

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

March 13th, 2023

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 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:

Tim Clay (Alternate I)
Wayne Conrad, Vice-Chair
Mayor Judy Davies-Dunhour
Reese Moore
Sandy Slabik
Frank Vaul

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier-Absent

Members Not Present:

Robert D. Bickford Jr., Chairman
Kevin Fischer

Engineers/Planners:

Kates Schneider
Engineering, LLC

Approval of February 13th, 2023 Meeting Minutes

The Board considered the minutes for the February 13th, 2023 meeting. A Motion to approve the minutes was made by Dr. Slabik and seconded by Mayor Davies-Dunhour. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Old Business

Fencing Ordinance

Mr. Poudrier gave the Board an update on the Fencing Ordinance. He explained that presently the drafted ordinance is cohesive with the fencing regulations outlined in the Borough's zoning ordinance.

Mr. Poudrier further stated he was advised by the Borough Solicitor to segregate construction regulations from the draft. Separation of the construction requirements would give the Borough the authority to issue violations for fences that are out of compliance with the construction code. Mr. Poudrier noted the draft ordinance was introduced to Council and would be voted on at the March 21st, 2023 Council meeting.

Mr. Poudrier mentioned there has been discussion regarding the financial responsibility of properties with non-compliant fences around their pools created by adjacent property owners elevating their grade. Mr. Baldini explained that under the construction code, pool owners would be fiscally responsible for bringing their fences into compliance.

Mr. Poudrier clarified that the option of grandfathering properties would not be considered as out-of-compliance pool fencing is a safety concern.

Mr. Poudrier stated his office notified all new property owners with raised lots of the fencing regulations. He and the Code Enforcement Officer plan to visit every elevated lot and notify property owners that may be affected. Mr. Poudrier noted his office intends to send a letter to each homeowner applying for a pool permit or any property owners raising their grade under the standards in the Overlay Zone ordinance.

Overlay Zone Update

Mr. Kates presented the drafted amendments to the Overlay Zone Ordinance to the Flood Mitigation Committee for review. Mr. Kates noted the draft was well received and there were no changes to be made with the exception of minor clarification of language. Mr. Kates and the Board agreed to schedule the drafted ordinance move forward to be review by Borough Council at a future work session.

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 stated he had not heard anything, but agreed to reach out to her again.

Linden Lane Discussion

The Board discussed the option of revamping the defeated Zone D ordinance to solely encompass Linden Lane properties. The Board discussed stumbling blocks of why the draft was not adopted in the past. Fire safety, density and parking were mentioned. A petition of objection including signatures of at least 20% of homeowners within 200-feet of where the changes were going to take place was also a factor. The Board and Mr. Kates decided to move forward with modifying the draft and present it to the Board at the April meeting. Mr. Kates agreed to send a notification to Linden Lane property owners requesting their participation in the Linden Lane Discussion at the next meeting.

New Business

Flood Prevention Ordinance

Mr. Conrad asked members if there was any new business for discussion.

Mr. Poudrier brought forth the topic of the Flood Prevention Ordinance that had been discussed in previous years. Mr. Poudrier explained that in an effort to obtain CRS points, the Borough Engineer along with specialized consultants of CRS reviewed the current Flood Plain Ordinance. Mr. Poudrier stated the ordinance must be cohesive with the Master Plan. The drafted ordinance previously written by Mr. Baldini is being reviewed by the engineer and specialist. .

Mr. Poudrier informed the Board that in an effort to gain CRS points, there would be three changes in the ordinance that would affect planning in Stone Harbor. The first change would be establishing a three-foot freeboard. Currently the requirement is 2-feet. The adjustment would allow for all homes to gain a foot in height. The alternative is to remove the definition of building height from the flood ordinance.

The second modification is to establish a grade of ground level of 7-feet or 1-foot above the centerline of the roadway. Mr. Poudrier noted this adjustment would align with the Overlay Zone Ordinance.

The last change would be for the Borough to obtain a Flood Compliance Certificate. The certificate will allow for re-inspection of homes after they are built to ensure there hasn't been any conversion of high crawlspaces. The only allowances for this space is storage, parking or access to the dwelling. The certificate does not require inspection on homes built prior to January 1, 1999.

Public Comment

Mr. Conrad opened Public Comment.

Ms. Kara Sweet of 23 Stone Court spoke in support of revisiting the drafted Zone D Ordinance. Ms. Sweet noted the Master Plan offers relief for the Court properties. Ms. Sweet stated she believed most of the opposition of the drafted ordinance came from the homeowners of the numbered streets adjacent to the Courts. Ms. Sweet noted that many homeowners on the Courts are unable to apply for a variance or knock down their homes and rebuild due to numerous circumstances. Ms. Sweet also noted the potential hazards that could occur caused by the inability to renovate the homes or update appliances.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to public comment to speak about the disappearance of light and air by way of maximizing the houses-primarily in the A and B Zones. Mrs. Parzych testified that she believes adjusting the zoning code will help increase light and open space. Mrs. Parzych expressed the zoning standards could be changed, and there could be a reconfiguration of side yard setback standards for oversized properties. Mrs. Parzych also mentioned she was in support of providing relief for Court properties. Mrs. Parzych touched on the topic of the increased height in freeboard. She suggested decreasing the building height from 31-feet to 29 or 30-feet if the freeboard height increases.

Adjournment

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

APPROVED: April 10, 2023

ATTESTED:



Kate McGonagle, Stone Harbor Planning Board Secretary