

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

January 23, 2017

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 2017 on December 15, 2016, and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board.

**Roll Call**

**Members Present:**

Mayor Judy Davies-Dunhour  
Jill Gougher  
Thomas Hand, Chairman  
Wayne Conrad, Vice-Chair  
Charles C. Krafczek  
Sandy Slabik (Alternate I)  
Mia Donnell (Alternate II)

**Solicitor:**

Andrew D. Catanese

**Board Secretary:**

Diane Frangiose

**Zoning Officer:**

Joanne Mascia

**Members Not Present:**

Robert D. Bickford, Jr.  
Lynne Dubler

**Welcome to New Members**

Mr. Hand, on behalf of the Planning Board, welcomed new Board members, Mayor Davies-Dunhour, Charles Krafczek and Mia Donnell. Mr. Catanese administered the Oath of Allegiance and Oath of Office for Ms. Donnell.

**Approval of December 12, 2016 Minutes**

Motion by Mr. Hand to admit the meeting minutes and seconded by Mrs. Gougher. Roll call was taken for members present at the December 12, 2016 meeting. Affirmative votes: Mrs. Gougher, Mr. Hand and Mrs. Slabik.

**Nomination for 2017 Board Chairman and Vice Chairman**

Nomination by Mr. Conrad to appoint Mr. Hand as Board Chairman. Seconded by Mrs. Gougher. All members present voted affirmatively.

Nomination by Mr. Hand and seconded by Mayor Davies-Dunhour to appoint Wayne Conrad as Vice Chairman. All members present voted affirmatively.

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**Approval of Professional Services Contract Board Solicitor**

Motion by Mrs. Gougher and seconded by Mr. Conrad to approve Professional Services Contract for Andrew Catanese, Board Solicitor, for the year 2017. All members present agreed and voted affirmatively.

**Approve Resolution 2017-001 Appoint Board Solicitor**

Motion by Mrs. Gougher and seconded by Mr. Conrad to appoint Andrew Catanese as Board Solicitor. All members present voted affirmatively.

**Nomination for 2017 Board Secretary**

Motion by Mr. Conrad seconded by Mayor Davies-Dunhour to appoint Diane Frangiose as Board Secretary for the year 2017. All members present voted affirmatively.

**Planning Board Application Re 9627-29 Third Avenue, Units 4 & 5**

Ms. Jane Hoy introduced herself to members of the Board and stated that she was an Attorney attending the meeting on behalf of the Applicant, Shelter Haven Hospitality, Inc., concerning property located at 9627-29 Third Avenue, Units 4 & 5. The Applicant is seeking the modification of Site Plan Approval to increase outdoor seating on the exterior deck from 48 to 68 seats and approval to install a 6 foot fence between Buckets Bar and Reeds Shelter Haven to shield the trash area from the seats on the deck. Attorney Hoy advised that Messrs. Ron Gorodesky, David Fastiggi and Gary Thomas would give testimony regarding the Applicant's request.

Mr. Catanese administered the oath to Mr. Gorodesky who provided his name and address for the record. Mr. Gorodesky told the Board that he is the Managing Director of Buckets Bar and Reeds Shelter Haven. He stated that Buckets Bar is a popular cantina on the water which serves a low priced menu along with alcoholic beverages, and the goal is to increase exterior seating on the deck from 48 to 68 and to install a 6 foot fence to provide a shield from the trash area for the Buckets customers. He further stated that changes are being made for increased occupancy by adding bathrooms and a sprinkler system for the entire building. Ms. Hoy submitted Exhibits A-1 and A-2 to Board Members for their review. Exhibit A-1 is a Plan Drawing showing the modification of the exterior seating area by Architect Richard Stokes and Exhibit A-2 is a July 25, 2016 Audiology Report prepared at the Applicant's request by Metropolitan Acoustics. Mr. Gorodesky stated the Audiology Report shows the impact of patron voices with the increased seating. The Report shows that the increased noise levels will continue to be in compliance with the local noise Ordinance because the request for music on the outdoor deck has been withdrawn for approval.

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**Planning Board Application Re 9627-29 Third Avenue, Units 4 & 5 (continued)**

Mrs. Mascia asked Mr. Gorodesky to confirm that the Applicant has arranged private pick-up of trash and cardboard in the morning at no cost to the Borough to help alleviate odors and the Borough will pick-up trash in the afternoon. Mr. Gorodesky stated yes, that is the plan.

Mr. Catanese administered the oath to Mr. Fastiggi who provided his name and address for the record. Mr. Fastiggi stated the Plan provides for the installation of a 6 foot fence between Buckets Bar and Reeds and allows for an increase of exterior seating from 48 to 68. The Plan also details changes to bathroom facilities as well as a fire suppression system. The increased fence height is a benefit to the patrons of Buckets Bar. Mr. Conrad asked if the fire suppression system will be in the entire building and Mr. Fastiggi stated yes. Mrs. Mascia stated the fire suppression system was approved by Chief Stanford and Grant Russ.

Mr. Catanese administered the oath to Mr. Thomas who provided his name and address for the record. Mr. Thomas stated that in his professional opinion, the C1 variance condition has been met by the Applicant. The Ordinance on the Waterfront Business District allows for the Applicant to provide additional seating to maximize the usage of the business district.

Mr. Krafczek stated the Applicant had demonstrated they are entitled to the relief requested and that no testimony had been given in opposition. He further said given the level of testimony heard, the Applicant had met their burden with regard to the variance on the fence, increasing the height of what is already existing and already approved, is very de minimus and it serves a very good purpose. Ms. Donnell agreed regarding the fence, however, her concern is the sound across the water at night with increased seating. Subsequently, a lengthy discussion took place among Board Members regarding the July 25, 2016 Sound System & Noise Conformance Report provided by the Applicant.

Mr. Catanese stated for the record, there is no one in attendance that warrants reopening the public hearing. He further advised Board Members the first vote would be to grant the variance under the C1 standard for the fence, however, the Applicant received variances in 2014 for rear yard setback, front yard setback and side yard setback, all of which are pre-existing and approved by the Board. Mr. Hand asked for a Motion to approve the variance on the C1 standard. Mr. Conrad moved the Motion. Ms. Donnell seconded. Roll call was taken. All members present were in favor and voted yes.

Mr. Catanese stated the second vote was to consider the Conditional Use Approval along with the associated Site Plan Approval subject to comments of the Board Engineer's review of the Acoustic Report which the Applicant has agreed to as well as a finding that they have met all of the Conditional Use Regulations under the Zoning Ordinance. Mr. Hand asked for a Motion to proceed with the vote. Mrs. Gougher made the Motion, Mr. Conrad seconded. Roll call was taken. All members present were in favor and voted yes.

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**Board Discussion**

Board Members agreed to reschedule a closed session discussion regarding 2017 Professional Planner Proposals.

A discussion regarding residential cabana bathrooms was held among Board Members, whereupon, it was decided to continue the discussion at next month's meeting.

**Public Comment**

No one spoke. Public Session Closed.

**Adjournment**

Having no further business to discuss, Mr. Hand called for a Motion to adjourn the meeting. Mayor Davies-Dunhour seconded the Motion.

APPROVED: February 13, 2017

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