

**MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD**

**April 25, 2016**

**4:30 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 with the Press of Atlantic City having been notified of the Board's schedule for 2016 on December 18, 2015, and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board.

**ROLL CALL:**

**Members Present:**

Mayor Suzanne Walters  
Jill Gougher  
Thomas Hand, Chairman  
Robert D. Bickford, Jr.  
Perry Conte  
Mantura Gallagher

**Board Solicitor**

Andrew Catanese

**Board Secretary**

Diane Frangiose

**Zoning Officer**

Joanne Mascia

**Members Not Present:**

Wayne Conrad, Vice-Chair  
Lynne Dubler (Alternate)

**Stone Harbor Theater LLC Application**

Mr. Keith Davis introduced himself to members of the Board and stated that he was an Attorney with the firm of Nehmad, Perillo & Davis and attending the meeting on behalf of Stone Harbor Theater LLC concerning property located at 271 96<sup>th</sup> Street, designated under tax map as Block 96.03, lots 103, 105, 107, 108, 109, 110, 113.02 and 114.04. The Applicant is seeking preliminary and final major Site Plan Approval for the renovation and re-establishment of the Theater which is a historical property within the Borough. Most of the improvements are interior. There are some exterior improvements proposed. The Applicant is seeking an interpretation and variance relief with respect to some of the identification signage that will be associated with the Theater use. Mr. Clint Bunting is here on behalf of the Applicant who is overseeing the project and he is a member of the Applicant entity as well as Mr. Gary Thomas, a Professional Planner who will provide testimony regarding the variances being requested.

Mr. Catanese administered the oath to Messrs. Bunting and Thomas who provided their names and addresses for the record.

Mr. Davis asked Mr. Bunting to provide testimony on the goals of the Theater design. Mr. Bunting told the Board the project is exciting and he wanted to thank the Board Members for taking time to consider the Application. He stated the goal is to cover the ugly sides of the buildings, bring in the coastal design and stay within the 28 foot height limit and add beautification to it.

**MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD**

**April 25, 2016**

**4:30 p.m.**

**Stone Harbor Theater LLC Application (continued)**

Mr. Bunting additionally described the measurements of the signs, the doors, the windows and the addition of handicap facilities being added that were not in the original structure. He stated the Theater will have the largest screen in South Jersey, be open year round and also have live acts. The restaurant concession will be a burger bar and if approved, will serve wine and craft beer with expansion of the existing license on the Mall. Space will be provided for the Stone Harbor Museum between the main theater and number four theater to show the history of Stone Harbor over 75 years through back lit light boxes.

Mr. Catanese administered the oath to Mr. Gregory Basile of Cape May County Sign-a-Rama who provided his name and address for the record. Mr. Davis interviewed Mr. Basile for the Board who advised he owned the company and he was hired to provide the signage for Stone Harbor Theater. He stated there are five components of the sign project and he described the measurements of each component. Each sign will be hand fabricated in order to mirror the existing sign so dimensions may change but the estimates are very good.

Mr. Gary Thomas, Professional Planner with Thomas Amey Shaw, Inc., was administered the oath by Mr. Catanese and he provided his name and address for the record. Mr. Davis asked Mr. Thomas if he was familiar with the Application presented and Mr. Thomas said he was. Mr. Thomas provided testimony regarding the signage planned for the Theater stating neon has been on the building before so it should not present a problem for approval of a variance. He continued by advising the signage square footage is not being increased. Mr. Thomas said to promote a desirable visual environment and create development techniques with good civic design arrangements, the Board couldn't ask for better than what is being proposed by the Applicant. Conservation to promote the historical site and district is what the Applicant is doing and it is commendable because it will be a huge improvement to the downtown area. He described the Applicant's plan as compatible to what was previously in place for signage at the Theater. Mr. Davis asked if the Applicant is going to enter an Encroachment Agreement with the Borough and Mr. Thomas said yes, the roof structure extends out into the right-of-way and has been there for over 40 years so an Encroachment Agreement will have to be requested with the Borough.

Mr. Catanese asked if the Plans included the trash area. Mr. Davis stated those Plans are on a separate document. Mrs. Mascia stated Board Members have that Plan. Mr. Catanese stated for the record, the stipulation is the Applicant will comply with all the requirements of Remington & Vernick's April 12<sup>th</sup> letter as well as the Public Works comment letter, excluding number 4.

Mr. Bunting provided Exhibit A1, drawings regarding the signage and ATM machine which will be located at the Theater. Mr. Basile marked the approximate location of the signage and the measurement. Mr. Davis said the total number of signs will be four and total square footage will be 256 square feet. Mrs. Gallagher asked Mr. Bunting if the sign would be a name on the sign or will it be a constantly changing menu and Mr. Bunting stated no, it will be the title only. Mr. Catanese stated that based on the testimony given, and Exhibit A1 as provided by the Applicant, the Board could proceed.

**MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD**

**April 25, 2016**

**4:30 p.m.**

**Stone Harbor Theater LLC Application (continued)**

Mr. Catanese said the Board could open comments to the public. Mr. Hand asked if there were any comments from the public. No one commented. Public Session was closed.

Mr. Catanese stated the first vote will be to grant the variances under the C2 standard for the signs as proposed, non-conforming as to materials, square footage, location and number of signs. In order to grant the variance, the Board must be satisfied that the Applicant has met the standard for the C2 standard, the purposes of the municipal land use law are advanced by a grant of the variance and that the benefits of the deviations substantially outweigh any detriment, that relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zone Plan with the Zoning Ordinance of the Borough. Mr. Hand asked for a Motion to approve the variances on the C2 standard. Mr. Conte moved the Motion. Mrs. Gougher seconded. Roll call was taken. All members present were in favor and voted yes.

Mr. Catanese stated the next vote was to grant the waivers as identified in the Board Engineer's Report dated April 12, 2016, page 3, item 1 through 13. Mayor Walters made the Motion, Mr. Bickford seconded. Roll call was taken. All members present were in favor and voted yes.

Last vote was preliminary and final Site Plan Approval based on the material submitted. Mr. Hand made the Motion, Mrs. Gougher seconded. Roll call was taken. All members present were in favor and voted yes.

**Stone Harbor Square LLC Application**

Mr. Davis stated the Application concerns the property next door to the Theater where previous testimony was provided. The property is located at 261 96<sup>th</sup> Street and designated on the tax map as Block 96.03, Block 95, 100, 101, 102, 104 and 106. The Application is for preliminary and final Site Plan Approval to amend the previous approved Site Plan regarding additional signage and additions within the Mall and to provide some exterior decks, all of which are in the Mall.

Mr. Catanese administered the oath to Mr. Blackman, Architect, OSK Design Partners, who provided his name and address for the record. Mr. Davis interviewed Mr. Blackman who stated he was engaged by the Applicant regarding improvements to the building, which has 11 different businesses within it. The Applicant is proposing improvements to 4 of the 11 businesses. The existing book store will have a one story building addition to add additional retail floor space that will face the north courtyard and the pizza shop will have a one story addition to expand the counter service internally facing the south courtyard. The Watering Hull, a restaurant on the second floor of the building will have a deck for outdoor seating to replace pergolas that face the north courtyard and also the south courtyard, the Jack Shack Restaurant will have a deck constructed facing the south courtyard and the 96<sup>th</sup> Bar and Grill will also have a deck constructed facing the north courtyard. Mr. Blackman further said there will be one small enclosure proposed on the second floor of the Watering Hull Restaurant on the northeast corner adjacent to the elevator that is internal to the restaurant. The enclosure will expand the service bar on the inside of the building.

**MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD**

**April 25, 2016**

**4:30 p.m.**

**Stone Harbor Square LLC Application (continued)**

Mr. Blackman provided additional testimony regarding information on the Plans and sign dimensions. He stated one of the items on the Plan would be updated to satisfy the Engineers, which will depict a plan view for each of the decks showing tables and chairs. Mr. Catanese said the proposed outdoor seating is a Conditional Use in the Zone and in order to get that approval, the Applicant would be required to meet the Conditional Use standards.

Mr. Davis introduced Mr. Brett Denafu of the 96<sup>th</sup> Street Grill. Mr. Catanese administered the oath to Mr. Denafu who provided his name and address for the record. Mr. Denafu stated he has been at the 96<sup>th</sup> Street Grill since the end of 2010 when he took over. Mr. Davis interviewed Mr. Denafu who stated he was familiar with the property prior to 2010 and there has always been outdoor dining associated with the Mall. Mr. Davis stated it is their opinion that a Conditional Use Variance does not need to be done for something that has existed at the very center of the Mall for at least back to 2010 based on the personal experience of Mr. Denafu and with his conversations with others it appears it goes back many years before that.

Mr. Catanese said there hasn't been approval of the outdoor dining and in 2014 it was an issue that was set aside when the Applicant indicated as part of their Site Plan Application that they were not increasing or altering the outdoor dining. The question for the Board is whether the increase in the outdoor dining creates a new analysis and whether the Applicant should go through the Conditional Use Standards prior as a condition to approving the second floor outdoor dining, that the Standards are met. Mr. Conte stated yes, he would feel more comfortable doing that. Mr. Catanese went through each of the Standards. The Applicant gave testimony regarding his plans and vision for the property.

Mr. Catanese told the Board a yes vote will be to approve signs as proposed by the Applicant as outside the definition of a sign, therefore not requiring a Variance. Mr. Hand asked for a Motion to approve. Mayor Walters made the Motion and Mrs. Gougher seconded. Roll call was taken. All Members with the exception of Mrs. Gallagher voted no. Mrs. Gallagher voted yes. A second vote was taken to grant the variance for the signs, including the ATM sign. Mr. Bickford made the Motion. Mr. Conte seconded. Roll call was taken. All members present were in favor and voted yes. The next vote was to grant the waivers recommended for approval by the Board Engineer. Mr. Hand made the Motion and Mr. Bickford seconded. Roll call was taken. All members present were in favor and voted yes.

The last vote was for revised preliminary and final Site Plan Approval including approval of the outdoor dining for the proposed decks as a Conditional Use with the understanding that this does not alter approved or disapproved prior outdoor dining of the first floor area. The Applicant indicated that they will comply with all of the conditions of the Board Engineer's letter though they have requested that Site Plan Review item #3 regarding the roof drains not be required of them. After a discussion by the Board, a vote was taken. Roll call was taken. All members present were in favor and voted yes.

**MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD**

**April 25, 2016**

**4:30 p.m.**

**Board Discussion**

Mr. Conte told the Board he had checked on the outdoor dining situation in Naples, Florida and found there are too many tables encroaching on an area, and not being put away when they are supposed to be put away. He said the biggest violation is 10 tables and 40 seats in a 9x9 area and there is trouble enforcing the Code because it happens after normal times when the Code Enforcer would see it. Mr. Conte said they are exploring changing their fee schedules based on the number of tables and chairs. Mr. Bickford said he has not had a chance to read the information provided by Mr. Conrad regarding outdoor dining and he proposes that it be put on the next meeting Agenda. Mayor Walters said Mr. Conrad will not be able to attend the next meeting because he has a 4 to 6 week commitment.

**New Business**

Mr. Conte advised that he was resigning as a Board Member, effective immediately. Mr. Hand thanked him for his service and the Board agreed.

**Public Comment**

No one spoke. Public Session Closed.

**Adjournment**

Having no further business at hand Mr. Hand called for a motion to adjourn the meeting. Mayor Walters made the Motion and Mr. Conte seconded the motion.

APPROVED: June 13, 2016

ATTESTED: Diane Frangiose  
Diane Frangiose, Secretary Stone Harbor Planning Board