

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE
PRELIMINARY AGENDA FOR COUNCILMEMBERS
SUBJECT TO CHANGE

| | |
|----------------------------------|------------------------|
| <u>AGENDA</u> | <u>Regular Meeting</u> |
| <u>Tuesday, January 20, 2015</u> | <u>4:30 PM</u> |

PRESENTATION - Dune Management Plan – Lomax

OLD BUSINESS

NEW BUSINESS:

Resolution – Refund Hydrant Fee – Donohue (1) Lane
Resolution – Summer Leaks (2) Lane
Resolution – Authorizing Sustainable Jersey Grant Application (3) Lane
Resolution – Refund Christmas Beach Tag Fee (4) Davies-Dunhour
Resolution – Renew Shared Services County Equipment (5) Kramar
Resolution- Approve “Late” Fee for Deadline Art & Craft Show (6) Davies-Dunhour
Resolution –Award Bid – Outfall (7) Lane
Resolution - Food Vendor – Recreation (8) Davies-Dunhour
Resolution – Tennis Pro (9) Davies-Dunhour
Motion – Stone Harbor Surf & Turf 5 Miler – Sunday August 9th (10) Rich
Motion – Stone Harbor Fitness Challenge 5 K – Saturday, July 11th (11) Rich
Motion – Approve Beach Sweeps April 25th and October 24th, 2015 (12) Rich

DISCUSSION

Ordinance – Waterfront Business District recommendations from Planning Board (13) Carusi

RESOLUTION – Closed Session - South End Reverter Issue – Solicitor (14) Mastrangelo

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(1)

Refund \$575.00 Hydrant Meter Rental Deposit Fee

WHEREAS, pursuant to Section 542-13D of the Borough's General Code, Michael Donohue Builders LLC deposited a \$575.00 hydrant meter rental deposit fee; and

WHEREAS, upon completion of the local improvement, Michael Donohue, Builders LLC returned the hydrant meter to Public Works; and

WHEREAS, the Utilities Collector has requested that a refund be issued to Michael Donohue Builders LLC in the amount of \$575.00.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey on this 20th day of January, 2015 that a refund check in the amount of \$575.00 be issued to Michael Donohue Builders, LLC, 2123 Dune Drive, Suite 9, Avalon, N.J. 08202.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2015

.....
Borough Clerk

The above resolution approved this day of....., 2015

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(2)

WHEREAS, it has been determined that the below listed account experienced summer leaks which have been appropriately documented and certified by public works personnel; and

WHEREAS, the said leak did not drain into the sanitary collection system.

NOW, THEREFORE, BE IT RESOLVED, by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey on this 20th day of January, 2015 that under the provisions of Ordinance 542-22c the 2013 summer usage will be adjusted to the average of the prior three summers consumption for the purpose of calculating 2015 sewer volume charges.

| | | |
|----------------|--------------------------------|------------------|
| Account #04550 | 8814 Second Avenue | Ave Consump 26.6 |
| Account 06050 | 219 – 91 st Street | Ave Consump 37.4 |
| Account 12590 | 283 – 100 th Street | Ave Consump 44.3 |
| Accounty 20640 | 11857 Paradise Dr. | Ave Consump 23.0 |

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2015

.....
Borough Clerk

The above resolution approved this day of....., 2015

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(3)

RESOLUTION

SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Stone Harbor strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Stone Harbor is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainable issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Stone Harbor has determined that Stone Harbor should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Stone Harbor, State of New Jersey authorizes the submission of the aforementioned Sustainable Jersey Grant.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2015

.....

Borough Clerk

The above resolution approved this day of....., 2015

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(4)

WHEREAS, Maria Cannon of 10 Woodview Lane, Cape May Court House, N.J. 08210 purchased 4 Christmas Beach Tags at a cost of \$88.00; and

WHEREAS, Mrs. Cannon has informed the Borough that she will be moving before the Summer and will be unable to use the tags and the tags have been returned; and

WHEREAS the refund has been approved by the Beach & Recreation Committee of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that \$ 88.00 be refunded to Marie Cannon and that the proper Borough officers make the proper adjustments in their records.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the day of, 2015

.....

Borough Clerk

The above resolution approved this day of....., 2015

.....

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(5)

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SHARED SERVICES AGREEMENT – CAPE MAY COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT

WHEREAS the Borough of Stone Harbor in the County of Cape May and State of New Jersey acknowledges that the CMC Office of Emergency Management has been the recipient of various grants from the Office of Homeland Security and the Federal Emergency Management Agency; and

WHEREAS the CMC Office of Emergency Management used these grants to purchase various vehicles, equipment, and materials; and

WHEREAS, this “equipment” was purchased with the intent to be shared with the various municipalities in the County for short durations when needed; and

WHEREAS, the attached Shared Services Agreement was approved by Council on November 5, 2013 and contains the signature of the Mayor and Item #10 allows for the option to renew.

NOW, THEREFORE, BE IT RESOLVED on this 20th day of January, 2015 that the Mayor and Council of the Borough of Stone Harbor hereby approved the renewal of the Shared Services Agreement with CMC Department of OEM until December 31, 2015.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the day of, 2015

.....

Borough Clerk

The above resolution approved this day of....., 2015

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(6)

WHEREAS, the Director of Recreation has requested the approval of a “late” fee for exhibitors that turn in their applications after the deadline for the August Stone Harbor Arts & Crafts Festival; and

WHEREAS, the Borough of Stone Harbor in the County of Cape May and the State of New Jersey has ordained that certain fees may be established from time-to-time by Resolution of the Borough Council; and

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Stone Harbor, in the County of Cape May , duly assembled in public session this 6th day of January, 2015, that the following fee be set

\$25.00 “late fee” will be charged if Stone Harbor Arts & Crafts Festival application is turned in on/after February 28, 2015.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2015

.....

Borough Clerk

The above resolution approved this day of....., 2015

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(8)

RESOLUTION

AUTHORIZING THE ACCEPTANCE OF A CONTRACT FOR PROVISION OF FOOD SERVICE AT THE STONE HARBOR RECREATON BUILDING

WHEREAS, the Borough of Stone Harbor is desirous of having an exclusive food vendor to operate food services at the Recreation Department kitchen; and

WHEREAS, Seaside Smoothies and Health Snacks 403 Hand Avenue, Cape May Court House, 08210 responded to the Request for Proposals advertised in the Atlantic City Press at a bid of \$1,501.00 for the Summer of 2015; and

WHEREAS, the Request for Qualifications & Proposal attached lists the hours of operation, responsibilities, menu, duration of contract among other items.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, assembled this 20th day of January, 2015, that the proposal aforementioned, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved by the Borough of Stone Harbor;

BE IT FURTHER RESOLVED, that the Mayor and Clerk hereby approve the attached proposal for Food Service at the Stone Harbor Recreation Building for 2015.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2015

.....

Borough Clerk

The above resolution approved this day of....., 2015

.....

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(9)

RESOLUTION

**AUTHORIZING THE ACCEPTANCE OF A REQUEST FOR QUALIFICATIONS,
TENNIS PRO/INSTRUCTOR AT THE STONE HARBOR RECREATON BUILDING**

WHEREAS, the Borough of Stone Harbor is desirous of having a Tennis Pro/Instructor at the Stone Harbor Recreation Department; and

WHEREAS, Anchor Down Tennis, Ryan D. Cuevas, Owner 801 Brighten Avenue, Reading, Pa. 19606 responded to the Request for Qualifications advertised in the Atlantic City Press for the Summer of 2015; and

WHEREAS, the Request for Qualifications & Proposal attached lists the hours of operation, responsibilities, duration of contract among other items.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, assembled this 20th day of January, 2015, that the proposal aforementioned, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved by the Borough of Stone Harbor;

BE IT FURTHER RESOLVED, that the Mayor and Clerk hereby approve the Request for Qualifications attached proposal for Tennis/Pro Instructor at the Stone Harbor Recreation Building for 2015.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2015

.....

Borough Clerk

The above resolution approved this day of....., 2015

.....
Mayor



(10)

This contract effective on December 22, 2014 by and between 7 Mile Sports LLC and the Borough of Stone Harbor shall consist of this agreement.

Client Information

Client Contacts: Jason Yellin
 Client Address: 5 Jonathon Way
 Washington Crossing, PA 18977
 Phone Number(s): (609) 502-4028
 Fax Number: N/A
 E-Mail: jason@shipshapebody.com

General Event Information

Event Name: Stone Harbor Surf & Turf 5 Miler
 Date: Sunday, August 09, 2015
 Time Block: 5:30 AM - 10:00 AM
 Function Space: Designated 5 mile route (beach/road)
 Approximate Guest Count: 300

Event Details

See attached site plan, application and timeline.

Payment Schedule

| Item | Qty | Price | Subtotal | Tax | Total |
|---|-----|-----------|--|------------------|-----------------|
| Application Review Fee (non-refundable) | 1 | \$ 50.00 | \$ 50.00 | - | \$ 50.00 |
| 10k or Triathlons Fee | 1 | \$ 500.00 | \$ 500.00 | - | \$ 500.00 |
| | | | | Event Total | \$550.00 |
| | | | Check #1005 | Less Deposits | \$250.00 |
| | | | <i>Final payment due upon contract signing</i> | Total Due | \$300.00 |

Special Notes

Copies of advertisements used to promote the event are not mandatory but appreciated.



Section 275-2 Regulations

(11)



This contract effective on December 22, 2014 by and between 7 Mile Sports LLC and the Borough of Stone Harbor shall consist of this agreement.

Client Information

Client Contacts: Jason Yellin
Client Address: 5 Jonathon Way
Washington Crossing, PA 18977
Phone Number(s): (609) 502-4028
Fax Number: N/A
E-Mail: jason@shipshapebody.com

General Event Information

Event Name: Stone Harbor Fitness Challenge 5k
Date: Saturday, July 11, 2015
Time Block: 5:30 AM - 11:00 AM
Function Space: 80th Street Recreation Field/Designated 5k route
Approximate Guest Count: 300-400

Event Details

See attached site plan, application and timeline.

Payment Schedule

| Item | Qty | Price | Subtotal | Tax | Total |
|---|-----|-----------|-----------|------|----------------|
| Application Review Fee (non-refundable) | 1 | \$ 50.00 | \$ 50.00 | - \$ | 50.00 |
| 5k (250-500 Participants) | 1 | \$ 250.00 | \$ 250.00 | - \$ | 250.00 |
| Use of 80th St. Fields | 1 | \$ 500.00 | \$ 500.00 | - \$ | 500.00 |
| Event Total | | | | | \$800.00 |
| <i>Check #1004</i> Less Deposits | | | | | \$750.00 |
| <i>Final payment due upon contract signing</i> Total Due | | | | | \$50.00 |

Special Notes

Copies of advertisements used to promote the event are not mandatory but appreciated.

(13)

**PLANNING BOARD
BOROUGH OF STONE HARBOR**

RESOLUTION NO. 2014-004

WHEREAS, Section 560-19 of the Zoning Ordinance (the “Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently regulates the Waterfront Business District within the Borough; and

WHEREAS, the Ordinance currently prohibits residential units in mixed-use buildings; and

WHEREAS, the Stone Harbor Planning Board has determined that the ordinance should be revised to permit mixed use commercial and residential buildings as a conditional use in the Waterfront Business District and to make additional revisions to enhance the Waterfront Business District.

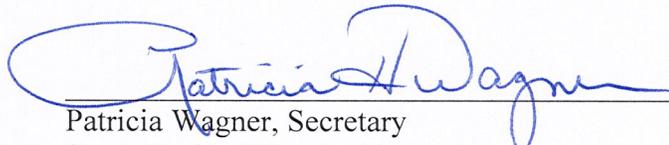
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor, New Jersey, on the 15th day of December, 2014 that the Board recommends adoption of the revised Ordinance attached hereto by the Borough Council.

BE IT FURTHER RESOLVED that the attached Ordinance is consistent with the intent and purposes of the Municipal Land Use Law and is consistent with the Borough’s Master Plan and Master Plan Reexamination report.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Clerk of the Borough of Stone Harbor and maintained by the Secretary of the Planning Board.

I hereby certify the foregoing to be an original resolution of the Borough of Stone Harbor Planning Board adopted and approved at a meeting held on 15 day of December, 2014.

Dated: December 19, 2014


Patricia Wagner, Secretary
Stone Harbor Planning Board

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 560-19 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR AND
REGULATING THE WATERFRONT BUSINESS DISTRICT**

WHEREAS, Section 560-19 of the Zoning Ordinance (the “Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently regulates the Waterfront Business District within the Borough; and

WHEREAS, the Ordinance currently prohibits residential units in mixed use buildings; and

WHEREAS, the Stone Harbor Planning Board (the “Planning Board”) has determined that the ordinance should be revised to permit mixed use commercial and residential buildings as a conditional use in the Waterfront Business District and to make additional revisions to enhance the Waterfront Business District; and

WHEREAS, the Planning Board has recommended the changes set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey, as follows:

Section 1. Section 560-19 of the Revised General Ordinances of the Borough of Stone Harbor is amended as follows (insertions are underlined, deletions are ~~stricken~~):

§ 560-19. Waterfront Business District.

A. Purposes and objectives. The purpose and objectives of the Waterfront Business District are as follows:

(1) To strengthen the vitality of the district and capitalize on the asset of the waterfront;

(2) To promote the waterfront district as a unique destination place that brings pedestrian traffic to the Borough's business districts;

(3) To maximize the potential utility and enjoyment of the Shelter Haven Basin

through active and passive uses, such as waterfront dining, ~~public walkways~~ and seating areas;

(4) To encourage a core area of retail shops, public amenities, restaurants and upscale hotel rooms within the waterfront district;

(5) To enhance the scenic, recreational, and social elements of the public realm

as they relate to the Shelter Haven Basin through public walkways, viewsheds and appropriate outdoor uses; and

(6) To provide for vehicular and pedestrian linkages between the waterfront district, the business district and other destinations throughout the Borough, through walkways, wayfinding signs, parking, and other appropriate measures.

B. Description. ~~It~~ The Waterfront Business District includes the following areas: all properties located on the south side of the 300 block of 96th Street, with the exception of the area described hereinbelow; and all properties located on the west side of Third Avenue from 96th Street to 99th Street. Those properties within the area from the easterly property line of Block 96.04, Lot 154, to the westerly property line of Block 96.04, Lot 177.02, inclusive, are not part of the Waterfront Business District but are part of the Business District as described in § 560-18; all Business District regulations shall be applicable to said area, and the Business District designation shall be reflected on the Zoning Map of the Borough of Stone Harbor for this area.

C. Use regulations. In the Waterfront Business District, lands, buildings and premises may be used for the following purposes:

(1) Principal permitted uses: ~~Permitted first floor uses:~~ business, professional and medical offices, retail (goods and services), docks for rental or storage of boats, public taverns or bars, ~~and~~ restaurants, (excluding drive-in and take-out only restaurants) and water-dependent recreational uses.

(a) ~~Permitted second floor uses: Offices, restaurants, excluding drive in and take out only restaurants and retail.~~

(b) ~~Permitted third floor uses: none, but see §560-19D(4).~~

(2) Accessory uses:

(a) Docks for rental or storage of boats.

(b) Boat hoists.

(3) Conditional uses:

- (a) Single-family residential dwellings.
- (b) Mixed use commercial and residential buildings.
- (c) Boutique hotels.
- (d) Outdoor dining.

D. Area regulations. Development in the Waterfront Business District shall be subject to the following area regulations:

- (1) Front yard setback: minimum four feet from the property line.
- (2) Side yard setback: minimum five feet; minimum 10 feet if abutting a residential district.
- (3) Rear yard setback: minimum 10 feet from the established bulkhead line.
- (4) Building height: maximum ~~two~~ three stories and ~~35~~ 42 feet from the curbline
(including all appurtenances, except for construction code requirements, such as vent pipes and solar panels, but in no event shall these be higher than ~~38~~ 45 feet), ~~provided that structures housing boutique hotels shall be permitted a third story, the use of which shall be restricted to boutique hotel use.~~ The curbline shall be measured from the grade level of the top of curb and center of the lot or parcel of land upon which a building is to be constructed.
- (5) Interior first-floor unit width measured at entrance: minimum 14 linear feet,
provided that no minimum shall apply to entrances to boutique hotels.
- (6) Interior area for each business: minimum 600 square feet.

E. Conditional use regulations.

- (1) Outdoor dining shall be permitted as a conditional accessory use to a restaurant or other eating establishment, subject to the following conditions:
 - (a) Prior to the institution of outdoor dining, such establishments shall be required to obtain site plan review and approval.
 - (b) Any outdoor dining area must be clearly defined and limited by way
of a barrier such as fencing, landscaping, a wall, or as approved by the Planning Board.
 - (c) No signage of any nature shall be permitted in the outdoor dining

area.

(d) Any establishment serving alcohol products in the outdoor dining area shall be required to do so only in connection with food service at tables.

(e) Any outdoor dining area shall have adequate buffering from adjacent buildings or sites, consisting of landscaping and/or fencing or as approved by the Planning Board.

(f) There shall be no sound amplification or video displays located within the outdoor dining area and no sound amplification to the outdoor dining area from other areas of the establishment.

(g) Outdoor dining areas adjacent to Shelter Haven basin shall be designed to minimize the emission of sound, including, without limitation, the use of noise barriers, sound absorbers, and silencers in accordance with an acoustical engineering report to be supplied with the applicant's application for conditional use approval.

(gh) In the event that the outdoor dining area is located in the front yard of the establishment, there shall be a minimum of six feet between the building and the front property line in order for the dining area to be approved.

(hi) In the event that the outdoor dining area abuts a parcel which is residentially zoned, the outdoor dining area shall be located a minimum of five feet from the common property line.

(ij) Bulkhead setback. With regard to bulkhead setbacks in general, refer to § **560-38B**. With regard to properties on back-bay waters and lagoons, tables and chairs used in connection with outdoor dining may be located up to the actual physical bulkhead. [Amended 5-15-2012 by Ord. No. 1402]

(jk) Umbrellas and retractable awnings. Umbrellas and retractable awnings may be utilized in conjunction with outdoor dining areas adjacent to back bay waters and lagoons without the need for site plan review, provided that: [Added 5-15-2012 by Ord. No. 1402]

[1] Umbrellas and retractable awnings shall be located within approved outdoor dining areas only;

[2] Retractable awnings shall be made of fabric over a rigid frame;

[3] Retractable awnings (including their supporting poles, stanchions and other means of support) shall be fully retracted during all times the outdoor dining area is not in use;

awnings; [4] No signage shall be permitted on umbrellas or retractable

[5] Retractable awnings shall not be enclosed with screens, curtains or other materials;

[6] Retractable awnings shall maintain a minimum height (ground clearance) of seven feet.

(2) Single-family residential dwellings shall be permitted as a conditional use in the Waterfront Business District, provided that:

(a) The use of the subject property was single-family or two family residential on October 9, 2009.

(b) The structure complies with the following bulk regulations.

[1] Minimum lot area: 3,300 square feet.

[2] Minimum lot frontage: 30 feet.

[3] Minimum side yard setback (each side): the greater of 15% of the lot width or five feet.

[4] Minimum front yard setback: four feet.

[5] Minimum rear yard setback: 10 feet from the established bulkhead line, subject to § **560-38B**.

[6] Maximum building height: ~~28 feet~~ 35 feet.

[7] Maximum number of stories: 2

[~~7~~8] Maximum building coverage: 25%.

(3) Mixed use commercial and residential buildings shall be permitted as a conditional use in the Waterfront Business District, provided that:

(a) First floor uses shall be restricted to those uses permitted by Section 560-19(c)(1).

(b) Residential uses shall be permitted on the second and third floors only.

(c) No on-site parking shall be permitted.

(d) As a condition to the continued occupancy of each residential unit in a mixed use building pursuant to this 560-19(e)(3), the owner of each residential unit shall (i) purchase and maintain on a continuous basis, one (1) parking permit issued by the Borough of Stone Harbor for such residential unit; provided such permits are made available by the Borough; or (ii) provide proof to the Borough that there has been secured for each residential unit one (1) off-street parking space located within 1,320 feet of the residential unit, with proof of compliance to be provided on an annual or other periodic basis to ensure each residential unit has made provision for the parking of one (1) vehicle.

(34) Boutique hotels shall be permitted as a conditional use in the Waterfront Business District, provided that:

(a) Hotel units shall not be in excess of 500 square feet.

(b) Required off-street parking is provided off site upon a property located, in whole or in part, outside the Waterfront Business District, which off-site property shall be located not more than 1,320 feet from the subject site. Both the subject site and the site providing off-street parking shall be deed-restricted to require that the operation of the boutique hotel is conditioned upon the continued use and availability of the site providing off-street parking. One (1) parking space shall be provided for each hotel unit.

(c) The proposed development shall comply with the provisions of § **560-19D** above.

(4) Except as otherwise provided herein, Off off-street parking requirements for conditional uses shall be satisfied in accordance with § **560-31**.

F. Supplemental regulations.

(1) No curb cuts shall be permitted in the Waterfront Business District, except that curb cuts shall be permitted for single-family residences.

(2) Outdoor tables. [Added 8-7-2012 by Ord. No. 1406]

(a) Tables may be placed on private property in connection with a restaurant or other food service business in the Waterfront Business District without the need for site plan review or prior zoning approval; provided that:

[1] No table service shall be provided;

[2] The tables shall not exceed 27 inches in length and in width or 30 inches in diameter;

[3] The number of outdoor tables provided by the associated

restaurant or other food service business shall not exceed the lesser of one table for each 32 square feet of ground area or four tables; and

[4] The tables and surrounding area are not available for the consumption of alcoholic beverages.

(b) "Ground area," as described in Subsection **F(2)(a)3** above, shall include only unimproved exterior areas (including paved areas) upon which outdoor table(s) are situated.

Section 2. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 4. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(14)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC
IN ACCORDANCE WITH THE PROVISIONS OF
THE NEW JERSEY OPEN PUBLIC MEETINGS ACT,
N.J.S.A. 10:4-12**

WHEREAS, the Borough Council of the Borough of Stone Harbor is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.*, and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Borough Council of the Borough of Stone Harbor to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds – “South End Reverter Issue”*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on January 20, 2015 that an Executive Session closed to the public shall be held on January 20, 2015 at or about 4:30 P.M. in the Borough Hall of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, for the discussion of matters relating to the specific items designated above.

Official action may be taken as a result of said executive session.

It is anticipated that, in accordance with law and in a timely manner, the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2015

.....

Borough Clerk

The above resolution approved this day of....., 2015

.....
Mayor