

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

February 28, 2011

7:00 p.m.

CALL TO ORDER:

The meeting was called to order by Mr. Hand, who stated that all requirements of the “Open Public Meetings Act of 1975” had been met.

ROLL CALL:

Planning Members Present

Thomas Hand
Perry Conte
Mayor Suzanne Walters
Kenneth Hawk
Albert Carusi
Wayne Conrad

Board Solicitor

Andrew Catanese

Zoning Officer

Joann Mascia

Board Secretary

Patricia H. Wagner

Alternates Present

Julian Miraglia

Absent

Robert Ashman, Alternate

Site Plan Review: SPR 2011-001

Applicant’s Name: 9809 Third Avenue, LLC
Owner’s Name: Same
Subject Property: 9809 Third Avenue, Street, Stone Harbor
Block: 96.04 Lot 123

Vincent L. LaManna, Jr. represented the applicant. The property is located in the Waterfront Business District and presently consists of a surveyor/engineer’s professional office, which is a non conforming use, on the first floor and residential on the second floor. The applicant is proposing the following change to the first floor, a deli with seating for 12 people in the front portion of the first floor (appx. 50%) which is a conforming use (C Use). The deli proposes having a convection oven and an electric range for cooking. In addition to the deli the applicant also intends to sell prepackage foods, bakery items, beverages and lottery tickets. The applicant is seeking waivers for the site plan element checklist and a partial waiver from the payment of required escrow deposits. The application does not call for site work; only minimal interior construction is required. There are no changes to the second floor use.

Thomas Deneka, was sworn to give testimony. Mr. Deneka is a principal owner of 9809 Third Avenue, LLC and a New Jersey Licensed Land Surveyor. The Applicant stated he will provide a trash enclosure detail subject to review and approval of the Zoning Officer and Board Engineer and the Borough Department of Public Works. There are **no** proposed changes regarding the loading or unloading zone. He stated that lighting and drainage will not be impacted. Any proposed signage is also subject to review and approval by the Zoning Officer and Board Engineer.

John Wilson, 846 West Rio Grande Avenue, Wildwood was sworn to give testimony. Mr. Wilson currently operates “Jack’s Shack” in the Harbor Square Mall. He stated he intends to rent the proposed site as a deli & stated there will be provided a maximum of seating for 12.

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Mr. Wilson stated he will conform to the requirements of the Cape May County Board of Health for the construction of any interior wash-down area. He will have a mop sink for cleaning purposes located in a bathroom along with a hand wash sink and a three bin sink in the food work area.

Mr. Wilson stated he will sell sliced deli meats and will also be making sandwiches for sale. He will have a pre-bottled beverage machine and will not be selling fountain style sodas or milkshakes.

Zoning Officer, Joanne Mascia stated that Mr. Wilson can't be take-out only, he must have seating available. Mr. Wilson acknowledged Mrs. Mascia's statement and he asked her if having a counter with stools would be permissible. She stated it would.

Mr. Hand opened the public portion of the application.

Miriam Kauterman, 255 96th Street spoke in favor of the application and feels it will be a nice addition to the area.

No one else spoke. Mr. Hand closed the public session of the application.

Mr. Catanese determined a use variance was not required as the applicant is reducing the current non conforming use and going to a conforming use.

Motion by Mr. Conte and seconded by Mr. Miraglia to grant the applicant's request for variance for existing non conforming front, side and rear yard setbacks.

Affirmative votes: Mr. Hand, Mayor Walters, Mr. Hawk, Mr. Conrad, Mr. Carusi and Mr. Miraglia.

Motion by Mr. Hawk and seconded by Mr. Carusi to grant requested waivers as set forth on the site plan element sheet and the request for a reduction of the amount required for escrow deposits.

Affirmative votes: Mr. Hand, Mayor Walters, Mr. Hawk, Mr. Conrad, Mr. Carusi and Mr. Miraglia.

Motion by Mr. Miraglia and seconded by Mr. Carusi to grant preliminary and final site plan approval.

Affirmative votes: Mr. Hand, Mayor Walters, Mr. Hawk, Mr. Conrad, Mr. Carusi and Mr. Miraglia.

Approve Minutes

Motion by Mr. Conrad and seconded by Mr. Miraglia to approve the minutes of the January 24, 2011 regular session.

Affirmative votes: Mayor Walters, Mr. Hawk, Mr. Conrad, Mr. Carusi and Mr. Miraglia.

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Board Discussion

Mr. Hawk asked for the Planning Board to review a proposed zoning ordinance amendment. This will permit "work from home" occupations and others that have no adverse impact on the neighborhood. These are primarily to cover internet based businesses. There would be no additional foot traffic or delivery drop-off or pick-ups involved. As it is now any business is prohibited in a Residential Zone. Signage will not be permitted at the home business location. The Borough Solicitor has thoroughly researched this subject and he has drafted a proposed ordinance amendment.

Motion by Mr. Miraglia and seconded by Mr. Conrad for the Planning Board Solicitor to prepare a resolution stating the Planning Board's recommendation that Borough Council adopt the proposed Zoning Ordinance Amendment as presented tonight.

Affirmative votes: Mr. Hand, Mayor Walters, Mr. Hawk, Mr. Conrad, Mr. Carusi and Mr. Miraglia.

Old Business

Board members again discussed the possibility of having a three member committee in place to review applications that would not necessitate an applicant going through the expense of a full site plan review. Mr. Catanese noted that he had already sent a memo (July 24, 2008) to the Planning Board listing his items for discussion on this subject. This was done when the Board, Mr. Catanese and Planner Linda Weber were working to review and update the site plan regulations. The Board subsequently eliminated the minor site plan and adopted a "use class" system showing when a site plan was required.

Board members are attuned to the high costs for an applicant to hire professionals to represent them. Mr. Hawk stated he would not be in favor of eliminating the need for public notification within 200' for any proposed changes to a location. Mr. Conrad also thinks the process of public notification and public discussion is wise and this encourages greater public transparency rather than having a small group deciding and is a good thing for the democratic process. He asked if there were any other methods to help reduce the financial costs.

The application fee cannot be changed. There is some latitude in presently required escrow amount. The applicant can request a waiver for the amount to be reduced but they would also have to agree to the possibility that the amount may have to be increased to cover the Board's professional fees.

Public Comment

Vincent LaManna spoke first. He believes the culprit is with the use classifications. They are not seen in many other places because they do not work and they create too many issues. He stated many of the items can be taken care of at code level, he cited the Health Department, with much more rigid standards, as an example. The Health Department does not hold hearings; they just deny permission to do something. Mr. LaManna suggested reviewing the need for the present use classifications.

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Miriam Kauterman, 255 96th Street, would also like to see the process made less costly and she encourages having a committee for minor site plan review. She spoke from her personal experience of going through a very expensive site plan review for her real estate building when the building changed from retail use to a real estate office.

This subject comes under the Land Use Ordinance and is not under review by the Board's subcommittee for zoning review.

The Board will continue to take this subject under advisement.

New Business

None

ADJOURNMENT

Having no further business at hand Mr. Hand called for a motion to adjourn the meeting.

A motion to adjourn the meeting by Mr. Miraglia and seconded by Mr. Conte. All members present voted in the affirmative.

APPROVED:

ATTESTED: _____
Patricia H. Wagner, Secretary Stone Harbor Planning Board