

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

June 27, 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

Joanne Mascia

Board Secretary

Patricia H. Wagner

Alternates Present

Robert Ashman
Julian Miraglia

Motion by Mr. Carusi and seconded by Mr. Miraglia to approve the minutes of the April 25, 2011 regular session.

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

Motion by Mr. Miraglia and seconded by Mr. Conrad to Memorialize Site Plan Resolution SPR 2011-003: Andrew Dorley, 9712 Third Avenue, Stone Harbor

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

RESOLUTION NO. SPR 2011-003

WHEREAS, Andrew Dorley (the “Applicant”) has applied to the Stone Harbor Planning Board for a waiver from the obligation to obtain site plan review or approval to permit a take out food service business upon premises known and identified as Block 97.03, Lots 108.03, 110.02, 115 and 116, as such appears on the Stone Harbor Tax Map, and which premises are located at 9712 Third Avenue and situated in the Business Zoning District; and

WHEREAS, a hearing on this Application was held before the Stone Harbor Planning Board on April 25, 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 Louis C. Dwyer, Jr., Esquire.
4. The following items were introduced as evidence:
A-1: Photograph of existing/proposed garbage receptacles.
5. The Board accepts the exhibit produced by applicant as factual.

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6. The Applicant presented testimony from the following witnesses:
Andrew Dorley, 2491 Dragon Circle, Norristown, PA
7. Applicant proposes take out gelato/water ice sales with no interior or exterior seating, except for the possibility of placing benches outdoor at the site. No tables are proposed.
8. Applicant proposes no changes to the existing site, making a waiver of site plan review appropriate notwithstanding the change in use group classification from existing retail to the proposed take-out food sales use.
9. Applicant has represented that there will be no on-site food preparation.
10. Based upon the limited nature of food sales and the absence of on-site food preparation and consumption, the Board finds that the proposed method of trash removal as depicted on Exhibit A-1 is sufficient for the intended use, subject to the review and approval by the Borough's Public Works department.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor on this 25th day of April, 2011, that Applicant's request for a site plan waiver is GRANTED subject however to the following conditions:

1. Applicant shall comply with all terms and conditions as set forth on the plan as finally approved.
2. Applicant shall obtain all necessary approvals, as appropriate, relating to the Soil Conservation Service, the Board of Health of the Municipality and/or County, the Cape May County Planning Board, CAFRA, Pinelands Regulations, and any and all other Municipal, County, State and Federal requirements.
3. Applicant shall comply with any recommendations of the Borough's Public Works department with respect to the storage and disposal of garbage.
4. The within approval is granted for the sale of prepackaged food only (no on premises preparation) for off premises consumption.

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

Motion by Mr. Conrad and seconded by Mr. Carusi to Memorialize Site Plan Resolution SPR 2011-004: Pastimes of Stone Harbor, LLC, 336 96th St., Unit 107, Stone Harbor, NJ.
Affirmative votes: Mr. Hand, Mr. Conte, Mayor Walters, Mr. Hawk, Mr. Carusi, Mr. Conrad, Mr. Ashman and Mr. Miraglia.

RESOLUTION NO. SPR 2011-004

WHEREAS, Pastimes of Stone Harbor, LLC (the "Applicant") has applied to the Stone Harbor Planning Board for waivers as set forth on the Applicant's site plan element checklist to permit a mixed use children's activities facility with coffee shop/retail sale of packaged food items upon premises known and identified as Block 95.04, Lots 227-233, 144.02, 146.02, 148.02, 148.03, as such appears on the Stone Harbor Tax Map, and which premises are located at 336 96th Street and situated in the Business Zoning District; and

WHEREAS, a hearing on this Application was held before the Stone Harbor Planning Board on April 25, 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:

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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 Vincent L. Lamanna, Esquire.
4. The Applicant presented testimony from the following witnesses:
David S. Kolb, 420 Petersberg Road, Woodbine, NJ
5. Applicant proposes the sale of prepackaged foods which have been prepared off-site including, without limitation, coffee, breakfast items, and desserts.
6. There is no change proposed to the site except for signage, which will comply with the Borough's zoning requirements. Trash will be disposed of with cans in compliance with the local zoning ordinance.
7. Applicant proposes no on-site food preparation.
8. The Board has determined that because no changes are proposed to the existing site, and because the proposed change in use from Class C (retail) to Class A (restaurant) will not impact any considerations of site plan review, making a waiver of site plan review appropriate.
9. The Board's determination was made in specific reliance upon the Applicant's representation that there will be no on premises food preparation and that sales will be limited to prepackaged items.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor on this 25th day of April, 2011 that Applicant's Application for a waiver of site plan review and approval of the change in use group classification from Class C (retail) to Class A (restaurant) is GRANTED subject, however, to the following conditions:

1. Applicant shall comply with all terms and conditions as set forth on the plan as finally approved.
2. Applicant shall obtain all necessary approvals, as appropriate, relating to the Soil Conservation Service, the Board of Health of the Municipality and/or County, the Cape May County Planning Board, CAFRA, Pinelands Regulations, and any and all other Municipal, County, State and Federal requirements.
3. Applicant shall comply with any recommendations of the Borough's Public Works department with respect to the storage and disposal of garbage.
4. The within approval is granted for the sale of prepackaged food only (no on-premises preparation) for off premises consumption.

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

SITE PLAN REVIEW POLICY REVISIONS

Motion by Mr. Miraglia and seconded by Mr. Conte to approve Planning Board Resolution 2011-003 recommending the amendment of the Borough's Revised General Ordinances (RGO), Chapter 345-47 for Site Plan Requirements and to forward these recommendations to Borough Council for their considerations and possible adoption.

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

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RESOLUTION NO. 2011-003

WHEREAS, Chapter 345 of the Stone Harbor Code (the "Land Development Ordinance") currently establishes the site plan approval requirements of the Borough of Stone Harbor (the "Borough"); and

WHEREAS, the Stone Harbor Planning Board (the "Board") has determined that site plan review regulations should be revised to reduce the cost and time necessary to obtain approval in applications having little or no impact upon typical site plan considerations, such as building layout, parking, circulation, lighting and landscaping; and

WHEREAS, the Board, after carefully reviewing the Land Development Ordinance, has determined revisions to that ordinance as set forth below will promote the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor, New Jersey on this 27 day of June, 2011, as follows:

1. The Planning Board recommends the amendment of §345-47 as follows (inserted language is underlined, deleted language is ~~stricken~~):

345-47 Where Required

A. Preliminary site plan review and approval shall be required where a zoning, occupancy or building permit is required for any new construction (including, without limitation, enlargement or reconstruction), relocation of existing improvements, change in ~~use category or classification~~, or establishment of an open parking area, accessory or otherwise, whether by right, variance, or conditional use, unless deemed to be exempt from site plan requirements pursuant to subsection B of this Section 345-47. Such application shall be referred to the appropriate municipal board for review of the site plan.

B. The provisions of this Section 345-47 shall not apply to:

(1) Single-family dwellings or duplex dwellings ~~which constitute a permitted use in the applicable zoning district~~ or any use, building or structure accessory thereto;

(2) any construction constituting normal maintenance or replacement such as a new roof, painting, new siding or a similar activity;

(3) any change in use to a permitted use within the Business or Waterfront Business zoning district, provided the proposed change in use (i) does not include the alteration of existing conditions upon the subject property including, without limitation, the location of existing structures, drive aisles, parking spaces, walkways, means of ingress and egress, drainage facilities, landscaping areas, or screening devices; (ii) does not involve exterior construction, enlargement or reconstruction of any improvements upon the subject property including, without limitation, structures, parking areas, drive aisles or

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~~fences; (iii) does not create, expand or otherwise increase any nonconformity upon the subject property; and (iv) will comply in all respects with 560-17(F) or 560-17.4(C), as appropriate applications involving no site work or other improvements requiring site plan review and involving one of the following changes in use classification:~~

- ~~_____ (a) Change from Class A use to Class A use~~
- ~~_____ (b) Change from Class B use to Class A or Class B use~~
- ~~_____ (c) Change from Class C use to Class A or Class B use~~
- ~~_____ (d) Change from Class C use to Class C use where the site has _____
previously received site plan approval~~
- ~~_____ (e) Change from Class D use to Class A or Class B use~~

~~_____ In determining whether an application involves a change in the use category or a change in use classification, the following categories and classifications shall be used to determine whether the development constitutes a change from one classification or category to another. Changes in use category shall constitute a change in use, regardless of whether such change results in a change in use classification.~~

_____ Use Classification	_____ Use Category	_____ Examples
_____ A	_____ Professional	_____ Doctor, dentist, lawyer, accountant, real estate
_____ A	_____ Mercantile	_____ Retail stores, hardware, display and sales of stocked goods, bait shop (off site preparation)
_____ B	_____ Assembly	_____ Movie theater, church
_____ B	_____ Business/Service	_____ Bank, vehicle rental, repair shop, laundromat
_____ B	_____ Institutional	_____ Hospital, clinic, nursing home, assisted care facility
_____ B	_____ Residential	_____ Hotels, motels, boardinghouses
_____ B	_____ Storage	_____ Warehouses, storehouses, freight drops
_____ B	_____ Recreational	_____ Miniature golf, amusement arcade
_____ C	_____ Food service	_____ Restaurant (including fast food), coffee shop, taverns, ice cream parlor, food market
_____ D	_____ Factory/industrial	_____ Marina, fabricator, bait shop (on site preparation)
_____ D	_____ High hazard	_____ Gas station, trash transfer station, facilities involving hazardous or highly combustible materials

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BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Clerk of the Borough of Stone Harbor and maintained by the Secretary of the Planning Board.

I hereby certify the foregoing to be an original resolution of the Borough of Stone Harbor Planning Board adopted and approved at a meeting held on 27 day of June, 2011.

Approved June 27, 2011

Patricia H. Wagner, Board Secretary

OLD BUSINESS

Pocket Park

The Planning Board passed Resolution 2010-006 on September 27, 2010, recommending the establishment of a pocket park adjacent to Shelter Haven Basin. The resolution was forwarded to the Borough Council at that time for their consideration and action. A definitive time frame for seeking appraisals has not been established by the Council at this time. Mr. Carusi feels there are many in the town that are not sold on the idea of creating a pocket park in the Waterfront Business District, and the park could end up being placed on a petition. He feels the project should be cultivated & presented to the public in a positive way and not just "here it is". Mayor Walters agreed that a positive PR campaign should happen before money is put into a bond.

CMC Library

County is expected to start taking bids on June 29th and target construction starting date in September. The County will be entering into an inter-local agreement with the Borough to share the cost for a new water main to be installed up 95th Street and a new hydrant installed at the corner of 95th Street & First Avenue.

Waterfront Access

The Board discussed the current status for beach and bay access for general public use.

NEW BUSINESS

Hotel District

Mr. Ashman noted the current Master Plan did not include the possibility of creating a separate hotel/motel zoning district with certain criteria, which would allow for the development of hotels. Mr. Hand agreed this is an area the Board should look into & he suggested forming a subcommittee to begin the review. The committee will be comprised of Mr. Hand, Mr. Ashman and Mr. Carusi.

Public Session

No one spoke; Public Session was closed.

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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: July 25, 2011

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