

May 4, 2023

Via E-mail: marcus@blaneykaravan.com

Marcus Karavan, Esquire
Blaney & Karavan, PC
3311 New Jersey Ave.
P.O. Box 310
Wildwood, NJ 08260

RE: The Reeds at Shelter Haven – Valet/Loading Area
Our file No. 13236-1M

Dear Mr. Karavan: *marc*

Our firm represents Shelter Haven Hospitality, Inc. on a variety of legal issues. We are writing to you on behalf of our client to request that the Borough of Stone Harbor adopt (1) a resolution of support to expand The Reeds Hotel & Spa's loading zone on Third Avenue in a manner that is set forth on the enclosed Concept Plan prepared by Dynamic Traffic, LLC dated 5/2/2023 (1 sheet) and (2) adopt an ordinance to allow parking of vehicles in that loading zone, within 25 feet of a crosswalk.

By way of background, during the 2022 summer season, as part of The Reeds' valet operation, certain cars were parked along Third Avenue (County Route 619) before being driven by valet attendants to The Reeds' off-site parking lot located along 97th Street. Because the vehicles were temporarily parked within 25 feet of a crosswalk in violation of N.J.S.A. 39:4-138e(1), outside of the designated loading zone, Stone Harbor Police wrote tickets to guests of The Reeds Hotel. The tickets arrived well after our client's guests left the premises. All of the violations have since been resolved by The Reeds at their sole cost and expense. However, ownership and management of The Reeds is desirous of resolving this issue, so it does not occur in the upcoming season.

Over the winter, representatives of our client and I met with the Police Chief and his colleague from the Police Department to discuss the issue. The meeting was very productive and we appreciate the Police Department's time in helping to develop a resolution of this matter. We understand that the Police Department is merely enforcing the law in writing the subject tickets.

We believe that the parking tickets were written pursuant to N.J.S.A. 39:4-138. However, N.J.S.A. 39:4-138.6 permits a municipality to mandate by ordinance the distance a person may park a motor vehicle from a crosswalk, less than 25 feet. The only exception to this statute is when the parking is to occur within 25 feet of a street or 50 feet of a stop sign in a school zone. That is not the case here. By allowing for the expansion of the loading zone up to the cross-walk at Third Avenue and

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97th Street, our client will have additional space for the temporary loading of vehicles and for trucks delivering food and supplies to The Reeds and restaurants which our client operates, such as Buckets. Note that the distance to the cross-walk in question is an unpainted cross-walk and on the southwesterly side of the same intersection there is an existing, painted crosswalk.

As you know, The Reeds expanded over the last several years with the construction of the spa building which includes 22 additional hotel units. This has of course led to the need for additional valet parking. The Reeds Hotel & Spa has been successful in large measure due to the ongoing partnership it has had with the Borough of Stone Harbor. We are asking for this expansion of the loading area in order to meet the hotel, restaurant and spa operation demands and avoid the need for our client's guests receiving parking tickets after enjoying their stay in the Stone Harbor.

Because Third Avenue is a County right of way, we will of course need to approach the County about this proposal and we believe it will have to independently approve of the lengthened valet/loading area. However, we also believe that the County will seek the Borough's position on this issue before it takes action. That is why we are writing to you now. We are copying the County Engineer, Robert Church, on this letter, so he is aware of this request.

For all of the above reasons, we are requesting that the Borough Council adopt a resolution in support of the expanded loading area as shown on the enclosed Concept Plan and adopt an ordinance pursuant to N.J.S.A. 30:4-138.6 to reduce the distance from the loading area to the cross-walk to zero feet. We are happy to attend a governing body meeting with representatives of Shelter Haven Hospitality, Inc. and our traffic consultant, Nick Verderese of Dynamic Traffic, to answer any questions the governing body may have.

Thank you very much for your attention to this matter.

Very truly yours,

NEHMAD DAVIS & GOLDSTEIN, P.C.

By: _____

KEITH A. DAVIS

kdavis@ndglegal.com

KAD/km
Enclosure

- c. Manny Parada, Interim Borough Administrator (w/ encl. -- via email: paradam@shnj.org)
Robert Church, PE (w/ encl. -- via email: robert.church@co.cape-may.nj.us)
Peter Miner, General Manager (w/ encl. -- via email: pminer@reedsresort.com)
Paul J. Massing (w/ encl. -- via email: paul@pjmlc.com)
Nick Verderese, PE (w/ encl. -- via email: nverderese@dynamictraffic.com)

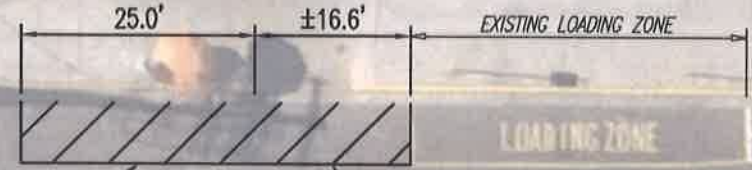
BOROUGH OF STONE HARBOR

COUNTY OF CAPE MAY



3RD AVENUE (CR 619)

97TH STREET



POTENTIAL ADDITIONAL LOADING ZONE EXTENSION SUBJECT TO PASSING OF ORDINANCE - PER TITLE 39:4-138.6

PROPOSED LOADING ZONE EXTENSION 25' FROM SIDE LINE OF 97TH STREET TO EXISTING LOADING ZONE



Plotfile: 02/02/23 - 4:03 PM, file: m:\projects\1714 The Reeds at Shelter Haven\23-00541 Stone Harbor\Concept\Exhibition\Loading Zone Extension\VT1420004102.dwg, sheet: 01 CONCEPT PLAN (1/13/17)

THIS PLAN IS CONCEPTUAL ONLY AND MAY NOT BE USED FOR CONSTRUCTION

GENERAL NOTES

1. THE AERIAL IMAGERY SHOWN ON THIS PLAN IS DATED 02/18/2023 AND TAKEN FROM HEREAPP. IT MAY NOT REPRESENT CURRENT CONDITIONS.
2. PROPERTY AND RIGHT-OF-WAY INFORMATION, IF SHOWN, IS APPROXIMATE AND IS SUBJECT TO CONFIRMATION BASED ON A DETAILED SURVEY PREPARED BY A PROFESSIONAL LAND SURVEYOR. FURTHER REFINEMENT OF THE PLAN BASED ON A DETAILED SURVEY MAY IDENTIFY ADDITIONAL PROPERTY IMPACTS.
3. THIS PLAN DOES NOT DEPICT GRADING AND CONSTRUCTION IMPACTS THAT MAY OCCUR TO ADJACENT PROPERTY OWNERS. GRADING AND/OR CONSTRUCTION IMPACTS MAY DICTATE THE NEED TO OBTAIN EASEMENTS FROM ADJACENT PROPERTY OWNERS.
4. ALL PROPOSED SIGNS AND PAVEMENT MARKINGS SHALL BE IN COMPLETE CONFORMANCE WITH THE CURRENT MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.).
5. PARKING PROHIBITED AREAS BASED ON TITLE 39 - MOTOR VEHICLES AND TRAFFIC REGULATION SECTION 39-4-138.

THE REEDS AT SHELTER HAVEN

**CONCEPT PLAN
PROPOSED LOADING ZONE EXTENSION**

3RD AVENUE & 97TH STREET
STONE HARBOR BOROUGH, CAPE MAY COUNTY, NEW JERSEY

REV	DATE	COMMENTS	BY

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www.dynamictc.com

SCALE: 1"=20'	DRAWN BY: MVE	DESIGNED BY: MVE	CHECKED BY: NY
PROJECT NUMBER: 4714_23-00541	DATE: 02/02/2023	REV. #:	0
SHEET NUMBER: 1		OF 1	

New Jersey Statutes Annotated
Title 39. Motor Vehicles and Traffic Regulation
Subtitle 1. Motor Vehicle and Traffic Laws
Chapter 4. Traffic Regulation (Refs & Annos)
Article 16. Parking (Refs & Annos)

N.J.S.A. 39:4-138

39:4-138. Places where parking prohibited; exceptions;
moving vehicle not under one's control into prohibited area

Effective: July 21, 2017

Currentness

Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:

a. Within an intersection;

b. On a crosswalk;

c. Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;

d. In front of a public or private driveway;

* e. (1) Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys and as provided in section 2 of P.L.2009, c. 257 (C.39:4-138.6); or

(2) Within 10 feet of the nearest crosswalk or side line of a street or intersecting highway, if a curb extension or bulbout has been constructed at that crosswalk;

- f. On a sidewalk;

- g. In any appropriately marked “No Parking” space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;

- h. Within 50 feet of a “stop” sign except as provided in section 2 of P.L.2009, c. 257 (C.39:4-138.6);

- i. Within 10 feet of a fire hydrant;

- j. Within 50 feet of the nearest rail of a railroad crossing;

- k. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;

- l. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, when properly signposted;

- m. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

- n. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;

- o. In any space on public or private property appropriately marked for vehicles for persons with disabilities pursuant to P.L.1977, c. 202 (C.39:4-197.5), P.L.1975, c. 217 (C.52:27D-119 et seq.) or any other applicable law unless the vehicle is authorized by law to be parked therein and a person with a disability is either the driver or a passenger in that vehicle. State, county, or municipal law enforcement officers or parking enforcement authority officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for persons with disabilities on both public and private property.

No person shall move a vehicle not lawfully under the person's control into any such prohibited area or away from a curb such distance as is unlawful.

Credits

Amended by L.1948, c. 342, p. 1346, § 2; L.1951, c. 23, p. 100, § 77; L.1981, c. 20, § 1, eff. Feb. 6, 1981; L.1989, c. 201, § 1, eff. June 1, 1990; L.2009, c. 107, § 2, eff. Aug. 6, 2009; L.2009, c. 257, § 1, eff. April 1, 2010; L.2017, c. 131, § 157, eff. July 21, 2017.

Notes of Decisions (2)

N. J. S. A. 39:4-138, NJ ST 39:4-138

Current with laws through L.2023, c. 37 and J.R. No. 6.

End of Document

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New Jersey Statutes Annotated
Title 39. Motor Vehicles and Traffic Regulation
Subtitle 1. Motor Vehicle and Traffic Laws
Chapter 4. Traffic Regulation (Refs & Annos)
Article 16. Parking (Refs & Annos)

N.J.S.A. 39:4-138.6

39:4-138.6. Ordinance setting forth permissible parking distances; exception

Effective: April 1, 2010

Currentness

A municipality may mandate by ordinance the permissible distance a person may park a motor vehicle from a crosswalk, side line of a street or intersecting highway, or “stop” sign. A municipality may not, however, permit parking within 25 feet of a crosswalk or side line of a street or intersecting highway or within 50 feet of a “stop” sign in a school zone during hours when school is in session.

Credits

L.2009, c. 257, § 2, eff. April 1, 2010.

N. J. S. A. 39:4-138.6, NJ ST 39:4-138.6

Current with laws through L.2023, c. 34 and J.R. No. 2.