

**City of Cape May
Planning Board Meeting
Minutes – Tuesday – November 27, 2012**

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		Present
	Dr. France, 1 st Alternate		Absent - excused
	Mr. VanDeVaarst, 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: August 14, 2012

Motion made by Mr. VanDeVaarst to approve the minutes of August 14, 2012 as presented. Seconded by Mr. Elwell and **carried 7-0.** Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Mr. VanDeVaarst and Mr. Shuler. Those opposed: None. Those abstaining: None.

Resolutions:

Episcopal Church of the Advent, Block 1058 Lots 12 – Resolution #11-27-2012

Motion made by Mrs. Nelson to approve Resolution 11-27-2012 as presented. Seconded by Mr. Jones and **carried 7-0.** Those in favor: Mr. Elwell, Mayor Dr. Mahaney, Mrs. Nelson, Mr. Winkworth, Mr. Jones, Mr. VanDeVaarst and Mr. Shuler. Those opposed: None. Those abstaining: None.

BUSINESS:

Montreal Inn Inc. 1025 Beach Avenue, Block 1095 Lot 8-13
Site Plan Waiver with Variance
Exterior balcony/handicap accessible ramp area.

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

Louis Dwyer, Esquire was present representing Larry and Joe Hirsch owners, along with their professional Blane Steinman, Architect whom were sworn in by George Neidig. Mr. Dwyer explained in detail the applicant's previous approvals in 2004 which added a stair enclosure, 2006 Amended Site Waiver plan and 2010 to enlarge three existing rooms. The application before the Board proposes a new 173 square foot second floor exterior balcony that is a handicap ramp accessible located nearest Madison Avenue that will connect the sun deck area with the existing balcony. Testimony clarifying the proposed was Blane Steinman who referred to his floor plans dated February 5, 2012 P1 denoting the approved second floor plan for rooms 220 & 221, the existing second floor plan and the proposed new balcony & handicapped ramp and plans dated April 14, 2012 P2 denoting existing right side elevation, the approved right side elevation and the proposed right side elevation. Mr. Dwyer indicated that approval of this application will allow for ADA compliance. Mr. Steinman stated that there is no detriment to the Zoning Ordinance or the Community and the benefits to be ADA compliant outweigh any detriments.

Board Engineer, Craig Hurless then reviewed his report of November 2, 2012 clarifying the description for the membership clarifying the 2009 approval for expansion of rooms 221, 319 and 321 are not completed to date (an on -going project). He reviewed the Completeness review on pages 2 & 3 and addressed the details for Site Plan – Waiver with Variances, #18, details required for preliminary Site Plan approval §417-5C of the City of Cape May Code and (aa) Site Plan in digital format on CD-ROM . He addressed the Zoning Charts on page 3 addressing the C-3 District §525-24 Hotel/Motels and Variance of the Building Setback §525-24B(1) with comments that the proposed will have a setbacks of 14.38 feet as measured by Madison Avenue. He explained the general review comments on page 4 & 5 - #1 (condition), #2 (addressed), #3 (condition), #4 (condition), #5 (condition), #6 (condition) Cape May Planning Board, #7 (condition) HPC approved November 26, 2012 and #8 (condition) COAH.

Members were positive on the application. **Vice Chairman Shuler opened the application to Public at 7:20PM with no one coming forward the public portion was closed.**

Motion made by Mr. Elwell that the site plan waiver be granted. Seconded by Mr. VanDeVaerst and **carried 7-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth Mr. Jones, Mr. VanDeVaerst and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Jones that Building Setback variance request is granted as presented. Seconded by Mrs. Nelson and **carried 7-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth Mr. Jones, Mr. VanDeVaerst and Mr. Shuler. Those opposed: None. Those abstaining: None.

Motion made by Mr. Winkworth to impose conditions as stated in Craig Hurless report dated November 2, 2012 pages 2 & 3 under Completeness Review items, #18 signature line inclusion, #3 and (aa). Page 4 & 5 the General Review Comments- 1, 3, 4, 5, 6 (County Planning Board Correspondence), 7 and 8. Seconded by Mr. Elwell and carried 7-0. Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth Mr. Jones, Mr. VanDeVaarst and Mr. Shuler. Those opposed: None. Those abstaining: None.

**Montreal Inn Inc.
1025 Beach Avenue
Block 1095 Lot 8-13
Request Preliminary & Final Site Plan, Variances & Waivers**

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

Mr. Neidig announced that an email from Brian Murphy, PE of MV Engineering, LLC (representing persons opposed to the application) was inadvertently forwarded to all Members, Craig Hurless, George Neidig and Louis Dwyer. Vice Chairman Shuler requested a voice acknowledgement from Members on who received and read the report. Mr. Shuler announced that all reports for the applications being heard should be submitted on the Friday before noon prior to the meeting. Mr. Neidig also recognized William Kaufman, Esquire representing the objectors to the application and informed the Board that Mr. Kaufman is permitted to cross examine.

Louis Dwyer, Esquire was present representing Larry and Joe Hirsch owners, along with their professionals Daniel Shousky and Jerry Blackman of Olivieri, Shousky & Kiss Architect, Vincent Orlando, Engineering Design Associates and David Shropshire of Shropshire Associates, LLC all were sworn in by George Neidig. Mr. Dwyer explained the applicant is seeking to upgrade an existing motel and add a banquet room (utilized only in the off season months, referred to as the shoulder season June 15th through September 15th) and will not contain a kitchen, fitness center and indoor pool. The Montreal has been renovating and modernizing existing units to make the motel more competitive and to provide first class accommodations so the motel can run profitably on a year round basis. These amenities will allow the motel to generate revenues year round and will benefit the City of Cape May. Larry and Joseph Hirsch testimony conveyed what Mr. Dwyer presented. Larry Hirsch then distributed photographs for the members perusal of the rooms that have been upgraded, they were marked into evidence **A-1, A-2, A-3** and **A-4**. He then explained that he is taking into consideration the neighbors concerns regarding parking of his employees, announced that he reached out to Cape May City Elementary Board of Education and Bank Street Commons parking lots for his staff and supplied a photograph marked into evidence as **A-5** depicting an open air vehicle that will transport his staff of various shifts in the summer months. Mr. Hirsch's testimony included his open door policy with his neighbors.

William Kauffman, Esquire representing Kevin Solar, 1018 Stockton Avenue proceeded with cross examining Mr. Hirsch regarding the challenges of all businesses in the area (not only unique to the Montreal), clarification of uses concerning the hotel, restaurant, banquet facility, liquor store and the residential structure (for employee use). He requested

verification of number of employees both full and part – time, employee parking concerns (impact to the community), verification/status of obtaining off-site parking and enforcement of the parking for the employees. Mr. Hirsch responded in detail.

Daniel Shousky and Jerry Blackman testimony verified they were obtained to design accessory uses for the Montreal. Mr. Shousky indicated the project was created to be as compliant as possible, along with creating a harmonious structure that will blend in with existing Motel. Using Architectural plans dated March 3, 2012, **CS-1** Perspective View (colorized rendering) stating the inclusion of the mansard roof per HPC instructions, **PH-1** Views from Beach, Madison, New Jersey Avenues, Parking Lot, Hotel Room and Interior of Restaurant, **A1-1** – Ground Floor Plan (with detailed explanation of trash enclosure and parking area), **A1-2** Sundeck Floor Plan, **A1-3** Pool Level Floor Plan, **A1-4** Banquet Facility, **A2-1** Madison Avenue (East Elevation) existing ground floor to highest roof denoting the blending of the two structures, **A2-2** Parking Lot (North Elevation), **A2-3** Parking Lot (West Elevation) and **A2-4 & A2-5** Building Sections.

Members' questions were numerous regarding the clarification of the building height, expediting of food between the main kitchen to the banquet food prep area, Pool area usage (year round) and if there will be membership dues or for hotel guests only, description of enlarge fitness room with Mr. Hurless requesting clarification of the future use for the current fitness area (not denoted on plans). Mr. Hirsch described in detail the expediting of the food from the kitchen to the banquet food prep area. Mr. Shousky explained the current conditions of the existing fitness area with Mr. Hirsch explaining it will be used for a laundry facility and will be denoted on revised plans. Mr. Hirsch stated that the indoor - pool was for hotel guests.

Mr. Kauffman cross-examined Mr. Blackman and Mr. Shousky requesting clarification of the building height, Mr. Blackman responded in detail 37 feet 4 inches.

Vice Chairman Shuler called for a five (5) minute break at 8:45pm. The meeting resumed at 8:50pm.

Mr. Dwyer requested a couple of his witnesses come forward all were sworn in by George Neidig: **John Cook, President of the City of Cape May Chamber of Commerce** supports the application stating it encourages the shoulder season, the banquet facility will promote/encourage people year round to visit other facilities in Cape May, locals will have other venues/options and increase all the assets in Cape May. **Theresa Thompson, Capri Motel Lodge**, in favor and supports the Montreal application, echoing and encouraging any business that encourages a shoulder season, stating it would benefit all business in Cape May. **Mr. Kauffman cross examined Theresa Thompson** regarding a previously approved (Capri application) to eliminated all back out parking from Capri onto Beach Avenue. Ms. Thompson responded indicating that approval was 15 years ago. **Charles Pritchard**, Cape May Mall Merchant and supports the application stating it was an innovative way to promote Cape May and stated the Hirsch Family has been in business for over 45 years in Cape May. **Bernie Haas, 1016 Ohio Avenue**, owner of Cape May Magazine and Cape May .com, supports the application, commends the Hirsch's for a project that blends in with the existing

building and will promote a better economy for Cape May. **Beatrice Pessagno, supports** the application, giving a lengthy interesting history of the Hirsch's family and her own both business and personal. She commends the Hirsch Family for their forward thinking.

David Shropshire, of Shropshire Associates LLC – Traffic Engineering, Transportation Planning & Design gave testimony referring to his report dated October 25, 2012 (which was an update to his April 3, 2012 report. He proceeded with a summarization of the parking report indicating that more practical considerations have taken place over a month or so that supersedes some of the national data that was in the report. He clarified that his company prepared an updated parking analysis letter for the future Montreal Inn facility at the Beach Avenue/Madison Avenue intersection in the City of Cape May. He indicated the Montreal Inn has a total of 93 off street parking spaces and the proposed expansion will be 95 spaces. The proposal is for the expansion of the existing Montreal Inn facility to include and additional 4,820 square foot expansion that will encompass an indoor pool and 144 set banquet facility, the expansion to the site will be in addition to the existing 69 units and 120 seat restaurant facilities. He clarified the report in brief descriptions of the Existing Conditions, Future Conditions (Parking requirements of the City of Cape May based upon Zoning Ordinance, §32-40.3), Anticipated Parking Demand, Lodging and Restaurant Facilities, Banquet Facility, Summer Season Peak Demands, Off Season Peak Demands, Addition On-Street Parking Availability and the Conclusion which included data provided by ITE and the City of Cape May parking requirements. Mr. Hurless requested clarification on the how they obtained the data to determine their numbers (if included the peak weekend during the seasons), Mr. Hirsch responded stating it was months of July and August average. Mr. Kauffman cross- examined Mr. Shropshire referring to the April 3, 2012 report and indicated he did not have a copy of the updated October 25, 2012 report. He wanted clarification on the verified parking spaces required of 154 spaces, which Mr. Shropshire responded. Mr. Kauffman reviewed the uses sought for the site and expounded on the Residential Building on the rear of the property by referring to the Chart denoted on Mr. Hurless report of May 11, 2012 questioning Mr. Shropshire in detail. Mr. Kauffman debated Mr. Shropshire on several aspects of his report and differed on the conclusion of the report. Mr. Kauffman believes Mr. Shropshire should have included an analysis utilizing the Cape May Ordinance Standard for the Hotel, the Banquet Facility, Liquor Store, Restaurant and the Apartment Building. Mr. Shropshire stated that what he documented in the report was what the requirements are from the City of Cape May, the National Standards and Parking Management Strategies that supported this parking variance. Mr. Kauffman believes the uses being added have parking requirements that is exasperating an already bad situation. Mr. Dwyer presented a letter from the Cape May County Office of County Counsel regarding the encroachment agreement between County of Cape May and Montreal Inn granting the Montreal Inn permission to continue the above encroachments into the County right -of -way at Beach and Madison Avenues. Mr. Kauffman indicated this document needs to be executed and copies disbursed as it is an update to a previous report from the County.

Mr. Dwyer stated testimony from Vincent Orlando of Engineering Design Associates needs to be presented and with hour nearing 10:00pm and length of the cross examinations it will have to go to another meeting. Mr. Shuler requested the next meeting date for the continuation of the Montreal Inn application will be **January 8, 2013 at 7:00pm** with all

parties in agreement, Mr. Neidig announced the no further notice will be given and suggested all contact the Construction and Zoning Office 609-884-9556, request to speak with Mary Rothwell, Board Assistant, Edie Kopsitz, Recording Secretary or go to the City of Cape May Web site and it will have the Agenda posted on line.

Motion made by Mr. VanDeVaarst, Seconded by Mr. Jones to adjourn the meeting at 10:00 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