

City of Cape May Planning Board Meeting Minutes
Tuesday, July 12, 2016

Opening: The meeting of the City of Cape May Planning Board was called to order by Vice-Chairman Harley 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
	Mr. Jones	Present
	Mayor Dr. Mahaney	Present
	Mr. Picard	Present
	Mr. Elwell	Present
	Dr. France	Present
	Councilperson Swain	Present
	Mr. Winkworth	Present
	Mr. Macciocchi, Alt. 1	Present
	Ms. Muncey, Alt. 2	Present

Also Present: Richard King, Esquire – Board Solicitor
Craig Hurless, PE, PP, CME Associate – Polistina & Associates
Erin Burke, Board Assistant

Vice-Chairman Harley Shuler announced that the representation for the second application scheduled to be heard this evening, *Palavest, LLC "Icona Cape May" Hotel, 1101 Beach Avenue, Block 1115, Lot(s) 1, 2, 3, 32 & 33-Signage*, requested the hearing to be postponed until a future meeting date to be determined.

Minutes:

Motion was made by Mr. Winkworth to approve the minutes from May 24, 2016, seconded by Mr. Picard and **carried 7-0**. Those in favor: Mr. Elwell, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Mr. Winkworth, Mr. Macciocchi, Mr. Shuler. Those opposed: None. Those abstaining: Dr. France, Councilmember Swain.

Applications

Cape Coachman Inn Realty
"Beach Shack" Motel
205-211 Beach Avenue
Block 1019, Lot(s) 26, 40
(Continued from the June 28, 2016 Planning Board meeting)

Stephen Nehmad, Esquire, Vince Orlando of Engineering Design Associates, PA, Principal for Cape Coachman, LLC, Curtis Bashaw, Richard Stokes, Architect, David Shropshire, Traffic Engineer, Deanna Drumm, licensed Traffic and Transportation Engineer, and Craig Hurless, Board Engineer, were sworn in and stated their credentials for the record.

The representative for the Heritage Triangle Condominium/Homeowner's Association and Seaboard Walk Condominium/Homeowner's Association, Eric Garrabrant, Esquire, called Deanna Drumm, licensed Traffic and Transportation Engineer, forward for additional questioning. Referring to **Exhibit A-11: Modified site plan**, and **Exhibit A-21: Alternate parking plan**, Ms. Drumm testified extensively regarding her concerns with the proposed plans, specifically the sidewalk width, bike parking, lack of sidewalk in the rear of the motel, tractor-trailer access to loading zones, angle of parking spaces on alternate parking plan, and the enforcement of hotel guests not using the neighboring condominiums' driveway as an exit from the proposed rear parking lot. Mayor Dr. Mahaney questioned Ms. Drumm's testimony regarding the angle of egress displayed on **Exhibit A-21: Alternate parking plan**, further clarifying her belief that the angle of the egress could result in a back-up of traffic on Beach Avenue if cars are reversing out of the parking spaces to leave when other cars are trying to enter the parking lot. The representative for the applicant, Mr. Nehmad, then questioned Ms. Drumm on her experience working in the City of Cape May, and Ms. Drumm testified that this is the first time she has testified concerning a project within the City. At Mr. Nehmad's questioning, Ms. Drumm testified regarding the two field observations she performed at the property in question, and her years of experience as a traffic and transportation engineer. Mr. Nehmad questioned Ms. Drumm extensively about **Exhibit A-22: Boundary and Topographic Survey (enlarged from Board packet)**, **Exhibit A-10(a): Striping Enlargement**, and **Exhibit A-20: Average Check-Ins/Check-Outs by hour**, comparing the existing conditions to what is proposed by the applicant. Ms. Drumm further testified regarding the potential conflict points existing on the proposed plans and potential increase in traffic on Heritage Lane. The representative for the opposition, Mr. Garrabrant, questioned Ms. Drumm regarding the existing parking situation at the Beach Shack motel, referring to **Exhibit A-22: Boundary and Topographical Survey**. Ms. Drumm then testified that stacked parking (as proposed on the applicant's plans) is not permitted by zoning ordinance of the City of Cape May.

Board Attorney Richard King questioned the management of the proposed valet parking if Mr. Bashaw were to sell his property in the future. Mr. Nehmad stated that they will file a narrative valet parking management plan that is consistent with the testimony that Mr. Bashaw provided. Mr. Bashaw then offered additional testimony explaining the valet parking process further.

Discussion was open to the public at 8:30 PM.

Ray Taylor, 217 Beach Avenue (Summer Station Condominium) questioned where the proposed driveway is located in relation to the existing Summer Station driveway, the location of the proposed trash enclosure, and voiced concerns regarding delivery trucks blocking the Summer Station entrance.

Laura Benevento, 201 Beach, Unit 1 (Seaboard Walk Condominium) voiced her concerns regarding privacy of the neighbors, specifically questioning the size and construction of the

proposed balconies. Ms. Benevento questioned whether Seaboard Walk would even be able to prevent Beach Shack guests from using their driveway, and encouraged the Board to take the surrounding neighbors' safety and opinions into consideration.

Dr. Scott Maslow, 18 Second Avenue, was sworn in and voiced his objection to the application, detailing concerns regarding the proposed stacked parking and stating that there is nothing unique about the property in question to allow the number of variances being sought.

Julius Rauch, 101 New York Avenue, was sworn in and questioned if the Rusty Nail Restaurant seating will be expanded, and Mr. Nehmad responded that seating for the restaurant is not proposed to increase. Mr. Rauch addressed the outstanding seating issue at this property, referring to **Exhibit A-15: Proposed site plan showing seating**, and submitting **Exhibit R-1: Letter with attachments** for the Board's consideration. Mayor Dr. Mahaney stated that, to the best of his knowledge, the site is approved for only 195 seats. Board Attorney Richard King questioned Mr. Nehmad regarding one of the attachments Mr. Rauch included in his exhibit (a letter from City Manager Bruce Macleod dated August 14, 2015 regarding proliferation of outdoor seating at the Rusty Nail Restaurant).

Discussion was closed to the public at 9:15 PM.

A short recess was taken at 9:15 PM.

The meeting resumed at 9:30 PM.

Board Engineer Craig Hurless, PE, PP, CME, summarized his latest memorandum dated July 7, 2016. He reviewed the checklist items for the C and D variances (page 2 of 12), classifying item numbers 18, 31, and 32 as a conditions of approval. He then review the preliminary site plan checklist on page 3 of 12. With regard to 3(l), Mr. Hurless stated that tractor trailers will have to back in to access the loading zone, while box trucks would be able to pull through the lot normally. With regard to 3(r), Mr. Hurless recommended that the Board not vote on signage until the applicant seeks final site plan approval. With regard to 3(v), Mr. Hurless confirmed that he will support the waiver of Environmental Impact Statement due to the fact that the applicant indicated they would submit a CAFRA Compliance Statement in lieu of an EIS. With regard to 3(w), Mr. Hurless stated that if the Board feels that sufficient testimony has been provided, a waiver from a traffic impact report can be supported. Item 3(aa) (site plan provided in digital format) was classified as a condition of approval. Mr. Hurless then reviewed the zoning requirements for the application, specifically detailing regulations regarding principle versus accessory use. Mr. Hurless continued to review the zoning requirements for the property and what is being proposed by the applicant, citing the zoning charts on page 5 of 12 of his review. Mr. Hurless explained in detail the 13 variances being requested:

- 1. §525-24B(1) Table 2 Building Setbacks - Beach Ave**
- 2. §525-24B(1) Table 2 Side Yard Setbacks - West Side**
- 3. §525-24B(1) Table 2 Side Yard Setbacks - Accessory Structure**
- 4. §525-24B(2) Table 1 Lot Coverage**
- 5. §525-49C(4) Parking – Number of Spaces & Stacked**
- 6. §525-59E(7) Parking within setbacks - Beach Ave.**

7. §525-59E(7) Parking within setbacks - Heritage Lane
8. §525-59E(7) Parking within setbacks - Side Yards (both)
9. §525-49B(1) Parking Buffer
10. §525-48E(1) Directional Signage Area
11. §525-48H(2)(a) Freestanding Signage - Number & Area
12. §525-48H(2)(b) Building Mounted Signage - Area
13. §525-56A(1) Parking in Clear Sight Triangle

Mr. Hurless explained that the number of parking spaces required by Ordinance is partially dependent upon the number of seats within the Rusty Nail Restaurant, therefore he affirmed that his calculations are based off of 26 proposed employees, 79 proposed units (one space per sleeping unit) and the seating plan provided (**Exhibit A-15**) which shows a total of 329 seats existing (1 space per 4 bar/restaurant seats), resulting in a required 188 parking spaces for the property, with 89 spaces proposed. Mr. Hurless did highlight the 24 proposed metered parking spaces on Beach Avenue, that ultimately does not influence the parking space count for the property, however could be taken into consideration by the Board. The General Review Comments (pages 8-12 of 12) were reviewed and explained in detail, with all items being classified as conditions of approval (with the addition of a valet narrative incorporated into the potential resolution included in item number 19). Multiple Board members asked various questions related to parking space requirements and total seat count, and Mr. Hurless explained the situation further. He emphasized that if the Board chooses to approve the application for preliminary site plan, the Applicant will then have approval for the existing 329 seats shown on the plans (where only 195 is currently approved). Board Attorney Richard King further summarized the existing versus proposed parking space count for the property. Extensive dialogue was undertaken between the Board members, Board Attorney, Board Engineer, and the applicant regarding how the 329 seats came to exist on the property when only 195 seats had been approved, and what qualifies as a "seat". Mayor Dr. Mahaney interjected after some time, stating that the discussion had gotten off-track and that the meeting should move on.

A short recess was taken at 10:30 PM.

The meeting resumed at 10:35 PM.

Board Engineer Craig Hurless quoted for the Board §525-49C in the City of Cape May Code, and a disagreement over interpretation of the Code ensued. Mr. Garrabrant made a closing statement emphasizing that there are a significant number of variances being sought by the applicant, and that the proposed plans are "taking a condition that isn't good and making it worse." Mr. Nehmad then made a closing statement summarizing the benefits of the proposed project as a whole.

Motion was made by Mr. Winkworth to grant preliminary site plan approval in accordance with the most recent plan submitted, including the following ten (10) variances: 525-24B(1) Table 2 Building Setbacks - Beach Avenue, §525-24B(1) Table 2 Side Yard Setbacks - West Side, §525-24B(1) Table 2 Side Yard Setbacks - Accessory Structure, §525-24B(2) Table 1 Lot Coverage, . §525-49C(4) Parking – Number of Spaces & Stacked, §525-59E(7) Parking within setbacks - Beach Avenue, §525-59E(7) Parking within setbacks - Heritage Lane, §525-59E(7) Parking within setbacks - Side Yards (both),

§525-49B(1) Parking Buffer, and §525-56A(1) Parking in Clear Sight Triangle (pages 5 and 6 of 12), subject to condition of approval items 18, 31, 32, 3, aa (pages 2 through 4 of 12) and 1 through 43 (pages 8 through 12), seconded by Mr. Jones and denied 4-5. Those in favor: Mr. Jones, Mr. Picard, Mr. Winkworth, Mr Macciocchi. Those opposed: Mr. Elwell, Dr. France, Mayor Dr. Mahaney, Councilmember Swain, Mr. Shuler. Those abstaining: None.

Upon voting, the following members made the following remarks in regards to their vote:

Mr. Elwell voiced his reasons for his vote in the negative, stating that he was not comfortable with the proposed parking conditions.

Dr. France voiced his reasons for his vote in the negative, stating that parking is a major issue in Cape May, and he couldn't see how the proposed parking plan would work.

Mr. Jones voiced his reasons for his vote in the positive, stating that he was comfortable with the proposed stacked parking plans, and that the additional metered spaces proposed would allow for additional income for the City, and that the proposed plans would result in safer conditions on the property.

Mayor Dr. Mahaney voiced his reasons for his vote in the negative, stating that the proposed developments exacerbates the shortage of parking available for the property. Mayor Dr. Mahaney affirmed his belief that the project as a whole does not meet the needs and requirements of the Master Plan and zoning ordinances. Ultimately, the Mayor would like to see the application back before the Board with changes made.

Mr. Picard voiced his reasons for his vote in the positive, stating that he did not see a problem with the proposed stacked parking, and that the proposed plans would result in a big improvement to the property as a whole.

Councilmember Swain voiced her reasons for her vote in the negative, stating her concerns with the proposed plans not matching what is discussed in the Master Plan for the City. She also echoed the Mayor's sentiments in that she hopes the application will come back before the Board with changes made.

Mr. Winkworth voiced his reasons for his vote in the positive, applauding Mr. Bashaw for bringing this plan before the Board and desiring to refurbish the property and motel, and stating that the proposed plans would primarily benefit the City as a whole.

Mr. Shuler voiced his reasons for his vote in the negative, stating that while he liked the idea of renovating the existing property, the parking issue must be further address. He stated that he would like to see the application come back before the Board with the issues addressed.

Motion was made to adjourn at 11:30 PM by Mr. Jones with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.