

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

**September 11, 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  
Kevin Fischer  
JT LaKose  
Reese Moore  
Sandy Slabik  
Frank Vaul

**Members Not Present:**

Robert D. Bickford Jr., Chairman

**Solicitor:**

Paul J. Baldini

**Board Secretary:**

Kate McGonagle

**Zoning Officer:**

Ray Poudrier

**Engineers/Planners:**

Kates Schneider  
Engineering, LLC

**Statement by the Vice Chairman**

Mr. Conrad began the meeting with a personal statement. Mr. Conrad gave a summary of his history in planning and his understanding of the way a planning board operates. Mr. Conrad reminded the Board that planning boards are advisory to a municipality's governing body. The Planning Board is tasked with the responsibility of making decisions that are in alignment with the laws of NJ. Before a decision is made, the Board reflects on the context of the history of Stone Harbor while looking toward the future and considering topics that may potentially affect the Borough. Mr. Conrad noted the Planning Board has mandated functions that require collaboration with knowledgeable professionals, such as the role of a planner. Mr. Conrad reiterated the Planning Board's responsibility is to make recommendations to the governing body. It is solely the governing body that retains the power to accept, reject or clarify any recommendation provided by the Planning Board. Mr. Conrad concluded by declaring how important it is to keep said facts in mind.

**Approval of August 12<sup>th</sup>, 2023 Meeting Minutes**

The Board considered the proposed minutes for the August 12<sup>th</sup>, 2023 meeting. There were no corrections or changes made. A Motion to approve the minutes was made by Mayor Davies-Dunhour and seconded by Mr. Vaul. 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 reminded the Board that the update to the Overlay Zone Ordinance was presented to Borough Council during the workshop portion of the council meeting scheduled on August 15<sup>th</sup>, 2023. Mr. Kates informed members Borough Council requested William Cathcart of DeBlasio and Associates to review the most recent version of the ordinance and bring his recommendation back to Borough Council.

### **Plan Implementation Agreement**

Mr. Kates notified the Board that Borough Council decided not to endorse the Plan Implementation Agreement at the September 5, 2023 Council Meeting. Mr. Conrad expressed his personal opinion of disappointment. Dr. Slabik asked Mr. Kates if reasoning was given for choosing not to endorse the plan. Mr. Kates stated he believed the reasoning was Council felt the tasks were too onerous and could become costly. Mr. Moore concurred with Mr. Kate's point of view and added Council felt the amount of time and resources required in the plan were also factors.

### **Linden Lane Discussion**

Mr. Kates provided a copy of the drafted ordinance to board members prior to the start of the meeting. Mr. Kates noted the only topic that had not been incorporated into the draft was the language for exclusion of the stairs in the second-floor area. Mr. Kates informed the board that all other information had been updated in the draft, including the removal of bump outs, cleaning up language per Mr. Poudrier's request, and the requirement to bring non-conformities into compliance for all future development applications. Mr. Poudrier added that he walked Linden Lane to determine how many properties had non-conformities but found it would be difficult to determine without individual surveys because the rear lot lines vary. He did state most of the side yard setbacks are conforming. Mr. Moore asked about the rear yard setbacks of the principal structure. Mr. Kates believes the rear setbacks should be 5-feet. Lot coverage is 85%, which includes decks, sidewalks, and driveways-the total impervious area. Mr. Fisher mentioned a concern of limited space between dwellings if trash and shower enclosures were placed on the same side of adjacent properties. The term "habitable stories" in the draft will be updated to "stories".

Mr. Moore mentioned officially prohibiting parking on the south side of Linden Lane. Mr. Baldini explained parking is a law enforcement power, not a zoning decision. Mr. Baldini suggested writing a letter of recommendation to Borough Council about parking on the Northside of Linden Lane. Mr. Conrad asked Mr. Moore, as the liaison to the Borough Council, to pass the recommendation along to discuss the parking restriction.

Mr. Baldini stated there was no action needed for the draft, and a clearer draft would be presented in October.

### **Ordinance Update-Definitions Habitable Story & Bulkheads**

Mr. Poudrier declared the ordinance was presented to Borough Council at the September 5<sup>th</sup> meeting, and the consensus of Council agreed with the ordinance with no comments. Mayor Davies-Dunhour noted the ordinance will be ready for Introduction at the September 19<sup>th</sup> Borough Council meeting.

### **Setback Ordinance**

Mayor Davies-Dunhour updated the Board on the drafted setback ordinance. Mayor Davies-Dunhour stated Councilmember Parzych suggested an alternative methodology than what the Board recommended, and Council agreed to move forward with the discussion.

Councilmember Parzych suggested starting with 60-foot lots and having a setback measurement of 20% of the frontage. Mayor Davies-Dunhour gave examples of the measurements: 60-foot lots would have 12-foot setbacks, 70-foot lots would have 14-foot backs and so on. Mayor explained Council voted unanimously in favor of Councilmember Parzych's suggestion, so the recommendation was now coming back to the Planning Board for review. Mayor further explained 50-foot lots would not be affected, as the setback requirement is already 10-feet.

Borough Council rejected the Planning Board's recommendation of grandfathering existing properties and implementing the requirements for new construction when a new lot was created by combing two lots.

Councilmember Parzych's recommendation would take effect a year after adoption, would be in effect for properties borough-wide, and there would be no grandfathering of existing oversized lots with new development.

Mayor Davies-Dunhour expressed concern over introducing the ordinance at the September 19<sup>th</sup> meeting because she felt rushing into the introduction of an ordinance of such a sweeping nature, affecting 75-80% of property homeowners should be well thought out. Mayor Davies-Dunhour felt it was prudent to get information out to the public, hear back from the Planning Board and gather feedback from property owners before the ordinance is rolled out. Mr. Moore also mentioned he felt it was important for the Borough Solicitor to review the ordinance prior to introduction.

Mayor Davies-Dunhour asked Mr. Baldini if there was any legal action the Planning Board had to take, but Mr. Baldini stated the Planning Board had no obligation for action at this time because the change is not a part of a Master Plan review.

Mr. Conrad added while the Planning Board is not required to act, members should continue to be cognizant of the changes in Stone Harbor.

### **Fencing Ordinance**

Mr. Poudrier declared the ordinance was presented to Borough Council at the September 5th meeting, and the consensus of Council agreed with the ordinance with no comments. Mayor Davies-Dunhour noted the ordinance will be ready for Introduction at the September 19th Borough Council meeting.

### **Encroachments Into Side Yard Along Beach and Bay Ordinance**

Mr. Poudrier stated the ordinance was presented to Borough Council at the September 5th meeting, and the consensus of Council agreed with the ordinance with no comments. Mayor Davies-Dunhour noted the ordinance will be ready for Introduction at the September 19th Borough Council meeting.

### *New Business*

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

### **Public Comment**

Vice Chairman Conrad opened Public Comment.

Angela Chittenden of 155 104<sup>th</sup> Street took to Public Comment to discuss an issue she had previously spoken about when an adjacent property installed a retaining wall with a fence on top. Ms. Chittenden asked the Board to consider height limitations for building up a backyard in the future.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to Public Comment to address the setback ordinance. Mrs. Parzych clarified the ordinance would address properties in 5-foot increments. Mrs. Parzych gave the example of how a property with a 55-foot frontage would require 11-foot setbacks.

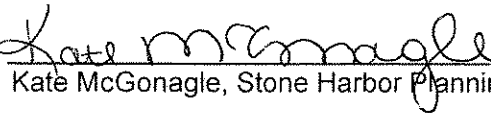
Ms. Judy Hammerschmidt of 180 113<sup>th</sup> Street participated in public comment via Zoom. Mrs. Hammerschmidt voiced concern over the development of a neighboring property on 113<sup>th</sup> Street.

Ms. Susan Rose of 2 Linden Lane took to Public Comment to ask about the finalization of the Zone D Ordinance.

**Adjournment**

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

APPROVED: October 16, 2023

ATTESTED:   
Kate McGonagle, Stone Harbor Planning Board Secretary