City of Cape May Planning Board Meeting Minutes  
Tuesday, February 11, 2019

Opening: The meeting of the City of Cape May Planning Board was called to order by Chairman Bill Bezaire at 6:30 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  Absent - excused
- Mr. Macciocchi  Present
- Deputy Mayor Hendricks  Present
- Mr. Inderwies  Present
- Mr. Jones  Present
- Mayor Lear  Absent - excused
- Dr. Maslow  Present
- Dr. Wolf  Alt #1  Present
- Mr. Martz  Alt #2  Absent - excused

Also Present:  
- Richard King, Esquire - Board Solicitor
- Craig Hurless - Board Engineer
- Tricia Oliver - Board Assistant

Resolutions:  
Motion was made by Mr. Shuler to adopt Resolution number 02-11-2019: 1, Resolution Supporting City Ordinance No. 367-2019: Ordinance of the City of Cape May Amending a Portion of the Cape May City Historic Preservation Ordinance, seconded by Mr. Inderwies and carried 8-0. Those in favor: Mr. Macciocchi, Deputy Mayor Hendricks, Mr. Inderwies, Mr. Jones, Dr. Maslow, Dr. Wolf, Mr. Shuler, Mr. Bezaire. Those opposed: None. Those abstaining: None.

Applications:  
Ninasv, LLC
“Restaurant A Ca Mia”
524 Washington Street
Block 1051, Lot(s) 3 & 4

Mr. Jeffrey Barnes, Esquire, Professional Engineer, Joseph Maffei, and Board Engineer, Craig Hurless, were sworn in for the record.

Mr. Jeffrey Barnes, Esq., detailed the property location on the Washington Street Mall, and the established prior approvals granted by the Historic Preservation Commission. He continued on explaining that the current interior space includes one apartment with four total bedrooms and the proposed application consists of two apartments, each with two bedrooms. This interior change, triggers the need for a parking variance, Mr. Barnes noted.

The applicant’s Engineer, Joseph Maffei, indicated that he was the project engineer and generally described the parking variance required. He indicated they were seeking preliminary and final site plan approval. He reviewed the Zoning Chart and Mr. Hurless agreed that it was accurate and consistent with his analysis. He indicated that there was no extension or additional seating in the
restaurant. There were no additional apartments, except the existing apartment was being divided. They are adding a new kitchen for the new apartment.

Brief discussion was undertaken regarding use of the apartment, and it was agreed by the Applicant, to be set forth in the Deed restriction, that the apartment will only be used by owners or employees and not rented out to non-owners or non-employees. Although the property has no parking and the proposed changes increased the parking requirements, this is substantially offset by the fact that this will be used by owners and employees who already are onsite, and many of those use bicycles or walk to work.

Discussion was opened to the public at 6:49 PM, and closed with no public coming forward to comment.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated December 20, 2018. Mr. Hurless explained the one (1) variance required in detail:

1. §525-49C - Parking – Number of Spaces

Item numbers 12, 18, and 20 under General Requirements for All Applications were addressed and classified as conditions of approval. The General Review Comments 2-4 (page 5 of 6) and comments 5-8 (page 6 of 6) were reviewed and explained at length, and all were classified as conditions of approval; with any addition(s) referenced by the Engineer.

Motion made by Deputy Mayor Hendricks to approve the §525-49C - Parking – Number of Spaces variance; subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated December 20, 2018 seconded by Dr. Wolf and carried 6-2. Those in favor: Mr. Macciocchi, Deputy Mayor Hendricks, Mr. Inderwies, Mr. Jones, Dr. Maslow, Dr. Wolf. Those opposed: Mr. Shuler, Mr. Bezaire Those abstaining: None.

“The Cove Restaurant”
Paul, Susan, & Edward Johnston
405 S. Beach Avenue
Block 1012, Lot(s) 13 & 14

*Dr. Maslow recused himself from the application.

Chairman Bezaire addressed the members of the board and counsel for the application, stating that he currently holds the real estate listing for the residential property behind the subject property and would step down if this was thought to be a conflict. Both the Board Solicitor, Rich King, Esq. and Jeffrey Barnes, Esq., agreed that this was not a conflict.

Mr. Jeffrey Barnes, Esquire, Professional Engineer, Joseph Maffei, and Board Engineer, Craig Hurless, remained sworn in for the record.

Mr. Barnes introduced the application and generally described the reason amended preliminary and final site plan approval was being sought, and the interrelationship between the approval and Resolution 05-08-2018:2 which was obtained in Resolution 12-8-2009:1 pertaining to the reconstruction of the enclosed porch which did not occur. In 2018 granted only preliminary approval because more details were needed for the front section and certain bollards, but given the
desire to reconstruct the porch as approved in 2009, the matter has been brought to the Board for amended site plan approval so that it all may be incorporated into one approval.

Mr. Maffei continued on with the presentation generally describing the conditions as finalized in the front of the building for final site plan approval, and also indicated there would be no change to the manner of construction for the porch as approved in 2009. Mr. Hurless indicated that it was difficult for him to discern from the proposed plan whether they are consistent with the 2009 plans as approved.

Brief discussion was undertaken regarding eliminating the approval to the exact same conditions approved in the 2009 plan. Ed Johnston and Paul Johnston, along with their counsel and engineer, all agreed that there would be a condition of approval such that they will comply in all ways with the plans approved in 2009 and the other terms pertaining to said approval. Mr. Ed Johnston also agreed that the clamshell surface would receive new shells as needed and recommended by Mr. Hurless. There was then a discussion regarding the fence between the subject property and the adjacent residential property. The Applicant claimed that the adjacent property was required to construct a fence pursuant to a prior approval. It was ultimately agreed by the Applicant, following a discussion with the Board professionals, that the Applicant understood that he was required to construct and maintain a fence between his property and the adjacent property under any and all circumstances; however, if there presently existed a fence (not a requirement for a fence, but an actual fence), then he did not have to install and maintain a fence during that period of time, however, ultimately the requirements for the existence of a fence is his responsibility at all times moving forward.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated January 4, 2019. Mr. Hurless briefly explained the eight (8) variances previously approved in Resolution 5-08-2018: 2.

The General Review Comment 10 (page 5 of 6) and numbers 11-17 (page 6 of 6) were reviewed and explained at length, and all were classified as conditions of approval; with any addition(s) referenced by the Engineer.

Discussion was opened to the public at 7:43 PM.

Mr. Thomas Keywood, Esquire, representing Robert Progner of 12 Second Avenue, summarized his client’s concerns regarding a fence installation and/or a proposed retaining wall to reduce sand invasion, and also the requirement for the onsite lighting to be back lit and shielded, to not intrude on the adjacent property currently own by his client. It was Mr. Keywood’s understanding that during the testimony of the applicant and their professionals, that these items had been addressed.

Discussion was closed to the public at 7:50 PM.

A short recess was taken at 7:52 PM.

The meeting returned at 8:04 PM.

Motion made by Mr. Jones to approve the Amended Preliminary and Final Site plan; subject to all conditions of approval discussed at the hearing and outlined in the review memorandum from Board Engineer Craig R. Hurless, PE, PP, CME, dated January 4, 2019 seconded by Deputy Mayor Hendricks and carried 6-0. Those in favor: Mr. Macciocchi, Deputy
Mayor Hendricks, Mr. Inderwies, Mr. Jones, Dr. Maslow, Dr. Wolf, Mr. Shuler. Those opposed: None. Those abstaining: Mr. Bezaire.

*Dr. Maslow returned to the meeting

Discussion:

Master Plan Discussion

Dr. Wolf addressed the Board regarding the plan to execute the items within the Master Plan Reexamination by prioritizing each item within what she called an “Implementation Action Plan.” She also provided an example of what such a plan might look like. Members of the board were very positive on this idea and expressed the possibility of utilizing the Master Plan Advisory Committee as more of an Implementation Committee moving forward.

General discussion was undertaken regarding various topics of concern and questions about verbiage to be used in the Master Plan Reexamination.

Motion made to adjourn by Mr. Jones at 10:14 PM with all in favor.

Respectfully submitted: Tricia Oliver, Board Assistant

**Copy of presentation available on the City of Cape May website.**