

APPLICATION FOR PLANNING BOARD ACTION

Stone Harbor Planning Board
FORM A-10

Case Number _____

Hearing Date _____

FOR OFFICE USE ONLY		
Date Received		By:
Review Deadline		By:
Incomplete		By:
Complete		By:
Hearing Deadline		By:

Property Information

Street Address 9001 Sunset Drive

Block & Lot No(s) Block 90.91 Lot 184.01

Zoning District R-A

Dimensions 64,504 SF

Applicant's Name & Address* Yacht Club of Stone Harbor

9001 Sunset Drive, Stone Harbor, NJ 08247

Owner's Name & Address: Yacht Club of Stone Harbor

9001 Sunset Drive, Stone Harbor, NJ 08247

- * If Applicant is not Owner, attach authorization of owner or Agreement of Sale.
- * If applicant is a corporation or a partnership list on attached Form A-12 all stockholders or partners owning ten percent (10%) or more of the Applicant, and their respective addresses.

1. Specify which power(s) the Planning Board is required to exercise:

- () Approval of Minor Subdivision N.J.S.A. 40-55D-47
- () Approval of Major Subdivision N.J.S.A. 40-55D-48
- () Granting of Conditional Use N.J.S.A. 40-55D-67
- () Granting of Site Plan Approval N.J.S.A. 40-55D-37 - Amendment/Modification
- () Granting of Variance(s) in conjunction with application for Subdivision, Site Plan, or Conditional Use Approval N.J.S.A. 40-55D-60(a)
- () Hardship Variance N.J.S.A. 40:55D-70(c)(1)

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- Broad "C" N.J.S.A. 40:55D-70(c)(2)
 Special Reasons N.J.S.A. 40:55D-70(d)
- Directing the issuance of Building Permit in Bed of Map Street, Public Drainage, Flood Control Basin, or Public Area, in conjunction with Application for Subdivision, Site Plan, or Conditional Use N.J.S.A. 40-55D-60(b)
- Directing the issuance of Permit for Building not Abutting Street in conjunction with Application for Approval of Subdivision, Site Plan or Conditional Use Approval pursuant to N.J.S.A. 40-55D-60(c).
- Other - Specify _____
2. List all drawings, plot plans, plats, maps, or other documents filed with this application pursuant to N.J.S.A. 40-55D-10(b):
- Site Plan by Gerald Blackman, Jr., OSK Design Partners, PA, dated _____
- Survey by Ryan McCreesh, The Martinelli Group, LLC, dated May 15, 2019
3. Present use of Subject Property (describe) Yacht Club
4. Proposed use of Subject Property (describe) Yacht Club
5. If subdivision is proposed, is the subdivision to be filed by deed or plat? N/A
6. If subdivision is proposed, provide number of: N/A
- Existing Lots: _____ Proposed Lots: _____
7. Have any variances or zoning interpretations been obtained from the Zoning Board of Adjustment for the subject property? If so, explain and attach a copy of all resolutions, etc.
- Yes, Use and all bulk variances previously reviewed per Resolution 860-2017, attached.
9. Have all other governmental approvals been obtained? No. If not, indicate what other governmental approvals have been, or are being applied for.
- County Site Plan waiver pending

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10. Have any of the lands in question been classified as environmentally impacted or sensitive area? No Or wetlands? No
11. Are any variances requested as part of this application? No. If so, the applicant must attach a narrative identified as "Schedule A", setting forth (i) the specific ordinance requirements from which relief is sought; (ii) the basis for the variances pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70; and (iii) the reasons why the requested variances should be granted, with specific reference to the basis upon which the applicant asserts both the "positive" and "negative" criteria have been established as required by N.J.S.A. 40:55D-70.
12. Are any waivers requested as part of this application? Yes. If so, the applicant must attach a list of requested waivers identified as "Schedule B", setting forth the specific provisions from which waivers are sought and the reasons why the requested waivers should be granted.
13. Provide the name, address and phone numbers of the following, if applicable:

Applicant's Attorney: Cory J. Gilman, 2699 Dune Drive, Avalon, NJ 08202, 609-368-4086, cory.gilman@lawjwg.com

Applicant's ~~Engineer~~ ^{Architect}: Gerald Blackman, Jr., 9616 Second Avenue, Ste 201, Stone Harbor, NJ 08247, jblackman@oskdp.com

Applicant's Planner: _____

Other Professionals: Ryan McCreesh, The Martinelli Group, LLC, 1217 S. Shore Rd, Palermo, NJ 08230, ryan.martinellisurvey@verizon.net, 609-390-9618

I hereby certify that all answers and information set forth herein are true to the best of my knowledge.

2/12/20
Date


Signature of Applicant

APPOINTMENT OF AGENT
(Optional)

Stone Harbor Planning Board
FORM A-11

Applicant's Name & Address: Yacht Club of Stone Harbor

9001 Sunset Drive, Stone Harbor, NJ 08247

Owner's Name & Address: Yacht Club of Stone Harbor

9001 Sunset Drive, Stone Harbor, NJ 08247

Subject Property - Street Address: 9001 Sunset Drive

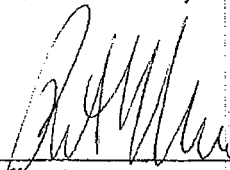
Block & Lot No(s): Block 90.91 Lot 184.01

The Applicant hereby appoints Cory J. Gilman, Esquire

as Applicant's Agent for all purposes concerning the above-referenced Planning Board Application, and does agree to accept, as Applicant's own act and deed, all acts performed by said Agent concerning the matter.

Date

2/12/20


Applicant

Date

Applicant

BOROUGH OF STONE HARBOR PLANNING BOARD NARRATIVE

#11. Schedule A

There are no variances required as part of this site plan amendment application as all bulk variances as well as the use variance for a commercial business in the residential zone have been previously approved pursuant to Resolution 860-2017. The minor physical changes to the site do not modify, change, expand or exacerbate any existing non-conformities. The use will remain unchanged as the Stone Harbor Yacht Club. For summary purposes, the minor changes to the previously approved plan are: 1) repaving and relining of the parking lot which has resulted in an additional 6 spaces, one of which is an ADA space and improved one direction drive isle; 2) reconstruction of a ramp and landing to comply with ADA requirements thus creating a second ADA compliant ingress and egress to the building; and 3) remodeling of the front landscaping of the building ultimately resulting in less lot coverage. All such changes comply with all requirement of the zoning ordinance.

#12. Schedule B

A waiver is requested from full imposition of the site plan requirements due to the fact that our application is simply for minor physical changes to the prior approved site plan. Considering the minor nature of the changes, waiver of site plan requirements would be reasonable under the circumstances.

FINANCIAL DISCLOSURE STATEMENT
(Escrow Fees)

Stone Harbor Planning Board
FORM A-14

Pursuant to local ordinance, I understand that additional escrow fees may be charged at a later date. I herewith agree to pay these additional charged fees. If I fail to pay these fees when requested, I understand that the Borough will also charge reasonable attorney's fees for the collection of these fees.

Peter Miner
(Please Print Name)

609 368 1201
(Daytime Phone)

9001 Sunset Dr Stone Harbor
(Billing Address)

[Signature]
(Signature)

2/12/20
(Date)

Note: This application will be deemed incomplete if all information above is not fully completed.

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF STONE HARBOR**

RESOLUTION NO. 860-2017

WHEREAS, Yacht Club of Stone Harbor (“YCSH” or the “Applicant”) has applied to the Stone Harbor Zoning Board of Adjustment for use variance relief pursuant to N.J.S.A. 40:55D-70(d); waiver of site plan review; and variance relief pursuant to N.J.S.A. 40:55D-70 (c) (1) (hardship) and N.J.S.A. 40:55D-70 (c) (2) for maximum building length, maximum impervious coverage, maximum flag pole height, and maximum trellis height; to permit the renovation and expansion of an existing nonconforming use and structure known as the Yacht Club of Stone Harbor, situated upon premises known and identified as Block 90.91, Lot 184.01, as such appears on the Stone Harbor Tax Map (the “Property”) and which Property is located at 9001 Sunset Drive and situated in the Residential A Zoning District; and

WHEREAS, a hearing on this Application was held before the Stone Harbor Zoning Board of Adjustment on June 26, 2017 at which time the Board heard the testimony of the witnesses and considered all of the evidence presented as to the Application; and

WHEREAS, the Stone Harbor Zoning Board of Adjustment, after carefully considering the evidence presented by Applicant and all interested parties, has made the following factual findings:

1. All statements contained in the preamble are incorporated by this reference.
2. The Applicant has standing to bring this Application and the Board has jurisdiction to hear this matter.
3. The Applicant was represented by Jane Hoy, Esquire.
4. The following items were introduced as evidence:

A-1 Artist rendering of proposed conditions

A-2 Plans by Studio One Architects (4/7/17 – 9 sheets)

5. The Board accepts the exhibits produced by applicant as factual.

6. The Applicant presented testimony from the following witnesses:

Peter Miner, 113 Gravel Hole Road, South Dennis, NJ

Anthony D'Angelo, Studio One Architects, 2123 Dune Drive, Suite 7, Avalon, NJ

Gary L. Thomas, PLS, PP, FFPM, Thomas Arney Shaw, 2900 Dune Drive, Avalon, NJ

7. Ms. Hoy provided an overview of the Application, noting the subject property is one of the oldest in Stone Harbor.

8. Peter Miner was sworn and testified as follows:

a. he is the General Manager of YCSH;

b. YCSH provides sailing classes to 50-100 children and operates a restaurant on the Property;

c. Mr. Miner provided an overview of the proposed improvements;

d. the existing second floor is currently used as a bridal suite during weddings; that will change;

e. the grill room currently accommodates approximately 65 persons;

f. all lighting (except signage) will be unchanged;

g. traffic will continue (one way) around the building;

h. the loading and trash areas will be unchanged;

i. the enclosed 2nd floor will accommodate additional diners, plus there will be additional tables outside, that area currently accommodates that many people in the outdoor seating area;

j. he does not anticipate needing more parking as a result of the improvements;

k. the club is used for weddings, but is also made available to many community organizations without charge;

l. YCSH seeks to improve the facility for the community;

m. total seating capacity is approximately 200 seats, and as much as 270 for special events; that seating will be about the same;

n. on questioning from Ms. Hoy, Mr. Miner indicated there may be reduction in seating from existing to proposed.

9. Anthony D'Angelo was sworn, qualified as an expert in architecture, and testified as follows:

a. Mr. D'Angelo referred to Exhibit A-2, noting various existing non-conformities that are proposed to continue on the site;

b. YCSH proposes to eliminate one parking space; otherwise, parking and drive aisles will be largely unchanged;

c. a carport will provide a covered entrance to the club;

d. mechanical equipment will be relocated to the roof to move them out of sight and reduce sound;

e. the kitchen mechanicals will be enclosed in a "chimney" to improve the building's appearance;

f. Mr. D'Angelo provided a detailed description of the proposed renovation, as shown on Exhibit A-2;

g. the vast majority of the site plan characteristics will be unchanged;

h. the application will promote the purposes of zoning and is not detrimental; it will not negatively impact property owners to the North;

i. approval will support the New Jersey overall State plan with respect to water-dependent uses;

j. the loading and trash areas are located on the Northwest corner of the building; they are existing; the trash area is enclosed by a fence; both areas are proposed to be under a trellis;

k. the office and dormer area are true extensions of the building; the other expansions enclose existing outdoor decks/dining area.

10. Mr. Miner then testified again, noting that boats are not stored in the parking spaces.

11. Mr. Miner testified that this is a member only club.

12. Mr. Miner does not anticipate having more weddings as a result of the renovation.

13. Gary L. Thomas was sworn, qualified as an expert in surveying, planning and flood plain management and testified as follows:

a. although the use is non-conforming, the use has existed for 106 years and pre-dates zoning in Stone Harbor;

b. many of the lot characteristics exceed requirements in the zone;

c. proposed signs are conforming;

d. the application advances the following purposes of zoning:

(i) secure safety from fire and flood because the building will be flood proofed;

(ii) providing adequate light, air and open space since the lot is surrounded by water on three sides;

(iii) establishment of appropriate population densities because the building will be nicer to look at from the north;

(iv) promoting a desirable visual environment;

(vi) promoting conservation of historic sites by allowing the renovation of this 106 year old building;

(vii) promotion of recycling and renovating this building instead of demolishing and building new

e. the purposes of zoning advanced by this application constitutes special reasons for the requested relief;

f. the application advances several goals of Stone Harbor's zoning, including (i) promoting navigability of bay waters; (ii) preserving historic buildings and resources; (iii) maintaining light, air and open space; (iv) incentivize renovation instead of demolition; (v) promoting scenic and unobstructed access to the waterfront; (vi) promoting outdoor dining and balcony and roof activity;

g. this is arguably an inherently beneficial use; if it is not one it is akin to one;

h. the application does not impact many considerations of site plan review; the elements of site plan review that are impacted are shown on the plan; therefore a waiver of site plan is appropriate;

i. the requested variances can be granted without impairing the public good and without substantially impairing the intent and purpose of the zoning ordinance or zone plan.

14. Mr. Miner again testified that:

a. the lot is half full on most weekdays and full on most weekends, with overflow parking on the street;

b. during weddings people tend to drive together; he thinks they filled the lot during only one wedding this spring;

c. the facility employs up to 40-50 employees in total, but the most on site at any one time is about 20; employees park on the lot during the week and on the street on weekends;

d. he does not expect an increase in cars as a result of the renovation

15. Dan and Judith Sherri, 8912 Sunset Drive, Stone Harbor, were sworn and testified as follows:

a. they live two doors down from yacht club;

b. Mr. Sherri believes there will be an increase in use of the site and traffic is already a problem;

c. the neighborhood is affected by these events and he wishes for the club to limit the impact by providing for remote parking and/or having only one event at any given time;

d. storm water management should be improved;

e. hours of operation should not be expanded.

16. Tom Gaines, 8916 Sunset Drive, Stone Harbor, was sworn and testified as follows:

a. he lives immediately to the North and concurs with Mr. and Mrs. Sherri, noting that parking and traffic are an issue;

b. YCSH is seeking to add 75 new members to finance the project.

17. Julian Miraglia, 11837 Paradise Drive, Stone Harbor, was sworn and testified as follows:

a. he has been a member of YCSH since 1952 and parking has always been an issue;

b. YCSH is an integral part of the community and has been a responsible neighbor.

18. Steven Mattola, 9827 Sunset Drive, Stone Harbor, was sworn and testified as follows:

a. he has been a member of YCSH for many years; he is the commodore of the yacht club;

b. living near the yacht YCSH is not an easy task due to the parking;

c. YCSH provides an opportunity for many Stone Harbor residents to enjoy the Bayfront.

d. the site is near the jitney route, providing an alternative to parking on or around the site.

19. James Healy, 9830 Sunset Drive, Stone Harbor, was sworn and testified as follows:

a. the parking problem is a town-wide issue and is not solely a result of the YCSH.

20. Miles Truesdale, 7 Acton Drive, Stone Harbor, was sworn and testified as follows:

a. his is a member of the YCSH;

b. YCSH does not need additional members or income to complete this project;

c. weddings stop between mid-June and Labor Day so the weddings do not occur during peak season when parking is at its worst;

d. he is Chairman of the Board of the YCSH.

21. Mr. Miner against testified following the public portion and testified that the YCSH would explore the use of valet with stacked parking. He also indicated that golf carts are rented to shuttle drivers to and from their cars.

WHEREAS, the Board has determined failure to grant the requested relief would not result in exceptional and undue hardship upon Applicant because the bulk variances for which approval is sought (and in particular the size of the proposed trellis) do not result from any non-conforming condition and, moreover, the failure to approve these structures would not result in a hardship; and

WHEREAS, the Board has determined that the purpose of the Municipal Land Use Law, including providing for the general welfare (by promoting a not-for-profit community club); promoting light, air and open space (since the lot size, building coverage and setbacks far exceed the Borough's requirements); and providing sufficient space in appropriate locations for a variety of uses, including this water dependent use, would be advanced by a deviation from the Zoning Ordinance requirements, and the benefits of the deviation would substantially outweigh any detriment; and

WHEREAS, the Board has determined that special reasons exist for the relief sought by the Applicant because the Property provides access to the water for many Borough residents and visitors and improving this site allows for continuation of that access, thereby promoting the general welfare and providing space for its water dependent use; and

WHEREAS, the Board has determined the relief requested by Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Stone Harbor because of the oversized nature of the lot.

WHEREAS, the Board has determined that a waiver of site plan review is appropriate only subject to the conditions of approval below.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Stone Harbor, New Jersey on this 26th day of June, 2017, that the application of Applicant for a waiver of site plan review with associated variance relief as aforesaid is GRANTED final approval, subject to the following conditions:

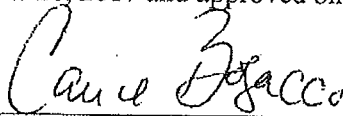
1. Applicant shall submit a revised site plan incorporating the comments of the Municipal Engineer dated June 22, 2017, which revised plan shall be further subject to the approval of the Municipal Engineer.

2. Applicant shall comply with all terms and conditions as set forth on the plan as approved.
3. Applicant shall comply with all recommendations of the Public Works Department.
4. No boats shall be stored in parking spaces.
5. Applicant shall submit a sign lighting plan for the approval of the Board Engineer.
6. Applicant shall submit proof that Applicant has received all required local, state, county and federal approvals including, without limitation, Soil Conservation Service, Municipal and/or County Board of Health, County Planning Board and CAFRA, if applicable.
7. That the Applicant also submit a grading/storm water management plan in form satisfactory to the Board Engineer confirming that there will be no increase in runoff to the adjacent properties.
8. Variances granted pursuant to this Resolution (if any) are subject to expiration in accordance with Section 345-31 of the Borough Code.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Applicant and maintained by the Secretary of the Zoning Board of Adjustment for their records.

I hereby certify the foregoing to be an original resolution of the Borough of Stone Harbor Zoning Board of Adjustment adopted at a meeting held on June 26, 2017 and approved on August 7, 2017.

Dated: August 7, 2017



Carrie Bosacco, Secretary
Stone Harbor Zoning Board of Adjustment

DATE: 07/20/2012
 DRAWN BY: JSM
 CHECKED BY: JSM
 SCALE: 1" = 50'-0"

NO.	DATE	REVISIONS

PROJECT: YACHT CLUB OF STONE HARBOR
 9001 SUNSET DRIVE
 STONE HARBOR, NEW JERSEY, 08247

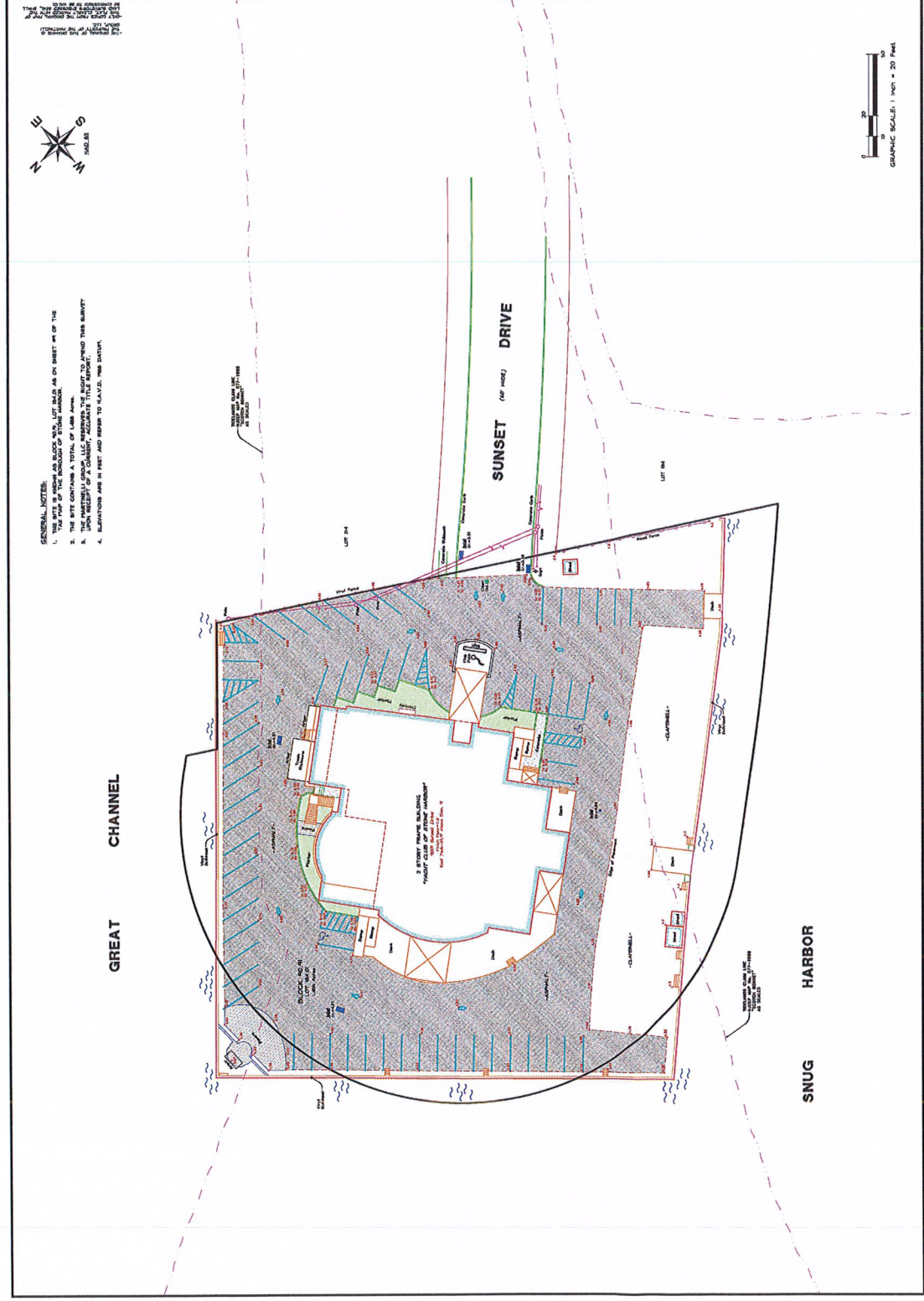
EXISTING SITE SURVEY (AS-BUILT)



OSK DESIGN PARTNERS, PA
 ARCHITECTS & LAND PLANNERS
 17 WEST KNIGHT AVENUE, SUITE 200
 COLLEGE PARK, NEW JERSEY 07410
 PHONE: (908)444-0999
 FAX: (908)444-0999
 WWW.OSKDESIGN.COM

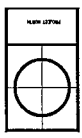
ISSUED TO: PLANNING BOARD	NO. 1	DATE:
ISSUED TO: BOARD OF SUPERVISORS	NO. 1	DATE:
ISSUED TO: BOARD OF HEALTH	NO. 1	DATE:

SHEET: 1 OF 2	SCALE: 1" = 50'	DATE: 8-14-12	DRAWN BY: JSM	PROJ. NO: 12552
REVISIONS	SITUALE IN BLOCK 90.91 LOT 104.01 BOROUGH OF STONE HARBOR CAPE MAY COUNTY, NJ			
THE MARTINELLI GROUP, LLC PROFESSIONAL LAND SURVEYING PROJECT: (TOP) 8-14-12 PROFESSIONAL LAND SURVEYING LICENSE NUMBER: 2404213700 1317 W. HIGHWAY 130, SUITE #158 OCEAN VIEW, NEW JERSEY 08226				
STEPHEN C. MARTINELLI, C.E. 1317 W. HIGHWAY 130, SUITE #158 OCEAN VIEW, NEW JERSEY 08226 PHONE: (856) 426-1111 FAX: (856) 426-1111				



- GENERAL NOTES:**
1. THE SITE IS SHOWN AS BLOCK 90.91, LOT 104.01 AS SHOWN ON MAP OF THE TOWNSHIP OF STONE HARBOR.
 2. THE SITE CONTAINS A TOTAL OF 100 ACRES.
 3. THIS SURVEY IS A PRELIMINARY SURVEY AND IS SUBJECT TO FURTHER SURVEY.
 4. DIMENSIONS ARE IN FEET AND SHALL BE ROUNDED TO NEAREST WHOLE NUMBER.

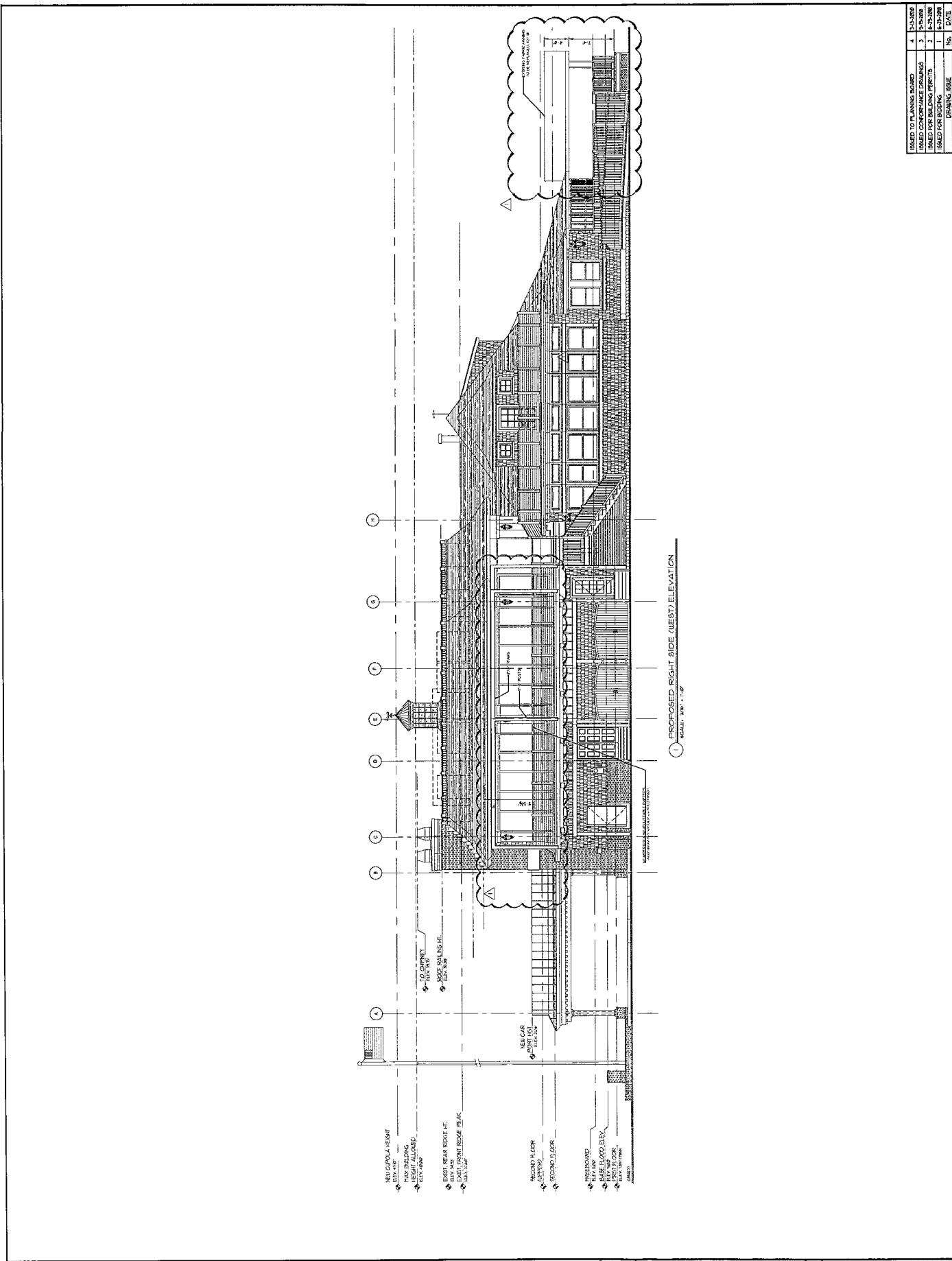
OSK DESIGN PARTNERS, PA
 ARCHITECTS AND LAND PLANNERS
 100 WEST HARBOR AVENUE, SUITE 200
 STONE HARBOR, NEW JERSEY 08061
 TEL: 609-261-2800 FAX: 609-261-2805
 WWW.OSKDESIGNPARTNERS.COM



PROPOSED BUILDING ELEVATIONS
PROJECT
YACHT CLUB OF STONE HARBOR
ALTERATIONS AND ADDITIONS
9201 SUNSET DRIVE, STONE HARBOR, NEW JERSEY
DATE:
SCALE:

OSK DESIGN PARTNERS, P.A.
 ALL RIGHTS RESERVED

DATE:
SCALE:
JOB NO. 63706
A-1



NO.	DATE	DESCRIPTION
1	4-27-2009	ISSUED TO PLANNING BOARD
2	4-29-2009	REVISIONS
3	4-29-2009	SAVED FOR BIDDING
4	4-29-2009	SAVED FOR BIDDING