

MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD

October 7, 2013

4:30 p.m.

**CALL TO ORDER:**

The meeting was called to order by Mr. Conrad, who stated that all requirements of the “Open Public Meetings Act of 1975” had been met.

**ROLL CALL:**

Planning Members Present

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

Planning Members Absent

Thomas Hand

Alternate Member Present

Julian Miraglia

**Power Point presentation by Jerry Blackman, AIA, PP of OSK Design Partners – New flood maps and building height elevations.**

Mr. Blackman stated most properties in the Borough are located in the A Zone.

**Base Flood Elevations (BFE)** – Elevation of flood having a 1% chance of being equaled or exceeded in any given year. The Ordinance proposes a BFE of 9.0 feet as the lowest elevation.

**Freeboard** – An additional height used as a factor of safety in determining the elevation of a structure to compensate for factors that may increase the flood height.

**Lowest Horizontal Structural Member** – A beam or floor joist. For the purposes of this Ordinance, it is the member that is lowest in elevation and used for the framing of the first floor of a building.

**A Zone** – A special flood hazard area. It is the land in the floodplain subject to a 1% or greater chance of flooding in any given year. It is an area delineated on Flood Insurance Rate Maps (FIRM) as “A, AE, A1-30, A99, AR, AO or AH.”

**V Zone** – A coastal high hazard area. It is the land extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area that is subject to high velocity wave action from Storms. It is an area delineated on Flood Insurance Rate Maps (FIRM) as velocity zones “V, VE, VO or V1-30.” Wave heights are greater than 3 feet.

**Floodplain** – Any land area or watercourse that is susceptible to partial or complete inundation by water from any source.

The proposed base flood elevation of 9’, except for V Zones, would provide a consistent means to measure the height of buildings regardless of top of curb elevations and having 2’ of freeboard will allow for the placement of HVAC ducts and other mechanicals to be placed in a crawlspace above the BFE. The proposed regulations may earn a greater discount on flood insurance for Borough property owners. The current Community Rating System is 7 for a 15% discount and the new proposed regulations may give the Borough a rating of 6 for 20% discount.

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Maximum building height is proposed at 31' for a peaked roof and 23' for a flat roof in the A Zone. V Zone heights are proposed to be 32' for a peaked roof and 24' for a flat roof with the lowest horizontal structural member to be placed at the freeboard elevation.

Mr. Conrad asked for public comments.

Bernadette Parzych, 9925 Sunset Drive asked for clarification on the suggested 9' base flood elevation. Mr. Blackman and Mrs. Mascia reviewed the information with her.

Patti DiMarco, 364 93<sup>rd</sup> Street asked how the new regulations will affect insurance premiums for existing properties that are no longer conforming. Mr. Catanese and Mrs. Mascia reviewed the information with her.

Randall Turney, 9715 Third Avenue asked if the proposed ordinance Section 3A applies only to residential zones. Responding in the affirmative, Mrs. Mascia said at this time the proposal only covers residential zones, not commercial or the WBD.

Borough Council has introduced proposed Ordinance 1432 which will revise RGO Chapters 300 and 560 and has asked for the Planning Board to review and comment on the proposal. The following is the proposed ordinance:

**PROPOSED ORDINANCE NO. 1432**

**AN ORDINANCE AMENDING CHAPTERS 300 AND 560 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR AND REGULATING BUILDING ELEVATION AND HEIGHT**

WHEREAS, the Code of the Borough of Stone Harbor (the "Code"), at Chapter 300 (the "Flood Damage Protection Ordinance"), establishes regulations for flood damage protection within the Borough of Stone Harbor (the "Borough") including, without limitation, required building elevations; and

WHEREAS, Chapter 560 of the Code (the "Zoning Ordinance") regulates zoning in the Borough including, without limitation, minimum building height and setbacks; and

WHEREAS, recent amendments to the Best Available Flood Hazard Data issued by the Federal Emergency Management Agency ("FEMA") have altered the minimum base flood elevations in the Borough; and

WHEREAS, the Borough Council (the "Council") desires to implement changes to the Flood Damage Protection Ordinance and the Zoning Ordinance in order to provide for the safety and welfare of its citizens, and has determined the amendments set forth below achieve such purposes.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey, as follows:

**Section 1.** Ordinance No. 1416 of the Borough of Stone Harbor, adopted February 19, 2013, is hereby REPEALED.

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**Section 2.** The Flood Damage Protection Ordinance (Chapter 300) is amended as follows:

1. Code Section 300-2 is amended to insert the following definition:

BASE FLOOD ELEVATION – The higher of (i) nine (9') feet elevation as established by the North American Vertical Datum 1988; or (ii) base flood elevation based upon the Best Available Flood Hazard Data issued by the Federal Emergency Management Agency.

2. The definition of Elevated Building in Code Section 300-2 is amended as follows (inserted text is underlined, deleted text is ~~stricken~~):

ELEVATED BUILDING – A non-basement building (i) built in the case of a building in an area of special flood hazard to have the elevated floor one foot two (2') feet above base flood elevation, and in the case of a building in a coastal high hazard area to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers); (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood elevation. In an area of special flood hazard "elevated building" also includes a building elevated by means of solid foundation perimeter walls with openings of a minimum of one square inch for every one square foot of enclosed space. Fill shall not be used for an elevated building. In areas of coastal high hazard "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of open ~~wood~~-lattice work or insect screening

3. Code Section 300-13(C)(4) is deleted in its entirety.

4. Code Section 300-14.A is amended as follows (inserted text is underlined, deleted text is ~~stricken~~):

Residential construction. New construction or substantial improvement of any residential structure shall have (i) the lowest floor, including basement, elevated to one foot two (2') feet above base flood elevation; and (ii) all electrical, heating, ventilating, air-conditioning and other service equipment elevated to base flood elevation or higher.

5. Code Section 300-15.B(1) is amended as follows (inserted text is underlined, deleted text is ~~stricken~~):

Elevation. All new construction and substantial improvements located in the Coastal High Hazard Area (V Zones) shall be elevated on piling or columns, so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to one foot two (2') feet above the base flood level, with all space below the lowest floor's supporting member open or enclosed with lattice work or screening, so as not to impede the flow of water

**Section 3.** The Zoning Ordinance is amended as follows:

1. The definition of "Building Height" in Code Section 560-10 is deleted in its entirety and replaced with the following:

BUILDING HEIGHT.

A. In all residential zones (Residential A, B, B-P and C), Building Height shall be defined as the vertical measurement from base flood elevation as established by Section

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300-2 of the Borough Code to the uppermost point of a building, except as otherwise provided.

B. In all other zones, Building Height shall be defined as the vertical measurement from the curb level to the uppermost point of a building, except as otherwise provided.

2. Code Section 560-13.B.2 is amended to provide for maximum building height of 23' (flat roof) and 31' (peaked roof); provided that maximum building height in all Coastal High Hazard Areas shall be subject to maximum building heights of 24' (flat roof) and 32' (peaked roof).

3. Code Section 560-14.B.2 is amended to provide for maximum building height of 23' (flat roof) and 31' (peaked roof).

4. Code Section 560-16.B.2 is amended to provide for maximum building height of 23' (flat roof) and 31' (peaked roof).

5. Code Section 560-16.D.2(c) is amended to provide for maximum building height of fifteen (15') feet above base flood elevation..

6. Code Section 560-33.A is deleted in its entirety.

7. Code Section 560-35.A.4 is amended as follows (inserted text is underlined, deleted text is ~~stricken~~):

Exception to permit raising a nonconforming structure. ~~to the advisory base flood elevation~~ It shall be lawful to raise a nonconforming structure which is below the ~~advisory base flood elevation requirements of the Borough up to the advisory base flood elevation requirement (or up to one foot above) Borough's flood elevation requirements as set forth in Chapter 300 up to the Borough's flood elevation requirements as set forth in Chapter 300; as long as provided~~ the nonconforming structure is not otherwise expanded or relocated in such a manner as to increase or create a nonconformity. In so doing, the structure may be disconnected from all utilities without losing its protected status as a nonconforming structure. This § 560-35A(4) shall not relieve any applicant from maximum building height regulations.

8. Code Section 560-38.B is amended as follows (inserted text is underlined, deleted text is ~~stricken~~):

Bulkhead setback (bay waters and lagoons). On properties contiguous to back bay waters and lagoons, no building or other structure shall be located or erected within 10 feet of the established bulkhead line, except that (1) an uncovered open deck, with or without hand railings, may be located or constructed between the main building and the bulkhead to a maximum of 30 inches above the horizontal plate of the bulkhead; and (2) a landing measuring four (4') feet or less in width and four (4') feet or less in depth may be constructed at or below the height of the lowest finished floor of the principal structure along with stairs from said landing to a deck permitted under subsection 560-38.B(1) above; provided that (a) such landing and stairs are constructed for the purpose of gaining access to the principal structure; and (b) no such landing or stairs may be constructed in any side yard or within six (6') feet of the established bulkhead line.

9. Code Section 560-38.D(1)(a) shall be amended as follows (inserted text is underlined, deleted text is ~~stricken~~):

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(a) Landings/Stairs.

(i) When elevating a building ~~to be in conformance with ABFE FEMA map~~ to be at or above Base Flood Elevation, as defined in Chapter 300, stairs or steps leading to an entrance landing shall be permitted in yard spaces in all zoning districts; provided that such landing shall not exceed five (5') feet in width or five (5') feet in depth and further provided that no such stairs or steps shall be located ~~within 3 1/2~~ less than three and one-half (3 ½') feet ~~off from~~ a property line, except in the Residential C Zoning District, where ~~they may be placed within two feet of a side property line~~ no such stairs or steps shall be located less than two (2') feet from a side property line.

(ii) ~~Any other s~~Stairs or steps leading directly to an entrance or to an entrance landing of a building that does not comply with minimum elevation requirements shall be permitted in yard spaces in all zoning districts; provided that such landing shall not exceed five (5') feet in width or five (5') feet in depth and shall not exceed six (6') feet in height, and further provided that no such stairs or steps shall be located ~~within less than~~ five (5') feet ~~of from~~ a property line, except in the Residential C Zoning district, where ~~they may be placed within two feet of a side property line~~ no such stairs or steps shall be located less than two (2') feet from a side property line.

**Section 4.** If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

**Section 5.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 6.** This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

**Motion by Mr. Bickford and seconded by Mr. Conte recommending the Borough Council adopt the proposed Ordinance 1432 as introduced.**

Affirmative Votes: Mayor Walters, Mr. Conte, Mr. Conrad, Mr. Bickford, Mrs. Rich, Mrs. Gougher and Mr. Miraglia.

**NEW BUSINESS**

Mayor Walters and Mrs. Gougher reviewed the procedures for encumbering funds and the payment of funds for any professionals hired by the Planning Board.

1. Planning Board is to issue clearly defined goals when establishing any subcommittee projects.
2. Planning Board is to request written proposals for work done by outside professionals before any projects commence.
3. Planning Board must consult with the Borough Treasurer before committing any funds.
4. Borough Treasurer will issue Purchase Order (PO) encumbering funds and secure any necessary Council approvals.
5. Authorized PO's will be issued to the professional firm who may then commence their work.
6. Borough Treasurer will have Board Chairman and appropriate committee members review all invoices before releasing Borough funds.

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Members all agreed that communication is necessary for a Planning Board to be successful in all its endeavors.

**2014 Budget**

Mayor Walters announced the 2014 Budget process had started. Mayor Walters asked the Board to prepare a list of projects they want to start and estimate the associated professional fees. The Board Secretary will then submit the Board's proposed budget to the Borough's Chief Financial Officer.

All members agreed the Planning Board must be adequately funded in order to achieve the continued planning success of Stone Harbor.

**November Meeting Items**

2014 Budget Requests - Mrs. Gougher, Mr. Conrad and Mr. Hand to prepare a list of 2014 projects in order of priority.

Continued discussion of Waterfront Business District future along with a possible presentation to Borough Council. Have Heyer Gruel present at November meeting.

Residential C Zone – Subcommittee to have report on offering height relief to Court properties.

Parking for Motel/Hotel Zone and Waterfront Business District.

**PUBLIC SESSION**

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

Public session was closed.

**OLD BUSINESS**

Mr. Conte discussed the prohibition of duplexes in Residential A Zones.

**ADJOURNMENT**

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

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

APPROVED: November 4, 2013

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