

MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD

**April 26, 2010**

**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  
Mayor Suzanne Walters  
Kenneth Hawk  
Albert Carusi  
Wayne Conrad

Board Solicitor

Andrew Catanese

Zoning Officer

Joanne Mascia

Board Secretary

Patricia H. Wagner

Members Absent

Perry Conte  
Thomas Cope  
Robert Ashman, Alternate  
Julian Miraglia, Alternate

Board Engineer

Marc DeBlasio

**Approve Minutes**

**Motion by Mayor Walters and seconded by Mr. Hawk to approve the minutes of the March 22, 2010 regular session.**

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

**Memorialize Resolutions**

- **Motion by Mayor Walters and seconded by Mr. Carusi to approve and memorialize Site Plan Resolution SPR 2010-002 Captain Frank’s Seafood Inc./Frank Marriner**

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

**SITE PLAN REVIEW:**

**Site Plan Review: SPR 2010-003**

Applicant: Lynne A. Schaefer  
Property Owner: Lynne A. Schaefer  
Property Address: 222-226 96<sup>th</sup> Street  
Block 95.03, Lot 81.06 – 81.11  
Units: 6.01 to 6.06

The applicant was represented by Vincent L. LaManna, Jr. The property is located in the Business District and is part of Commercia Condominium. The first floor is comprised of various commercial & retail businesses. The current use of the site is a rooftop miniature golf course and the applicant intends to replace it with an outdoor, roof top café/grill, which is a permitted use in the Business District. Applicant also seeks waiver from site plan element sheet.

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Mr. Catanese swore to give testimony the applicant/property owner, Lynne A. Schaefer of 8626 Sunset Drive., Stone Harbor, NJ. Ms. Schaefer intends to operate a casual family style grill & café. Ms. Schaefer stated she would be having both table service and take-out service.

Introduced into evidence were A-1 to A-4, photographs of the subject property and A-5 & A-6 consent letters from two members of the Commercial Condominium Association. Ms. Schaefer has a third consent letter which will be marked as A-7 but it was not immediately located. Mr. Hawk noted that both letters addressed the Avalon Zoning & Planning Boards and not Stone Harbor.

Mr. Catanese next swore Kevin C. Young, a licensed, professional architect with offices at 3003 Atlantic Avenue, Wildwood, NJ, to give testimony. Mr. Young prepared the Site Plan (SP-1) & drawings showing the existing and proposed plans and elevations (A-1). Mr. LaManna introduced into evidence as exhibit A-8, a plot survey prepared by Stone Harbor Surveyors, dated January 22, 1999 and revised & updated on March 15, 2010.

Mr. Young reviewed the Site Plan (SP-1) & drawings showing the existing and proposed plans and elevations (A-1) for the Board and they were introduced into evidence as exhibit A-9.

Mr. LaManna and Mr. Young reviewed Board Engineer Marc DeBlasio's letter of April 22, 2010. Mr. Young outlined the trash removal route and trash enclosures. The plan has been reviewed and approved by Stone Harbor Public Works. Trash will be taken from the second floor to the ground level by means of the handicap lift. It will be stored at the rear of the property.

The proposed site is on the second floor level and has no adjacent buildings bordering the outdoor dining area. The applicant does have plans to use landscaping to buffer the restaurant and the existing plexiglass fence and the chain link fencing will remain.

Loading and unloading of deliveries will be at the rear of the building.

Mrs. Mascia stated the current sign at the rear of building would need a variance for approval. Mr. LaManna stated if it is in violation, the sign would be removed during construction.

Mrs. Mascia stated no construction may take place during the summer season.

The wash-down area will be on the second floor roof top restaurant.

Mr. LaManna reviewed the Site Plan Element Sheet items and any needed waivers for out-door dining.

Introduced into evidence as A-10, was information on the Marathon Ozone Odor Control System. Ms. Schaefer intends on using this system for her restaurant.

Mr. Conrad asked if the building would be able to sustain the potential weight increase of equipment and dining patrons. Mr. Young stated it would.

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Ms. Schaefer reviewed her plans for having landscaping.

Mr. Hand opened the public portion of the application hearing.

Phil Barber, 226 118<sup>th</sup> Street addressed the Board. Mr. Barber owns an adjoining building to the site. He spoke in favor of the application.

Joan Kramar, 10506 Golden Gate addressed the Board. Mrs. Kramar asked if the restaurant would be a bring your own bottle (BYOB) establishment. She was told it was. Mrs. Kramar is a member of the Shade Tree Committee and welcomes the idea of having the restaurant landscaped. She is in favor of the application.

William Skerrett, 220 96<sup>th</sup> Street. He operates the store below the proposed restaurant. He spoke in favor of the application, stating he believes it will add to the family atmosphere and bring more people into town.

William Kinney, representing Frank Investments spoke in favor of the application. He did ask if there would be any lightening of the height variances. He was told this application doesn't exceed the current two story limit. There are no plans to change the height restrictions for the street.

Jane Hoy, attorney and partner in Intra Shore Development, LLC (Hoy's Five & Ten) located at 219 96<sup>th</sup> Street spoke next. She feels the project will be a wonderful addition to 96<sup>th</sup> Street by having outdoor dining and asked the Board to support the project.

In response to a question from Mr. Catanese, Mr. DeBlasio stated the waiver requests are reasonable.

The Board commented they are in favor of the project, stating the proposed outdoor restaurant is in line with the current Master Plan.

**Motion by Mr. Conrad and seconded by Mayor Walters to approve the conditional use for outdoor dining.**

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

**Motion by Mr. Hawk and seconded by Mr. Conrad to approve the requested waivers as listed on the applicant's Site Plan Element Checklist.**

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

**Motion by Mayor Walters and seconded by Mr. Conrad to grant preliminary and final site plan approval for the proposed improvements.**

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

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**OLD BUSINESS**

None

**NEW BUSINESS**

Mr. LaManna asked the Board to review the intent of the current use categories that would trigger a site plan review. He believes the ordinance is cumbersome and it needs to be reviewed and made easier to interpret. The problem center's around the interpretation of vehicles and vehicle repairs and retail & mercantile uses.

Mr. Catanese stated he believes Mr. LaManna's client would have to go before the Zoning Board of Adjustment for an interpretation of the current use categories of the ordinance.

It was again suggested having a three person review committee for site plan applications to see how an applicant should proceed.

Mr. Hand informed the Board there might be a work session on May 10, 2010 at 4:30pm. The Board Secretary will advise the members if this is to occur.

Mrs. Mascia will confer with the Borough Solicitor and Board Solicitor to see what, if any, solution the Borough can offer Mr. LaManna and his client.

**Public Session**

Mr. Hand opened the meeting for Public Comment. There were none. Mr. Hand closed the Public Session.

**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. Carusi and seconded by Mayor Walters. All members present voted in the affirmative.

APPROVED:

ATTESTED: \_\_\_\_\_

Patricia H. Wagner, Secretary Stone Harbor Planning Board