

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

November 13, 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 Cape May County Herald having been notified of the Board's schedule for the November Planning Board Meeting on November 1, 2023 and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board. All Meeting Agendas are posted in advance of every meeting on the Borough's Official Website at www.shnj.org.

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 Vault

Members Not Present:

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Engineers/Planners:

Kates Schneider
Engineering, LLC

Approval of October 16, 2023 Meeting Minutes

The Board considered the proposed minutes for the October 16th, 2023 meeting. Corrections or changes were 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.

Public Hearing

PB 23-004 David & Jacquelyn Jajndl and 98th Street LLC

Block 97.01, Lot(s) 9.01, 9.02, 11.01, 11.02, 13.01, 13.02, 15.01, 15.02, 15.03, 17, 19.02, 20.03, 21.02, 22.02

2, 4, 6 98TH Street

Minor Subdivision Approval

Mr. Keith Davis of Nehmad, Davis & Goldstein appeared on behalf of the Applicant. Mr. Davis introduced himself to the Board and gave a summary of the purpose of the Application. Mr. Davis explained the Applicant is seeking a minor subdivision approval, a planning exception pursuant to N.J.S.A. 40:55D-36 to establish a lot without improved street frontage, "C" variance relief for minimum lot frontage, minimum rear-yard setback and maximum number and distance between curb cuts.

Mr. Davis explained the Applicant is proposing demolishing three existing homes on the property to establish two new lots of record, each suitable for one new family home. Mr. Davis further explained the existing lots are undersized, but if approved, the two new lots would meet the minimum lot requirements in the residential A Zone.

Mr. Davis noted that the unique configurations of the proposed plan would require a planning exception of an access easement. Mr. Davis identified the proposed lots as "Lot A"-the lot fronting 98th Street and "Lot B"-the interior lot. The proposed lots would be parallel to each other, each fronting the beach. Proposed Lot A will have frontage on 98th Street, proposed lot B will have no improved public street frontage but will have a 10-foot-wide access easement dedicated to its benefit positioned across proposed Lot A. Mr. Davis further explained the planning exception of the MLUL.

Applicant David Jandl of 2 98th Street Stone Harbor, NJ appeared and was affirmed. Mr. Jandl explained the intention of the newly constructed family dwelling on Lot A would be for the use of the Jandl family. Mr. Jandl confirmed he has engaged OSK Partnership for architectural plans on Lot A, and the LLC has also engaged OSK for the building on lot B. Mr. Jandl testified that he has an arrangement with 98th Street LLC for conveyance of real estate to allow the proposed minor subdivision.

Mr. Davis introduced the board to Planner William P. McManus of Duffy, Dolcy, McManus & Roesch located at 634 Lost Pine Way in Galloway, NJ. Mr. McManus appeared and was affirmed. Mr. McManus explained his professional background, and included he worked as a firefighter for the city of Margate from 1976-1986. Mr. Davis added this fact would help with the logistics of the proposed easement. Mr. McManus presented Exhibit A1-11/13/23, a Google aerial map of the subject property. Mr. McManus then presented Exhibit A2-which includes an illustration of side-by-side maps displaying what exists and another of what is being proposed. Mr. McManus pointed out many non-conformities that would be remedied with the proposed subdivision. Mr. Baldini stated if the easement was approved there would be a condition of approval for both he and Mr. Kates to review the proposed easement prior to recording and prior to signing off on the plot.

Mr. McManus went on to explain the purpose of the variances requested for minimum lot frontage, minimum rear setback, and maximum number and distance between curb cuts.

Mr. McManus stated by granting the Application, he believes that there will be an increase in light, space, and air. Density would also be reduced, and the new lots and homes would be more cohesive with the Stone Harbor ordinance. Efficient space would be provided, a reduction in building mass and a reduction in impervious coverage. There is no substantial detriment to the public good. The proposed plan meets the necessary criteria for approval of variances and meets the necessary requirements of the Borough's ordinance for minor subdivision approval.

The Board discussed the Application and terms and conditions of the approval.

Mr. Moore asked about the condition of the bulkhead, and if improvements were necessary. Mr. McManus answered they did not see there are improvements needed for the bulkhead. He added there are bulkhead easements for both bulkheads, which are located outside of the property line, so if the municipality had to repair or replace the bulkhead they can easily do so.

Mayor Davies-Dunhour asked about the expected measurements of the newly developed dwellings, specifically the length. After reviewing the plan, Mr. Poudrier gathered 109-ft from one end to the other end of the proposed deck, which would exceed the 100-ft allowance. Mr. Davis explained they are constrained by the building coverage. Mayor Davies-Dunhour voiced concern for the accessibility of emergency vehicles for interior Lot B. Mr. LaKose noted the same concern exists for the current dwelling.

There were no waivers requested by the Applicant.

Mr. Kates, Planning Board Planner and Engineer was sworn and affirmed. Mr. Kates testified he had reviewed the Application and found the Application to be complete. Mr. Kates stated there are a few other properties along the ocean in Stone Harbor that exhibit the same configurations as the Application. Mr. Kates explained the other properties categorize the interior lots as flag lots. Flag lots have dedicated access to the street. Mr. Kates voiced concern about land locked lots, and stated a flag lot would be more consistent with the other homes in the municipality. The proposed easement would be a perpetuity.

Mr. Davis offered a concession on behalf of the Applicant, which could be considered a condition and that was to prevent the establishment of a fence between the two driveways (in the rear yard of lot A on Exhibit A2) so that there is more room for maneuverability in the event there is a need for an emergency response.

Board members discussed the Application in depth. Mr. Bickford then closed Board Discussion and opened Public Comment for anyone wishing to comment on the Application.

There was none.

Mr. Bickford called for a vote on the planning exception minimum lot frontage allowing a lot that is not fronting an improved street. Mr. Conrad moved the Motion, and Mr. Vault seconded. All eligible members voted in the affirmative with the exception of Mayor Davies-Dunhour.

Mr. Bickford then called for a vote to approve all remaining bulk variances requested by the Applicant. Mr. Fischer moved the Motion with Mr. Vault seconded. All eligible members voted in the affirmative with the exception of Mayor Davies-Dunhour.

Lastly, Mr. Bickford called for a vote to approve the Minor Subdivision. Mr. Vault moved the Motion and Mr. Fischer seconded. All eligible members voted in the affirmative with the exception of Mayor Davies-Dunhour.

Old Business

Overlay Zone Update

Mr. Kates reported he was waiting to hear back from DeBlasio and Associates for the final review of the draft.

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 pulled most of the standards out of the zone it was in and only adjusted standards to the lots that are relevant to Linden Lane. Mr. Baldini noted the change made in reference to "habitable stories", removing the word "habitable" from story. The second change Mr. Baldini made was an addition to the Supplemental Regulations section, an allocated exception for the FAR to allow for additional habitable space on the second floor. Chairman Bickford respectfully requested additional time for members to review the newest draft thoroughly. The Board agreed to revisit the ordinance at the December meeting.

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

Mr. Poudrier explained the drafted ordinance was given back to the Planning Board because the word "habitable" was removed from zoning requirements for the residential district, but the business district still used the word "habitable story" in the ordinance. He explained the unchanged commercial zone ordinance triggered a variance request. Mr. Poudrier suggested removing the word "habitable" from the section regarding business district ordinance or to specifically add a definition to "habitable story". Mr. Bickford requested Mr Baldini and Mr. Poudrier work together to revise the ordinance to be discussed by the December meeting.

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

Mayor Davies-Dunhour informed the Board that Council passed Ordinance No. 1655.

Fencing Ordinance, No. 1656

Mayor Davies-Dunhour informed the Board that Council passed Ordinance No. 1656.

Lot Grading Ordinance No. 1658

Mayor Davies-Dunhour informed the Board that Council passed Ordinance No. 1658, but it was coming back to be reviewed by Planning Board to address certain portions of the ordinance.

Setback Ordinance, No. 1657

Mayor Davies-Dunhour informed the Board that Council tabled Ordinance No. 1657 indefinitely.

New Business

Combining Planning Board & Zoning Board of Adjustment

Mr. Baldini informed the Board of the origin of the idea of combining the Stone Harbor Planning Board and the Zoning Board of Adjustments. Mr. Baldini explained he met with the Administration and Finance Committee and the Borough Solicitor and was asked to draft a revised ordinance for 345 of the code.

Board members expressed their puzzlement of hearing about the potential change without having the courtesy of being involved in the discussion. Mr. Baldini explained the ultimate decision rests in the hands of the governing body. Mr. Bickford encouraged members to watch the November 7th, 2023 Work Session video, posted on the Borough of Stone Harbor's website. Board members asked to hear fellow member and A&F Committee member, Reese Moore's comments on the topic. Mr. Moore noted the intention of Work Session topics are for the purpose of discussion and

feedback. Dr. Slabik stated she felt that there should be a discussion including both ZBA and PB members before an ordinance is brought forward. Members questioned where the idea of a joint board came from. Mr. LaKose asked why there was a rush to pass the ordinance. Mayor Davies-Dunhour also notified members that a Special Meeting would be held on Friday, November 17th, 2023 at 4:30 p.m. for Zoning Issues. Mr. Moore noted residents would be able to participate at the meeting during the Public Comment portion. Mayor Davies-Dunhour added residents that are unable to attend the meeting are permitted to send correspondence directly to Councilmembers through the Municipal Clerk's Office. Many members stated they felt troubled by the way the decision was handled, with a consistent theme of the question "what is the rush?" Members vocalized they aren't strongly opposed to the idea of a consolidated board, but agreed it is a matter that needs to be thoroughly vetted.

Public Comment

Chairman Bickford opened Public Comment.

Kat Laughlin of 19 83rd took to Public Comment to express her appreciation for the Planning Board. Ms. Laughlin stated she is a member of the Zoning Board and could identify with the workload that comes along with being a board member. Ms. Laughlin reinforced the importance of careful consideration and deliberate evaluation when such impactful decisions are made.

Mr. Bob Ross of 9911 Second Avenue addressed the board during public comment. Mr. Ross explained that he is currently a Zoning Board member. Mr. Ross stated he personally felt unification of the boards eliminates checks and balances, however he'd be open to discussing the idea once more information and feedback is gathered on the topic.

Mr. John McAllister of 281 101st Street took to Public Comment to discuss a recent variance approval at the Zoning Board Meeting. Mr. McAllister requested the Board consider looking at the zoning requirements for commercial properties.

Mr. Paul Kiss of OSK Design Properties took to Public Comment to express his support for both Planning and Zoning Board members and to express appreciation for the high-caliber professionals on both boards. Mr. Kiss stated he agreed that he can't find sense in consolidating the boards, as each board has two very different, yet important functions.

Ms. Jennifer Gensemer took to Public Comment to express her appreciation for both boards and the services of each board member.

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: December 11, 2023

ATTESTED: 
Kate McGonagle, Stone Harbor Planning Board Secretary