

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

June 12th, 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
Frank Vault

Members Not Present:

Kevin Fischer

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Engineers/Planners:

Kates Schneider
Engineering, LLC-Absent

Approval of May 8th, 2023 Meeting Minutes

The Board considered the proposed minutes for the May 8th, 2023 meeting. There were no corrections or changes made. A Motion to approve the minutes was made by Dr. Slabik and seconded by Mr. Conrad. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Old Business

Overlay Zone Update

Due to Mr. Kates' unanticipated absence, Chairman Bickford requested the Board postpone the discussion on the Overlay Zone Update until the July meeting. The Board concurred.

Plan Endorsement Plan

Mr. Poudrier informed the Board a meeting between he, the Mayor and Mr. Kates was held regarding the Plan Implementation Agreement (PIA). Mayor Davies-Dunhour mentioned the plan still needs to be addressed formally. Mr. Poudrier stated it would be best if Mr. Kates relayed the details of the meeting at the July 2023 Meeting. Chairman Bickford and the Board agreed.

Linden Lane Discussion

Mr. Bickford explained he spent time observing the area of Linden Lane after the May meeting and is supportive and sympathetic to the general notion of allowing property owners more space and flexibility in the area. Mr. Baldini noted that there is a drafted ordinance, but Mr. Kates was looking for direction for specific details in reference to lot coverage, non-conforming structures and other critical concerns. Mr. Moore and Mr. Vault mentioned consideration of formal designations for parking on Linden Lane. The Board agreed to hear from residents during the Public Comment portion to get the input of affected residents.

Flood Prevention Ordinance

Mr. Poudrier reported the ordinance has been enforceable since May 30, 2023 and is working well. Mr. Poudrier stated he had not heard additional feedback from homeowners or designers since the last planning board meeting. Concerns of rising sea levels were briefly discussed amongst board members.

Ordinance Update-Definitions (Habitable Story and Space)

Mr. Poudrier stated he and Mr. Baldini considered re-writing the definition of "habitable story" in the ordinance. After discussion, Mr. Poudrier believes it would be better to simply remove the word "habitable" from Zones A, B, and C in the ordinance and keep the definitions as they are. Mr. Poudrier explained if they tweaked the definitions, many ordinances would have to be reviewed and possibly amended. Mr. Poudrier explained that two stories would be considered two stories, regardless if a story is habitable. Mr. Poudrier declared the removal of the word "habitable" would allow the ordinance to be read as it has been interpreted for the last 35 years.

Setbacks Discussion

The Board requested Mr. Baldini draft an amendment to the current ordinance reflecting setback changes previously discussed. Mr. Baldini agreed to make the proposed amendments and present the Board with the changes at a future meeting.

Fencing Ordinance

Mr. Poudrier gave the Board an update on the Fencing Ordinance. Mr. Poudrier relayed the Council's interpretation of the way the fence ordinance is written. Council interpreted fencing compliance requirements to be specific to the adjacent side of the fence that is out of compliance. Mr. Poudrier asked the Board if they wanted to add language to the ordinance requiring the exposed side of fencing be finished (facing the adjacent property). Mr. Poudrier also asked if language should be added to the ordinance to waive fees for out of compliance fences. Mr. Poudrier explained his office sends letters to homeowners notifying them of non-compliant fencing triggered by the lot grading ordinance. Mr. Poudrier asked for the Board's consideration for the fee to be waived. The Board agreed with the idea of waiving the fee. Mr. Poudrier agreed to work with Mr. Baldini to draft the additional language discussed. The required height of fencing were discussed. Mr. Poudrier noted that allowing for a 6-foot fence around properties with pools would alleviate the problems triggered by the lot grading ordinance. Mr. Moore noted that 6-foot fencing would address the existing issues and make for a more consistent look moving forward. The current ordinance requirement is 54" from adjacent grade. Mayor Davies-Dunhour asked Mr. Poudrier if 6-foot fencing would be required for all properties. Mr. Poudrier stated the requirement would only apply to properties with pools that are adjacent to elevated lots. Mr. Poudrier further explained if a property did not have a pool, the homeowner would have a choice of a 4-foot fence or a 6-foot fence. Mr. Poudrier explained the

requirements should be restricted to the rear of the properties, beginning at the back corners of the house to the rear lot line. Mr. Baldini agreed to draft the fence ordinance addressing 6-foot fencing for any property with a pool.

New Business

Reeds at Shelter Haven - Valet/Loading Area

Chairman Bickford opened the meeting to new business. A request to expand the Valet/Loading area at the Reeds at Shelter Haven was discussed by the Board. Mayor Davies-Dunhour stated she was waiting on feedback from the Stone Harbor Police Chief regarding the topic. Mr. Vaul agreed to ask the Fire Chief for his input. The Board came to the consensus to table the topic until feedback was gathered from the public safety officials.

Chairman Bickford asked if there was any other new business. There was none.

Public Comment

Chairman Bickford opened Public Comment.

Ms. Angela Chittenden of 155 104th Street took to Public Comment to address issues she is having relating to fencing and lot grading. Ms. Chittenden explained the property to the rear of her property has an elevated lot. Ms. Chittenden also stated the 4-foot retaining wall facing her property is unfinished, and because the rear property has a pool, the builder is adding a 4-foot fence on top of the retaining wall. Ms. Chittenden stated she is now looking at an 8-foot wall/fence when she is in her backyard. Ms. Chittenden is concerned the retaining wall and fence may affect her property value. She asked the Board to consider her scenario when discussing increased fencing heights. The Board considered various options to address Ms. Chittenden's concerns, included but not limited to only requiring elevated grades in the overlay zone or leaving the ordinance as is to have consistency across the island.

Mr. Paul Massing, took to public comment to give a quick history of the Reed's loading zone. Mr. Massing explained he was a part of the project when the zone was first established in 2011/2012. Mr. Massing explained the current request is for the purpose of valet parking, not loading and unloading. He stated 97th Street is typically used for deliveries. Mr. Massing explained barriers and planters were installed in an effort to alleviate traffic backup resulting from hotel patrons pulling up in front of the hotel for valet parking. Mr. Massing further explained the barriers created an obstruction that made it difficult for most hotel patrons to utilize 20-feet of the loading/valet zone. Mr. Massing declared the main intention of adding space to the loading zone/valet parking area is to minimize congestion of traffic, especially because the amount of hotel rooms has increased since the establishment opened.

Ms. Lisa Wetzler of X-8 Linden Lane took to Public Comment to express support of restrictive parking on the Northside of Linden Lane. Ms. Wetzler stated that she would not have a problem eliminating nor allowing bump outs. Ms. Wetzler noted she believes there are ways to have (almost) a full second story without a dwelling looking boxy. Ms. Wetzler also suggested ways for properties to be "greener". Ms. Wetzler concluded her comment by expressing her appreciation to the Board for considering the ordinance.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to public comment to express her support of granting Linden Lane homeowners relief in terms of additional space. Mrs. Parzych spoke on the fencing issue by stating she believes property owners have the right to maintain the beauty of their own yards, however she doesn't agree 6-foot fencing should be permitted around an entire yard. Mrs. Parzych expressed her appreciation of the Board's consideration to draft a setback ordinance. Mrs. Parzych also stated she agreed that the tide is rising and reiterated she does not want to see an increase design height.

Adjournment

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

APPROVED: July 10th, 2023

ATTESTED: Kate McGonagle
Kate McGonagle, Stone Harbor Planning Board Secretary