

City of Somers Point----

DEPARTMENT OF PLANNING & ZONING

SOLICITOR MANOS
ENGINEER DORAN
CONSTRUCTION OFFICIAL MC BRIEN

CHAIRMAN: J. CRADDOCK
S. ROWAN
P. HUBER
B. MARSHALL
R. GRANUS
M. KEDZIORA
R. GANNON
ALTERNATE 1: J. MCCARRIE

A regular meeting of the City of Somers Point Zoning Board of Adjustment will be held June 8, 2020 by remote access only by video and audio means. The meeting will begin at 7:00 p.m.

At the time of the meeting, anyone from the public wishing to attend may do so remotely by accessing the video and audio of the meeting on the internet at <https://zoom.us/j/85338015750> on a supportable desktop computer, laptop computer, tablet or other supportable device. You may be required to download the "Zoom" meeting application at or prior to the time of the meeting. Anyone from the public may also attend the meeting by accessing only the audio of the meeting by telephone by calling 1-301-715-8592 and entering Meeting ID: 85338015750. Password is 740631.

ZONING BOARD AGENDA JUNE 8, 2020 REMOTELY REGULAR MEETING 7:00 PM

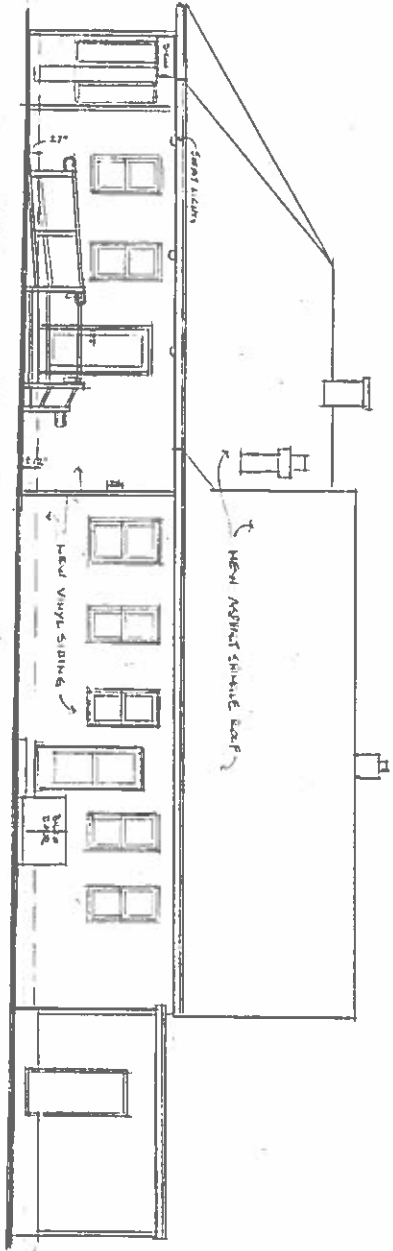
1. Flag Salute
2. Open Public Meetings Act
3. Roll Call
4. Approval of minutes from May meeting
5. Approval of Decisions and Resolutions: None
6. Applications: CPM ENTERPRISES, LLC, Block 1613/Lot 2. 746 Shore Rd. Zoned HVC. "D variance relief. Front unit changing from a tattoo parlor to a commercial cafe
7. Public session
8. Other business

Jayne Meischker

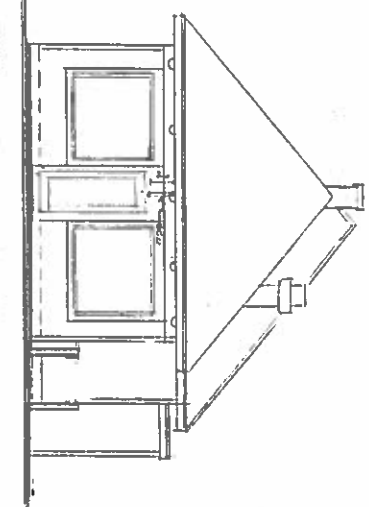
Jayne Meischker
Board Secretary



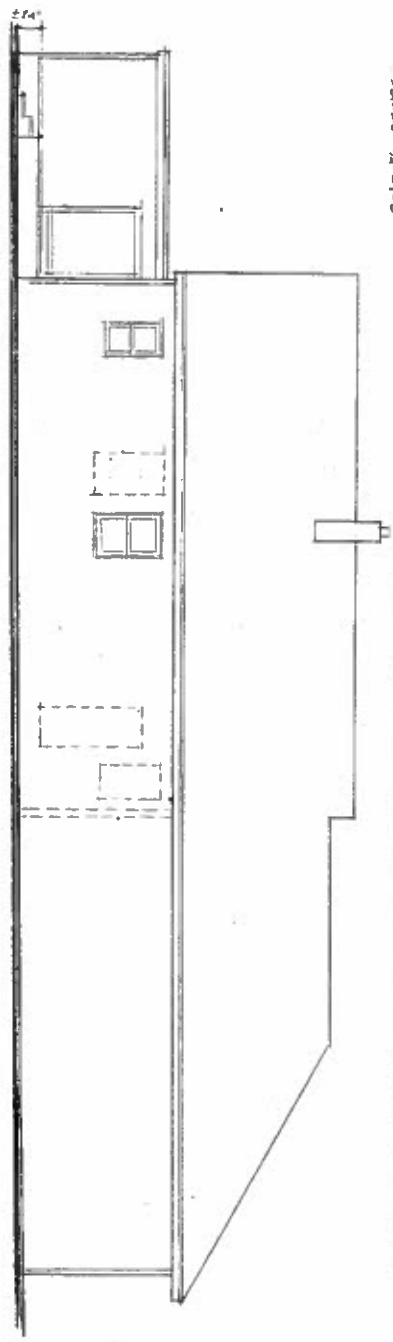
'Small Town Charm on the Hill.'



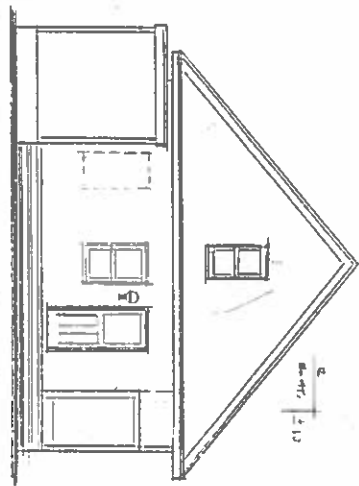
RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"



FRONT ELEVATION
SCALE 1/4" = 1'-0"



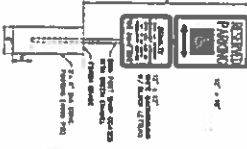
LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"



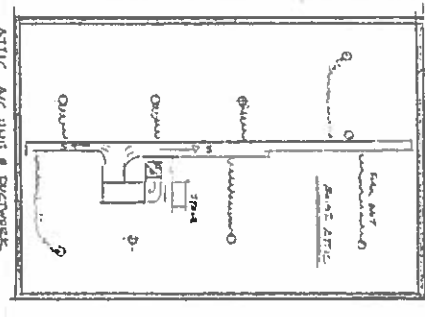
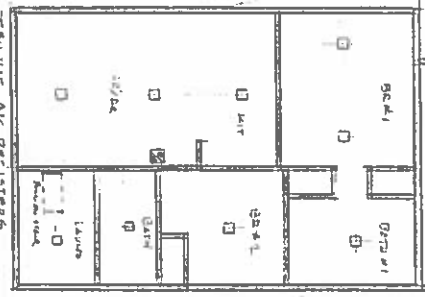
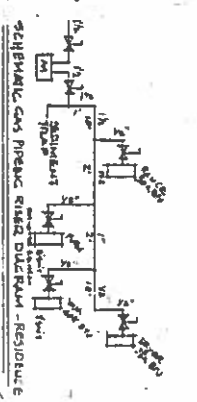
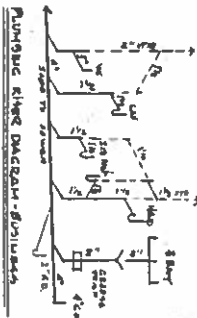
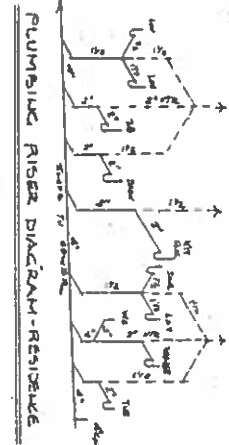
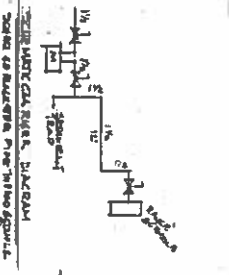
REAR ELEVATION
SCALE 1/4" = 1'-0"

FINISH SCHEDULE - Commercial

Room	Part	Finish	Notes
KITCHEN	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	
DINING ROOM	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	
LIVING ROOM	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	
BATH	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	
BED ROOM	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	
HALL	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	
CLOSET	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	
PORCH	WALLS	Vinyl Wall Paper	
	FLOOR	3/4" Plywood	



HANDICAP PARKING SIGN

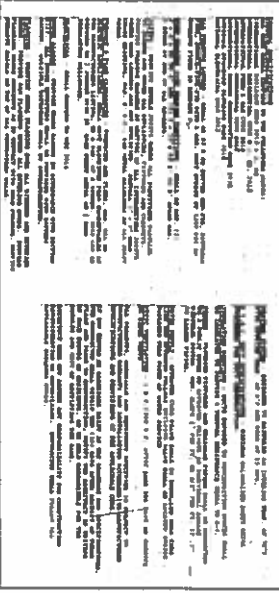
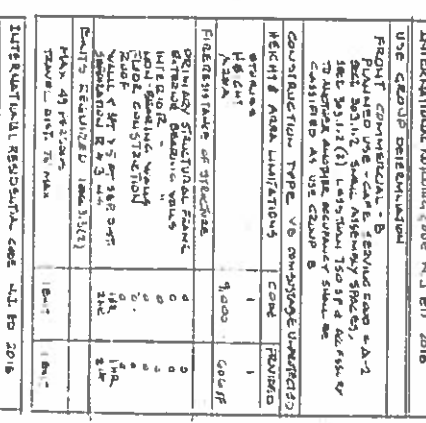


RENOVATION PLAN
BARTLEY CAFE & RESIDENCE
1200 S. 6th St. 746 SHORE ROAD
CITY OF SUMMER POINT, ATLANTA, GA, U.S.

JOSEPH A. COURTER JR. AIA
ARCHITECT - PLANNER

REVISED 5-19-20, ENTRY DOOR & 1/2" S.C.H., SEE SHEET

PROJECT NO. 1-100 DATE 1-1-20 PLANNED BY 1000	ALL WORK NOT SHOWN THROUGHOUT AND SHOWN ELSEWHERE	DRAWN BY JAC DATE 1-1-20 CHECKED BY DATE	SHEET A-1 OF 3
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Somers Point Zoning Board of Adjustment Application

In the Matter of the Appeal of:

Name: CPM Enterprises LLC

Address: 105 Blackman rd. Egg Harbor Township, NJ 08234

1. This application concerns Block 1613, Lot 2 on the tax map of the City of Somers Point, having the following street address: 746 Shore rd. Somers Point, NJ 08244

2. The land has frontage on Shore rd. of 51.57 feet and a depth of 112.61 feet. (At deepest point)

3. I have filed a Plot Plan and Survey of the premises within the Secretary of the Zoning Board of Adjustment of the City of Somers Point which may be examined at the Code Enforcement Office, 1 West New Jersey Avenue, Somers Point, New Jersey, on which Plot I have indicated existing boundary lines and structures and changes requested to be granted herein.

4. The land is in HVC zone, and the present use of the land is: Commercial and residential

4a. Lot size 5,315.23 square feet.

5. I desire to make the following changes (insert how the existing use will be changed or modified): The previous use of the building was a tattoo parlor in the front unit, and an apartment in the rear unit. We will be keeping the front unit as commercial use and the rear as residential. The previous owners were approved by the planning board instead of the zoning board, so we are attempting to correct this mistake and have the building be two uses. The front as a commercial cafe, and the rear as a residential apartment.

6. Plan prepared by: Joseph Courter

7. Type of Appeal:

- () An inspection of the () Zoning Ordinance () Zoning Map
- () A special exception to the Zoning Ordinance
- (x) A Variance from the strict application of the Zoning Ordinance
- (x) A Use Variance

8. I desire the Zoning Board of Adjustment to grant a Variance or a Special Use Permit (specify in detail action of the Zoning Officer)

We are asking your permission of two uses of the building. A Commercial Cafe in the front unit, and residential apartment in the rear unit.

Signature of Tax Collector

9. Set Forth in Detail, including all facts that you wish to rely on at the Hearing, why the Zoning Board should grant your application. (Application may be decided on reasons herein in the event that no one desires to be heard on the application). Attached is a copy of the 2006 plan. The use of the building was commercial in the front unit and residential in the rear. We are simply asking for the same two uses. We are planning on operating a vegan and gluten free cafe in the front unit, and living in the rear apartment. We are planning major upgrades to the appearance and use of 746 Shore rd. We believe this change will benefit our community by restoring a historical staple of Somers Point and offering new options for a growing market, while also bringing business to the area.
10. State Name, Address, and Telephone number of the Attorney representing the Applicant, if any. Kristopher J. Facenda
609-385-8791
2408 New rd. STE 2., Northfield, NJ 08225
11. Set Forth any previous applications made to this Board for the above property indicating date and result. On May 17th, 2006 and June 21st, 2006 this property was brought before the planning board instead of the zoning board. We were informed this was a mistake and would like to present it to the zoning board.
12. Applicants Telephone number: Home - (484) 524 - 2201
Work - (484) 524 - 2201

SITE PLAN AND SUBDIVISION

SITE PLAN

1. Property Land Use Commercial and residential
2. Density - Permitted _____
- Proposed 2 units/0.12 acres
3. Percentage of Building Coverage - Permitted _____
- Proposed 29.4
4. Number of Parking Spaces - Required 4
- Proposed 4
5. Number of Residential Units Proposed 1
6. Square Footage of Residential Units - Permitted _____
Square Footage of Lot 5,315.23 - Proposed 954

7. Front Yard Setback - Required 50'

- Proposed .2'

8. Rear Yard Setback - Required 30'

- Proposed 24'

9. Side Yard Setback - Required N S E W (Circle One) 15'

- Proposed 3.7'

9a. Side Yard Setback - Required N S E W (Circle One) _____

- Proposed _____

10. Building Height - Permitted _____

- Proposed 24 ft

11. Classification of Structure: One Story ☒ Two Story ___ Three or More ___ Other _____

12. Facilities for Trash and Garbage Disposal City

Private: Yes ___ No ☒

13. Buffer Zones - Describe Location and Extent Provided _____

14. Recreational Facilities Provided None

15. If Ten (10) Units or More are Proposed, an Environmental Impact Statement is Required.

SUBDIVISION

1. Total Area of Tract N/A

2. Portion being Subdivided _____

3. Number of Lots being Created _____

4. Purpose of Subdivision _____

5. Proposed Use of New Lots _____

Signature of Applicant or Representative

State of New Jersey, County of Atlantic County

Signature of Applicant or Attorney *[Signature]* CPM Enterprises, Managing Member

Signature of Notary _____

Sworn to Me on this 18th Day of May, 2020

Steven D. Scherzer, Esquire
**COOPER LEVENSON APRIL
NIEDELMAN & WAGENHEIM**
A Professional Association
1125 Atlantic Avenue - Third Floor
Atlantic City, N.J. 08401
(609) 344-3161
File 51247-39
Attorneys for Somers Point Planning Board

IN RE: APPLICATION OF VICTORIA J.
WORRELL FOR WAIVER OF SITE PLAN
APPROVAL AND VARIANCES FOR
PREMISES LOCATED AT 746 SHORE
ROAD, BLOCK 1613, LOT 2, CITY OF
SOMERS POINT, NEW JERSEY

SOMERS POINT PLANNING BOARD

**DECISION AND RESOLUTION
GRANTING WAIVER OF SITE PLAN
APPROVAL AND VARIANCES**

This matter having been heard by the Planning Board of the City of Somers Point (hereinafter referred to as the "Planning Board") on both Wednesday evening, May 17, 2006 and June 21, 2006 at its regular May and June meetings at the Somers Point City Hall, and a hearing on the application having been conducted with a quorum of the Board members having been present; and

WHEREAS, Victoria J. Worrell (hereinafter referred to as the "Applicant") having applied for site plan approval waivers together with variances with the consent and permission of the owners of record, William R. Smith and Leslie S. Smith on March 7, 2006 so as to convert a portion of 746 Shore Board (Block 1613, lot 2), (hereinafter referred to as the "Property") from an existing facility used by photographers into a body art (tattoo) parlor; and

WHEREAS, said application did not contemplate any exterior changes to the exterior building; and

WHEREAS, said application was accompanied by a March 6, 2006 plan entitled "site plan" prepared by Swiderski Associates; and

WHEREAS, a body art studio was deemed to be a permitted use in the HVC zoning district pursuant to Section 114-99 of the Zoning Ordinance in that it constituted a general business and was similar to a barber and beauty shop; and

WHEREAS, the Property was, nevertheless, non-conforming regarding parking and other ancillary bulk requirements; and

WHEREAS, said application was reviewed by Charles J. Riebel, Jr., PE PLS PP of the engineering firm of KEI Associates, PA on behalf of the Planning Board both on April 12, 2006 and on May 8, 2006; and

WHEREAS, the Applicant, through counsel, Carol Goloff, Esquire, having duly advertised and noticed the within Planning Board meetings pursuant to the applicable provisions of the Municipal Land Use Law at *N.J.S.A. 40:55D-1 et seq.*; and

WHEREAS, the Planning Board having commenced a hearing on the within application on Wednesday evening, May 17, 2006 and having adjourned same due to the lateness of the hour and having duly announced that the within hearing would be continued until Wednesday evening, June 21, 2006 and having, on June 21, 2006, continuing said hearing and having completed same on that evening and having identified and approved the requested variances at the conclusion of the June 21, 2006 hearing and now wishing to memorialize same by and through this Decision and Resolution; and

WHEREAS, as a reiteration of the record as established at the aforementioned Planning Board meetings, the following events duly occurred:

A. Carol Goloff, Esquire. Ms. Goloff made a brief introduction noting that she was making application on behalf of the Applicant for a waiver of site plan approval involving the existing commercial establishment located at 746 Shore Road, Block 1613, lot 2, Somers Point, New Jersey.

B. William Smith. Ms. Smith provided testimony as the property owners. He testified that the Applicant, Victoria J. Worrell, was a lessee. The within application concerned the storefront of the existing commercial use. The prior use was devoted to computer repair and two (2) photographers and a computer repair person. Mr. Smith purchased the Property in October of 2005. At present, the Property would accommodate five (5) or six (6) cars. Mr. Smith requested that the Board impose no changes to the parking scheme.

C. Chuck Somers. Mr. Somers is a police officer employed by the City of Somers Point. He was also a part owner of the within Property. He also requested no modification to the parking scheme.

D. Victoria Worrell. Ms. Worrell has been a tattoo artist for eight (8) years. She testified that in order for one to graduate beyond apprenticeship, one is required to have over 2,000 hours of work. She now owns and operates a similar tattoo facility in Atlantic City. The Somers Point facility will be her second location. She provided extensive testimony concerning the applicable New Jersey statutory regulations, as well as those regulations and requirements as imposed by the County Department of Health. She testified concerning the storage of medical waste – which was picked up, as needed, approximately one (1) time per year. She has no financial problems which would inhibit or detract from her ability to further this venture. Ms. Worrell then provided testimony regarding the amount of square footage necessary; i.e. each artist requires eighty (80) square feet. She planned to employ only two (2) artists. The facility also maintained a consultation area. The work area was fairly isolated and could not be observed from either the outside of the building or other portions of the store. Ms. Worrell permitted the Board to dictate the appropriate signage – she was comfortable with the concept of maintaining a relatively low key signage scheme. She further testified that there would be no drinking and no loud music at the location. The facility would not cater to bikers or minors. In addition to Ms.

Worrell, there would only be one (1) other employee at the site at any given time. She agreed to limit her closing hours to 9:00 p.m. plus a reasonable time thereafter in order to complete a body art design. No tattoos would be placed above the collar or would contain any racial materials.

E. Frank DiBona. Mr. DiBona provided testimony concerning his background as a body artist. He has been employed for three (3) years in this profession. He considers himself to be friendly, clean cut and professional. He testified that he contemplated that the facility would have an "at-home" atmosphere and would cater to other professionals and everyday people. Mr. DiBona also testified that he has completed the requisite courses. Although he has been an artist (not a tattoo artist) for thirty (30) years, he has not yet attained the 2,000 hours in the body art profession in order to rise beyond an apprentice.

F. William Swiderski. After being duly sworn and qualified as a licensed professional engineer and planner in the State of New Jersey, Mr. Swiderski provided testimony concerning this facility. The commercial structure maintains 1,400 square feet. The rear of the lot is open. He provided additional testimony concerning the overall site. Four (4) to five (5) cars can be parked. He testified that a tattoo parlor is a permitted use within the HVC zone – that zone requires one parking space for every 200 square feet, plus an additional two parking spaces for the apartment. Mr. Swiderski then provided testimony that a complete site plan application would also include a lighting scheme and a landscaping plan – both of which are unnecessary in this instance in that the Applicant does not contemplate making any further exterior changes and thus a lighting and landscaping scheme would be superfluous and unnecessary.

G. Engineer's Report. The Board then received and reviewed the May 8, 2006 engineer's report as proffered by Mr. Riebel. The Board spent a considerable amount of time reviewing the parking scheme and identified variances pertaining to the number of parking

spaces and the dimensions of the stalls. It was at this point of the proceeding that the presentation on May 17, 2006 was adjourned until June 21, 2006.

H. Carol Goloff, Esquire. At the commencement of the June 21, 2006 Planning Board meeting, Ms. Goloff presented the Board with a brief recap concerning the proposed lease, the licensure requirements of tattoo establishments, including Ms. Worrell's experience. She identified parking as being a major concern. She reiterated that the Property was already developed and that the within use was permitted. She identified variances regarding as set forth above.

I. William Swiderski. Mr. Swiderski then provided additional testimony concerning the twenty-nine (29) items as required to be addressed in the site plan ordinance. Twenty-four (24) of same were already contained within the plan that was previously submitted, with the remaining items not being necessary to the within application thus, in Mr. Swiderski's opinion, providing support and comfort to the Board in its determination as to waive site plan approval.

J. Engineer's Report. The Planning Board then refocused on the aforementioned engineer's report, with emphasis being given to the parking lot.

K. Public Session. At this juncture, the Board opened the within matter for public comment. Said comments included the following:

I. Robert Loefflad, Esquire. Mr. Loefflad entered his appearance on behalf of George Hyett, who owned properties at 749 Shore Road. Mr. Loefflad questioned and received answers from Mr. Somers concerning the prior usage of the Property by the photographers and the computer repair person. He also propounded questions and received answers from Ms. Worrell concerning the physical separation of the work stations, the sterilization of the equipment and the experience of the artists. Mr. Loefflad then proffered

various questions and comments concerning whether a change in use would trigger site plan approval, whether the use was, indeed, a permitted use pursuant to aforementioned Section 99A(5) and whether the case law as established in *Foster-Hyett Group, etc. v. W. Caldwell Planning Board*, 174 N.J. Super, 10(AD 1980) mandated that the requested relief must and should be denied. In response thereto, the Planning Board Solicitor advised the Board that while the change in use did, in fact, trigger site plan review, said review can be waived in accordance with Somers Point ordinance. Secondly, the proposed use was, indeed, a permitted use pursuant to the aforementioned section. Lastly, the Planning Board Solicitor advised that Mr. Loefflad had misread and/or mischaracterized the holding in the aforementioned *Foster-Hyett Group* case, which case clearly set forth the proposition that when (as in the within application) the Board was asked to consider a modification from one permitted use to another of a nonconforming property, the ancillary variances could, at the discretion of the Board, be approved.

2. Eileen Coope, residing at 1112 Pleasant Avenue, testified that she could not understand the parking scheme – especially if the cars egress onto Shore Road. Lastly, she does not believe that a tattoo parlor belongs in the neighborhood.

3. Harry McIntyre. Mr. McIntyre does not believe that the facility will be a motorcycle hangout. He believed that there should be some lenience on the parking.

4. Patty Cianci. Ms. Cianci was concerned about the K turn required in the parking area – she is against K turns. She already believes that parking on Shore Road is problematic. She was alarmed about the security. She also expressed some concern about the ages of the patrons.

5. Daniel Guolauskas. Mr. Guolauskas expressed concern about the hours of operation.

that the use was O.K. across from the police station – better than a strip mall.

7. Jack Franco. Mr. Franco feels that Somers Point would be better without a tattoo parlor.

8. Kim Bolen. Ms. Bolen expressed concern about the hours of operation and about biological waste.

9. Charles Somers. As part owner of the building, he testified that he grew up in Somers Point, lives here and works here and coaches football and t-ball. He provided a brief history of the Applicant in a positive fashion.

10. Barbara Shields who offered testimony that the two (2) tenants generate four (4) cars, seven (7) days a week, with a fifth car often present during the weekends. She believes there is inadequate parking.

L. Board's Determination. After a considerable discussion, the Board voted, with four (4) in favor and two (2) against, to waive site plan approval. Thereafter, the Board voted in favor of permitting the continuation of the parking scheme at present thus granting variances permitting three (3) parking spaces in conformity with the ordinance and requiring a \$2,000.00 contribution to the applicable parking fund and adopting all of the recommendations of Mr. Riebel as set forth within his aforementioned May 8, 2006 report unless modified herein.

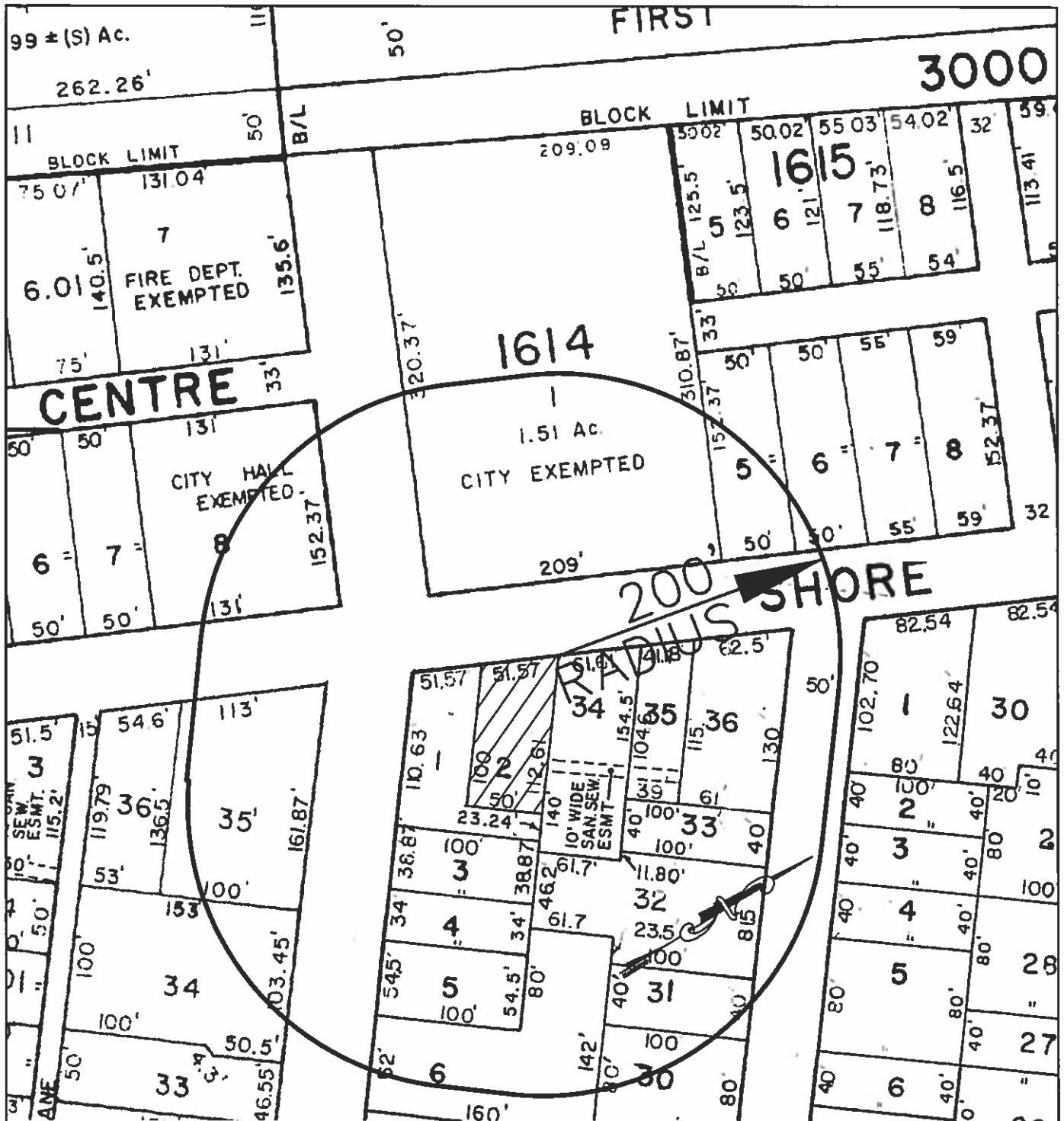
SOMERS POINT PLANNING BOARD

Dated: 7/19/06

By: Robert McVeigh, Acting Chairman

Georgiana Hutchinson, Secretary

CLAC: 218823



Graphic Scale - 1"=100'



NOTE: THIS IS NOT A SURVEY

Job No. 1000	Sheet 1	Sommers Point Atlantic County	200' Radius Map Block 1613, Lot 2 Tax Map Sheet 14, 15, & 21	 Kates Schneider Engineering, LLC Engineers Surveyors Planners 624 Shore Road Somers Point, New Jersey 08244 Phone: (609) 385-1747 Info@KSECivil.com	Gregory K. Schneider Professional Engineer New Jersey License No. 42577 <i>Signature</i>		Date 5/22/20	
					Designed STAFF	Drawn STAFF	Checked GKS	Approved GKS