

**MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD**

February 13th, 2023

4:30 p.m.

CALL TO ORDER:

The meeting was called to order by Mr. Bickford, who stated that all requirements of the "Open Public Meetings Act of 1975" had been met with the Press of Atlantic City having been notified of the Board's schedule for 2023 on December 16, 2022, and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board.

SALUTE TO THE FLAG

ROLL CALL

Members Present:

Robert D. Bickford Jr., Chairman
Tim Clay (Alternate I)
Wayne Conrad, Vice-Chair
Mayor Judy Davies-Dunhour
Reese Moore
Sandy Slabik

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier-Absent

Members Not Present:

Kevin Fischer
Frank Vault

Engineers/Planners:

Kates Schneider
Engineering, LLC

Approval of January 9th, 2023 Meeting Minutes

The Board considered the minutes for the January 9th, 2023 meeting. A Motion to approve the minutes was made by Mayor Davies-Dunhour and seconded by Dr. Clay. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Old Business

Fencing Ordinance

Mr. Kates provided an update of the Overlay Zone Ordinance to the Board. Mr. Kates explained that Borough Council had been experiencing issues with pool fencing regulations. In an effort to clarify requirements and enable enforcement for pool fencing, the Borough Solicitor asked Mr. Kates to segregate the pool fencing portion of the Overlay Ordinance and present it directly to Borough Council on March 7th, 2023. Mr. Kates summarized key sections of the drafted ordinance including fence panels will not exceed 48 inches and a final height to top of panel shall not exceed 54 inches. All fences exceeding four feet 54 inches in height shall be no closer than five feet to any property line. The height of the fence will be measured from the adjacent grade to allow for compliance with all applicable codes and standards.

Mr. Kates also noted the ordinance states "that it is the responsibility of the property owner where the pool is located to comply at all times with the fence height requirements for securing a pool. Where adjacent lot grades have been elevated due to lot grading requirements fence heights exceeding four feet will be permitted. A pool made non-compliant as a result of

adjacent lots being raised in compliance will have 180 days to bring the pool fencing into compliance from the date of notification of non-compliance by the Zoning Official." Mr. Kates further explained if a property owner's fence is out of compliance, he/she will only be obligated to adjust the portion of fencing facing his/her neighbor's pool. The Board discussed the proposed Fencing Ordinance and agreed to endorse the ordinance for Mr. Kates to introduce it to Borough Council.

Overlay Zone Update

The Board asked Mr. Kates for an update regarding the remaining portion of the Overlay Zone ordinance. Mr. Kates further explained the revisions to the existing ordinance. The drafted revisions would add a tenth class of district titled "Flood Mitigation Overlay District". Currently, the ordinance lists possible elevation triggers and reads that it is up to the developer and surveyor to determine if the property needs to bring the property up to grade (along with the Zoning Officer's corroboration). The revised ordinance will clearly identify the properties that are required to elevate to grade based on the classification of the district of where it is located. Mr. Kates added if an adjacent property has previously been elevated to conform to the current requirements and a retaining wall presently exists, backfill will now be required. Mayor Davies-Dunhour requested Mr. Kates present the proposed adjustments to the Flood Mitigation Committee for review. The standards will be used for new construction and substantial improvements. The change will benefit structures and the surrounding properties in low lying areas of the Borough. The intent and purpose is to improve resiliency, decrease property damage and loss, and increase sustainability within the Borough.

Plan Endorsement Plan

Mr. Kates relayed he reached out to Meghan Wren, the Borough's state liaison at the NJ Office of Planning Advocacy, to ask the status of the Borough's application. Mr. Kates said he had not heard anything back for a few weeks, but agreed to reach out to her again.

Linden Lane Discussion

Mr. Kates summarized his findings after his analysis of the Linden Lane properties. He explained the analysis was initiated at the request of Linden Lane property owners. The residents are requesting segregation from the Courts in the proposed Zone D or be included in the residential Zone C. Mr. Kates explained that the Linden Lane properties were more similar to the Court properties than the residential C Zone properties. Mr. Kates explained if the Board decided to include the Linden Lane properties with the Zone C properties, regulations of minimum lot size requirements to be conforming would decrease drastically. Dr. Slabik reiterated that if Linden Lane was categorized as Zone C, property owners may have more restrictive regulations than they do presently. Mr. Kates mentioned they would gain height and be able to add a second story. The lot coverage, building coverage, and setbacks requirements would decrease their usable space. The Board discussed the option of creating Zone D primarily for the Linden Lane properties. Mr. Kates and the Board agreed to modify the proposed Zone D ordinance to solely include Linden Lane and have the Board review the modifications at the March meeting.

New Business

Mr. Bickford asked members if there was any new business for discussion. There was none.

Public Comment

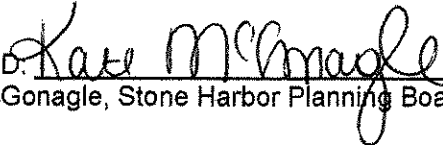
Mr. Bickford opened Public Comment.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to public comment to thank the Board for considering offering relief for Linden Lane residents. Mrs. Parzych expressed her interest in further discussing side yard setback standards for oversized properties of 70 ft. (or more) in width. Mrs. Parzych testified that the changes would allow for open space and the appearance of less density from the street view of a property. Mrs. Parzych gave suggestions for side yard setback measurements in accordance with the width size of the properties. Mrs. Parzych noted adjusting side yard setbacks would not affect the location of pools, accessory buildings, or the square footage of a dwelling. She mentioned it could possibly trigger a change for decks. Mrs. Parzych then asked the Board to consider decreasing the allowance of building height for dwellings.

Adjournment

Having no further business, Mr. Bickford called for a Motion to adjourn the meeting. Mayor Davies-Dunhour made the Motion and Mr. Conrad seconded.

APPROVED: March 14, 2023

ATTESTED: 

Kate McGonagle, Stone Harbor Planning Board Secretary