

MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD

**April 8, 2013**

**4:30 p.m.**

**CALL TO ORDER:**

The meeting was called to order by Mr. Hand, who stated that all requirements of the “Open Public Meetings Act of 1975” had been met.

**ROLL CALL:**

Planning Members Present

Thomas Hand  
Perry Conte  
Jill Gougher  
Wayne Conrad  
Joselyn O. Rich  
Robert D. Bickford, Jr.

Board Solicitor

Andrew Catanese

Board Secretary

Patricia H. Wagner

Zoning Officer

Joanne Mascia

Alternate Present

Julian Miraglia

Board Member Absent

Mayor Suzanne Walters

Professional Planners Present

Susan Gruel  
Fred Heyer

**Approve Minutes**

**Motion by Mr. Miraglia and seconded by Mr. Conte to approve the minutes of the February 11, 2013 primary session.**

Affirmative votes: Mr. Hand, Mr. Conte, Mrs. Gougher, Mrs. Rich, Mr. Bickford and Mr. Miraglia.

**Motion by Mrs. Gougher and seconded by Mr. Conrad to approve the minutes of the March 8, 2013 primary session.**

Affirmative votes: Mr. Hand, Mr. Conrad, Mrs. Gougher, Mrs. Rich, Mr. Bickford and Mr. Miraglia.

**Waterfront Business District**

Mr. Bickford reported on the progress the committee has made to date. Mr. Bickford noted this is a work in progress. The committee, along with Professional Planners Fred Heyer and Susan Gruel, has done an initial walk through the entire district, property by property. Their thoughts are evolving as they review the district and they want to consider further the current restriction on having a second floor being used for residential purposes. There are also several associated challenges with respect to being able to conform to residential parking requirements. Offsite parking sites will be reviewed and considered. The committee also wants to review the current requirement that only retail uses may occupy ground (first) floor space. The committee recognizes the desirability that retail stores will attract pedestrian traffic to the downtown business area, but the reality is that there are several first floor empty spaces in the WBD that could possibly be filled by service based tenants or owners, such as an architect or accountant offices.

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The committee feels it is premature to make any type of recommendations to Borough Council to enact a parallel ordinance in the Waterfront Business District for residential building regulations, similar to the one (Ord. 1416) recently passed by Borough Council for other residential zones. The committee feels there could be further changes pending the direction state and federal regulatory authorities take with respect to changing FEMA-ABFE maps and zone classifications and building requirements.

Mr. Bickford asked for additional comments from committee members. Mr. Miraglia stated the Board is aware of Mr. Randall Turney, of 9715 Third Avenue, situation but at the request of Borough Council there are other broader issues to be considered and looked at again and this can't be completed in just two weeks time. He feels that this is not a result of lack of diligence in the process but the committee must complete a thorough review and then bring their suggestions back to the Planning Board for deliberations and then the Board will make a report to Borough Council for any possible revisions to the WBD ordinance.

Mr. Hand asked for comments from other Board members. Mr. Conte noted that the prohibition on second floor residential use was recommended by the Board's professional planner at that time, Linda Weber, to keep the downtown area a complete retail shopping and boutique hotel destination.

Mr. Conrad feels the WBD review will bring up the centrality of our parking issues and that perhaps our current planners can join with the potential hotel/motel zone parking study. Mr. Bickford strongly agreed with Mr. Conrad, noting an area similar to Stone Harbor's 96<sup>th</sup> Street, Atlantic Avenue in Del Ray Beach, Florida, primarily uses valet parking to ease parking problems. Mr. Hand also agrees with Mr. Bickford.

Mr. Bickford again stressed the committee is not ready to make any firm recommendations at this time and they want to continue their discussions with the Board's planners.

**Public Session**

Mr. Hand opened this portion of the meeting for public comments.

Randall Turney, 9715 Third Avenue spoke first. Mr. Turney had already received prior approvals from the ZBA to construct a new bay front home. He again explain his construction dilemma noting that because of the new ABFE maps and V Zone classification he has to reapply to the Zoning Board of Adjustment for a D Variance so he can build his new home. He asked if the Planning Board would make a recommendation to the Zoning Board stating the Board agrees he is in a hardship position and to grant him permission to build his home.

Mr. Catanese stated the Planning Board could not do this. It would be past the Planning Board's intended role to advise or influence the Zoning Board of Adjustment taking a position on Mr. Turney's application. Mr. Catanese stated the Planning Board and Borough Council can only speak as a body; they cannot speak individually, so until the Board and Council develop a consensus and by vote make a recommendation, they are unable to comment on any pending application.

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Mr. Hand, while stating he is also sympathetic to Mr. Turney's situation, again stressed that the Planning Board did not institute the new FEMA ABFE regulations but until they are changed or revised the Board must adhere to the new regulations.

Jack Smith spoke next. Mr. Smith is an architect and principal with the firm of Bishop & Smith. He stated he has worked on several projects in the area, primarily with Harbaugh Builders. He has been working with Mr. Turney for the past year on designing a new home. Mr. Smith stated it is no fault of his client that Mr. Turney is now being forced to meet the new V Zone building requirements. Mr. Smith said he has spent a great deal of time in discussions with FEMA and the State of New Jersey reviewing the new regulations. He then began to review his interpretation of the new building rules.

At this time Mr. Miraglia asked the Board's permission to address Mr. Smith. Mr. Miraglia does not feel the issue at hand is discussing the engineering aspects of building a new home under the new FEMA rules. The issue is that Mr. Turney has been put into a situation, not by the Planning Board, not by the Borough and not by the Zoning Board of Adjustment or anyone else. Mr. Miraglia feels Mr. Turney has a choice, he can build a rancher and stay within the current permissible height of 28', but at this moment in time, if that is not his choice there is nothing the Planning Board can do to help him. Mr. Miraglia, who mentioned that he was a member of the Board that crafted the original WBD ordinance, feels the Board is sensitive to Mr. Turney's issues and he feels the Board made it very clear earlier in tonight's meeting that the WBD is being revisited at this time and if Mr. Turney is not willing to wait for the committee to finish its study and to deliver what they believe is in the best interests of the Borough there is nothing that the Board can do to help him at this time. He again stressed the Board did not make the rule changes that are currently affecting Mr. Turney's ability to build a home right now. Mr. Smith countered that it is also not Mr. Turney's fault that the rules changed; he also noted that there will be increased insurance premiums if a home is built below a certain elevation.

Mr. Hand asked that Mr. Smith keep his remarks to general statements and not to refer to any specific projects or applications. In response to a question from Mr. Conte, Mr. Smith said Mr. Turney current design, while to be built on pilings, and didn't have break away walls surrounding the pilings.

Mr. Hand asked for further public comments. No one else spoke. Public Session was closed.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

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**ADJOURNMENT**

Having no further business at hand Mr. Hand called for a motion to adjourn the meeting.

A motion to adjourn the meeting by Mr. Miraglia and seconded by Mr. Conte. All members present voted in the affirmative.

APPROVED: May 20, 2013

ATTESTED: \_\_\_\_\_  
Patricia H. Wagner, Secretary Stone Harbor Planning Board