

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

July 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)
Wayne Conrad, Vice-Chair
Mayor Judy Davies-Dunhour
Kevin Fischer
Reese Moore
Frank Vault

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Members Not Present:

Sandy Slabik

Engineers/Planners:

Kates Schneider
Engineering, LLC

Approval of June 12th, 2023 Meeting Minutes

The Board considered the proposed minutes for the June 12th, 2023 meeting. There were no corrections or changes made. A Motion to approve the minutes was made by Mr. Conrad 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

Overlay Zone Update

Mr. Kates relayed he had presented Borough Council with the Overlay Zone Ordinance during a Workshop meeting and is anticipating adoption at an upcoming council meeting.

Plan Endorsement Plan

Mr. Kates informed the Board he had attended a meeting with Mayor Davies-Dunhour, Manny Parada and Ray Poudrier regarding the Plan Implementation Agreement (PIA). Together the group went through the PIA line by line, dissecting actions the Borough was already complying with, and actions listed in the report that may be areas of concern.

Mr. Kates addressed the Office of Planning and Advocacy with the findings discussed at the meeting. Mr. Kates explained he and the state also went through the PIA line by line, which resulted in a few changes to the document as well as clarification of the areas of concern.

On June 21st, 2023, Mr. Kates met with the State Plan Implementation Committee, Meghan Wren, the representative working with the Borough, presented Stone Harbor's case for Plan endorsement. Mr. Kates declared the plan was very well received by the committee.

Mr. Kates informed the Board that he presented the PIA to Borough Council on July 3rd, 2023, noting the final step of the plan is for the governing body to approve and adopt a resolution endorsing the plan. Mr. Kates relayed Borough Council had concerns regarding items in the plan being potentially burdensome for the municipality. Mr. Kates mentioned the benefit of implementing the plan would be to bring Stone Harbor in alignment with the State's planning practices. The result of being aligned with the State's practices, Stone Harbor is more likely to receive grant funding and the implementation of beneficial programs. Mr. Kates also noted that many of the actions in the agreement are already being addressed by Stone Harbor, and other actions listed have extended deadlines for completion, so the plan may not be as onerous as it appears.

The PIA was presented to the State Planning Commission on July 5th, 2023. The report was received well by a majority of the Commission. The DEP representatives had concerns because they believe the center designation Stone Harbor is proposing is too broad. Mr. Kates noted the DEP is discouraging centers away from the barrier islands. The DEP felt the centers should be based on existing residential structures in the business district, in contrast to implementation of a center including residential structures that could eventually be redeveloped into commercial structures in the future. Mr. Kates mentioned the area along the waterfront district, specifically around the Shelter Haven Basin. During the meeting, the Assistant Governor's Representative noted that Stone Harbor's stringent flood mitigation methods would give incentive to redevelop the properties and bring them into conformance of the mitigation standards, resulting in an overall net benefit to the Borough. The PIA was ultimately passed at the meeting.

During Board discussion, Mr. Fisher and Mr. Moore shared concerns about the cost benefit of implementing the plan. Mr. Kates answered that potential grant funding is the biggest benefit of the PIA. He also noted that many of the more difficult requirements in the plan are already being met as the Borough is operating under requirements of the MLUL, the Sustainable Jersey Certification, and standards of the CRS program. Mr. Kates also mentioned some of the line items are required, while others are recommended. Some requirements in the plan may be met by simply having a discussion regarding the topic. Mr. Kates addressed concerns by declaring there is no penalty if the Borough participates in the program and then decides to withdrawal participation due to onerous requirements. The Board decided to thoroughly re-review the material in the PIA before the next meeting. Mr. Kates agreed to break the plan down and summarize the material for clarification purposes. The Board agreed to revisit the discussion at the August meeting.

Linden Lane Discussion

Mr. Kates provided a summary of past discussion regarding the modified Zone D ordinance. Five-foot setbacks were mentioned as well as second floor setbacks, dormers, non-conforming structures, parking, and non-habitable overhangs. Mr. Poudrier described the dimensions of current non-habitable overhangs which allow for a maximum of 20" out, no footing, and 10' in width. Mr. Moore mentioned restricting bump outs on ground level stories due to limited space between structures. Mr. Poudrier noted the only concern with allowing second floor bump outs was accessibility of a fire ladder truck in the event of an emergency. The Board reiterated the restriction of parking on the North-side of Linden Lane, which they felt did not pose an issue. Second floor habitable area will allow for 30% of the total lot area, an increase of 5% from the original Zone D ordinance. Stairs will not be considered habitable space. Second stories will have setback requirements. To take advantage of having a second story, any non-conforming parcels would be required to become conforming.

Mr. Moore asked for opinions on allowing the same amount of square footage on the second as on the first. Mr. Fischer and Dr. Clay voiced opposition of equal square footage on second floors because it would hinder open air, light and space.

The Board agreed to allow for setbacks on both sides of the second floor, second floor (front) decks that cannot extend behind the front face of the structure and shall not encroach into three foot the side setbacks from the sidewalls of habitable area, and flat roofs to accommodate front facing decks. Mr. Bickford declared he was eager to move forward with the ongoing discussion to bring the ordinance to fruition. The Board agreed to have Mr. Baldini & Mr. Kates work together to finalize the draft and present the draft at the August meeting.

Drafted Ordinance Amending Chapter 560

Mr. Baldini presented the Board with a drafted ordinance amending Chapter 560, Zoning of the Revised General Ordinances. Mr. Bickford explained the ordinance addresses many of the concerns that the Board has previously discussed including definitions, side-yard setbacks, fencing regulations, and the established bulkhead line.

Mr. Baldini explained the bulkhead line and the definition of story are housekeeping amendments. He mentioned the current tax maps do not include the bulkhead line, so the amended notes to use the tax maps that do include the bulkhead line. Mr. Baldini noted the term "habitable" was removed to provide clarification for interpretation of the definition of the term "story".

Mr. Baldini explained one new change in the ordinance is the allowance for residents to install fences when their rear property faces another property with a retaining wall. Homeowners will be permitted to use the fence to hide the retention wall that is triggered by the lot grading ordinance.

Another significant change to the ordinance is the setback exceptions. Mr. Baldini stated the setback exceptions will give the Board a frame of reference for discussion. Mr. Bickford explained the ordinance creates a context for lot combinations as opposed to existing oversized lots.

Mr. Bickford voiced the concern of addressing multiple amendments in one ordinance. Mr. Bickford explained it may be difficult to pass if Council agrees with certain changes but not others. Mayor Davies-Dunhour concurred. Mr. Baldini agreed to segregate the changes into multiple ordinances. The Board agreed to make an ordinance for the bulkheads and definition clarification, another for setbacks, and a third ordinance to address fencing.

Mr. Poudrier raised an additional concern over the language under zoning code 560-38. Mr. Poudrier found that encroachment into side-yard setbacks on the beach and bayfront homes is prohibited. He further explained that this section of the ordinance has not been enforced by him, or the previous Zoning Administrator. Mr. Poudrier recommended completely removing the requirement since it has not been common practice for decades. The Board agreed. Mr. Baldini also agreed to make the amendments to remove the language.

Reeds at Shelter Haven - Valet/Loading Area

Mr. Bickford open discussion for the Reeds Valet/Loading Area request. Mr. Vaul informed the Board that he had spoken with the Fire Official, who had some safety concerns regarding the traffic congestion on both Third Avenue and 97th Street, depending on where the expansion would be. Input from the Police Chief of Police had not been obtained at the time of the meeting. After thorough discussion, the Board agreed that the Reeds could use more space, and if the zone could be moved further south, it would increase public safety.

New Business

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

Public Comment

Chairman Bickford opened Public Comment.

Ms. Susan Rose of X-2 Linden Lane took to Public Comment to vocalize her support of allowing increased space on Linden Lane. Ms. Rose spoke about aesthetics, and expressed she felt homeowners should be allotted an extra 33% of space for a second floor. Ms. Rose spoke about changes over time and the need for relief in terms of space. Ms. Rose noted Linden Lane is different from the Courts and asked the Board to continue with efforts to finalize the proposed Zone D ordinance.

Jim Hayden of 8207 Second Avenue and 9401 Sunset Drive took to Public Comment to speak about his condominium on 94th Street and the pilot project taking place in the area. Mr. Hayden was advised to present his concerns to Borough Council, as the Planning Board is not overseeing the project.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to public comment to talk about the 5-foot setbacks in the proposed Zone D. Mrs. Parzych expressed support of granting Linden Lane homeowners' relief in terms of additional space. Mrs. Parzych requested the Board have a more detailed discussion about the Plan Implementation Agreement.

Adjournment

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

APPROVED: August 14th, 2023

ATTESTED: 
Kate McGonagle, Stone Harbor Planning Board Secretary