

City of Cape May Planning Board Meeting Minutes
Tuesday, August 23, 2016

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. Picard	Present
	Mr. Elwell	Present
	Dr. France	Present
	Councilperson Swain	Present
	Mr. Winkworth	Absent-Excused
	Mr. Macciocchi, Alt. 1	Present
	Ms. Muncey, Alt. 2	Absent-Excused

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. Shuler to approve the minutes from June 28, 2016, seconded by Mr. Picard and **carried 7-0**. Those in favor: Mr. Elwell, Dr. France, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Shuler. Those opposed: None. Those abstaining: Mr. Bezaire.

Motion was made by Mr. Elwell to approve the minutes from July 12, 2016, seconded by Mr. Jones and **carried 8-0**. Those in favor: Mr. Elwell, Dr. France, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Macciocchi, Mr. Shuler. Those opposed: None. Those abstaining: Mr. Bezaire.

Resolutions:

Motion was made by Mr. Elwell to adopt Resolution Number 08-23-2016:1 Cape Coachman Realty, LLC, "Beach Shack Motel", 205-212 Beach Avenue, Block 1019, Lot(s) 26 & 40, seconded by Dr. France, and **carried 5-0**. Those in favor: Mr. Elwell, Dr. France, Mayor Dr. Mahaney, Councilmember Swain, Mr. Shuler. Those opposed: None. Those abstaining: Mr. Jones, Mr. Picard, Mr. Macciocchi.

Motion was made by Mayor Dr. Mahaney to adopt Resolution Number 08-23-2016:2 A resolution providing for a meeting not open to the public to discuss a possible pending legal matter, and to recess into closed session, seconded by Mr. Jones and **carried 9-0.** Those in favor: Mr. Elwell, Dr. France, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Macciocchi, Mr. Shuler, Mr. Bezaire. Those opposed: None. Those abstaining: None.

The membership entered closed session at 7:05 PM to discuss legal matters pertaining to the recent superior court decision in the Walsh subdivision application. The Board Attorney, Richard King, Esquire, briefly summarized the case and discussion between the Board members and Mr. King ensued. **Motion was made by Mr. Elwell to appeal the Court decision granting the aforementioned subdivision,** seconded by Dr. France, and **carried 6-3.** Those in favor: Mr. Elwell, Dr. France, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Shuler. Those opposed: Mr. Jones Mr. Macciocchi, Mr. Bezaire. Those abstaining: None.

Motion was made by Mayor Dr. Mahaney to close the closed session at 7:30 PM, seconded by Mr. Elwell, and **carried 9-0.** Those in favor: Mr. Elwell, Dr. France, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Macciocchi, Mr. Shuler, Mr. Bezaire. Those opposed: None. Those abstaining: None.

The meeting was re-opened to the public at 7:45 PM.

Applications:

*Palavest, LLC
"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.

The representative for the applicant, Stephen Nehmad, Esquire, gave a brief explanation on why they initially chose to submit two separate Planning Board applications (one for signage and another for the addition(s)/pool). He claimed that since the two applications are essentially combined, the applicant has requested a technical review session for the application(s) prior to a formal application hearing.

Motion was made by Mr. Shuler to appoint an "ad hoc" technical review committee of less than a quorum of the Board to review on a non-voting basis certain technical aspects of the Palavest, LLC "Icona Cape May" applications and perhaps others as necessary, seconded by Mr. Elwell and **carried 8-0.** Those in favor: Mr. Elwell, Dr. France, Mr. Jones, Mayor Dr. Mahaney, Mr. Picard, Councilmember Swain, Mr. Macciocchi, Mr. Shuler. Those opposed: None. Those abstaining: None.

The Palavest, LLC. "Icona Cape May" Hotel application(s) were postponed to be heard at the September 27, 2016 Planning Board meeting 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 by Dr. France to adjourn at 8:00 PM, seconded by Mr. Elwell, with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.