

UPPER TOWNSHIP PLANNING BOARD

SPECIAL MEETING MINUTES

NOVEMBER 23, 2021

The special meeting of the Upper Township Planning Board was held at the Township Hall, 2100 Tuckahoe Road in Petersburg, New Jersey. The meeting was called to order at 6:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Ted Kingston, Janet McCrosson, Richard Palombo, Robert Young, Joseph Harney.

Absent: Curtis Corson, Georgette Costello, John Klebaur, Christopher McGuire, Craig Reeves, Gary Riordan

Also, in attendance were Jeffrey Barnes, Board Solicitor; Paul Dietrich, Board Engineer; Liz Oaks, Board Secretary.

APPROVAL OF THE SEPTEMBER 16, 2021 MEETING MINUTES

A motion was made by Ms. J. McCrosson and seconded by Mayor Palombo and approved.
Abstain: Kingston

APPROVAL OF THE OCTOBER 21, 2021 MEETING MINUTES

A motion was made by Ms. J. McCrosson and seconded by Mayor Palombo and approved.

Mr. Kingston has stepped down at this time for the following application.

APPLICATIONS

1. Deauville Inn – BLOCK 850 LOTS 1, 1.01, 3, 3.01, 4 & 5 – PB 06-2021

Applicant is requesting amended site plan and variance for parking, directional signs, and valet parking at 201 West Willard Avenue, Strathmere, New Jersey.

This is the continuation from the September 19, 2021 meeting. Mr. Harney confirmed with Ms. D. McCrosson, attorney for the applicant, that they would like to proceed with the meeting given that the board only had four voting members. Ms. D. McCrosson confirms they would like to proceed.

At the close of the last meeting, we were allowing the public within the 200-foot list to speak and will continue in this manner tonight.

Mr. Dave Townsend, 14 S. Bayview Strathmere was sworn. He testified that he has a unique perspective because he sees both sides. His family has been in Cape May County for 300 years, and a member of the Strathmere community for over 60 years. He is a member of the fire company. A co-founder of the Strathmere Environmental and Fishing Club. A co-founder of

Nightmare in Strathmere. He was driven out of his house in Strathmere by the “old” Deauville in the 1980’s. At that time the noise was excessive every night, to the point he couldn’t hear his television. For 30 years he did not enter the Deauville because he didn’t want to be a hypocrite. To compare to the current situation with the new owners. They have made improvements, hired security. They have dock people out there to assist. They have an organized parking lot with attendants. The music today seems manageable. They have someone to pick up the streets. He believes they are trying and that he doesn’t believe anyone has been driven out of their home. He thinks they are trying. His only complaint today would be the boat traffic, but that wouldn’t be on the Deauville. Jet skis are a problem of parking on the beach by the bridge. His biggest complaint would be the boats that dock there and the music with inappropriate words and the volume. Parking is a problem in any shore town.

Mr. Went questions Mr. Townsend and his relationship to Mr. Fox. Mr. Townsend testified that he does know Mr. Fox but that it is not a close friendship.

Mayor Palumbo goes on the record that he does not believe Mr. Townsend is biased. There is a discussion regarding the bias and the questioning process.

Mr. Went continues his questioning. Mr. Townsend claims he has been on Mr. Fox’s plane one time and that he is not related to anyone that works at the Deauville. He does not know Adam Modder. Mr. Townsend explained that he came here to give a perspective from two different sides. He has never been to any home that Mr. Fox owns.

Jim Bowen, 9 S. Bayview, Strathmere was sworn. He doesn’t see a difference between the old and new Deauville other than the new owner has spent a lot of money into it and it looks a lot better. Parking is an issue and it always will be. He did not see the valet proposal. Where will the cars be in queue? The pumping of septic at 6am is a problem and needs to be stopped.

Scott Buehler, 1 S. Bayview, Strathmere was sworn. He is concerned about how the valet plan will work and why do they need so many extra spots and when will it stop? In the past a valet plan had utilized the side streets. His concern is the number of valet attendants needed to utilize the stacked parking. He testified that the septic is pumped every morning and in the summer three times a day. His quality of life has gone down the tubes. The noise level is excessive, both the bands, DJ’s, and the clean-up crews. And while he has had the County Health Dept. will come out and test with the microphones and has been right on the border, it does not pick up bass. The noise from the music from boats as well as the engines are a problem.

There was a discussion that the Township has no jurisdiction regarding the boats. And trying to find a time more suitable to pump the septic.

Mark Harris, 100 W Willard, Strathmere was sworn. He testified that he bought his house approximately a year ago. He believes the proposed parking is to be enough for both staff and customers. However, he has been told that the staff are forbidden to park on site. He does not believe the parking is adequate and is a health and safety matter. He believes there are more employees than stated by the applicant. He is concerned about the stacking of parking on streets and would like a parking study done. He testified that he has seen the pumping at 6-6:30 am and again at 9-9:30 pm. And has seen up to three times a day. He thinks utilizing the boat slips and personal watercraft as parking is ingenious and new. He believes the situation only gets worse on a rainy day when those spots won’t be used but would have more cars utilizing standard parking space. He doesn’t believe the use of boat slips; personal watercraft and a valet are a solution.

Ms. D. McCrosson questioned Mr. Harris that at the time purchased his property the Deauville was owned and operated by the current owner. Mr. Harris confirmed this.

Chris Konicki, 90 W. Willard, Strathmere was sworn. Along with the concerns stated previously by the neighbors. His concern is making certain that whatever is decided is in concrete. He testified that there is a bulkhead/barrier that patrons have been using as some type of makeshift table.

Ms. D. McCrosson clarifies that the bulkhead/barrier location and testifies that the Deauville has put up signs that instruct patrons not to use such bulkhead.

Mr. Konicki testified that it is the responsibility of the Deauville to monitor people leaving their property with any open containers.

Amy Lombardo - 90 W. Willard, Strathmere was sworn. She testified that she has owned a restaurant in Avalon surrounded by residential neighborhood and believes she can understand where the Deauville is coming from. She was also a banquet manager of the Hotel Del Coronado in California, also surrounded by residential properties. It takes effort and consideration to work with your neighbors. She understands food truck deliveries, you have no control. The septic trucks early in the morning are controllable and would like that to be addressed.

Jody Corretini – 21 W. Winthrop, Strathmere was sworn. She purchased their home in 2019 but have been in Upper Township since 1990. She has frequently been to the Deauville and enjoys it very much. However, when the new owners bought the Deauville, many things have changed. The noise isn't just the live music. It's the DJ on the PA system, it's the bass of the DJ music at the weddings where it's vibrating your windows and drowning out your tv. It's the employees late at night when the guests have gone. Not to mention the nightly foghorn to mark the sunset, sometimes 4-5 times a night. The cigar boats and their engine noise, even idling. The exhaust and fuel smells and the music being played from the boats. The loud patrons, the pumping of the septic. The loud patrons gathering at the Sandbar. The power washing of the decks in the morning. The trash removal, the recycling pick up and the refrigeration trucks. The noise is a constant with no break. There is a "no entrance" sign that employees ignore. Many people will stop their vehicle on the roadway and drop people off by a walkway. Which is a safety issue. The capacity has been greatly increased and this affects the quality of life of the residents. The marketing strategy is reaching out as far as Philadelphia, drawing a different crowd. There is an increased volume of boats to the area. Parking is an issue for everyone. Parking enforcement uses their own discretion and does not ticket employees because he feels bad. There is too much traffic congestion that along with the boats it creates pollution. The new owner has failed to make a positive impact on the community. There is a complete disregard for the community. The only item in the application that she supports is that sidewalk. The last meeting the boat slips were counted as parking spaces, but in the liquor license they are counted as floating tables. She doesn't know if they can be counted as both. She believes there are only 3 handicap parking spaces and does not believe that is adequate. She is aware that there is a current lawsuit against the Deauville, an ADA violation lawsuit. She enters photos (C1 1-28) from this summer showing violations. Showing alcohol being served off their property, serving alcohol on a Sunday morning, and serving alcohol in a state park. She has reported this to the state police and there is a report. There were no citations handed out verified by an OPRA request. While there is a police presence there are no actions taken.

The submitted photos are passed around to allow the Board Members to view them. There was a discussion regarding the drop-off spot and its location. Mr. Dietrich stated that this area is not on the property and is not part of this application.

Elaine Holsomback – 29 Sumner Avenue, Strathmere was sworn. Her parents purchased the property over 60 years ago, so she is very familiar with the town. It is a wonderful little town, and it needs to stay that way. Her biggest concern is the noise level and the parking problems. She is concerned about the handicap spots. There are currently 2 spaces. In the State of New Jersey for the present of 162 spaces, there must be a minimum of 6 handicap spaces. They are in violation. Entering and exiting the bridge has become a hazard and a tragedy waiting to happen. Cars, bumper to bumper, from the exit of the bridge and around the curve create a blind spot. When you are exiting their lot, they have turned it into a one-way exit. Making you go behind the building and exit between those parked cars. The noise level and lighting disrupt the tranquility of the residents. They regularly exceed the maximum occupancy, based on calculated signage posted by the fire code, in the summer

There is a discussion about handicap parking at the Deauville as well as throughout Strathmere.

Herb Hollinger – 113 Putnam Avenue, Strathmere was sworn. Mr. Hollinger has been coming to Strathmere for about 60 years and loves the town. Parking is a problem throughout the town as well as the Deauville. He lives near a boat ramp and you get used to it. There are 3 other restaurants in town that have little parking. He understands how everyone is upset but there isn't much you can do. The addition of the parking enforcement and one-way parking has helped. He is a member of the fire company and he drives often through the town on calls and can be difficult to get through. They get a lot of calls to 201 Willard with medical and fire, and it is not always for the Deauville, however they have always been kind enough to allow them to use their docks for boating accidents, people hurt on the point, bridge jumpers, etc. They rarely have difficulty pulling in on the street end along Willard. He sees some of the good the Deauville does such as hosting the MS Row Around event, they host the awards for the annual Nightmare Event, they are a big supporter of the Strathmere Fishing and Environmental Club Food Drive. He believes they are trying.

Linda Bateman – 14 E Tecumseh Avenue, Strathmere was sworn. When this all began in the fall, she was the president of the improvement association. In preparation for the incoming president, she was surprised she didn't have anything on this. However, once the new owners started with the new marketing and increased presence, she was inundated with calls, texts, and emails. One of her concerns is the car show in the fall. Many cars were parked on Willard Street, two across and three deep. If you lived on Bayview, you couldn't get to your house. The people gathering, opening gates, and going on people's property, kids on the bulkhead, people trying to get beer cans that had blown into the bay. The DJ, the longer hours. Parking along the bridge. Even now in the off season when there is enough parking in the lot, the employees are parking on the street. She has seen rum buckets, people on the beach, seen people carrying alcohol on the beach. The lighting and the noise and the pollution is not only bothering people but the wildlife. She had thought she could express herself at the hearing for the liquor license but were not able to do so. The liberties being taken by the Deauville to encroach on public property. She was shocked to hear about the foghorn, which she is not withing earshot, and doesn't see why they would have to use it at the expense of the neighbors. The lack of security, noise, drunkenness, smoking, fights in the parking lot and it goes on. As property owners they must fight for their property values and rights. The barrier was built by the Deauville and they have expanded it, including the addition of chairs. Patrons have used it as a reception area. It is public access, not the Deauville's. She is aware that the Deauville is historic and has been there for quite some time and they all want them to succeed but they need to follow the code. She is seeking help from the Planning Board in managing this.

Janice Connell – 1808 Commonwealth Avenue, Strathmere was sworn. She was thrilled when it was a local that bought the Deauville and upgraded so much. The aggressive marketing as a premier New Jersey shore destination and perfect venue for large events has attracted massive crowds which resulted in daily mayhem for the surrounding neighborhood. Many issues have been put before you and we are aware that Upper Township does not have the infrastructure to support such a large-scale operation. But the real issue is the negative impact on the quality of life for residents and drop in property value, decline of over-all safety, the lack of parking and beach access for all of Upper Township residents, and for those closest to the Deauville, the lack of ability to enjoy their properties as they had once did. All of this plus the adverse impact to our local ecosystem. Positioning the Deauville as a premier destination or an entertainment complex is inconsistent with the Upper Township master plan for Strathmere. Permitted businesses according to the master plan are supposed to be relatively small service or retail establishments in support of the community. Maintain the existing residential character. Development is to be within the scale of surrounding uses and the encroachment of non-compatible uses in established residential areas must be limited. What are the benefits of the Deauville to Upper Township, not just Strathmere. It is not suitable, nor does it fit. She is confident that there are viable solutions that will suit both the Deauville and Upper Township. She is requesting the Deauville withdraw their application and choose to work with the residents on a compromise.

John Latwinas – 704 Bayview Drive, Strathmere was sworn. He purchased his property 1993. He has been happy ever since. He thinks the Deauville did an excellent job with the renovations and believes they will be an asset to Upper Township.

Mr. Went confirms the board members have exhibits B-1 thru B-8 that were submitted at last months meeting. He is submitting exhibit list 2, which consist of B9-B22.

Dr. Mark Berger – 2 W. Winthrop Avenue, Strathmere was sworn. Dr. Berger loves the Deauville and has many good experiences there. He wants it to succeed in a way that is supportive and works with the community. His issue is with how it is currently being managed. It went from a bar and restaurant to a complex with multiple areas at the expense of the community. He is looking to the board to balance the business interest of the Deauville with the needs of the community and protecting the environment at the same time. The primary concern is that the Deauville is being operated more than its capacity. Specifically, the septic, parking, noise, and enforcement. He is hoping the board will limit capacity. He doesn't want the employees to park on the street. The noise must be kept at legal levels with an enforcement plan in place. The Department of Health is understaffed and unable to address a situation immediately while it is happening, such as a wedding.

Mr. Went request a clarification of seating capacity and parking spaces requested by the applicant. A total of 421 seats, indoor and outdoor.

Mr. Orlando explains the seating chart was prepared by the architect and based on square footage to calculate the number of parking spaces. This does not clarify the number of seats.

Mr. Went points out that there are no measurements of the parking spaces.

Mr. Orlando explains that the parking is shown as existing conditions and they went out there and located the bumper stops and how they are currently parking. No striping plan has been done.

Mr. Went calls Sandy Mersky, septic engineer expert.

Sandford Mersky, Licensed Engineer, - 479 Centennial Boulevard, Voorhees was sworn. Mr. Mersky is a licensed engineer; specializing in septic systems. He has 33 years' experience with 35-45,00 projects under his belt. He designs, monitors, and helps installer troubleshoot. He has appeared before various boards. He has reviewed the application. He testified that his

methodology is based upon accepted principals in the field of professional engineering and his conclusions are within a reasonable degree of certainty in the field of professional engineering.

Ms. D. McCrosson interjects that she suspects the testimony from Mr. Mersky will be discussing is regarding an old septic system which is not up to the standards if it were installed today. And that somehow has an impact on the site plan application. As the board is aware, parking and seating are not determined by septic. She requests that Mr. Went explain how this is relevant.

Mr. Went states the number of parking and the number customers drive the septic. The board are required to take into consideration the air, light, safety, and all aspects that may affect the welfare of the community. Positive criteria and negative criteria. He believes that the testimony will show that there will be catastrophic failure of the system. Thus, creating a problem for all of Strathmere.

Ms. D. McCrosson does agree with much of what Mr. Went states. The DEP has jurisdiction in this, and the County Health Department may chime in on this. However, there is no variance associated with this application regarding septic. The only variance being requested is for a directional sign. You could deny the variance and still approve the site plan. There is no element in your site plan ordinance that allows you to address an existing septic system. Even if the septic were to fail tomorrow, it would not be in your jurisdiction.

Mr. Went - There is nothing more impactful on the system than the amount of use.

Mr. Barnes – The applicant is here seeking preliminary and final amended site plan approval. Partly triggered by their initial application to change a storage facility which prompted the Township to look at the site plan and there appeared to be some inconsistencies that required the applicant to submit appropriate amendments and submit the current application. It seems we are only talking about a directional sign. Some could argue the parking and is a unique argument from various angles such as noise or odor and the frequency of pumping. The board is required to look at the ordinance, what kind of relief does the applicant need and what are they seeking. If they comply with all the requirements. If the septic system doesn't work, he doesn't believe that is the boards jurisdiction. It will lie with the Health Department and the DEP. In the future it may involve this board, but not right now.

Mr. Mersky has reviewed exhibits B-9 through B-14. He believes this system is failing now and will catastrophically fail if this application were approved. It is already in violation. According the DEP it is illegal to have encroachments in this area. At most, there is only 1 ½ feet of soil above the septic system. He has not been on site. His testimony is based on diagrams, government records and public records. The state took over this septic system in 1995. The County has no jurisdiction over this system. The system is already failing, due to the excessive pumping. There are public records that show that the system was already acting up 2 or 3 years after it was installed.

Mr. Dietrich confirms that the frequency of pumping is indicative of a failing system. However, this board doesn't have jurisdiction over a failing system.

Mr. Orlando, EDA Licensed Professional Planner, was sworn. He testifies that in the administrative code, exhibit B-14, it refers to items such as concrete, pavers and such. Those are items that can't readily be removed. Tables and people are occasional traffic. There is a need for permeability. He has extensive experience and has seen septic systems under decks, paved area, and stone. They still function properly. The 60 tables and chairs does not have a negative impact, nor do the people or the movement of people.

Mr. Mersky has based his testimony on the frequency of the pumping of the septic is based solely on other persons testimony. The tides should not have any bearing on the frequency of pumping.

Mr. Stephen Hawk 1158 Roberts Boulevard, Vineland was sworn. Mr. Hawk is a New Jersey Licensed Professional Planner since 1993 and part of the American Institute of Certified Planners since 1994. He has been practicing planning since 1988. He has extensive experience testifying before zoning and planning boards. He testified that the 2006 approved plan serves as the base. He lays out the unauthorized changes since that plan. There is now a board-on-board fence on the southwest corner of the restaurant that has eliminated two parking spaces, going from 9 to 7. By the trash area there have been 3 spaces eliminated. These items are in the current application; however, they were changed without approval. There is a change of migration of the parking. The drive opening on Ocean Drive he sees 11 spaces and does not see an opening. The Sandbar building is larger and the ramp off the rear has impacted parking. The outdoor live music, he is aware that the bandstand has been removed but the music is still an element. The deck on the bayside has a canopy, approximately 3100 square feet creates more use in rainy weather or hot sunny days. Creating a coverage and use issue by increasing the intensity.

Mr. Dietrich states that the canopy has decreased in size.

There is discussion clarifying size and location of canopy.

Mr. Hawk – There are 4 less spaces (from 166 to 162) since the 2006 plan. The special events is a new feature. Tables and chairs at the bar and the beach. In 2006 the parking was based on seats and now based on square footage. In 2006 there were 534 seats. We do not have an accurate number of seats currently. They are adding 180 seats bringing that up to 714.

There is a discussion regarding seating of 2006 versus today, the changes of the property and how it affects the seating.

Mr. Hawk – Based on his calculations there should be 240 spaces. He doesn't believe you can count the valet or boat spaces as parking. A self-park space on site should be weighed differently than valet or boat spaces. He suggests the board weigh their value in another weigh. Many people may not want to wait or pay for valet, some people may not want someone to drive their vehicle. An on-site self-park space is the only type recognized by the Township ordinance. Each space should have dimensions on the plan and striping on site. Each space has requirements. An aisle is required to be 25 feet.

Mr. Orlando – Reminds the board that the applicant has agreed to valet during operating hours throughout the high season. He has been on site many times and the parking lot functions adequately. The plan he is submitting is accurate, works properly, and there are no public safety concerns. Mr. Bruce's plan left a lot to the imagination and was grossly incorrect. He agrees that it is important to have a clear site plan that is accurate.

There is a discussion regarding the value of valet parking and how often it is used.

Mr. Hawk – Lighting, asphalt pavement, landscaping and screening of parking lots are all in the ordinance and should be considered. You cannot have a row of more than 20 spaces without an island. He believes there is a row of 34 spaces along Ocean Drive. These items need to be addressed or waived.

Mr. Dietrich points out an area that he would consider a break along the Ocean Drive row of spaces.

Mayor Palombo - The landscape buffer that is currently there will be removed to comply with the addition of the sidewalk requested by the community. His goal is to find a way to come up with an agreement that works for both the applicant and the community, such as the music and the pumping of the septic. He acknowledged that some of the confusion could have happened due to some relaxation of restrictions with Covid-19 and trying to work with trying to help local businesses. He has received many emails with recordings of the music and should be improved.

Mr. Harney – Agrees with the mayor and adds that when they manage the docks it wouldn't be unreasonable to put up signage restricting music while docked.

Mr. Dietrich – Believes that he believes the parking functions well. Other issues would be operational issues, such as noise, and that needs to be addressed.

There is some discussion about whether this application should be continued to a different date.

Ms. D. McCrosson – This is the fourth meeting regarding this application. The public portion has been closed. We are down to four board members, with one leaving. They don't want to inconvenience other board members to read all these transcripts. The applicant has had an opportunity to hear what the community and the board have concerns with. They would like the opportunity to state the conditions of the resolution they are willing to agree to. If the board is not satisfied, we can move from there.

Mr. Went – Wants the opportunity for his clients, Dr. Berger and Ms. Green, to come up with a comprehensive list for the Deauville to comply with.

Ms. D. McCrosson – Objects to the idea that by doing that it would open negotiations with 20 people. Would this mean the board would not take a vote or hear the proposal. She would rather present the proposal to the board to see if they are comfortable voting. If the board is not, they will be guided by the board's suggestion.

Mr. Harney – Would like to allow Ms. D. McCrosson to present their proposal.

Mr. Hawk – He does not believe the positive and negative criteria have been met. No special reasons have been given to the board. On the negative side you must prove there is no substantial detriment to the public good. Fit in to the character of the neighborhood, has not been shown by the applicant. Lastly, no substantial change to the zone plan or master plan. The character of the RC zone. Preserving the character, maintaining small service shops and small retail shops. He feels it should be mitigated to match the character of the zone. He believes the intensity of the use should be throttled or brought back to match what site improvements.

Ms. D. McCrosson – Asks Mr. Hawk, when he said, “the applicant should throttle back the operations to conform with purpose of the zone.” Can you give the board specific suggestions? Given they have an existing historic restaurant which has the right to operate, with an existing parking lot, what are your specific suggestions.

Mr. Hawk – The intensity of the outside use. By utilizing the outside space of the beach. He believes the board has the power to limit the increased seating, which limits the intensity of use.

Ms. D. McCrosson – There has always been beach seating, it just wasn't quantified. This plan is more thorough and accurate.

Ms. McCrosson – This property has been in existence prior to any zoning laws. But it is important to work along with the community regardless. Her clients agree to valet parking May 1st to October 15th from 4:00 pm to 9:00 pm, Thursday thru Sunday. And any other time needed, such as special events or holidays. There will be no cost to the patron. No valet parking will be in the street. They will not have the septic pumped prior to 8:00 am. In respect to the noise, they already have a programmable music limiter inside and will utilize that technology outside. Limiting the volume of bands of DJ's. They commit to having live bands no more than 6 nights per summer. The bands will cease by 9:30. Memorial Day Weekend, Fourth of July, and Labor Day Weekend. Special events will comply with 9:30pm cut-off. They agree to the state statute regulations. At the docks, they will put up signage stating no music when utilizing the docks. They will provide 6 handicap parking spots. They agree to the concrete sidewalk installed by Memorial Day 2023.

Mr. Dietrich – The applicant has contacted his office, expressing they were delayed by the county.

Ms. D. McCrosson – They will pursue the approval for the pilings through the committee. If they cannot come to an agreement, they will have them removed.

There was a discussion about the need of or removal of the barrier at the end of the street.

M. D. McCrosson – Suggests that nothing regarding the barrier should be in the resolution because it is Township property. Regarding Mr. Hawks comments. They are asking for a waiver for lighting, asphalt pavement, screening and landscape site, and stacked parking. They are requesting the variance for the directional sign in the parking lot.

There was a discussion about the correct number of parking spaces based on various calculations. Whether a variance is required for parking and was the public notification accurate to what is being discussed.

Mr. Orlando believes there is no substantial detriment to the zoning plan or zoning ordinance. No substantial detriment to the public good. They are providing adequate parking utilizing various plans including valet parking. This is an appropriate location.

Ms. D. McCrosson adds that the boat slips are for transient only. In the past these spaces had been rented out.

Mr. Went – Lodges various complaints about the proceedings. He believes there should be a traffic study, there is a port a potty that needs to be removed. Personal watercraft cannot be used after sunset. Mr. Hawk believes there should be 220 spaces. Many neighbors have testified to the parking and traffic problems. He doesn't believe anything has been solved. Enforcement mechanisms are always an issue. While Mr. Fox did not create the problems, they are his now. He refers to a letter from Mr. Dietrich, stating they should stop using the grassy area. Which they still use and have increased use. It took a summons to get the applicant to submit a site plan. It is full of holes. He requests to talk about the removal of the port a potty if it is still there. He does not believe the board could consider and approve a site plan at this time, there are too many variables in play.

Mayor Palombo – If the old Uncle Bill’s property is to change, they must come back to the board at that time.

Ms. D. McCrosson – It is up to the board to decide if a variance is needed. If they need the variances, they are requesting them. If they need waivers, they are requesting them.

Discussion about the calculation of parking spaces and the need for a variance.

MR. HARNEY – There has been a lot of testimony about parking spaces. Whether there should be a traffic study. We have preliminary and final site plan waiver for a directional sign and valet parking at 201 W Willard Avenue, Strathmere. We have heard testimony from numerous neighbors, the applicant, the applicants engineer and planner. Mr. Went who represents Dr. Berger who has provided us with multiple lists of parking issues and photographs, state boating guidelines for times personal watercraft can operate. We heard testimony about valet parking. We heard residential testimony about noise, septic. We talked about the septic plans we have taken in evidence, that the board may not have had an opportunity to view all. We have come to a lot of items that can be negotiated between the Township and the applicant. The noise would be limited by a noise system that they have, a programmable limiter. Live bands only 6 nights a summer until 9:30 pm. We’ve heard testimony that they will continue to have some music at their sandbar until 11:00 pm with the noise limiter. We’ve heard testimony about handicap parking increasing from 2 spaces to 6 spaces. We heard testimony how we calculate based on square footage as opposed to the number of seats, which is what happened in 2005 when the plan was approved. The noise, the safety issues are the biggest concerns. We heard testimony about the boat parking and using signage to sway noise. The Township Engineer will try to change the barrier to make it less approachable.

MS. J. MCCROSSON – As Mr. Harney said most of the complaints are the parking, the number of people, noise, safety. Resident testimony has been heard. Uncle Bill’s must only be used for storage and parking, any changes would require the applicant returning to the board. The applicant detailed variances and waivers. She requested the C2 variance for parking. Mr. Went was very clear on needing a traffic study. He represents Dr. Berger. There should be a very clear.

MR. YOUNG – Agrees with his colleagues.

MAYOR PALOMBO – He thinks there are a few things. No valet in the street. Addition of 6 handicap parking spots. No septic earlier than 8:00 am. The addition of the sidewalk. It was agreed the screening of the parking lot and some of the waste disposal areas will be waived. He agrees with his colleagues.

Mr. Barnes – The first thing we need to vote on is the parking aspect. If that passes, then move on to preliminary and final site plan approval. Variance to waive directional signage any type of waivers. The first vote is on parking by yes or no.

A motion was made by Mr. Harney and seconded by Ms. Janet McCrosson, to approve the variance for 217 parking spots, detailed as 118 unencumbered, 35 boat slips, 30 personal watercraft, and 34 valet. In favor: Young, McCrosson, Palombo, Harney.

A motion was made by Ms. Janet McCrosson and seconded by Mr. Young, for preliminary and final site approval, variance for the directional sign. Waivers for lighting, asphalt, screening of the parking lot, landscaping, stacked parking, parking spot dimensions and self-parking.

Conditions to include:

1. No septic activity or pumping prior to 8:00 am,
2. Live music and DJ for the 6 weekend events & all special events would end at 9:30PM; Piped music could continue until 11:00PM outside at the Sand Bar but must meet sound requirements.
3. All music is controlled by a sound limiter, the applicant will require whatever statutory decibel levels are in the ordinance.
4. Valet parking will be from May 1st to October 15th, 4:00 pm to 9:00 pm, Thursday through Sunday and whenever else needed at the discretion of the applicant. The valet will be at no cost and no valet parking will occur on the street.
5. There will be live music but only 6 times; Memorial Day Weekend, Fourth of July, and Labor Day Weekend. In that time period there would be potentially 2 live music sessions over the weekend, 9:30 pm would be the cutoff time for the live music. The shoulder season there could be live music, however, that would also comply with statute as well as have the regulator technology on music.
6. Signage is going to be incorporated that prohibits music on the boats while docked.
7. ADA parking will be 6 parking spots, as a result of that 2 parking spaces were eliminated. Mr. Orlando provided testimony about the total allowed spots is 207 and 217 provided.
8. The concrete sidewalk will be installed by Memorial Day 2023.
9. The applicant will continue to pursue approval to allow the 3 pilings to remain at the property or have them removed in the event that they are denied the approval to maintain those 3 pilings.
10. Part of the application will include the standard operating procedure that was marked as A-1 that was provided to us by the applicant's attorney.
11. In the event that Uncle Bill's property is used for anything other than what it is right now, and that is for excess parking and storage in that building, the applicant is required to return to this board to seek whatever appropriate relief is required.
12. Signs will be near that barrier that indicate no alcohol can go beyond a certain point, it is not to be used for the restaurant and appropriate noise etiquette.

In favor: Young, McCrosson, Palombo, Harney.

PUBLIC PORTION

The meeting was opened to the public. Hearing no response, the public portion was closed.

RESOLUTIONS

BILLS

A motion to approve the bills, as submitted, was made by Ms. J. McCrosson, seconded by Mr. Young, and approved.

ADJOURNMENT

Motion by Mayor Palombo, and seconded by Ms. J. McCrosson, to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 11:12 p.m.

Submitted by,

Liz Oaks