Bezaire. Those opposed: None. Those abstaining: Mr. Murray, Mayor Dr. Mahaney, Mr. Jones.

**Applications:** **Adis Inc./LaMer Beachfront Inn**  
**1317 Beach Avenue**  
**Block 146, Lots 6, 7, 10-24**  
**Preliminary & Final Site Plan Request with Variances**

George Neidig indicated that Ms. Weeks who was not at the prior meeting has listened to the recordings of that meeting and has certified that she has.

Jim Pickering, Esquire, opened by addressing the Board, noting he was at the fall meeting regarding the ADIS application. The Board's comments regarding the restaurant remaining the same and the concern that was expressed regarding the employees of the restaurant were taken under review and addressed; Mr. Pickering stated they will present evidence of such.

Mr. Pickering stated he met with the Architect and had a number of discussions on how to revise the application and has submitted a revised plan and the architectural renderings to be presented

are different than what they were before. The difference is primarily because they are proposing to leave the restaurant in its current configuration. They propose to build 21 motel units above the restaurant so there would be no impact on the restaurant itself. By doing so they are left with only 3 variances that are necessary, building height, location of certain proposed parking spaces, and the variance for signage limitations, and are asking for the same waivers that were requested before.

Mr. Pickering stated that Gus Andy was unable to attend the meeting and that his son George would testify in his absence. He then asked that his witnesses, George Andy and Matt Hender, be sworn in.

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

Matt Hender, Licensed Professional Planner and Licensed Landscape Architect, and George Andy, son of Gus Andy, Applicant, were sworn in.

James Pickering, Esquire, revisited exhibit **A-1** for the record, asking George Andy numerous questions regarding his position at the hotel, how long he has been around the hotel, how long he has been the general manager, when was the last major addition to the property, etc. He also asked questions regarding the area surrounding the hotel, specifically regarding an event house at 1318 New Jersey Avenue which is immediately adjacent to the hotel. Other questions posed to George Andy were regarding activity, parking and traffic issues when the event house is in operation.

Mr. Pickering turned the discussion to exhibit **A-7**, questioning Mr. Andy in detail about the parking situation, verifying times of peak traffic and parking, maximum number of employees, both full time and part time, and the parking spaces for those employees. Mr. Andy confirmed parking is ample in the morning hours, as the day goes on it does fill up and is crowded, and by twilight hours parking becomes available. He also stated that the max number of employees, 18, are at the hotel during the hours of 11:00 AM to 3:00 PM, which are the hours the rooms of the hotel need to be cleaned for new check-ins. Mr. Andy also stated the parking lot is never full, during both peak and non peak hours.

William Kaufman, Esquire was in attendance representing objectors Joan Harvey, her husband Frank Harvey, Richard Zeigheit who was not in attendance, and Mr. Brian Murphy, Professional Engineer and Planner. Mr. Kauffman cross examined George Andy on many specifics of the hotel; maximum number of employees, the hotel website and the websites advertising. Mr. Kauffman noted the restaurant on site and asked for verification that it was not operated by Mr. Andy's company and that the number of employees for the restaurant is determined by the restaurant operator. He questioned if there was alcoholic beverage service at the restaurant and if the employees that deal with the alcoholic beverage service are employees of the restaurant operator or Mr. Andy's company. Mr. Andy confirmed they are employees of the restaurant and not the hotel.

Mr. Hender confirmed his credentials for the record and stated they prepared the site plan that was in front of the Board. He testified he has been involved with this property location for a

number of years and has prepared many other applications and site plans for the property. Mr. Hender agreed that Mr. Andy's description of the surrounding area of the hotel was accurate, and added that New Jersey Avenue is mostly residential, Pittsburgh Avenue is mostly residential, and the block the property is on is a mix of commercial and residential. For verification Mr. Hender confirmed that the application was changed and that fewer variances are necessary at this point. He described in detail the parking setback variances they are requesting. The parking setback diagram was marked as exhibit **A-8**. The original date of the plan for the record is May 2, 2013 and then revised to January 23, 2014. Mr. Hender proceeded to explain the site plan in detail to the Board.

Discussion turned to the parking setbacks. Mr. Hender described photo exhibit **A-9** and where it was on the site plan. It was noted there is substantial vegetation there and the proposal for parking does not include removing the vegetation. Photo exhibit **A-10**, where two new spaces would be added under the building, was discussed. This exhibit illustrates where the side yard setback would be. Mr. Pickering noted that all the parking setback variances would be a benefit since they would be additional off street parking. Photo exhibit **A-12** was taken from Beach Avenue. Parking was then discussed at great length. Signage was also discussed in great detail, with a description of the parking tags and colors, and that changes would be made to eliminate any confusion. The restaurant and proposed changes were then discussed thoroughly.

**Chairman Bezaire called for a five (5) minute recess at 9:00 PM. The meeting resumed at 9:08 PM.**

Cross examination of Mr. Hender by both George Neidig and Attorney Kauffman began. George confirmed with Mr. Andy the number of rooms, parking spaces and employees that are allocated to the restaurant. Mr. Kauffman had questions regarding the meeting facilities and how they are advertised on the website with regards to parking. Mr. Hender noted while there is nothing on the website that indicates the meeting facilities are only for hotel guests, it also does not advertise the meeting facilities are for use if someone is not a guest of the hotel. Mr. Kauffman discussed §68 of the Municipal Land Use Law with regards to the parking ordinance; he believes it's a separate issue and has nothing to do with this application.

George Neidig then read into the record §68 of the Municipal Land Use Law. He believes it applies because the Board has treated the permitted restaurant without parking as a pre-existing non conformity in the past. Because of that pre-existing non conformity there are certain rights that go along with that, which Section 68 describes.

George Neidig noted that the time was 10:00 PM. Craig Hurless had not yet given his review, nor did Mr. Kauffman's witnesses have any time to address the Board.

Mayor Dr. Mahaney stated that Mr. Kauffman's witnesses and the public had a right to be heard and suggested the meeting be continued another night. Chairman Bezaire posed March 11, 2014 for this application discussion to resume.

