

MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD

July 22, 2013

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  
Perry Conte  
Wayne Conrad  
Joselyn O. Rich  
Robert D. Bickford, Jr.  
Jill Gougher

Board Solicitor

Andrew Catanese

Board Secretary

Patricia H. Wagner

Zoning Officer

Joanne Mascia

Alternate Member Absent

Julian Miraglia

**Approve Minutes**

**Motion by Mrs. Rich and seconded by Mr. Conrad to approve the minutes of the May 20, 2013 session.**

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

**Motion by Mr. Bickford and seconded by Mrs. Rich to approve the minutes of the June 10, 2013 session.**

Affirmative votes: Mr. Hand, Mr. Conte, Mrs. Rich, and Mr. Bickford and Mrs. Gougher.

**Approve & Memorialize Subdivision SD 2013-002**

**Motion to approve by Mayor Walters and seconded by Mr. Conte to approve William D. O’Brien/John C.B. Weaver Family Trust Subdivision SD 2013-002.**

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

**RESOLUTION NO. SD-2013-002**

**WHEREAS**, William D. O’Brien (the “Applicant”) has applied to the Stone Harbor Planning Board for minor subdivision approval and hardship variance relief pursuant to N.J.S.A. 40:55-D-70 (c) (1) and (2) for required lot area and side yard setbacks to permit relocation of an existing lot line dividing existing lots known and identified as Block 110.01, Lot 13.01 and Block 110.01, Lots 11.02 and 13.02, as such appear on the Stone Harbor Tax Map, and which premises are located at 11024 First Avenue, and 8 111<sup>th</sup> Street, respectively, and situated in the Residential A Zoning District; and

**WHEREAS**, a hearing on this Application was held before the Stone Harbor Planning Board on May 20, 2013, at which time the Board heard the testimony of the witnesses and considered all of the evidence presented as to the Application; and

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**WHEREAS**, the Stone Harbor Planning Board, 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 Vincent L. Lamanna, Jr., Esquire.
4. The Applicant presented testimony from the following witnesses:
  - a. William D. O'Brien, 1702 Beachview Court, Bel Air, Maryland 21015;
  - b. Scott Brown, Guzzi Engineering & Associates, 203 South Main Street, Cape May Court House, New Jersey 08210; and
  - c. Pamela Fine, Blane Steinman Architect, LLC, 2220 Route 9 North, Clermont, New Jersey 08210.
5. Vincent L. Lamanna, Jr., Esquire provided an overview of the application, noting this is an application to relocate a lot line. No approvals are requested for the plans by Blaine Steinman submitted with the Application.
6. Mr. O'Brien was sworn and testified that:
  - (a) The current parking arrangement does not allow either of the two lots to have conforming off-street parking.
  - (b) He and his neighbor have reached an agreement to relocate the lot line to improve the parking arrangement.
7. Mr. Brown was sworn, qualified as an expert in engineering and land surveying, and testified as follows:
  - a. He prepared the proposed minor subdivision plan.
  - b. He provided an overview of existing and proposed conditions.
  - c. Existing off-street parking is poorly laid out, making off-street parking on existing lots 11.02/13.02 difficult.
  - d. The undersized nature of the lots presents a hardship upon the Applicant.
  - e. Providing more off-street parking will increase the amount of on-street parking available for the nearby recreation area.
  - f. The Application promotes N.J.S.A. 40:55D-2(g) and the benefits substantially outweigh any detriment.
  - g. The requested variances will not impair the zoning ordinance or zone plan.
8. Pamela Fine was sworn, qualified as an expert in architecture, and testified that the proposed plans will improve parking, as set forth on the plans (ZP) by Blane Steinman dated January 24, 2013.
9. The property presents a unique opportunity for improved parking.
10. There is virtually no impact of the proposed lot line relocation.

**WHEREAS**, the Board has determined failure to grant the requested relief would not result in exceptional and undue hardship upon Applicant because the existing lots could be improved to accommodate parking without variance relief without imposing exceptional practical difficulties upon the Applicant; and

**WHEREAS**, the Board has determined that the purpose of the Municipal Land Use Law, including the provision of adequate space for the permitted residential uses pursuant to N.J.S.A. 40:55D-2(g) would be advanced by a deviation from the Zoning Ordinance requirements, and the benefits of the deviation would substantially outweigh any detriment; and

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**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 the relocation of the lot line will have virtually no impact on existing conditions and because the total lot area nonconformity (both lots) is unchanged.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Stone Harbor on this 20<sup>th</sup> day of May, 2013 that the Application of Applicant for minor subdivision approval with variance relief as aforesaid is **GRANTED** pursuant to N.J.S.A. 40:55D-70(c)(2) only, **FINAL** approval, subject, however, to the following conditions:

1. Applicant shall comply with the comments of the municipal engineer dated May 3, 2013.
2. Applicant shall comply with all terms and conditions as set forth on the plan as finally approved.
3. Applicant shall obtain all necessary approvals, as appropriate, relating to the Soil Conservation Service, the Board of Health of the Municipality and/or County, the Cape May County Planning Board, CAFRA, Pinelands Regulations, and any and all other Municipal, County, State and Federal requirements.
4. The approval granted herein is for subdivision only and shall not constitute approval of the plans by Blane Steinman dated January 24, 2013.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Applicant and to the Planning Board for their records.

Approved: May 20, 2013  
Memorialized July 22, 2013

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Patricia Wagner, Secretary

**Waterfront Business District Committee Report**

Mr. Bickford reported that the subcommittee is making modest, yet tangible progress. A draft plan prepared by Heyer & Gruel was sent to Mr. Bickford on July 19, 2013. It includes sketches and various alternate visions for the WBD. The subcommittee is scheduling a conference with the planners later this week to review the submitted draft plan and make any revisions they feel necessary. The revised plans will then be distributed to Board members prior to the August 12<sup>th</sup> meeting and will be placed on the agenda for discussion.

**Residential C Zoning Committee Report**

Mr. Conte reported the subcommittee has not met as a group yet. Mr. Conte and Mr. Conrad have spoken to individual Court owners and their main concerns center around the overwhelming heights and close setback areas of the adjacent properties located on the numbered streets and the need for more living space. Court property owners state they are there by choice, but different economical reasons might force some to relocate. Mr. Conrad spoke of the historic significance of the Courts as a community within the Borough and the vestiges of the original architectural style of cottages.

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**7:00 p.m.**

**PUBLIC SESSION**

Mr. Hand opened the public portion of the meeting. No one spoke.

Public session was closed.

**NEW BUSINESS**

Mrs. Rich expressed her concern about the heights of the piling foundations now being put in place and asked if there is anything the Planning Board or the Borough Council can require so the exposed areas underneath a house can be disguised by breakaway walls or some type of landscaping. She feels that the piling foundations will forever change the visual landscape of Stone Harbor and not for the better. Mrs. Mascia and Mr. Catanese were unsure if the Board or Council can legislate that type of requirement but said they will check to see if this is allowable.

Mayor Walters noted the revised FEMA flood maps are expected to be released very soon and perhaps they will show lower required elevations and the possible removal of the V Zones. This might help with the piling type of foundation problem.

**OLD BUSINESS**

None

**ADJOURNMENT**

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

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

APPROVED: September 9, 2013

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