

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

March 28, 2011

7:00 p.m.

CALL TO ORDER:

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

ROLL CALL:

Planning Members Present

Perry Conte
Mayor Suzanne Walters
Kenneth Hawk
Albert Carusi
Wayne Conrad

Board Solicitor

Andrew Catanese
Zoning Officer
Joanne Mascia
Board Secretary
Patricia H. Wagner

Absent

Thomas Hand

Alternates Present

Robert Ashman
Julian Miraglia

Motion by Mr. Miraglia and seconded by Mr. Conrad to approve the minutes of the February 28, 2011 regular session.

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

Motion by Mayor Walters and seconded by Mr. Conte to Memorialize Site Plan Resolution SPR 2011-001: 9809 Third Avenue, LLC

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

Motion by Mr. Hawk and seconded by Mr. Miraglia to Memorialize General Resolution 2011-002: Recommending Borough Council Approve and Adopt Ordinance 1372, Amending Chapter 560 of the Revised General Ordinances: Allowing and Setting Conditions for Home Occupations.

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

Courtesy Site Plan Review SPR 2011-002 – CMC Library System: Stone Harbor Branch

Applicant: Cape May County
Owner: Borough of Stone Harbor
Property: 95th & First Avenue
Zoning Dist.: P – Public Use
Block: 94.01
Lots: 9, 11, 13, 15, 17, 19, 20, 21 and 22

In an opening statement, Board Solicitor Andrew Catanese advised the Board of their jurisdiction for this application. He noted the applicant is the Cape May County government unit for a public project. The standard rule is that a lower government entity, such as the Borough of Stone Harbor, does not give approvals to the superior government entity. The County does not have to come before this Board for approval. Several cases do list what the County is required to do.

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They are required to come to the local municipality, they are required to consult with and listen to comments and objections and consider them. This courtesy hearing serves that purpose. There will be no formal vote on approvals or on variances tonight. The Board may prepare a formal resolution to endorse or make recommendations for this application as presented this evening.

Cape May Counselor Barbara Bakley Marino addressed the Planning Board on behalf of the County. She stated the County wants to have input from the Board and the residents of Stone Harbor. Ms. Bakley Marino introduced Brooks Garrison of Garrison Architects, the firm that has designed the library building. Mr. Garrison also encouraged input from the Board and residents.

Mr. Garrison briefly discussed the project history to date. The building was designed to blend in with the homes in the immediate area. The first floor will be approximately 6790 square feet of space and the second floor will have approximately 6440 square feet of space, which will mostly be taken up by library space. In addition to stairs an elevator will provide access to the second floor. The elevator is not accessible from the outside of the building. Public restrooms will be located on both the inside of the first floor and the outside of the first floor. The outside restrooms will not have an access to the inside of the building. Outdoor covered porch areas are planned for both floors to maximize the ocean views on the east and south sides of the building. Landscaping plans call for low water impact plants. Front, side and rear yard setbacks are in compliance. Maximum lot coverage is 75% and the plan proposes 24%. Building height is above flood elevation with a proposed height of 39.1' which is 8.6% higher than permitted (36'). Fixed tinted windows will be made from impact resistant materials and will meet all building code requirements. Siding will be cedar shake impressions made of vinyl. These are materials used on many of the homes in the Borough.

The first floor will house, with its own hours of operation, the Stone Harbor Museum (appx. 1300 sq. ft.) Two meeting rooms and a mechanical room for the building are also on the first floor.

The Library Director was not able to be at tonight's meeting to discuss any detailed programs being designed. It was noted the building is to be state of the art in regards to computer technology with wifi being offered throughout the building. All meeting rooms will be made available to the Borough or local civic groups even after the hours of library operation.

Mr. Garrison reminded the Board and public audience that the project is subject to Public Bidding Laws and as such is subject to equal product substitution.

Mr. Conte opened the public portion of the application.

Joan Kramar, 10506 Golden Gate Drive asked about what type of siding would be used that is wind resistant. Mr. Garrison said the design calls for Certain Teed vinyl siding, with insulation behind it, that is code rated, but he reminded Mrs. Kramar of the requirements on public bidding law for equal value substitutions. She also asked about plan for a coffee shop. Mr. Garrison stated a coffee counter is planned for the first floor, adjacent to the two meeting rooms.

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Thomas Pluta, 5610 Durbin Road, Bethesda, MD spoke next. Mr. Pluta stated it is a beautiful structure but he opposes the construction of the new library at this site. He feels it would degrade unique and irreplaceable beach property in a major way and degrade current public views. Mr. Pluta also cited the potential damage to the building and its contents from potential flood and coastal water damage from a storm. He also opposes the applicant's petition for a height variance to build the new library feeling the building will cast a large shadow on the afternoon beach similar to beaches in Ocean City, MD. Mr. Pluta also feels the elimination of the current parking lot will overburden the immediate area and guests coming to enjoy the beach. He would like to see the library being built more inland in a more central and accessible location offering higher ground protection and something that could be used as a shelter.

Maryann Mulcahey, 5500 Friendship Blvd., Apt. 1416 North, Chevy Chase, MD spoke next. Her understanding is the CAFRA permits have not been issued yet as the DEP rules have not been changed yet. Why is the County proceeding without having all approvals in order? She also doesn't want the Borough to lose more open space and feels the library would be built too close to the sea wall as it will cast a shadow on the beach. Ms. Mulcahey also feels people come to Stone Harbor for its beaches and not to read at the public library. She knows it is hard to be in a public position with all the pressures but she would like for the public officials to protect our most valuable asset, the beach.

Cape May County Assistant Engineer, Kent Schellinger, spoke next. The CAFRA rule change has been published in the NJ Record but the final determination has not yet been made & can't predict when the final ratification would take place but the County will abide by the final ruling.

John Trinkl, 27 North Valentine Drive, Gwynd Valley, PA, spoke next. He spoke as an officer of the Beach Club Condo Association. The Beach Club is located directly west (on First Avenue) of the proposed site of the new library. The consensus among the Beach Club Condo Association members is that they strongly object to the construction of the library at that specific location and the applicant's request for a height variance. He believes this will have a negative impact on the surrounding neighborhood and the beach. He asked if a cost benefit analysis had been done. Mr. Trinkle cited potential damage to the proposed building and its contents in the event of a major storm. Mr. Conte explained that the County is responsible for the costs of the building maintenance and contents, not the Borough. Mr. Trinkle does like the design for the proposed building but he does not agree with this location site. He feels the Beach Club Condo Association will suffer a financial loss with their properties when they lose their beach views. This will lower the market value and this will lead to lower property assessments and a lower tax revenue base.

Carolyn Dulka, River View Lane, Big Bend, WI spoke next. Mrs. Dulka came in from Wisconsin specifically for this meeting. She also has a unit on the second floor of the Beach Club Condos. She was not aware the site had been previously selected and that this is a "done deal". She is against the location site and feels the loss of the beach parking lot would overwhelm the surrounding area or make the day trippers go to another town for beach access. She asked how many parking spaces will be lost. Mr. Hawk stated by reconfiguring the RV parking spaces there will be a net loss of 14 spaces out of 27. Mrs. Dulka stated there are many

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functions at the Women's Civic Club or activities at the basketball and tennis courts that also contribute to the parking problem. She is concerned that even 14 spaces being lost will have a negative impact in the neighborhood.

Mayor Walters noted for the record that this project was first introduced at a Borough Council meeting on September 18, 2007 and that the Borough Council voted to go into a lease for this site with the County Library Commission on November 7, 2007.

Madeline Mulcahey, 5500 Friendship Blvd., Chevy Chase, MD, spoke next. She also maintains a weekend residence at 151 95th Street in Stone Harbor. She is president of the Garden House Association and she is representing the eight unit owners there. Ms. Mulcahey disagrees with the location of the library on beachfront property and the proposed height. She and her guests greatly enjoy the many attributes that Stone Harbor has to offer. However, she can't remember anyone ever asking for a bigger, better library to be built on the beachfront. The building will impede their view of the ocean. She asked the Board to take everyone's comments tonight into consideration. Ms. Mulcahey doesn't agree that the library would be a destination; this is just a reality of our world. She stated that kindles are in and libraries are out and it does not make economic sense to place the library at this location. We as residents pay taxes to the County and she asked that the site be reconsidered as this is our money.

Kent Schellinger estimates there will be approximately 50 parking spaces available for library use. That number can change as design elements (landscaping, line striping) may be altered. He also stated one of the reasons this site was chosen was because it is one of the highest points on the island. The ground floor will be 1 ½ feet above flood elevation.

Mr. Hawk stated all parking fees, hours of operation, etc. will remain under the jurisdiction of the Borough. They will most likely operate in the same manner as those in the downtown business district. Mayor Walters stated the Council is considering having a couple of one hour meters for those who wish to make a "in & out" visit to the library.

Bruce Reitz, 3 Inwood Terrance, Upper Montclair, NJ & 145 95th St. Stone Harbor. Mr. Reitz is also against the library at the proposed location. He feels that parking will be a big issue and 95th Street is crowded with parked cars as it is during the height of summer season, it is not a safe issue and is also an eyesore. Mr. Reitz is also against the height of the building feeling it will cast a shadow over the beach. He stated he has been to Ocean City Maryland and the beach front buildings do cast shadows and it is not a pretty picture. He doesn't want to see this happen here.

Mayor Walters asked the project architect Brooks Garrison to address the subject of the library casting a beach shadow and the proposed height of the building. He stated that the library is, on average with the buildings around it, about the same height. The building on the corner is actually higher than the current ordinance allows; he was not sure of the two adjacent homes. The library would be well under the condominium complex height, which is non-conforming. He doesn't feel the library will cast anymore of a shadow than the other buildings currently in the same area. There will be no beach space lost from the shading of the library. The position of the library rear yard setbacks of 13' from the bulkhead, exceeding the required 10', will not cast a shadow down onto the beach.

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Mr. Trinkle asked for clarification on who owns the property. Mayor Walters stated the Borough owns the property and the Borough entered into a lease agreement in 2007 with the applicant, Cape May County.

Note: Statements from parties not present at the hearing are not permitted to be entered into record of a hearing as the applicant or other interested parties must have the opportunity to question those objectors in person. This is from the hearsay rule of the New Jersey Municipal Land Use Laws.

Due to the courtesy nature of the hearing, Mr. Catanese and Mr. Conte allowed Mr. Pluta to read into the record a statement on behalf of Maureen Murray Meenaghan and Rose Mary Murray Cunniffe, 9415 First Avenue, Stone Harbor. They are long time property owners in Stone Harbor and they object to the location site. They feel the potential for property damage from severe storms does not warrant the library at this location. They asked for the Board to reconsider other possible locations.

Mary Early, 103 Winterbourne Court, Exton, PA, & a property owner on 95th Street spoke next. She also objects to the site location and the proposed height of the library.

Susan Reitz, 3 Inwood Terrance, Upper Montclair, NJ & 145 95th St. Stone Harbor spoke next. Mrs. Reitz objects to the proposed height of the library and its location. She loves our current library and uses it all the time but feels that not too many other people do. She doesn't understand why the library has to be two floors. The museum and meeting rooms are not part of the library; we do not need a two story library. Mrs. Reitz also agrees that parking will be a problem. She stated many rent out their homes and they want ample parking for their tenants and for others who come into town during the peak months when Stone Harbor makes its money.

Ms. Bakley Marino stated the County will obtain all necessary government permits before construction begins. Tonight's hearing is a step in the process for the County to continue. She appreciates the Board hearing the application tonight and appreciates all those in the audience who offered their comments. The County will report back to the Board on estimated utility operating costs.

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

Mr. Hawk noted that when the then Borough Council entered into the lease agreement in 2007, they required the County to provide a building with a first floor meeting room, a place to house historic artifacts and a building with outdoor restroom accessibility. The Council at that time wanted to have the library, a public building, on the second floor with ocean views available year round, so that those who didn't have the monetary means to own a beach front home were able to have that viewing luxury & could enjoy the ocean and beach views and read a book.

Mr. Catanese summarized the Board's procedural options.

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Motion by Mr. Conte and seconded by Mr. Miraglia to endorse the Cape May County Library – Stone Harbor Branch plans as proposed, subject to the recommendation that the parking lot be reconfigured either by the County or the Borough in order to maximize off street parking.

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

Mr. Catanese will prepare a memorializing resolution for next month's meeting.

New Business/Old Business

Place site plan review methods on next month's agenda.

Public Session

No one spoke

Public Session was closed.

ADJOURNMENT

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

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

APPROVED:

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