

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

April 25, 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

Board Solicitor

Andrew Catanese

Zoning Officer

Joanne Mascia

Board Secretary

Patricia H. Wagner

Absent

Wayne Conrad

Alternates Present

Robert Ashman

Julian Miraglia

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

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

Motion by Mr. Hawk and seconded by Mr. Ashman to Memorialize Site Plan Resolution SPR 2011-002: CMC Library System: Stone Harbor Branch

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

RESOLUTION NO. SPR 2011 - 002

WHEREAS, the County of Cape May has applied to the Stone Harbor Planning Board for a courtesy site plan review for the proposed construction of the Cape May County Library, Stone Harbor Branch, upon premises known and identified as Block 94.01, Lots 9, 11, 13, 15, 17, 19, 20, 21, and 22, inclusive, as such appears on the Stone Harbor Tax Map, which premises are located at 95th and First Avenues, and situated in the Public Use Zoning District; and

WHEREAS, a hearing was conducted before the Stone Harbor Planning Board on March 28, 2011, at which time the Board heard the testimony of the witnesses and considered all of the evidence presented as to the Application; and

WHEREAS, the Stone Harbor Planning Board, after carefully considering the evidence presented by Applicant and all interested parties, has made the following factual findings:

1. All statements contained in the preamble are incorporated by this reference.
2. The Applicant has standing to bring this Application and the Board has jurisdiction to hear this matter.
3. The Applicant was represented by Barbara Bakley-Marino, Esquire.

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4. Brooks Garrison (130 Presidential Boulevard, Bala Cynwyd, Pennsylvania 19004) identified himself as the Project Architect and provided an overview of the Project and architectural details. Mr. Garrison indicated that the proposed Library will be a LEEDS certified project. The proposed building height of 38 feet is two feet above the 36 foot maximum provided in the zoning ordinance. The excess building height is required in order to achieve a two-story building with sufficient structural integrity to support the excess weight associated with the Library use. The additional building height also results from the fact that all mechanical features are located inside the building, including HVAC mechanicals that have been placed in the attic, rather than on the exterior of the building.

5. Anne Marie McMahan (4 Moore Road, Cape May Court House, New Jersey) identified herself as the Cape May County Facilities Manager. She provided an overview of the features, accessibility, and programs to be provided by the Library. Ms. McMahan also stated that the environmental and cost saving measures incorporated into the design include geothermal heating and cooling, tinted glass, and automatic lighting to reduce electric consumption.

6. Ken Schellenger (4 Moore Road, Cape May Court House, New Jersey) identified himself as Assistant County Engineer and stated that although the Project has not received CAFRA approval, a rule change is pending with the state to permit the proposed design. Mr. Schellenger further testified that although the proposed construction will eliminate a number of parking spaces in the existing public lot, the remaining spaces on the municipal lot will be sufficient for the proposed Library use. Mr. Schellenger also stated that the nonconforming building height results, in part, from the proposed site being one of the highest locations in Stone Harbor, with the ground floor elevation proposed at 1.5 feet above the minimum required base flood elevation.

7. A number of citizens spoke regarding the proposed Project, as follows:

(a) Joan Kramer, Stone Harbor, New Jersey, asked several questions regarding the construction materials and proposed coffee bar, which were addressed by the county representatives.

(b) Tom Pluta, 5610 Durbin Road, Bethesda, Maryland, spoke in opposition to the proposed construction, noting the Project will degrade beach property and public views, particularly as a result of the nonconforming height. Mr. Pluta also questioned the elimination of public parking for the beach while increasing the demand for off-street parking as a result of the new Library use. Mr. Pluta proposed moving the Library inland, further stating that books should not take the brunt of coastal storms.

(c) Marianne Mulcahey, 5500 Friendship Boulevard, 1416 N. Chevy Chase, Maryland, objected to the proposed Library, noting the negative impact on the beach front and open space.

(d) John Trinkl, 27 North Valentine Drive, Gwynd Valley, Pennsylvania, spoke on behalf of an adjacent condominium association objecting to the location and height of the proposed structure.

(e) Carolyn Dulka, 2459 Riverview Lane, Big Bend, Wisconsin, spoke in opposition to the application, noting the additional Library use will create a parking problem in an already congested area.

(f) Madelyn Mulcahey, 5500 Friendship Boulevard, 1416 N. Chevy Chase, Maryland, spoke in opposition to the Library noting the proposed location and building height will impede the view of the beach front and further noting that there is little or no demand for a library, particularly upon the beach front.

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(g) Bruce Reitz, 3 Inwood Terrace, Montclair, New Jersey, spoke in opposition to the application noting the building would create a parking problem and present an eyesore particularly in light of the building height.

(h) Maureen Murray Meenahan wrote in opposition of the Project.

(i) Rosemarie Murray Cunnife, 9441 1st Avenue, Stone Harbor, wrote in opposition to the application.

(j) Marian Earley, 123 Winterbeard Court, Exton, Pennsylvania, spoke in opposition to the Project.

(k) Susan Reitz, 3 Inwood Terrace, Montclair, New Jersey, spoke in opposition to the Project, suggesting a one-story building to alleviate the negative impact on public views and noting a potential parking problem.

WHEREAS, the Planning Board has determined that the County of Cape May is under an obligation only to consult with local officials, listen to local objections, and consider those objections when undertaking a public project within Cape May County, and, therefore, no formal approval of the Project is required by the Board; and

WHEREAS, the Board has determined that notwithstanding any limitations on its jurisdiction, the proposed Library project presents an inherently beneficial use which will benefit the residents of the Borough of Stone Harbor, its visitors, and the public at large; and

WHEREAS, the Board has determined that the proposed nonconforming building height will promote a desirable visual environment and otherwise advance the purposes of zoning by permitting all mechanical systems associated with the proposed Library to be located on the interior of the building; and

WHEREAS, the Board has determined that the proposed Project will not result in a substantial detriment to the public good or substantially impair the intent and purpose of the zone plan or the zoning ordinance of the Borough of Stone Harbor.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor on this 28th day of March, 2011 that the Planning Board hereby endorses the proposed County Library construction as set forth in the Application, subject however to the Planning Board's recommendation that the County of Cape May work with the Borough of Stone Harbor in an effort to evaluate existing parking conditions in the Borough-owned parking lots adjacent to the proposed Library in an effort to maximize the number of off-street parking spaces and promote the free flow of traffic in the Borough of Stone Harbor.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Applicant and retained by the Planning Board for their records.

Approved: March 28, 2011
Memorialize: April 25, 2011

Patricia Wagner, Secretary
Borough of Stone Harbor Planning Board

Site Plan Reviews:

SPR 2011-003

Applicant's Name: Andrew Dorley
Property Owner's Name: Silvert, LLC
Subject Property: 9712 Third Avenue, Stone Harbor, NJ
Block: 97.03 Lot 108.03, 110.02, 115 and 116

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The applicant, Andrew Dorley, 2491 Dragon Circle, Norristown, PA was sworn to give testimony. Mr. Dorley was represented by Louis C. Dwyer, Jr., Esquire. The prior use of the property has been for retail clothing sales. The property was vacant last summer. The applicant proposes to sell gelato and water ice. Current site plan regulations call for a site plan review as this is a change in use for the property. Mr. Dwyer stated the product will not be made at the store but instead will be delivered frozen to the premises. Mr. Dorley proposes no indoor or outdoor seating as his product is intended for takeout consumption only. The trash area has been reviewed by DPW Supervisor Robert McClure. The applicant will monitor the trash area and is willing to make any adjustments necessary to accommodate the volume of trash generated by his store. Mr. Dwyer stated any proposed signage will conform to the present regulations and will be submitted to the Zoning Officer for her review and approval. The applicant has obtained preliminary approvals from the Cape May County Department of Health and they will have a final inspection prior to the store's opening.

In a response to a question from Mayor Walters, Mr. Dorley stated there is room for a small decorative bench or two that could be placed in front of the store as the store itself is set back off of the main pedestrian sidewalk. He will wait to see if there is any customer need for this before placing one in front of the store. Outdoor tables with umbrellas are permitted in the area. Mr. Catanese noted that this would be considered a conditional use regardless if there is any wait staff service. Mr. Dorley stated he wants to get through the first summer season before making any decisions about having outdoor tables.

Mr. Hand asked for any public comment. No one spoke. Mr. Hand closed the public portion.

Motion by Mr. Conte and seconded by Mr. Miraglia to approve the application as presented along with a site plan waiver to allow a change in use classification (Class C to Class A).

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

SPR 2011-004

Applicant's Name:	Pastimes of Stone Harbor, LLC
Property Owner's Name:	JCC, LLC
Subject Property:	336 96 th St, Unit 107, Stone Harbor, NJ
Block:	95.04 Lot 227-233, 144.02, 146.02, 148.02, 148.03

The applicant, David Kolb, 420 Petersburg Road, Dennisville, NJ was sworn to give testimony. Mr. Kolb was represented by Vincent L. LaManna, Jr., Esquire. Mr. Kolb is a principal owner of Pastimes of Stone Harbor, LLC, and a proposed tenant at the subject property. Mr. LaManna noted the property has a previous site plan approval and Mr. Kolb has made his application as his intended use of the property necessitates a site plan review as it involves a change in use classifications. The proposed use of the site is for a children arts and crafts studio and a coffee shop which will sell prepackage food items only. Mr. Kolb stated he will not be preparing any food at location but he will be utilizing a coffee maker, microwave oven and a refrigerator in the coffee shop. There are no changes proposed to the outside of the building. Any signage will be

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presented to the Zoning Officer for review and approvals. There are no changes to the exterior lights at the property. The applicant has also obtained preliminary approvals from the Cape May County Department of Health and they will have a final inspection prior to the store's opening. The trash area has been reviewed by DPW Supervisor Robert McClure who feels the present set up is adequate. Mr. Kolb intends to use the trash storage area already in place, a 3 trash can system. He agrees to comply with any future comments from Public Works staff.

Mr. Kolb noted the children's arts & crafts section will be separate from the coffee shop. He does not intend it to be a drop off day care service. The children section will be supervised by adult staff. The children's area will be viewable from the coffee shop area so parents can wait for their children there.

Mr. Hawk asked for the approving resolution to make it extremely clear that Mr. Kolb would not be able to expand the food preparation in the coffee shop. He would not be able to expand into a restaurant format. It must be for the sale of prepackage food items only.

Mr. Hand asked for any public comment. No one spoke. Mr. Hand closed the public portion of the hearing.

Motion by Mr. Miraglia and seconded by Mr. Ashman to approve the application as presented along with a site plan waiver to allow a change in use classification (Class C to Class A) subject to the condition that all food be prepared off premises and there will be no food prep on premise and all food sales will be limited to prepackaged items; approval for a waiver for a reduction in the amount of escrow required.

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

Old Business- Site Plan Reviews

The Board continued its discussion on revising site plan procedures and requirements. The preliminary suggestion is to have Mrs. Mascia, as the Borough's Zoning Officer, handle most of the requests/inquiries through her office, including changes in use classifications. An official site plan would be required if there is to be any new construction including the expansion of an existing building where the issues of, but not limited to changes in: lighting, parking, drainage, landscaping, storm water management and trash removal are affected. The Borough doesn't have a property maintenance code in effect. Trash removal criteria could be enforced through this method.

Several Board members noted they are in favor of retaining the requirement for public notices to surrounding neighbors when conditional use site plan applications are received.

Appeals would be handled through an application to the Zoning Board of Adjustment. Any new revisions to the current site plan rules would involve an ordinance change.

Mrs. Mascia and Mr. Catanese will continue to refine the criteria for site plan review. This item will be placed on the Board's agenda for further review.

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CMC Library

The Board has not yet received the requested utility and operating costs for the new proposed Stone Harbor branch of the CMC Library. Mayor Walters will contact the County for this information.

Zoning Ordinance Revisions

The subcommittee continues to meet and is close to completing Phase I of the project. The Board is to receive a black-lined copy of their findings and suggestions. This item will then be placed on the Board's agenda for review.

New Business

Beach Access

The DEP has worked on the draft plan for public access for Stone Harbor's beaches. Mayor Walters will contact DEP to see if they are to complete it (free of charge) or do they want Stone Harbor, with the assistance of Dr. Stuart Ferrell to complete it.

Pocket Park

Borough Council passed a resolution & sent it the Barbara Ernst CMC Open Space Coordinator asking for their guidance on this matter.

The Borough must select a property first. Any appraisal fees will be paid out of the bond ordinance. Approximate appraisal fees could range from \$2000.00 to \$3000.00. The county will not pay above appraised value. The entire process from start to finish (purchase of property) could take over one year to complete.

The process is now under the authority of the Borough Council to complete.

Public Session

No one spoke; Public Session was closed.

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. Ashman. All members present voted in the affirmative.

APPROVED: June 27, 2011

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