

**City of Cape May Planning Board Meeting Minutes
Tuesday, January 24, 2017**

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. Elwell	Present
	Dr. France	Absent-Excused
	Councilmember Hendricks	Present
	Mr. Inderwies	Present
	Mr. Jones	Present
	Mayor Lear	Present
	Mr. Picard	Present
	Mr. Macciocchi (Alt. 1)	Present
	Dr. Maslow (Alt. 2)	Present

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

Resolutions:

Motion was made by Mr. Jones to adopt Resolution Number 01-2-2017:1 Board Attorney, seconded by Mr. Picard, and **carried 9-0.** Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Mr. Shuler, Mr. Bezaire. Those opposing: None. Those abstaining: None.

Motion was made by Mr. Jones to adopt Resolution Number 01-2-2017:2 Board Engineer, seconded by Mr. Picard, and **carried 9-0.** Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Mr. Shuler, Mr. Bezaire. Those opposing: None. Those abstaining: None.

Applications:

*Palavest, LLC (Continued from September 27, 2016 meeting)
"Icona Cape May" Hotel - Signage & Addition(s)/Pool
1101 Beach Avenue
Block 1115, Lot(s) 1, 2, 3, 32, 33*

Chairman Bezaire recused himself from hearing the application due to living within 200 feet of the applicant.

Eustace Mita (principal), Al Gryga (Landscape Architect), Kevin Dixon (Professional Traffic Engineer), Tiffany CuvIELLO (Planner), Susan Cawley (Director of Real Estate for the Mita organization), and Craig Hurless, PP, PE, CME, were all sworn in.

The representative for the applicant, Stephen Nehmad, Esquire, gave a brief summary of the proposed construction of a 195 square foot addition to the existing hotel, new signage, new pool and deck area, outdoor patio and paver walkway, and new landscaping, among other renovations. Twenty-six (26) back-out parking spaces are proposed along and partially within the Philadelphia Avenue right-of-way. Mr. Nehmad briefly explained that the applicant had originally submitted two separate applications – one for signage and one for the additions and pool. Ultimately, the two applications were combined into one, cohesive application that was first presented to the Board on September 27, 2016, and continued to the meeting this evening.

Al Gryga, Landscape Architect, testified regarding the proposed signage for the property. Mr. Gryga clarified for the Board the locations and dimensions of all proposed signs, referring to **exhibit A-3**.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated October 20, 2016. Mr. Hurless explained the twenty-three (23) variances required in detail (pages 6-9 of 13):

1. §525-24B(1) Table 2 - Building Setback - Philadelphia Avenue
2. §525-24B(1) Table 2 - Building Setback - Beach Avenue (Pool)
3. §525-24B(1) Table 2 - Building Setback - Philadelphia Avenue (Pool)
4. §525-24B(1) Table 2 - Lot Width
5. §525-24B(1) Table 2 - Lot Frontage
6. §525-24B(1) Table 2 - Rear Yard
7. §525-24B(1) Table 2 - Side Yard
8. §525-24B(1) Table 1 - Maximum Lot Coverage
9. §525-49C(4) - Parking Space Size
10. §525-49C(4) - Number of Parking Spaces
11. §525-59E(7) - Parking in Setbacks - Philadelphia & New Jersey Avenues
12. §525-59E(8) - Off Street Parking - Curb Cut
13. §525-56A - Visibility at Intersections (as applicable)
14. §525-61A(1)(a), (b), (c) - Swimming Pool Requirements

Signage Variances:

1. §525-48H(2)(a)[2] - Signage, Freestanding - Area (Beach Avenue)
2. §525-48H(2)(a)[1] - Signage, Freestanding - Setback to Building (Beach Avenue)
3. §525-24B(1) Table 2- Signage, Freestanding - Side Setback (Beach Avenue)
4. §525-48H(2)(a)[3] - Signage, Freestanding - Width (Beach Avenue)
5. §525-48H(2)(a)[3] - Signage, Freestanding - Height (Beach Avenue)
6. §525-48H(2)(a)[3] - Signage, Freestanding - Number (Philadelphia Avenue)
7. §525-48H(2)(a)[3] - Signage, Freestanding - Area (Philadelphia Avenue)

8. §525-48H(2)(a)[3] - Signage, Freestanding - Setback to Building (Philadelphia Avenue)
9. §525-48H(2)(a)[3] - Signage, Freestanding - Setback (Philadelphia Avenue)

Waiver item numbers 5, 22, 3(d), 3(q), 3(v), and 3(z) (pages 3 and 4 of 13) were supported, and waiver item numbers 31, 3(f) and 3(aa) were classified as conditions of approval.

The General Review Comments 1-39 (pages 9-13 of 13) were reviewed and explained in detail, with all items being classified as conditions of approval.

Mr. Hurlless indicated that the number of sleeping units in the hotel is connected to the parking ordinance. An extended discussion ensued among the Board Attorney, the Engineer, the Applicant, and the Applicant's Attorney regarding the history of the property and the number of units. The 1983 Resolution indicated there were 31 units but no mention of sleeping rooms in the Resolution. The 2008 Resolution had 33 units with 47 sleeping units. The 2016 Mercantile License indicates there are 31 units, but the present application has 56 keys with 62 sleeping units proposed and claims there is presently 33 "units".

Numerous questions were posed by the Board members regarding the number of parking spaces, parking space size and layout, signage, landscaping, employee parking, and the proposed pool. The applicant's professionals further clarified those topics.

Discussion was opened to the public within 200 feet at 8:20 PM.

Tom Martenstein (101 Philadelphia Avenue) - voiced concerns regarding the safety of the proposed back-out parking on Philadelphia and possible flooding issues. Mr. Martenstein produced **exhibits M-1**: photo packet of Philadelphia/New Jersey Avenues and **exhibit M-2**: photos of other Icona properties.

Peggy Jakacki (1105 New Jersey Avenue) - believes the back out parking is hazardous, does not like the illumination of the signs, and is concerned about drainage.

William Bezaire (1116 New Jersey Avenue) - indicated that he was not giving advice to the Board or opining as to the overall propriety of the variances or proposals, from a land use prospective, but rather was speaking as a private citizen and was going to provide his historical facts of which he was personally aware. He indicated (which is confirmed by the Minutes of prior meetings) that when the hotel was first approved for 31 units in 1983, there was specific concern regarding making the "living rooms" that were in separate rooms, into bedrooms, thus turning the 31 units into 62 units approximately. He believed the current parking difficulties are a result of that concern coming to fruition and there now being 62 separate sleeping rooms as opposed to the 31 that the former owner represented would remain the maximum number of bedrooms in the building. He also opined that the proposed parking was going to remove public spaces that were needed in the area.

John Allison, General Manager of the Grand Hotel (1045 Beach Avenue) - spoke in support of the application and saw no conflict with the proposed back-out parking.

Robert Lamendola (1110 New York Avenue) - applauded the renovations already completed at the property, but voiced concerns regarding the parking configuration.

Elizabeth Woods (1152 Virginia Avenue) - believes the renovations to the Icona are beautiful and generally discussed the beach traffic and other implications of the parking near the hotel.

Tim Walsh (1022 New York) - spoke in opposition of the back-out parking.

Discussion was opened to the public beyond 200 feet, then closed at 9:00 PM.

A short recess was taken at 9:00 PM.

The meeting resumed at 9:15 PM.

Mr. Nehmad then presented a closing argument and summarized the benefits of the proposed improvements on the property.

Motion was made by Mr. Jones to grant Preliminary and Final Site Plan approval, including all variances except those relating to the pool and the signage, which were to be considered separately, subject to the conditions and waivers outlined by the Engineers and discussed during the course of the meeting, seconded by Mr. Elwell and **denied with a vote of 2 in favor and 7 against.** Those in favor: Mayor Lear, Mr. Picard. Those opposed: Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mr. Macciocchi, Dr. Maslow, Mr. Shuler. Those abstaining: None.

Mayor Lear and Mr. Picard voiced their reasoning for their votes in the positive for the record. Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Dr. Maslow, and Mr. Shuler gave their reasons for their votes in the negative for the record.

At the applicant's request, **a motion was made by Mr. Jones granting Preliminary and Final Site Plan approval for those aspects of the project not directly related to the back out parking, which includes certain site improvements affecting drainage, structure, landscaping, and other such aspects of the site plan. This would include variances 4, 5, 6, 7, 8 (less off street parking paving), and 11 (New Jersey Avenue parking spaces (4) only) subject to the conditions outlined herein and by the engineer at the hearing,** seconded by Mr. Picard and **carried 9-0.** Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Dr. Maslow, Mr. Shuler. Those opposing: None. Those abstaining: None.

Motion was made by Mr. Jones to grant those variances pertaining to the proposed pool, which are variances 2, 3, 13 (as to those aspects specifically pertaining to the pool), and 14, seconded by Mr. Shuler and **carried 9-0.** Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Dr. Maslow, Mr. Shuler. Those opposing: None. Those abstaining: None.

Motion was made by Mr. Jones to grant those variances pertaining to the Beach Avenue sign which are variances 1, 2, 3, 4 and 5 on the list of variances pertaining to signage, seconded by Mr. Elwell and carried 9-0. Those in favor: Mr. Elwell, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Mr. Picard, Mr. Macciocchi, Dr. Maslow, Mr. Shuler. Those opposing: None. Those abstaining: None.

Motion was made by Mr. Jones to grant those variances pertaining to the sign on Philadelphia Avenue including those variances listed as 6, 7, 8 and 9 on the list of variances pertaining to signage, seconded by Mr. Picard and denied with a vote of 4 in favor and 5 against. Those in favor: Mr. Elwell, Mr. Jones, Mr. Picard, Mr. Macciocchi. Those opposed: Councilmember Hendricks, Mr. Inderwies, Mayor Lear, Dr. Maslow, Mr. Shuler. Those abstaining: None.

Motion was made to adjourn at 10:20 PM with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.