

MINUTES OF THE REGULAR SESSION STONE HARBOR PLANNING BOARD

October 16, 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 Vaul

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Members Not Present:

JT LaKose
Sandy Slabik

Engineers/Planners:

Kates Schneider
Engineering, LLC

Approval of September 11, 2023 Meeting Minutes

The Board considered the proposed minutes for the September 11th, 2023 meeting. Corrections or changes were made. A Motion to approve the minutes was made by Mayor Davies-Dunhour and seconded by Mr. Fischer. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Postponement of PB Case # 2023-004- Minor Subdivision-2, 4, & 6 98th Street, Jaindl

Mr. Bickford informed the Board there was a postponement of the Hearing for an Application of a minor subdivision at 2, 4, and 6 98th Street. Mr. Baldini stated the Hearing had been rescheduled to November 13th, 2023 at 4:30 pm at Borough Hall in the main meeting room.

Old Business

Overlay Zone Update

Mr. Kates reported there had not been much change in the status of the Overlay Zone Ordinance. Mr. Kates noted the ordinance was sent to Borough Engineer, DeBlasio & Associates, for a final review before the ordinance is presented to Borough Council.

Linden Lane Discussion

Mr. Baldini & Mr. Kates provided an update to the Board regarding the proposed Linden Lane/ Zone D ordinance. Mr. Baldini stated he had worked on language contained in the ordinance regarding stairs, specifically the habitable area versus what was allowed outside the habitable

area for stairs. Mr. Baldini reported he had completed the language and forwarded it to Ray Poudrier for review to ensure cohesiveness with elevator requirements in Stone Harbor. Chairman Bickford respectfully requested finalization of the drafted ordinance prior to the November 13th meeting.

Ordinance Update-Definitions Habitable Story & Bulkheads, Ordinance No. 1654

Mr. Bickford explained ordinances previously recommended to Borough Council by the Planning Board were coming back before the board for procedural purposes.

Mr. Bickford requested a motion and vote to determine the ordinance is not inconsistent with the Master Plan. Mr. Conrad moved the Motion and Mayor Davies-Dunhour seconded. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Encroachments Into Side Yard Along Beach and Bay, Ordinance No. 1655

Mr. Bickford & Mr. Baldini stated similar actions were needed for recommended ordinances No. 1655 and No. 1656. Mr. Bickford requested a motion and vote to determine the ordinance is not inconsistent with the Master Plan. Mr. Vaul moved the Motion and Dr. Clay seconded. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Fencing Ordinance, No. 1656

Mr. Bickford requested a motion and vote to determine the recommended ordinance is not inconsistent with the Master Plan. Mr. Conrad moved the Motion and Mr. Vaul seconded. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Lot Grading Ordinance No. 1658

Mr. Poudrier explained amendments and additions to the ordinance. The Board discussed the changes. The changes, though not specifically mentioned in the Master Plan, are contemplated by the Plan at Page 7 and 9 of the report. The report contemplates the acceptance and implementation of regulations for FEMA compliance and the impacts it brings to the Borough.

Mr. Bickford requested a motion and vote to determine the amended ordinance is not inconsistent with the Master Plan. Mr. Conrad moved the Motion and Mr. Fischer seconded. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Setback Ordinance, No. 1657

Mr. Bickford opened a discussion about the proposed Setback Ordinance that was presented by Borough Council. Mr. Fischer voiced concerns about the timeline of the ordinance. Mr. Poudrier explained the ordinance that is in place during the time an Application is deemed administratively complete is the ordinance the developer will adhere to. Mayor Davies-Dunhour mentioned an aggregate for setbacks in relation to the size of the home, rather than a uniform 20%. Mayor Davies-Dunhour also acknowledged the ramifications of piecemealing ordinances. She added the solicitor has recommended the zoning code be thoroughly reviewed in its entirety before making changes here and there. She also voiced that she felt that a large-scale change affecting so many residents should be considered carefully. She suggested holding community meetings and presentations, consulting with professionals, and gathering feedback from property owners. Mr. Bickford mentioned concern of potential litigation when property

owners contest their property rights are being taken. Mr. Conrad reminded members the Planning Board is tasked with thinking through issues, deliberating topics, and providing recommendations to Borough Council, which is the reason a Planning Board is free of legislative body influence as per state law.

Mr. Bickford requested a motion and vote to determine the amended ordinance is not inconsistent with the Master Plan. Mr. Fischer moved the Motion and Mayor Davies-Dunhour seconded. Roll call was taken for members present at the meeting with all eligible members except for Mr. Bickford voting in the affirmative.

In addition to the required findings contained herein the Board suggests that if Council desires to move forward with adopting regulations affecting side yard setbacks in residential zones the Council consider the following:

1. Reconsider and adopt the setback ordinance submitted by the Board which was a compromise ordinance carefully contemplated by the Board after extensive consideration, public comment, Zoning Officer input, professional input, and multiple meetings of discourse.
2. Provide a three-year transition period or re-insert the grandfather provision to limit the taking effect against existing property owners and minimize the likelihood of lawsuits challenging the ordinance.
3. Exam why the proposed ordinance starts with non-conforming 50-foot lots rather than the conforming 60-foot lots, which would be more consistent with the Master Plan.
4. Consider the impact the proposed ordinance has on bayfront parcels, many of which are irregularly shaped and will not readily be able to adapt to the ordinance. Perhaps there is the need for a new zone to address the bayfront.
5. Consider an aggregate setback as opposed to a straight percentage. The Board considers a 10-foot minimum with allowance for the owner to place the residence within the overall setback but allows for architectural considerations in the placement of the residence and has the benefit of potentially creating additional off-street parking.
6. If serious about creating more open space consider no HVAC, showers, or other encroachments in the side yard for residential zones.
7. Finally, the Board wants the Council to consider other intangible, unknown consequences and unanticipated issues related to such a dramatic impact on larger lots in the residential zones.
8. The last recommendation of the Board is for Council to consider a comprehensive review of the efficacy of the zone change and its impact on the zones in general, rather than piecemeal ordinances as issues arise.

New Business

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

Public Comment

Chairman Bickford opened Public Comment.

Mayor Suzanne Walters of 115 92nd Street took to Public Comment to voice her appreciation for the Planning Board and all their hard work. Mayor Walters expressed that she is not in favor of proposed ordinance No. 1657 and explained her reasoning for opposition.

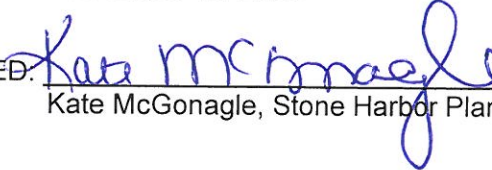
Mr. Gerald Quinn of 8600 Second Avenue took to Public Comment to explain his interest in the revision of Ordinance 1658. Mr. Quinn thanked the Board for reviewing and revising the ordinance.

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: November 13, 2023

ATTESTED:


Kate McGonagle, Stone Harbor Planning Board Secretary