

MINUTES OF THE REGULAR SESSION STONE HARBOR PLANNING BOARD

April 10th, 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)
Mayor Judy Davies-Dunhour
Kevin Fischer
Reese Moore
Sandy Slabik
Frank Vaul

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Members Not Present:

Wayne Conrad, Vice-Chair

Engineers/Planners:

Kates Schneider
Engineering, LLC

Approval of March 13th, 2023 Meeting Minutes

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

Discussion on the MPAP (Amendment to the Master Plan)

Mr. Poudrier explained that the Municipal Public Access requires an amendment to the Master Plan, therefore the plan requires consideration and adoption by the Planning Board. Mr. Baldini summarized MPAP as a plan required by the State of NJ solidifying the ways a municipality will grant public access to beaches and bays. Without the incorporation of the MPAP, the State can prohibit a municipality from obtaining a general beach maintenance permit which would interfere with day-to-day operations. Mr. Poudrier informed the Board that the stringent time frame for approval required the Planning Board to hold a tentative Special Meeting on April 24th, 2023. The ability to discuss the MPAP at the April 24th meeting requires a 2-week public notification. Mr. Baldini further explained that the notice was required to be submitted to the DEP and had been completed in a timely manner by Steve Morey. Mr. Baldini further stated a second notice is mandatory under the criteria of the MLUL whenever there is an amendment or revision to the Master Plan. Mr. Baldini confirmed this notification had been completed by the Board Secretary.

Mr. Baldini explained after approval of the Planning Board, the MPAP would then have to be adopted by Borough Council to become a policy of Stone Harbor.

Old Business

Fencing Ordinance

Mr. Poudrier gave the Board an update on the Fencing Ordinance. Mr. Poudrier stated that the Ordinance has been brought to Borough Council for first reading and will be presented for second, third and final reading at the second Council meeting in April. Mr. Poudrier stated the Ordinance will be official twenty days after the vote. He noted that he had issued his first fencing violation, and that he believes violations are not going to be as common as he once believed. Mr. Poudrier stated when a change such as lot grading occurs, it may trigger violations. To help alleviate the number of violations, he confirmed his office will be sending notices to owners of new homes and adjacent homeowners with pools informing them both that if either lot is altered, it may result in a violation. He also stated his office will be sending all property owners choosing to install pools a letter explaining pool fence regulations. Mr. Poudrier declared only a half a dozen pool fences are illegal at present.

Overlay Zone Update

Chairman Bickford asked for an update on the Overlay Zone Ordinance. Mr. Kates relayed that he is waiting for the approval from Council to be added to the Agenda to present the ordinance.

Plan Endorsement Plan

Mr. Kates relayed he had been in contact with Meghan Wren, the Borough's state liaison at the NJ Office of Planning Advocacy. Ms. Wren relayed the DEP is reluctant about approving centers on islands because of concerns such as flooding. The DEP is hesitant to allow commercial development on the island. The compromise is to pinpoint areas to shrink the nodes to allow the business districts to be part of the center. Mr. Kates explained Stone Harbor has discussed three centers, one in the business district and two satellite districts at the Marina and the South end of the island. Ms. Wren relayed the DEP is hesitant about the satellite centers but are favorable to the central center. Ms. Wren noted there is still a chance they may approve the node at the Marina. Mr. Kates added that Ms. Wren expects the Plan Implementation Agreement to be provided to Stone Harbor within the next month.

Linden Lane Discussion

Mr. Kates explained that letters to Linden Lane homeowners, asking for input, had been delivered. Mr. Kates went on to explain the modifications to the proposed Zone D ordinance. The first revision mentioned was the zoning of Zone D to be inclusive of Linden Lane. Area regulations were adjusted to reflect the smallest lots on Linden Lane. Minimum requirements for buildable lots include 925-square feet for lot area and 25-feet for lot frontage. Setbacks were modified for cohesiveness amongst Linden Lane properties. Building coverage and lot coverage remained unchanged. Building height was raised to 22' and habitable story allowance was changed to "two".

Mr. Kates began to mention areas that may warrant the most discussion from the Board. Topics included, but were not limited to accessory structures, exceptions of existing non-conformities, stairs, triggers for elevating the structure, and elimination of landings in the front yard. Trash

receptacles, bay windows and window seats were also mentioned. Heating and air conditioning equipment and fencing regulations consistent with the other zones of Stone Harbor were also discussed. The Board talked about the "Bump outs" or architectural features of the dwelling and parking. The Board agreed to review and analyze the ordinance and further discuss their thoughts at a future meeting.

New Business

Building Height as It Relates to the Proposed Flood Prevention Ordinance

Mr. Poudrier explained the DEP has drafted a model flood plain ordinance proposing to add a foot of freeboard (area above flood elevation) to properties. Mr. Poudrier explained when you raise the design flood elevation, building height will increase by a foot. Mr. Poudrier noted that there has been discussion outside of the Planning Board asking if Stone Harbor wants to allow the building height to increase by 1-foot or if it should decrease its building height from 31' to 30'. Mr. Poudrier explained some of the history of free boarding and building height changes occurring after Hurricane Sandy. Mr. Poudrier explained professionals he has been in contact with favor leaving the building height regulation so they can maintain the style that they are used to designing for the Borough of Stone Harbor rather than decreasing the building by a foot or flattening roofs. Building height would remain at 31' but would be measured from a design flood elevation which would increase by 1'. FEMA regulations and the difference between commercial and residential elevations were discussed in depth. Mr. Baldini explained that if there is no action, the code will automatically change the zoning code based off the FEMA requirements.

Habitable Story versus Story

Mr. Poudrier requested the Board recommend an amendment to the Zoning Ordinance regarding definitions. Mr. Poudrier explained that a couple of the definitions were contested at the March Zoning Board Hearing. In the Zoning Ordinance there are definitions for "habitable space" and a definition for "story", however the Zoning Ordinance references "habitable story" which is not defined. Mr. Poudrier explained the solution is the elimination of the word "habitable space" and add "habitable story" which should make for clearer interpretation.

Setback Discussion

Setbacks in Stone Harbor were thoroughly discussed. The setbacks on the bayfront in comparison to non-bayfront setbacks were mentioned. Mayor Davies-Dunhour noted that there should be consistency among discussion topics when considering density. Board Member Fisher explained how difficult it is to be consistent when considering properties that extend into the Bay (underwater). Mr. Fisher noted he would like to see larger properties with larger setbacks, but he didn't feel it was compelling to make a change at this time because there haven't been enough examples of current setbacks (especially in the center of the island) being overly problematic in terms of density. He mentioned how important it is for the group to consider changes carefully and diligently. Council Member Moore voiced his concern over the buyers that are purchasing adjacent properties. Mayor Davies-Dunhour noted that according to the Tax Assessor's Office, there are still over 300 oversized lots in Stone Harbor. Mr. Baldini suggested that if the Board decided to change setbacks, they could consider grandfathering lots

prior to the date of the ordinance. Mr. Vaul mentioned that would be consistent with the Master Plan. The Board agreed to consider this option and discuss the setbacks at the next meeting.

Public Comment

Mr. Bickford opened Public Comment.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to public comment to thank the Board for discussing the setbacks. Mrs. Parzych distributed a suggested plan for setbacks to Board Members. Mrs. Parzych announced setbacks could be measured by 40% less two feet on each side. She gave an example of a 60-foot lot with 10-foot setbacks on each side. Mrs. Parzych also took to public comment to express her support of second stories on Linden Lane, and agreed parking should be considered and also mentioned "bump outs" should be prohibited. Lastly, Mrs. Parzych encouraged the Board to allow adding a foot of freeboard but to consider decreasing the measurement for the building height by a foot.

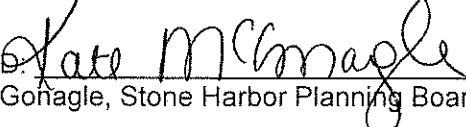
Ms. Cathy Carbone of Linden Lane participated in Public Comment to express her appreciation for the Board's consideration of allowing second stories on Linden Lane.

Adjournment

Having no further business, Mr. Bickford called for a Motion to adjourn the meeting.

APPROVED: May 8th, 2023

ATTESTED:



Kate McGonagle, Stone Harbor Planning Board Secretary