City of Cape May Planning Board Meeting Minutes
Tuesday – March 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.

Roll Call: Mr. Bezaire, Chairperson Present
Mr. Shuler, Vice Chairperson Present
Mr. Jones Present
Mayor Dr. Mahaney Present
Mr. Murray Absent
Mr. Elwell Present
Ms. Weeks Present
Mr. Winkworth Absent
Mr. Dr. France, 1st Alternate Absent
Mr. VanDeVaarst, 2nd 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

Motion made by Mr. Elwell to approve the minutes of January 14, 2014, seconded by Mr. VanDeVaarst and carried 6-0. Those in favor: Mr. Elwell, Ms. Weeks, Mr. Jones, Mr. VanDeVaarst, Mr. Shuler, Mr. Bezaire. Those opposed: None. Those abstaining: Mayor Dr. Mahaney.

Applications: Adis Inc./LaMer Beachfront Inn, 1317 Beach Avenue Block 1146, Lots 6, 7, 10-24 Preliminary & Final Site Plan Request with Variances

James Pickering, Esquire opened discussion for the application, reminding the Board that at the last meeting, they had presented the application, presented testimony from executive manager of the facility, presented testimony from their planner and engineer, and all were cross examined by the objector’s attorney Mr. Kauffman. This meeting is to resume with Mr. Kauffman presenting additional witnesses or evidence. He stated they were prepared to continue and hoped that the matter would come to a vote. Mr. Bezaire stated the discussion ended on whether or not the restaurant constituted an alteration or not. Copies of the previous resolution and the opinion of Judge Armstrong were distributed.

Attorney Kauffman stated his credentials for the record and stated his clients were Joan and Frank Harvey, Richard Zeicheim, Matt Glen and Brian Murphy. Attorney Kauffman called Brian Murphy to testify. Brian Murphy, Engineer, was sworn in and clarified his credentials for the record. He stated he was retained by Joan and Frank Harvey to review the application being presented to the Board. He noted he was able to review the application and all other materials.
submitted from the applicant, and Craig Hurless’s report. With regards to §525-49C wherein the report stated the applicant may need to comply. Mr. Murphy believes they do need to comply with this variance. Parking spaces and how they should be calculated was discussed at length, as well as was accessory uses for the hotel, and the changes that would be occurring to the hotel. Exhibit O5 was put into record, which is correspondence dated June 18, 2012 from the Zoning Officer to the principal of the applicant, specifically the second paragraph which states there was a day spa in the facility that had not been approved by the planning board. Exhibit O6 was put into record which is correspondence dated August 23, 2012, from the applicants engineer Vincent Orlando to the Zoning Officer, which states the size of the spa. He discussed Ordinance 49C-9 which details parking spaces that are required for personal service parking.

Attorney Pickering cross examined Mr. Murphy in detail regarding his testimony regarding the application.

Mr. Murray called Joan Harvey for testimony. She is a property owner in Cape May within 200 feet of the applicant property. She stated her objections to the proposal. Since 2002 she has lived near the hotel and over the years the changes have made it very imposing, there is already traffic and parking problem and this application would just make the matter worse. Exhibits O7 through O12 which were photographs of the property were put into record.

Chairman Bezaire opened the meeting to the public at 8:20 PM and immediately closed the public portion of the meeting as there were no questions or comments from the public.

Craig Hurless reviewed his memorandum dated February 6, 2014. Craig reviewed the parking variance issue on page 5 of his report. The applicant has not requested a parking variance on this application. He reviewed the off street parking calculation requirements. It is his belief after reading the ordinance, §525-49C, and the changes being requested, the alterations that were shown and described on the plans are constituted as an alteration.

Attorney Kauffman discussed the issue of the alteration, specifically to the restaurant. Testimony was given as to what is proposed to be done to the restaurant and testimony from two engineers, who believe that the proposal constitutes an alteration. There is a need for a parking variance for number of spaces.

Motion made by Mr. Jones that the 5 changes proposed to be done to the restaurant are alterations pursuant to §525-49C of the ordinance and therefore requires a parking variance, seconded by Ms. Weeks and carried 7-0. Those in favor: Mr. Shuler, Mr. Jones, Mayor Dr. Mahaney, Mr. Elwell, Ms. Weeks, Mr. VanDeVaarst and Mr. Bezaire. Those opposed: None. Those abstaining: None.

Motion made to adjourn by Mike Jones, seconded by Mr. Shuler, with all in favor, at 9:05 PM.

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

Respectfully submitted: Edit Kopsitz, Recording Secretary
Jill Devlin, Board Secretary.