

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

August 14, 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
JT LaKose
Reese Moore
Sandy Slabik
Frank Vaul

Members Not Present:

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Engineers/Planners:

Kates Schneider
Engineering, LLC

Oath of Office & Oath of Allegiance of Alternate II Member, JT LaKose

Mr. Bickford welcomed JT LaKose back to the Board. Mr. Bickford explained Mr. LaKose would be filling the position of the Board's Alternate II member. Mr. Baldini administered the Oath of Allegiance and Oath of Office for Mr. LaKose.

Approval of July 10, 2023 Meeting Minutes

The Board considered the proposed minutes for the July 10th, 2023 meeting. There were no corrections or changes made. A Motion to approve the minutes was made by Mr. Conrad 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

Overlay Zone Update

Mr. Kates informed the Board that the updates to the Overlay Zone Ordinance would be presented to Borough Council during the workshop portion of the council meeting scheduled for August 15th, 2023. Mr. Kates added the ordinance would be up for 1st reading at the subsequent council meeting if it were approved at the workshop.

Plan Implementation Agreement

At the Board's request, Mr. Kates presented the Plan Implementation Agreement in the form of a color-coded diagram classifying difficulty levels of each action listed in the plan. Mr. Kates took the time to go through each line and explain if the action was relatively easy (green), difficult (orange), somewhat time-consuming (yellow) and complete (blue). Mr. Kates also mentioned that some actions are required while others are recommended. Mr. Kates briefly summarized the details of each action, timing requirements, relation to the Borough's Master Plan, and benefits and difficulties the Borough may endure by adopting the plan. Several actions mentioned are currently required under the MLUL. Mr. Kates further explained many actions are also consistent with Sustainable Jersey and CRS. Benefits of the plan included boosting green initiatives, expanding open space, climate change resiliency, historical preservation, installation of green infrastructure, and combating flooding due to increased sea level rise. Difficulties mentioned were funding and the time it would take to complete the number of items contained in the report; however, Mr. Kates reminded the Board that not all items in the plan are required. Mr. Kates stated if the Borough chooses to adopt the plan, but finds the actions are too time-consuming or financially difficult to adhere to, the Borough could discuss funding from the State or modification of the requirements. Mr. Kates reminded members the plan is a collaborative effort with the state. The state stressed the intent is not to be a financial burden. Mr. Kates gave a rough estimate of municipalities pursuing plan endorsement. Out of the 566 municipalities in NJ, around 130 municipalities possess an approved plan endorsement and another 80-100 are pursuing plan endorsement. Mr. Kates also noted if the Board decided to move ahead and adopt the plan, but realizes the checklist is too onerous, there are no foreseen penalties for falling short. Mr. Conrad stated the penalty would be not taking the plan seriously as a basis for conversation. Mr. Conrad also suggested a collaborative effort between Stone Harbor and Avalon's Green Teams. Mr. Moore and Dr. Slabik said implementing the plan would be time intensive for planning. Examples given by Mr. Moore were who is tackling what, determining priorities, and the overall workload required by the tasks. Mayor Davies-Dunhour suggested the Go Green Team's role in addressing many of the tasks. Mr. Bickford & Mr. Fisher agreed to endorse the plan because the benefits outweigh the burdens the plan may create, especially because the plan is not binding. Chairman Bickford called for a Motion to recommend endorsing the plan to Borough Council. Dr. Slabik moved the motion with Mr. Conrad seconding. All eligible members voted in the affirmative.

Linden Lane Discussion

Mr. Bickford summarized previous highlights discussed to finalize an ordinance to present to Borough Council to establish Zone D for Linden Lane properties. Mr. Bickford asked the Board to finalize the discussion and move forward with the ordinance. Mr. Baldini updated the Board with the information that the Stone Harbor Zoning Board of Adjustments had an Application for 23 Stone Court requesting a second-floor, but the Board denied the Application. Mr. Baldini reminded the Board the original proposed Zone D ordinance (which included Court properties) was denied by Borough Council because of the lack of a super majority vote of council members. Mr. Baldini explained that if the Board did not move forward with the ordinance, Linden Lane residents would begin individually applying to the ZBA for variances. The first topic of discussion is the requirement to bring existing non-conformities into compliance prior to renovations were discussed. Mr. Kates distributed visual representations of Linden Lane homes with five-foot setbacks and 40% buildable area. There was discussion regarding the limitation of overhangs or "bump outs". The Board came to a consensus to eliminate bump outs entirely after hearing Mr. Poudrier express they could cause access issues in the event of an emergency. Mr. Kates also mentioned second stories would allow an addition of 30% of the lot area. Mr. Fisher voiced concern over the requirement of second floor setbacks. Stairwells would be exempt from the calculation. Second floor decks will be permitted, but decks cannot extend beyond the front face of the structure or encroach into the 3-foot side yard setback from each sidewall of

habitable area of the first floor. Flat roofs to accommodate second floor decks must be at the design flood of 10-feet and no higher. Mr. Conrad voiced his opinion by declaring Linden Lane is a distinct area which merits separate consideration in terms of zoning. The Board agreed there has been no negative feedback from adjacent homeowners of Linden Lane properties.

Ordinance Update-Definitions Habitable Story & Bulkheads

Mr. Baldini presented the drafted ordinance containing habitable "story" and bulkheads. Mr. Baldini explained the current tax map does not have the bulkhead line indicated on the map, so the ordinance was changed to note the map used to identify the bulkhead line will be the most recent tax map illustrating the bulkhead line. In terms of habitable story, Mr. Baldini explained the current ordinance uses the terms habitable story, stories and habitable space. Under the recommendation of the Zoning Office, the new ordinance reflects the removal of the word "habitable" in the ordinance to develop cohesiveness and ease of interpretation throughout the ordinance. Chairman Bickford called for a Motion to recommend the ordinance to Borough Council. Mr. Fisher moved the motion with Mr. Conrad seconding. All eligible members voted in the affirmative.

Setback Ordinance

Mr. Baldini presented the draft of the setback ordinance intended to address oversized lots in the Borough. Mr. Baldini explained existing oversized lots will be grandfathered and calls for any newly created oversized lots to have graduated setbacks based on the size of the lot. Chairman Bickford called for a Motion to recommend endorsing the plan to Borough Council. Chairman Bickford called for a Motion to recommend the ordinance to Borough Council. Mr. Vaul moved the motion with Mr. Fisher seconding. All eligible members voted in the affirmative.

Fencing Ordinance

Mr. Baldini presented the genesis of the fence ordinance. Mr. Baldini explained the drafted ordinance addresses retaining walls. The proposed ordinance states homeowners are able to install a fence at the height of a retaining wall, if the homeowner is facing a retaining wall installed at an adjacent property. Mr. Poudrier also noted the "nice" part of the fence should be facing the neighboring property. Mr. Baldini announced the language in the ordinance is not to be confused with the standards for pool fencing. The ordinance also states if fencing becomes non-compliant because an adjacent property raises the grade, the fencing permit fee will be waived. Chairman Bickford called for a Motion to recommend the ordinance to Borough Council. Mr. Conrad moved the motion with Mayor Davies-Dunhour seconding. All eligible members voted in the affirmative.

Encroachments Into Side Yard Along Beach and Bay Ordinance

Mr. Baldini presented the drafted ordinance to address encroachment into side yard setbacks along the beach and the bay. Currently, the ordinance prohibits encroachments. Mr. Baldini noted the long-standing Construction Office and Zoning reviews have allowed the encroachments. The drafted ordinance will bring the ordinance and reviewing office practice and policies into alignment. Chairman Bickford called for a Motion to recommend the ordinance to Borough Council. Mr. Fisher moved the motion with Mr. Vaul seconding. All eligible members voted in the affirmative.

New Business

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

Public Comment

Chairman Bickford opened Public Comment.

Allison Rufe Burkard of OSK Design Partners took to Public Comment to request clarification regarding the drafted setback ordinance. Ms. Rufe Burkard asked about the impact the ordinance would have on corner lots. Ms. Rufe Burkard stated she plans to attend the council meeting on September 5th, 2023.

Ms. Susan Rose of X-2 Linden Lane took to Public Comment to vocalize her support for allowing increased space on Linden Lane. 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. Ms. Rose requested access of a copy of the drafted ordinance before it is approved,

Mrs. Bernadette Parzych of 9925 Sunset Drive took to Public Comment to ask for clarification on the restriction of the bump outs on Linden Lane and other zones on the island.

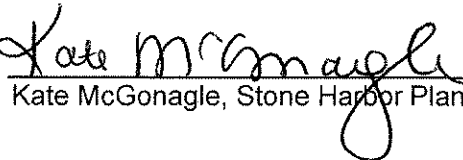
Ms. Lisa Wetzler of X-8 Linden Lane took to Public Comment to express support of granting relief to Linden Lane. Ms. Wetzler listed multiple examples of how Linden Lane differs from the Court properties. Ms. Wetzler also testified that she would use the potential extra space for flood prevention purposes and other safety preventions.

Adjournment

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

APPROVED: September 11, 2023

ATTESTED:



Kate McGonagle, Stone Harbor Planning Board Secretary