

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

March 24, 2014

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
Wayne Conrad
Jill Gougher
Perry Conte

Board Solicitor

Andrew Catanese

Board Secretary

Patricia H. Wagner

Zoning Officer

Joanne Mascia

Alternate Present

Julian Miraglia

Board Members Absent

Joselyn O. Rich
Robert D. Bickford, Jr.

SITE PLAN REVIEWS

- (1) Applicant’s Name: Stone Harbor Square, LLC
Owner’s Name: Stone Harbor Square, LLC
Subject Property: 260 96th Street, Stone Harbor, NJ
Block: 96.03 Lots 95, 97, 99, 100,101, 102, 104 & 106
Our File: SPR 2014-001

Mr. Miraglia excused himself from hearing this application as he is a property owner within 200’ of the subject property.

Applicant was represented by Vincent L. Lamanna, Esquire. The applicant is seeking permission to reconstruct an existing ramp & stairway (96th Street entrance) and the development of an ice cream store within the existing building structure. Sworn to give testimony were principal owner, Clinton Bunting and Gary Thomas of the firm Thomas Amey Shaw, Inc., professional planners.

Mr. Bunting testified that he acquired, along with a partner, the Harbor Square Mall property in July 2013. Since then they have made considerable upgrades to the property including lighting, landscaping, repairs to the roof and replacement of broken pavers. Mr. Thomas testified the site plan call for the reconfiguration of the 96th Street center stairs along with the adjacent handicap ramp. The second part of the application is proposing a fruit ice cream store along the ground floor (front easterly side) of the building facing 96th Street. The current space is 265 square feet and the current zoning requirement is 600 square feet. They do not have any more interior space to allot to the proposed space but feel the current space is adequate for the tenant’s needs. There will be no pass through window attached to this proposal & there is no side yard setback variance being requested for a pass through window. Public access to the retail space will be through two French doors. The applicant and Mr. Thomas feel the space is adequate for a retail ice cream vendor.

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Pre-existing signage now conforms to current regulations; no signage variances are being requested. Mr. Thomas feels the application upholds the purposes stated in NJMLUL.

The site plans also diagram seating arrangements for the existing food vendors located in the Harbor Square Mall. They are not requesting a conditional use variance as the tables constitute pre-existing outdoor dining conditions. Zoning Officer Joanne Mascia had been requesting a diagram of the seating arrangements for several years for her records.

Mr. Hand asked for Board member comments. Mr. Conte asked for clarification on the ice cream store pass through window because the application listed a request for one. Mr. Lamanna stated that request has since been withdrawn. Mr. Conrad asked for more details on how the ice cream would be served. It was explained that it would not be scooped fruit ice cream but rather fruit ice cream dispensed from a machine, similar to a soft serve style. He also asked for more details on the table layout design. Some are currently in place and the plan shows placement for an additional nine tables.

Borough Zoning Officer Mrs. Mascia was sworn to give testimony. She is satisfied with the table layout as shown on the site plan application as it lists the number of tables, the material composition and the location of the tables. This diagram will now allow Mrs. Mascia to have an enforcement mechanism.

Mr. Lamanna stressed the applicant is not seeking approval for outdoor dining as they consider it a pre-existing condition. His client is seeking site plan approval of the table placement as shown on the plans presented as part of tonight's application. Any future change in the placement of tables would require the applicant to come before the board again for another site plan review. There is to be no table service.

Mr. Catanese stressed that any approving resolution voted on by the Planning Board should emphasize the fact that the Board is not approving outdoor dining at this property. Mr. Hand agreed with Mr. Catanese's opinion.

Borough Engineer Chris Eaton was sworn to give testimony. Mr. Eaton referred to his report dated March 19, 2014. He feels that the requested variances have been adequately covered in tonight's testimonies. He also feels the Board can grant many of the requested waivers, with the exception of the applicant submitting a more detail plan relating to the ramp reconstruction & its railing and their compliance with ADA standards. Mr. Eaton noted that he wants to see curb elevation and the elevation level of the ramp. Mr. Eaton also would like to see the comments from the Borough's Public Works Department and the Fire Department. Mrs. Mascia did state she did confer with the Fire Official Roger Stanford & he has no additional comments to add to the application request.

Mr. Hand opened the meeting for public comments.

Patti DiMarco, 364 93rd Street spoke in favor the applicant. She feels the new owners have done an outstanding job with the property. In particular she mentioned the cleanliness of the property. Ms. DiMarco hopes the Board will grant the site plan application so Mr. Bunting and his partner can continue to move forward with the upgrades of the property.

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No one else spoke. Public session was closed.

Mr. Lamanna had no closing statements.

Based upon the plans presented tonight Mayor Walters does not feel the proposed fruit ice cream place will be generating a lot of trash. Mr. Bunting agreed with this statement. Mr. Bunting also complimented Borough Officials for their professionalism in helping him with this project to date.

Motion by Mr. Conrad and seconded by Mr. Conte to approve C-1 variance request for interior floor area and front yard setback.

Affirmative votes: Mr. Hand, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Conrad.

Motion by Mr. Conrad and seconded by Mr. Conte to approve C-2 variance request, purpose of the application meets the purpose to advance the zoning ordinance.

Affirmative votes: Mr. Hand, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Conrad.

Motion by Mr. Conrad and seconded by Mr. Conte to approve requested waivers.

Affirmative votes: Mr. Hand, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Conrad.

Motion by Mr. Conte and seconded by Mr. Conrad to grant site plan approval.

Affirmative votes: Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Conrad.

Negative vote: Mr. Hand. While Mr. Hand does support the work Mr. Bunting has done to date, he does not feel the outdoor table layout as presented is sufficient to allow for enforcement by the Zoning Official.

SITE PLAN REVIEW

- (2) Applicant's Name: Shelter Haven Hospitality, Inc.
Owner's Name: Third & 97th Street, LLC
Subject Property: 9627-29 Third Avenue, Units 4 & 5, Stone Harbor, NJ
Block: 96.04 Lots 136.04 & 136.05
Our File: SPR 2014-002

Mr. Hand excused himself from hearing this application.

Mr. Conrad called for a five minute recess. Meeting was resumed by Mr. Conrad.

Applicant was represented by Jane Hoy, Esquire. Subject property is located in the Waterfront Business District. Applicant seeks to renovate portions of the building to accommodate a retail bakery & restaurant with outdoor bayside seating. Conditional use approval is required for outdoor dining. Applicant is seeking variance relief for existing nonconforming conditions, front & side yard setbacks. Applicants do not intend to structurally change the existing building. Exhibit A-1 Site Plans prepared by Stokes Architecture, LLC was entered as evidence.

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Edward Breen, a principal owner of the subject property & the Reeds Hotel testified first. He listed past & present uses of the property. He stated the subject property plans to use the same wash down area & trash area currently used by the Reeds Hotel via their shared alley way.

Ron Gorodesky was sworn to give testimony. Mr. Gorodesky is the president of the management firm that operates the Reeds Hotel. His company will also manage the proposed bakery and restaurant at the subject property. He stated the plans call for a retail bakery with hours of operation from approximately 6:00am to 4:00pm. The bakery will sell goods prepared by the Reeds pastry chef. There are plans for a walk-in storage area in interior rear area of the property. This is to be used by both the bakery & the Reeds kitchen staff. Mr. Gorodesky outlined the plans for the proposed restaurant, Buckets. It is a fried food concept: fried chicken, fried fish, etc. Salads will also be available. Mr. Gorodesky plans to sell draft beers and wines at the new location using the Reeds Hotel liquor license. He stated the application for dispensing alcohol is currently being submitted to the proper New Jersey State Agencies. Outdoor seating will be provided in the rear of the subject building (bayside dining). He also described the venting system that will be used in the cooking of the fried foods for the proposed restaurant. Mr. Gorodesky also stated the proposed businesses will share the use of the Reeds Hotel wash down & trash storage area.

Gary Thomas, Professional Planner gave testimony on behalf of the applicant. It is his professional opinion that the application meets the purposes & objectives of the Waterfront Business District as listed in the Borough's ordinance. The second floor offices will continue to serve their current office use & the first floor will be used for a food oriented business. Mr. Thomas stated the applicant is not seeking variances for outdoor dining as all the conditional uses as defined in the zoning ordinance are being met. He feels the signage for the outdoor deck meets the current zoning standards and there is adequate buffering for adjacent properties. Mr. Thomas proposes placing an overhead trellis/pergola over the rear outdoor dining deck which will have greenery & hanging flower planters placed upon it for aesthetic reasons and to aid to with shade relief for the outdoor dining patrons. The trellis/pergola will not extend to the existing adjacent retail business to the south of the subject property. That portion of the building extends past the established bulkhead line. This necessitates the variance for the rear yard setback area. Mr. Thomas does feel the application upholds the intention of the Waterfront Business District as shown in the Borough's Master Plan.

Richard Stokes of Stokes Architecture, LLC, Philadelphia, PA testified next. Mr. Stokes' firm is the architect of record for the proposed restaurant & bakery. Mrs. Hoy entered into evidence as exhibit A-2 a 9"x11" schismatic rendering of the subject property with proposed building changes. Mr. Stokes outlined the cosmetic changes to the exterior of the subject property. The applicant will use the same current color scheme as the Reeds Hotel so the visual impact will be emphasized when looking south on Third Avenue from 96th Street. On the second floor there is a 2' wide setback area from the awning to the face of the building. Seasonal plantings are planned for this setback area. The existing hanging perpendicular building sign on the front of the building is to be removed. The plans call for a new exterior fabric awning to be installed with new logos for the Buckets Restaurant & the retail bakery imprinted upon it. The existing logo for the adjacent retail business, Island Water Sports, will remain the same. A-3, a photo showing the existing Third Avenue conditions of the subject property and A-4, a photo showing the existing rear yard area (outdoor dining deck) were entered into evidence. New windows will be installed along the Third Avenue second floor.

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Mr. Thomas stated he is aware of the Municipal Public Access Plan in place. Mrs. Hoy recalled Mr. Breen to give testimony. He testified that his company's long term plans for the Reed's operation call for the demolition of the applications subject property ("Polly's Place") building. The company will abide by all federal, state and local requirements that may be in place at that time.

Mr. Thomas continued to review the proposed application and how it relates to the goals of the Borough's Master Plan.

As the building cannot be moved, Mr. Thomas and Mrs. Hoy believe the way it is situated upon the lot creates a hardship under the NJ Municipal Land Use Law. Both believe that by the Board granting site plan approval along with the requested variances will outweigh any detriment to the public good and the proposed project upholds the intent of the Borough's Master Plan and supports the zoning ordinance.

Mr. Stokes continued his description of the current conditions of the subject building & his plans for the interior renovations. Mr. Stokes designs for the restaurant emphasize the view of the bay at the rear of the building. He stated the plans for the outdoor dining meet all the conditional uses as listed in the current zoning ordinance. Mr. Stokes also reviewed the plans for trash removal at the property & trash storage at the Reeds Hotel.

Mr. Conrad stated that he noticed structural cracks on the exterior rear wall of the building during his informal review of the property. Mr. Stokes noted he has a structural engineer to remedy this issue.

Borough Engineer Chris Eaton reviewed his comments listed in his report dated, March 20, 2014. Waiver #21- Off Street Parking. Mr. Eaton thinks the proposed businesses will generate the need for more parking spaces in the general area. Mrs. Hoy stated commercial businesses are not required to provide off street parking. Mr. Eaton asked that all signage be submitted to the Zoning Officer for conformity review prior to any installation taking place as the application does not show any signage particulars. Mr. Stokes is agreeable to this.

Mrs. Mascia asked if the applicant is requesting a variance for the solid waste and wash down areas as these are located on a separate property. It would require two separate variance requests under Zoning Section 560.42. (a) & 560.42. (c). Mrs. Mascia stated her concerns because the space between the two buildings is also considered a public access walkway for the Reeds Hotel & the proposed plans call for the applicants trash being placed at the Reeds Hotel. Paul Massing was sworn to give testimony. He stated new equipment will be in place to control the trash area & believes there is room for both properties trash needs.

The plans shown a side access door is be located on the north side of the subject property, directly across from the Reeds Hotel trash area. Trash is scheduled to be taken out through this door to the trash storage area. Trash is picked up twice a day by the Department of Public Works.

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The trash & wash down areas are complicated by the fact that the Reeds Hotel is governed under a site plan approval granted by the Zoning Board of Adjustment. Any changes to those plans could necessitate another application hearing by that Board.

It was decided that if the Planning Board granted site plan approval tonight it would be considered a conditional approval only as they now must submit a revised trash & wash down plan to the Borough's Engineer and Zoning Officer for compliance with the zoning regulations.

Mr. Conrad asked for Public comments.

Patti DiMarco, 364 93rd Street was sworn to give testimony. Ms. DiMarco said the owners have done a beautiful job with the Reeds & the new property will look great too. She stated her concerns over blowing trash from the proposed jointly used trash storage area. She asked if some type of screening could be put up to shield the public view from Third Avenue. Ms. DiMarco thought the open space between the two buildings was for loading & unloading deliveries only. She also asked if the liquor license zone had been changed since the Polly's building is outside of the current zoned area. It has not been changed, however a review request has been received by Borough Council.

No one else spoke. Public Session was closed.

Motion by Mr. Miraglia and seconded by Mr. Conrad to approve conditional use for outdoor dining.

Affirmative votes: Mr. Conrad, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Miraglia.

Motion by Mr. Conte and seconded by Mr. Miraglia to grant C-1 variance requests for front, side and rear yard setbacks.

Affirmative votes: Mr. Conrad, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Miraglia.

Motion by Mr. Miraglia and seconded by Mr. Conte to approve C-2 variance request, purpose of the application meets the purpose to advance the NJMLUL and zoning ordinance.

Affirmative votes: Mr. Conrad, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Miraglia.

Motion by Mr. Miraglia and seconded by Mr. Conte to approve request waivers as listed on the site plan element sheet.

Affirmative votes: Mr. Conrad, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Miraglia.

Motion by Mr. Conte and seconded by Mr. Miraglia to grant site plan approval subject to the following conditions:

- (1) The property (Reeds Hotel) to the north of the subject property be under common control so that the wash down and trash facilities are available for the use of the owners of the applicant's subject property.**
- (2) The Reeds property be outfitted with an enclosure for trash that is in accordance with all applicable zoning regulations.**

Affirmative votes: Mr. Conrad, Mayor Walters, Mrs. Gougher, Mr. Conte and Mr. Miraglia.

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OLD BUSINESS

7:00 p.m.

None

NEW BUSINESS

None

Public Comment

No one spoke. Public Session Closed.

ADJOURNMENT

Having no further business at hand Mr. Conrad called for a motion to adjourn the meeting.

A motion to adjourn the meeting by Mr. Miraglia and seconded by Mr. Conte. All members present voted in the affirmative.

APPROVED: May 12, 2014

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