

City of Cape May Zoning Board of Adjustment Meeting Minutes
Thursday, February 23, 2017

Opening: In compliance with the Open Public Meetings Act of 1975, adequate notice of the meeting was provided. Chairperson Hutchinson called the meeting to order at 6:00 P.M.

Roll Call:	Mrs. Hutchinson, Chairperson	Present
	Mr. Iurato, Vice Chairperson	Present
	Mr. Murray	Present
	Mrs. McAlinden	Absent-Excused
	Mrs. Werner	Present
	Ms. Hesel	Present
	Mr. Van de Vaarst	Present
	Mr. Mullock (Alt. 1)	Present
	Mrs. Lukens (Alt. 2)	Present

Also Present: Richard King, Board Solicitor
Craig Hurless, PE, PP, CME, Board Engineer
Erin Burke, Board Assistant

Minutes:

Motion made by Mr. Murray to adopt the minutes of January 26, 2017, seconded by Mr. Mullock and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Resolutions:

Motion made by Mr. Mullock to approve Resolution number 02-23-2017:1 Charles and Yvonne Ryan, 428 West Perry Street, Block 1031, Lot(s) 12, seconded by Mr. Van de Vaarst and **carried 6-0**. Those in favor: Mr. Iurato, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. Werner.

Motion made by Mr. Mullock to approve Resolution number 02-23-2017:2 John McMahon, 430 West Perry Street, Block 1031, Lot(s) 13, seconded by Ms. Hesel and **carried 6-0**. Those in favor: Mr. Iurato, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mrs. Werner.

Motion made by Mr. Murray to approve Resolution number 02-23-2017:3 Scott Peter Appeal, 513 Elmira Street, Block 1061, Lot(s) 7, seconded by Mr. Van de Vaarst and **carried 6-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: Mr. Mullock.

Motion was made by Mrs. Werner to approve Resolution number 02-23-2017:5 2016 Zoning Board of Adjustment Report, seconded by Mr. Murray and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mr. Murray to approve Resolution number 02-23-2017:6 Board Attorney, seconded by Mrs. Werner and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Motion was made by Mrs. Werner to approve Resolution number 02-23-2017:7 Board Engineer, seconded by Mr. Mullock and **carried 7-0**. Those in favor: Mr. Iurato, Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Applications:

*Jay and Diana Talsania
1311 Maryland Avenue
Block 1149, Lot(s) 38, 39*

Mr. Iurato recused himself from hearing the application due to his living within 200 feet of the applicant.

Jay Talsania, applicant, Mark Asher, Architect, and Board Engineer Craig Hurless, PE, PP, CME were sworn in and stated their credentials for the record.

The representative for the applicant, Bridget Sykes, Esquire, gave a brief overview of the proposed demolition of the current structure on the lot in question, and the construction of a new two story, four bedroom (one being labeled a "bunk" room), single family dwelling and detached garage. The applicant is seeking variances for an existing under-sized lot. Ms. Sykes cited that the new proposed home would be completely code and flood compliant, and would comply with all the bulk regulations for the R-2 district. The applicant, Mr. Talsania, briefly testified regarding the current condition of the lot.

Mark Asher, Architect of Asher Associates, testified to the existing property and site conditions, describing the undersized lot and proposed home in detail. Mr. Asher restated that the new home would comply to all bulk and flood code requirements, and that the home would seamlessly integrate with the surrounding neighborhood. Mr. Asher explained the proposed parking conditions for the property, stating that the proposed project would add one additional off-street parking space for the property.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated December 9, 2016. Mr. Hurless explained the three (3) variances required in detail (pages 3 of 4):

1. §525-15B(1) Table 1 Lot Size
2. §525-15B(1) Table 1 Lot Width
3. §525-15B(1) Table 1 Lot Frontage

The General Review Comments 1-12 (page 3 and 4 of 4) were reviewed and explained in detail, with an addition to item 6 that the three specimen trees will remain. All items were classified as conditions of approval.

Discussion was opened to the public within 200 feet at 6:25 PM, then beyond 200 feet, then closed with no public coming forward to comment.

Motion was made by Mr. Murray to approve the §525-15B(1) Table 1 Lot Size, §525-15B(1) Table 1 Lot Width, and §525-15B(1) Table 1 Lot Frontage variances, subject to all conditions of approval outlined by the Board Engineer in the December 9, 2016 report and at the hearing, seconded by Mrs. Werner and **carried 7-0.** Those in favor: Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Ms. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

Mr. Van de Vaarst, Mr. Mullock, Ms. Lukens, Mr. Murray, and Mrs. Hutchinson all voiced their reasons for their votes in the positive for the record.

As at applicant's request, the Board agreed to vote on the adoption of the pre-prepared resolution for the Talsania application.

Motion was made by Mr. Murray to approve resolution number 02-23-2016: 4 Jay and Diana Talsania, 1311 Maryland Avenue, Block 1149, Lot(s) 38, 39, seconded by Mr. Van de Vaarst and **carried 7-0.** Those in favor: Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Mr. Mullock, Ms. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: None. Those abstaining: None.

***Ocean Club Hotel C.M., LLC
1035 Beach Avenue
Block 1101, Lot(s) 2, 3, 4***

Mr. Mullock recused himself from hearing the application due to the fact that he has employed the Professional Engineer for the applicant for a project on his private home.

Vincent Orlando, Professional Engineer with Engineering Design Associates, Rita Durollari, Principal, and Dan Mascione, Architect, were sworn in and stated their credentials for the record.

The representative for the applicant, Richard Hluchan, Esquire, gave a brief summary of the proposed 8,925 square foot new rear entry and addition to the existing hotel. The addition would include a new gym, library/recreation room, office and storage space, housekeeping room, conference room, filing room, new elevator, and a one-bedroom "managers quarters". No new guest rooms are proposed. The number of parking spaces is proposed to be increased from

108 to 109 spaces. New access and accessible access are proposed at the ground level. A proposed 30' high flagpole is proposed in the front setback, and the proposed building height necessitates "D" variance approval. Mr. Hulchan gave a history of prior approvals the lot in question had received. The applicant received Planning Board approval in 2011 (Resolution number 6-28-2011) for reconfiguration and expansion of the restaurant to accommodate a total of 176 seats. 108 parking spaces were approved. The number of hotel units was reduced to 90. The applicant also appeared before the Planning Board in 2013. During this hearing, waiver of site plan, and variances for parking size of spaces, and parking in the side yard setback were approved. Variances for parking, number of parking spaces, and building mounted signage area were denied. Mr. Hluchan claimed that the parking variance was necessary for the then-proposed manager's quarters, which was three bedrooms. In the current application, the proposed manager's quarters is reduced to only 1 bedroom, and the number of proposed parking spaces was increased to 109 as a result. At the time of the 2013 Planning Board hearing, it was discovered that the height of the proposed addition required a "D" variance, and therefore the application was passed to the Zoning Board of Adjustment, resulting in the current hearing.

Rita Durollari, Principal, testified in detail to the current condition of the hotel, and the proposed improvements, referring to **Exhibits A-1: rendering of proposed library, A-2: off-season photo of cluttered office, A-3: photo of office/storage, A-4: current photo of handicap ramp**. Ms. Durollari emphasized that there will be no increase in guest rooms or employees. She testified thoroughly regarding the daily chores of the managers and staff of the hotel, explaining the numerous trips made locally to Laundromats and storage units due to the hotels current space deficiencies.

Daniel Mascione, Architect, thoroughly described the proposed additions to the hotel, referring to **exhibits A-5: proposed floor plans and elevations, A-6: existing floor plans and elevations, A-7: rendering of proposed rear facade, and A-8: photos of existing rear facade**. Mr. Mascione emphasized that the proposed addition would only "fill-in" the notch of the existing "U-shaped" hotel that is empty. He testified that the addition would be one-story lower than the existing hotel.

Vincent Orlando, LLA, PE, PP, CME with Engineering Design Associates, testified in detail to the proposed addition and parking conditions, referring to **exhibits A-9: color copy of site plan, and A-10: photo from Google Earth along New Jersey Avenue**. Mr. Orlando detailed the variance criteria in depth, claiming that the proposed work would have no impact on the surrounding properties light, air, or open-space. He explained the minor change of the proposed parking layout, and emphasized that the beautification of the proposed rear facade would be a substantial benefit to the community.

The representative for the opposition (Tom and Kathleen Wilkinson, 1021 New Jersey Avenue), William Kaufmann, Esquire, stepped forward and stated that the applicant is not seeking a parking variance for only 1 space, but rather for 39 spaces. He summarized that even though the applicant had received a prior approval from the Planning Board for 108 parking spaces, since this is a brand new application before the Zoning Board, the Board should be considering the parking conditions from scratch. Mr. Kaufmann questioned Ms. Durollari regarding her full staff, and Ms. Durollari testified that there are 13 full time employees for the hotel and

restaurant. Mr. Orlando then clarified his testimony regarding the variances sought by the applicant and the criteria for granting those variances, at Mr. Kaufmann's questioning.

Board Engineer Craig Hurless, PE, PP, CME, then summarized his latest memorandum dated February 13, 2017. He reviewed the checklist items for preliminary site plan approval (page 3 of 7), with item 3(aa) being classified as a condition of approval. Mr. Hurless explained the five (5) variances required in detail (pages 4 and 5 of 7):

1. §525-49C(4) Parking Standards-Number of Spaces
2. §525-49A Parking Standards-Size of Spaces
3. §525-59E(7) Parking in Setback
4. §525-24B(1) Table 2 Building Setback Line-Flagpole at Beach Avenue
5. §525-24B(2) Building Height ("D" variance)

Mr. Hluchan stated for the record that the variance originally sought for §525-48H(2)(b) Signage-Building Mounted has been withdrawn by the applicant.

The General Review Comments 1-18 (pages 6 and 7 of 7) were reviewed and explained in detail, with an addition of item 19: A "compact car parking only" sign on the proposed undersized parking space, with all items being classified as conditions of approval.

The applicant agreed to comply with all conditions outlined by the Board Engineer.

A short recess was taken at 8:15 PM.

The meeting resumed at 8:25 PM.

Discussion was opened to the public within 200 feet at 8:25 PM.

Beverly Yanich, 1015 New Jersey Avenue, spoke in opposition of the application, citing that the neighbors fought for years for safer parking conditions in the neighborhood.

Dr. Linda Wolf, 1015 New Jersey Avenue, spoke in opposition of the application, stating that New Jersey Avenue is a busy street even during the shoulder-season and off-season.

Wayne Keyser, 1027 New Jersey, voiced concerns regarding the possibility of additional traffic on New Jersey Avenue as a result of the proposed work. He also praised the prior renovation of the hotel.

Discussion was opened to the public beyond 200 feet.

Mr. Kaufmann then called Brian Murphy, PE, PP, as an expert witness. Mr. Murphy had reviewed all application materials and reports relating to this application. He testified that based on the Institute of Traffic Engineers (ITE) handbook, a hotel the size of the Ocean Club (with 90 rooms) should typically have a minimum of 21 daytime employees. Mr. Murphy then testified to the proposed parking changes for the site, referring to the applicant's site plan

(exhibit A-9). He cited circulation issues of having guests enter the parking lot and having to make a "K" turn in order to exit. He also discussed the issue of loading trucks not being able to maneuver with the proposed parking lot configuration, and having to park on New Jersey Avenue, which will negatively impact the neighbors. Mr. Murphy quoted from page 64 of **exhibit O-1: transcript from 2013 Planning Board hearing**, in which the applicant states, "We get 18-wheelers pulling in every single day. Every single day. Food trucks, 18-wheelers, you name it." Mr. Hluchan then stated that the quote was taken out of context, and that the quote was in reference to a question from an unidentified speaker regarding whether the rear of the hotel was accessible to fire trucks in case of emergency. In response to some comments made by Mr. Kaufmann, Mr. Murphy, and some members of the public, Mr. Hluchan and Mr. Orlando clarified that the applicant is not proposing to move the main entrance to the hotel to the rear of the building.

Various Board members questioned the existing conditions of the property, and Mr. Orlando explained using **exhibit A-11: survey of property**.

Kathleen Wilkinson, 1021 New Jersey Avenue, detailed past improvements of the property, and spoke in opposition of the proposed work. She expressed concerns regarding weddings on the property, referring to **exhibits O-2: photo of tent over outside deck, O-3: photo of tent in front of hotel, and O-4: photo of employees through rear glass windows**.

Tom Wilkinson, 1021 New Jersey Avenue, voiced concerns regarding the stacked parking that was supposed to be used for hotel employees, and the bright lights that pour through the rear windows of the hotel at night.

At Mr. Hluchan's questioning, Ms. Durollari testified to the hotel's wedding policies, and explained that they do not accept weddings from June through September. When they do accept weddings, at no point in time is the restaurant open while a wedding is occurring.

Mr. Orlando then testified again regarding the proposed parking circulation for clarification. Board Engineer Craig Hurless also clarified the changes made to the proposed parking plan, stating that he takes no issue with the minimal changes.

Mr. Kaufmann then offered his closing remarks, urging the Board not to focus on what was approved in 2011, but rather look at this application anew, emphasizing the deficit of 39 parking spaces for the property.

Mr. Hluchan reiterated the prior approvals that his applicant obtained from the Planning Board in 2011 and 2013, citing that no construction is being proposed that would affect parking other than the single-bedroom "manager's quarters".

Motion was made by Mr. Murray to grant §525--49C(4) Parking Standards-Number of Space, §525--49A Parking Standards-Size of Spaces, §525-59E(7) Parking in Setback, §525-24B(1) Table 2 Building Setback Line-Flagpole at Beach Avenue, §525-24B(2) Building Height ("D" variance) variances, with waiver of site plan review, 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 February 13, 2017, seconded by Mrs. Werner and carried 6-1. Those in favor: Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Ms. Lukens, Mr. Murray, Mrs. Hutchinson. Those opposed: Mr. Iurato. Those abstaining: None.

Mr. Iurato voiced his reasons for his vote in the negative for the record. Mrs. Werner, Ms. Hesel, Mr. Van de Vaarst, Ms. Lukens, Mr. Murray, and Mrs. Hutchinson all voiced their reasons for their votes in the positive for the record.

Motion made by Mr. Van de Vaarst to adjourn the meeting at 10:15 PM with all in favor.

Respectfully Submitted, Erin Burke/Board Assistant.