

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – June 11, 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		Absent - excused
	Mr. Winkworth		Absent - excused
	Dr. France, 1 st Alternate		Present
	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

Minutes: May 14, 2013

Motion made by Mrs. Nelson to approve the minutes of April 9, 2013 as presented. Seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Ms. Weeks, Dr. Mahaney, Mr. Jones, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Resolution: #6-4-2013:1 – Menei, 412 Congress Street, Block 1027 Lot 6.01

Motion made by Mrs. Nelson to approve the Menei Resolution #6-4-2013:1 as presented. Seconded by Mr. VanDeVaarst and **carried 8-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Ms. Weeks.

Mayor Dr. Mahaney informed the Planning Members that Mr. Menei was in City Hall to express his concern and displeasure regarding the approval of June 4, 2013 that requested moving his driveway. He voiced this concern to the Mayor Mahaney as well as the Construction Office. He stated that this application could become an enforcement issue and wanted it noted for the record.

Resolution: #6-4-2013:2 – Russell, 1140 Cape May Avenue, Block 1119 Lot 6-8

Motion made by Mrs. Nelson to approve the Russell Resolution #6-4-2013:2 as presented. Seconded by Mr. VanDeVaarst and **carried 8-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Jones, Dr. France, Mr. VanDeVaarst, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: Ms. Weeks.

Applications:

**Ocean Club Hotel, CM LLC, 1035 Beach Avenue, Block 1101 Lot 2-4
Waiver of Site Plan Review with Variance Relief**

Chairman Bezaire recused himself from the application. Vice Chairman Shuler resumed the duties of Chairman.

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

Louis Dwyer, Esquire representing the applicant Nick Nezaj, Managing partner/owner along with their professionals, Vincent Orlando, PE of Engineer Design Associates, Daniel Scott Mascione, Architect and were sworn in by Board Attorney, George Neidig for the record. Mr. Dwyer gave a brief history of the Ocean Club Hotel (formerly the Atlas Hotel) and prior approval conducted in 2011. They are returning to construct a 7, 927sq.ft.new rear addition extending six (6) floors the rear entry with ADA access, construct a meeting room, fitness center (for hotel guests only) and Managers apartment. The proposed office space is replacing existing office space and providing additional room for staff with no increase in staffing. The meeting room will be used periodically by hotel guests for inclement weather, equipped with a fire place, couches, chair, media area, reconfiguration/modernization of the rear entrance. Mr. Dwyer introduced photographs of the front of the building prior to the renovation marked **A-1, A2** and a photograph of the building after the renovation marked **A-3**. He introduce several photographs of the rear of the structure existing marked **A-4, A-5, A-6, A-7, A-8, A-9, A-10**, renderings of the proposed rear additions marked **A-11 & A-12, A-13 view of Ocean Club rear, A-14 enlarged photo board of proposed Living Room (meeting room), A-15 proposed Cooling Tower, A-16 old vent, A-17 – new vent, A-18 viewed 11 plus parking spaces New Jersey Avenue, A-19 (2) metered spaces, A-20, A-21, A-22 denoting employee parking, A-23 key retention file cabinet for employee stack parking**, were described in detail by Mr. Mascione and were perused by the members. Mr. Nezaj testimony elaborated extensively on the reasons for the rear additions and the need for the accessory uses. He updated the Members on the his experience from the last two (2) seasons and what is needed to keep the property viable; a 2nd elevator, storage needs, laundry expansion (reconfiguration), hallway updates (for current caliber of the hotel), appearance of rear does not match front of property, offices for staff and hotel amenities regarding the hospitality industry incorporating main gathering room that will be family oriented. He explained that it is a family owned and operated and the apartment will only be used by family members.

Vince Orlando reviewed his plans dated February 11, 2013 with revision date of April 15, 2013 sheets 1 through 3, denoting the project, describing in detail the addition to the rear of the building that includes a sign (112 square feet), minimal site changes, balancing of the RSIS, the reconfiguration of the parking lot indicating the increase of one (1) parking space that include ADA requirements. He then verified the negative and positive criteria 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 voiced their concern regarding the massiveness of the sign, questioned the lighting issue and what concerns they have regarding the New Jersey Avenue streetscape, valet parking from the previous application was discussed at length with Craig Hurless and Mr. Nazaj responding in detail. Members also indicated clarification of signage regarding the hotel, restaurant, employee and events parking. Craig Hurless responded he requested in his report dated April 23, 2013 for signage for parking in the front and rear of the Hotel.

Board Engineer, Craig Hurless then reviewed his report of April 23, 2013 clarifying the description for the membership. He reviewed the Completeness review on pages 2 and addressed the Details for Preliminary Site Plan approval on pages 2 itemizing - #3 and (aa). He addressed the Zoning Charts on page 3 addressing the C3 Hotel & Motel District §525-24B (1) Table 2 Hotels, Motels, Parking & Signage Requirements. Clarified the variances being sought as §525-49C (4) Parking Standards – Number of Spaces, §525-49A Parking Standards-Size of Spaces, §525-59 E (7) Parking in Setback and §525-48H (2) (b) Signage-Building Mounted. The general review comments on pages 5 through 7 - General Zoning #1, #2 & 3, Solid Waste & Recycling #4, Parking & Circulation: #5, #6, #7, #8, # 9 & #10, Grading, Drainage & Utilities: #11 & #12, Landscaping & Lighting: #13, Signage: #14 and Approvals & Other Review Requirements: #15, #16, #17, #18, #19 and #20.

Vice Chairman Shuler called for a 15 minute recess at 8:30pm. The meeting resumed at 8:40pm. Vice Chairman Shuler announced that the DiDonato application located at 1105 Pittsburg Avenue, Block 1172 Lot 4, for Preliminary Major Subdivision with Variance Relief application will not be heard this evening do to the length of the Ocean Club Hotel application. For the record it is noted that over 30 people were in attendance with their professionals to oppose the application. The DiDonato application will be heard on June 25, 2013 @ 7:00pm.

Meeting opened for public comments at 8:40pm those within 200feet and beyond came forward. Vice Chairman Shuler announced that all who come forward to comment regarding the application before them this evening and try and keep the time limited to five (5) minutes. Kevin Soler, owns 1005 New Jersey Avenue and resides at 1018 Stockton Avenue read into the record a letter dated June 11, 2013 signed by 20 neighbors opposed to the application was **marked O-1** for the record. Mr. Dwyer expressed his concern for the record stating the letter contained a lot of hearsay. Mr. Soler presented several photographs marked into evidence **O-2 through O8** denoting current employee parking, Web site advertisements promoting additional amenities increasing parking, noisy exhaust fan and expressed constantly at length his opposition of the application stating they (Ocean

Club applicants) are falsely misleading the Board. Mr. Solder's comments were 27 minutes noted for the record. **Charles Hendricks, 106 Trenton Avenue** opposed the application. He shared that both the applicant and himself appealed a HPC decision and won but indicated he played by the rules and did not deceive. He believes the applicant has total disregard for its neighbors along with the City of Cape May Departments (Licensing regarding Tents, Code Enforcement etc.), Boards and Commissions. **Jennifer Pagano, 1039 Beach Avenue (Periwinkle Inn)**, was positive on the proposed signage in the rear of the property and wanted to know if all hotels would be able to have them. **Jules Rauch, 1010 New York Avenue**, complimented the application but had concerns/questions regarding the parking and questioned the amount parking spaces, hotel room on their Mercantile Licenses. Mr. Dwyer and Mr. Nezaj responded in detail. **Deborah Cutler, 917 Stockton Avenue**, positive on the renovation of the front of the hotel but expressed concerns regarding parking and feels it does not need another expansion. **Denise McGinn, 1013 New Jersey Avenue**, commended the applicant on the renovation, expressed her concern about parking and voiced her dismay regarding the exhaust fan. Mr. Nezaj responded by stating he will look into a more efficient unit (stating it is a new unit). Mr. Hurless reminded the applicant that an efficient unit was a condition in the last application and he knows he complied however it could be a maintenance issue and should be addressed. **Tim Welsh, 1022 New York Avenue**, concerned about the sign and mentioned that it would be neon and it is not permitted in the Historic District. **Rita Durollario, employee of the Ocean Club**, is requesting that the owners of the homes on New Jersey Avenue (that are Rentals) have their renter's park on their own driveway or street not in Ocean Club's parking lot. She indicated that this has been a continued problem and wanted it noted for the record. **Patricia Schmucker, 1033 Beach Avenue**, has concerns about parking especially when the Ocean Club has Weddings and the guest park on her property and inquired where to go in City Hall to have a lighted sign on the rear of her property, she was instructed by Mary Rothwell, Board Assistant/Zoning Officer to fill out an application in the Construction Office. **The public portion was closed at 9:35pm.**

Member Elwell requested the Applicant respond to the letter marked O-1 for the record. Mr. Nezaj responded the letter was not correct with a lot of assumptions and explained in detail his reasons. Member Weeks commended the applicant on the use of a parking attendant and requested that the person pay attention to the employee parking do to the testimony from neighbors this evening. Mr. Nezaj responded he will advise the staff.

Mr. Dwyer gave his closing statement keeping it brief by recapping the highlights of the improvements of the property. He contends that the applicant will address the concerns of the neighbors. Mr. Dwyer indicated they eliminated the need for a back lighted sign that is not neon and they are not seeking any variance other than relief from location size of a parking space and reconfiguration that would need a parking space. He believes the application is worthy of approval.

Mary Rothwell, Zoning Officer/Board assistant suggested landscaping (tree for buffering) be incorporated to the larger parking space on New Jersey Avenue. Mary Rothwell addressed the sign issue stating that as long as the applicant does not exceed the square footage allowed they could have a sign in the front and rear. Craig Hurless read the sign definition for the record indicating they would need a variance because 45 square feet based on the setback is

the limit. Mayor Mahaney confirmed the signage total as 56.4 currently on the front. Mr. Dwyer, Mr. Orlando and Mr. Nezaj requested they be excused for a moment to discuss the sign on the rear of building. They returned with Mr. Orlando indicating that the rear of the structure would need a sign to identify the rear entrance to the structure and are requesting smaller sign (10 square feet) that is back light and will amend the application. Mayor Mahaney informed them they must receive HPC approval for the sign.

Motion made by Mrs. Nelson to approval for Waiver of Site Plan. Seconded by Mr. Jones and **carried 6-2.** Those in favor: Mr. Elwell, Mrs. Nelson, Ms. Weeks, Mr. Jones, Dr. France and Mr. Shuler. Those opposed: Dr. Mahaney and Mr. VanDeVaarst. Those abstaining: None.

Motion made by Mr. Jones to approve the variance for Parking Standards Number of Spaces (1) §525-49C (4) as stated in Craig Hurless report dated April 23, 2013. Seconded by Mrs. Nelson and **was denied 6-2.** Those in favor: Mrs. Nelson and Mr. Jones, Those opposed: Mr. Elwell, Ms. Weeks, Dr. Mahaney, Dr. France, Mr. VanDeVaarst and Mr. Shuler. Those abstaining: None.

Motion made by Mrs. Nelson to approve the variance for Parking Standards Size of Spaces (one undersized space) §525-49A as stated in Craig Hurless report dated April 23, 2013. Seconded by Mr. Jones and **carried 7-1.** Those in favor: Mr. Elwell, Mrs. Nelson, Ms. Weeks, Mr. Jones, Dr. France, Mr. VanDeVaarst and Mr. Shuler. Those opposed: Dr. Mahaney. Those abstaining: None.

Motion made by Mr. Jones to approve the variance for Parking in the Setback §525-59E (7) (one space) as stated in Craig Hurless report dated April 23, 2013. Seconded by Mrs. Nelson and **carried 6-2.** Those in favor: Mr. Elwell, Mrs. Nelson, Mr. Jones, Dr. France, Mr. VanDeVaarst and Mr. Shuler. Those opposed: Ms. Weeks and Dr. Mahaney. Those abstaining: None.

Motion made by Mr. Jones for a Signage Variance §525-48H (2) (b) Building Mounted no more than ten (10) square feet. Seconded by Dr. France **was denied 5-3.** Those in favor: Mrs. Nelson, Mr. Jones and Dr. France. Those opposed: Mr. Elwell, Ms. Weeks, Dr. Mahaney, Mr. VanDeVaarst and Mr. Shuler. Those abstaining: None.

Mayor Mahaney stated his opposition for the record, indicating the balancing act of needing to update a facility and affecting the neighborhood both commercial and residential. He believes the application should return so it reflects a resolution of some of the long term chronic problems that have not been resolved since the 2011 Resolution from the 1st renovation of the front of the Ocean Club. He informed the Members and public of his constant fielding of calls 24 hours a day for non compliance on everything from the beach concessions, tent permit (recently in the past week), parking and other issues. He wanted it clarified that he has been in contact with Mr. Nezaj on numerous occasions. He stated there should be better communication of the business people and residents. He complimented Mr. Nezaj on the Ocean Club and the good reviews it has obtained. He stated it is unacceptable of way the employees of the Ocean Club treat the neighbors, visitors, Board and our City

offices. He indicated that it is not until there is a phone call from him or a forcible court action that the City gets any compliance. He is requesting that something is done about the parking and specific uses of the rooms. He expressed in detail his concerns of the application as presented because it will definitely increase the parking requirements and parking flow. He wants the Ocean Club to be successful but not at the risk of losing the ambiance of Cape May. Mayor expressed his concerns with the Planning Board Members decision making process. He stated that if they took the Rutgers courses and State Planning Board Officials courses and if you do not endorse an application in its entirety you vote NO right from the start.

Mr. Dwyer stated his client is willing to work out the issues within reason with the neighbor and suggested a subcommittee. They will also revise the plans to satisfy the parking.

Motion made by Mr. Elwell to table the remainder of the application for revision to plans. Seconded by Dr. France and **carried 6-2.** Those in favor: Mr. Elwell, Mrs. Nelson, Ms. Weeks, Mr. Jones, Dr. France and Mr. Shuler. Those opposed: Mr. VanDeVaarst and Dr. Mahaney. Those abstaining: None.

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