

**City of Cape May Planning Board Meeting Minutes  
Tuesday, June 28, 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.

<b>Roll Call:</b>	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

**Minutes:**

**Motion was made by Mr. Jones to approve the minutes from May 10, 2016**, seconded by Mr. Winkworth and **carried 9-0**. Those in favor: Mr. Elwell, Dr. France, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Winkworth, Mr. Macciocchi, Mr. Shuler. Those opposed: None. Those abstaining: None.

**Applications**

***Cape Coachman Inn Realty  
"Beach Shack" Motel  
205-211 Beach Avenue  
Block 1019, Lot(s) 26, 40  
(Continued from the May 24, 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, 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, questioned Mr. Orlando about the dimensions of the sand pit area shown on **Exhibit A-11: Modified site plan**. Mr. Orlando clarified the approximate dimensions. Mr. Stokes was brought forward to testify regarding the dimensions of the existing Rusty Nail Restaurant and kitchen, and existing motel. Extensive discussion ensued regarding the approximate square footage of the entire motel/restaurant, and regulations for principle versus accessory uses in the C-3 zone. Board Attorney Richard King clarified that it is within the Board's discretion to interpret the ordinance to determine if a use variance would be truly required, as Mr. Garrabrant was insinuating. The representative for the applicant, Mr. Nehmad, emphasized that the proposed plans do not seek to expand the seating inside or outside of the Rusty Nail. Mr. Garrabrant then questioned the Board Engineer, Craig Hurless, Mr. Orlando, Mr. Stokes, and applicant Mr. Bashaw at length, making reference to **Exhibits A-11: Modified site plan, A-13: Purposes of zoning, A-16: Department of Environmental Protection Soil Remedial Action Permit, and O-1(a): Objectors' exhibits**. Mr. Garrabrant questioned the submission by the applicant of an Environmental Impact Statement versus a CAFRA Compliance Statement for the Board's consideration. Mr. Hurless explained that the EIS is different than, but similar to the CAFRA Compliance Statement, and it is up to the Board to decide if it is acceptable to grant a waiver based on the EIS (as they have done in the past).

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

**Ray Taylor, 217 Beach Avenue (Summer Station Condominium) and Bill Mullins (General Manager of Summer Station)** were sworn in and stated their issues and concerns with the proposed application to the Board, distributing **Exhibit SS-1: Letter and photos of existing conditions**. Issues regarding the trash enclosure location, loading zone, and drainage issues from the restaurant were discussed in detail. Mr. Nehmad and Mr. Garrabrant posed questions to both members of the public regarding their issues and experiences living next to the Beach Shack motel and Rusty Nail restaurant. The applicant agreed to use either a fire retardant block enclosure with a lid or a compactor for the trash area, and also to the construction of a fence along the lot line separating both properties.

**Mitchell Levy, 215 Heritage, Unit 3**, was sworn in and voiced concerns about the possible increase in traffic on Heritage Lane as a result of the proposed developments.

**Discussion was opened to the public beyond 200 feet at 9:00 PM.**

**Dr. Scott Maslow, 18 Second Avenue**, was sworn in and voiced his objection to the application, detailing concerns regarding the proposed parking conditions.

**Julius Rauch, 1010 New York Avenue**, was sworn in and echoed Dr. Maslow's concerns regarding the proposed parking plans, and also addressing the alleged outside seating issues of the motel.

**Discussion was closed to the public at 9:10 PM.**

**A short recess was taken at 9:10 PM.**

**The meeting resumed at 9:20 PM.**

David Shropshire, Traffic Engineer, was called for rebuttal by Mr. Nehmad. Mr. Shropshire testified to the potential increase of traffic as a result of the proposed plans, estimating an increase of 75 trips per day over a 24-hour period. Mr. Shropshire testified to twelve (12) points in response to the previous testimony of Ms. Deanna Drummm, licensed Traffic and Transportation Engineer for the opposition, referring to **Exhibit A-11: Modified site plan** and **Exhibit A:17: Parking Chart for Beach Shack motel**. Mr. Garrabrant posed multiple questions to Mr. Shropshire, specifically regarding the proposed parking layout, conflict points, and the different classifications of roads (Heritage Lane versus Beach Avenue).

The applicant, Mr. Bashaw, was called for rebuttal by Mr. Nehmad. Mr. Bashaw testified to his ability to manage the proposed valet system effectively and safely, detailing his experience with valet parking at his other properties. References were made by Mr. Bashaw to **Exhibit A-19: Distribution of Check-In and Check-Out Time for the Beach Shack motel from June-August 2015**, **Exhibit A-20: Average Check-Ins/Check-Outs by hour**, the use of various parking signs and parking passes (hung in cars) to facilitate the parking process. Mr. Bashaw used **Exhibit A-18: A-11 with magnetic backing and movable cars** to show and explain in detail the proposed parking and valet protocol. Numerous questions were posed by various Board members and the Board Engineer regarding (but not limited to) parking and valet protocol, overnight parking, the number of valet attendants, signage, parking space deficiency, and the ability to differentiate between public and hotel parking, and Mr. Bashaw answered thoroughly. Mr. Garrabrant questioned Mr. Bashaw about the number of seats depicted on the proposed plans, and Mr. Bashaw explained the seating inside and outside the Rusty Nail restaurant area, sandpit, and pool area. Mr. Bashaw then testified regarding the number of people served per day at the restaurant, and their methods of transportation.

Vince Orlando, Engineer/Planner of Engineering Design Associates, testified regarding possible modification of the proposed plans to not include double stacked parking along Beach Avenue. **Exhibit A-21: Alternate parking plan** (which does not include stacked parking) was displayed, distributed, and discussed by Mr. Orlando for the Board's consideration. Mr. Orlando stated that this alternate parking plan would allow for 102 on-site parking spaces. Mr. Garrabrant questioned the number of spaces required by ordinance for the motel and restaurant, and Mr. Orlando clarified.

It was decided after some discussion by the Board that due to time constraints, the hearing would be continued until the next Planning Board meeting scheduled for July 12, 2016 at 7:00 PM in the City Hall Auditorium. It was announced for the record that the applicant would not have to re-notice the public or re-publish in the newspaper.

**Motion was made to adjourn at 10:45 PM with all in favor.**

**Respectfully Submitted, Erin Burke/Board Assistant.**