

**City of Cape May Planning Board Meeting Minutes
Tuesday – April 12, 2011**

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairman 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- arrived 7:07pm
	Mrs. Nelson		Present
	Mr. Jones		Present
	Ms. Weeks		Present
	Mr. Murray		Present
	Mr. Winkworth		Present
	Dr. France, 1 st Alternate		Absent- excused
	Mr. Briant, 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: February 8, 2011

Motion made by Mrs. Nelson to approve the minutes of February 8, 2011 with noted corrections. Seconded by Mr. Shuler and **carried 8-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Ms. Weeks, Mr. Winkworth, Mr. Murray, Mr. Jones and Mr. Shuler. Those opposed: None. Those abstaining: Mr. Bezaire.

Resolutions:

Bantry Bay, LLC, 901 Stockton Avenue, Block 1082 Lots

Motion made by Mr. Shuler to approval of Resolution #4-12-2011:1, Bantry Bay LLC. Seconded by Mr. Murray and **carried 9-0.** Those in favor: Mr. Elwell, Mrs. Nelson, Dr. Mahaney, Ms. Weeks, Mr. Winkworth, Mr. Murray, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

BUSINESS:

**Mannella, 1314 Texas Avenue
Block 1159 Lots 11-15
Minor Subdivision Application**

Craig Hurless clarified his credentials for the record.

Patrick Martin, Esquire introduced the applicant Frank Manella, along with professional Stephen Martinelli, Land Surveyor and Planner were sworn in by Board Attorney, George Neidig for the record. Mr. Martin continued with the presentation explaining the applicant is requesting to subdivided in the R2 Zoning District the current five (5) lots (11, 12, 13, 14 & 15) to create two (2) lots. New Lot 11.01 will remain vacant for a future single-family dwelling and new lot 11.02 will remain & contain the existing single-family dwelling. Mr. Martinelli testimony reviewed his plans dated November 10, 2011 with revision February 10, 2011 and clarified the subdivision and waivers requested.

Board Engineer, Craig Hurless then reviewed his report of February 25, 2011 clarifying the description for the membership stating no development on 11.01 was proposed. He reviewed the Completeness review on pages 2 & 3 and addressed the details for Minor & Major Subdivision approval as outlined §445-17 & §445-18 itemizing Map detail Q & S, §445-28 Preliminary plat details, D, E, G and §445-34 final plat details H & I. He addressed the Zoning Charts on page 3 addressing the R-2 District §525-15 Zoning Review with no variances requested. He explained the general review comments on page 4 & 5 - #1 as a condition with 11.01 existing, #2 (addressed), #4 (condition), #6 (condition), #7 (condition), #8 (condition), #9 (condition), #10 (condition), #11 (condition), #12 (condition), #14 (condition) and #15 (condition).

Meeting opened for public comments at 7:25pm with no one coming forward the public portion was closed.

Members were positive on the application with no comments or questions put forth to the applicant.

Motion made by Mr. Winkworth to approve the Sub-division with condition as outlined in Mr. Hurless report dated February 25, 2011. Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Matusiak, 719 Columbia Avenue, “ The Bacchus Inn”
Block 1066 Lot 14
Site Plan Waiver Request**

Craig Hurless clarified his credentials for the record.

Louis Dwyer, Esquire was present to represent John Matusiak, owner who was present. He stated the structure is a tourist guesthouse called the Bacchus Inn located in the R-2 Zoning district. He explained the on going dispute between the applicant and the State Department Fire Code Office regarding the property. He explained to appease the State they agreed to the construction of a third floor dormer with an exterior door to bridge to a new fire escape. The

applicant applied to the HPC in 2005 (was approved but expired) and April 10, 2011 was granted another extension. They are ready to move forward, no variances are required.

Board Engineer, Craig Hurless then reviewed his report of March 14, 2011 clarifying the description for the membership. He reviewed the Completeness review on page 2 that addressed the general requirements for all applications and detail required for preliminary Site Plan approval. He questioned the applicant if there were any prior Planning or Zoning Board approval. Mr. Dwyer responded there was not. He addressed the Zoning Charts on page 3 addressing the R-2 District §525-19 "Tourist Guest House" Zoning Review with no variances requested. He explained the general review comments (House Keeping) on pages & 4 - #1, #2, #3, #4 (Shade Tree Commission addressed), #5, #6, #7 and #8.

Members were positive on the application with one member questioning the exact location of the fire escape bridge. Mr. Dwyer responded and addressed the concern.

Meeting opened for public comments at 7:35 pm with no one coming forward the public portion was closed.

Motion made by Mr. Murray to approve the Site Plan Waiver, Completeness Preliminary and Final subject to the conditions in Mr. Hurless report dated March 14, 2011. Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

**Mullock, 219-225 Jackson Street & 418 Bank Street
Block 1046 Lot 1, 11.01 & 12
Preliminary & Final Site Plan with Variance Relief Request**

Craig Hurless clarified his credentials for the record.

Louis Dwyer, Esquire was present to represent Robert Mullock, owner who was present along with professional Joseph Courter, Architect. Mr. Dwyer explained residents as the "Blue Building" or the Cape May Richardson Hotel that is three (3) stories, which contains four (4) retail stores and 19 vacant hotel rooms along with an apartment currently existing in the building. The applicant proposes to convert the 2nd & 3rd floors to contain three apartments, with a stair tower (Belvedere) addition to the roof. He presented Resolution 12-18-1991 that was marked A-1 and described the approval of Preliminary site plan and variances requested and received. The project has been sitting idle for since 1991. Mr. Dwyer informed the members the applicant received HPC conceptual approval March 28, 2011 with the condition to expand the Belvedere, move to a different location on the roof to create symmetry between the windows and roofline. He also indicated the next door neighbors requested of a fence 5 feet in height that wraps around to the end of property which is depicted on the EDA plans.

Joseph Courter testimony elaborated on the essential changes to the upper two floors with the visual of his plans dated November 24, 2010, revised March 30, 2011. He responded to all

question put forth by Mr. Dwyer, clarified the 5 foot buffer was because of parking due to the limitations of the site, elaborated on the number of parking spaces that should be 24 and described the reconfiguration are with only seven (7) parking spaces existing currently with an additional three (3) proposed. Mr. Courter indicated there is no detriment to the public good for the parking variance due to the historic nature of the building. He indicated the additional spaces would be restricted to the three (3) residential units. Mr. Hurless reviewed the RSIS requirements regarding and stated a revised final plan indicating the proposed parking for the residential unit be included.

Board Engineer, Craig Hurless then reviewed his report of April 5, 2011 clarifying the description for the membership. He reviewed the Completeness review on pages 2 & 3 that address details required for preliminary Site Plan approval by using §417-5C (o), (r), (v), (z) & (aa). He addressed the Zoning Charts on pages 3 & 4 addressing the C-1 District §525-22 clarifying the variance requested §525-49C Parking (Number of Spaces), §525-49B(1) Parking (5 ft. Buffer Strip) & §525-58D Height Regulations (not applicable the ordinance allow deviation). He clarified the Waivers requested §525-59D Parking (paved areas), §525-59D, Parking (curbing), §525-50, Loading Standards and §525-56 Clear Sight Triangle. He explained the general review comments on pages 6 & 7 - #1, #2, #3, #4 (condition - solid waste & recycle), #5, #6, #7, #8, #9, #10, #11 (condition - concrete drive apron), #12 (condition - permission of the Construction Official), #13, #14, #15 (condition - Major Subdivision fees), #16 (condition), #17 (Shade Tree Commission), #18 (condition), #19 (condition) Historic Preservation Commission and #20 (condition) COAH.

Members were positive on the application with several questions regarding the demographics of the Belvedere, dedicated parking spaces, the retail area square footage and the fence height. Mr. Dwyer responded and answered all questions put forth.

Meeting opened for public comments at 8: 15 pm. Patricia Jackson, 1081 Jackson Street, voiced her concern regarding the trees (2) on the right of the fence, by stating they were weeds not trees and requested they be removed. **Pat Shannon, 1081 Jackson Street** voiced his concern regarding the solid waste and recyclable area. **The public portion was closed @ 8:20 pm.**

Motion by Mr. Elwell to approve the variance §525-49(C) Parking (Number of Spaces) request of ten (10) parking spaces is permitted while 24 are required. Seconded by Ms. Weeks and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire (**voiced his reasons for the record**). Those opposed: None. Those abstaining: None.

Motion by Mr. Murray to approve the variance §525-49B(1) Parking (5ft. Buffer Strip) request that the 5 foot. Seconded by Ms. Weeks and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire Those opposed: None. Those abstaining: None.

Motion by Mrs. Nelson to grant completeness waivers as stated in Mr. Hurless memorandum dated April 5, 2011, pages 2 & 3 - (o), (r), (v) & (Z) subject to

conditions. Seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney (**voiced his reason for the record**), Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire (**voiced his reason for the record**). Those opposed: None. Those abstaining: None.

Motion by Mr. Jones that the design waivers requested for parking regarding paved areas & curbing under §525-59D for loading standards under §525-50 for clear site triangle under §525-56 is granted. Seconded by Mr. Elwell and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion made by Ms. Weeks to grant Preliminary and Final Site Plan approvals requirements is granted with the conditions as stated in Mr. Hurless memorandum dated April 5, 2011; (pages 6 & 7) items #4, #7, #11, #12, #15, #16, #17, #18, #19 and #20 last paragraph last line, three (3) parking spaces with appropriate signage designation on the Final Site Plan, supply square footage of the retail area on the Architectural Plans, resolution to the tree removal with Shade Tree Commission, 4 foot high fence to be raised to 5 feet were permitted by Zoning to wrap around extending to corner, all residential units shall be metered separately and Final Site Plan to identify the solid waste and recycle area. Seconded by Mr. Murray and **carried 9-0.** Those in favor: Mr. Elwell, Ms. Weeks, Mr. Murray, Mrs. Nelson, Dr. Mahaney, Mr. Winkworth, Mr. Jones, Mr. Shuler and Mr. Bezaire. Those opposed: None. Those abstaining: None.

George Neidig advised the status on the litigation regarding Glen vs. Adis Inc. with Judge Armstrong. He also informed the membership of a complaint filed by Adis Inc. and requested Mary Rothwell distributes a copy to each member.

Motion made by Mr. Elwell, Seconded by Mr. Jones to adjourn the meeting at 8: 40PM with all in favor.

A verbatim recording of said meeting is on file at the Construction/Zoning Office.

Respectfully submitted: Edie Kopsitz, Recording Secretary

Adopted