

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

February 10, 2014

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
Mayor Suzanne Walters
Wayne Conrad
Jill Gougher
Robert D. Bickford, Jr.
Joselyn O. Rich

Julian Miraglia, Alternate Present

Board Solicitor

Andrew Catanese

Board Secretary

Patricia H. Wagner

Zoning Officer

Joanne Mascia, Absent

Board Member Absent

Perry Conte

Approve Minutes

Motion by Mr. Conrad and seconded by Mrs. Gougher to approve the minutes of the December 16, 2013 session.

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

Motion by Mr. Miraglia and seconded by Mr. Conrad to approve the minutes of the January 13, 2014 session.

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

Zoning Board of Adjustment 2013 Annual Report

Board members reviewed the following 2013 Annual Report as submitted by the Zoning Board of Adjustment. Of the twelve applications heard only two were denied.

RANDALL AND MARGARET TURNEY - Block 96.04, Lots 131 and 132 – Applicants seek variances for rear yard setback and building height. **APPROVED**

GREG AND VALERIE LINGO – Block 90.91, Lots 160 and 162 – Applicants seek variances for front yard setback, side yard setback, rear yard setback and a variance, waiver or other relief which require leaving the exterior walls.

DENIED

100TH STREET LLC - Block 96.04, Lots 138-144 (96th St & Third Ave), Block 97.03, Lots 92.02, 94, 96, 98.01, 98.02, 100, 102.01, 102.02 and 104.01 (221-237 97th St) - Applicants seek use variance for height of mechanical equipment on the roof. **APPROVED**

IACOVONE - Block 110.03, Lots 77.01 and 77.02 - Applicants requesting variance for front yard setback. **APPROVED**

PEPITONE - Block 95.04, Lot 176.02 - Applicants seek variances for lot area, side yard setback and building coverage. **APPROVED**

NIEDZIELSKI - Block 100.03, Lots 71.02, 72.02, 73.02 and 74.02 - Applicants seek variances for lot area, lot frontage and side yard setbacks. **APPROVED**

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

February 10, 2014

4:30 p.m.

SYCAMORE SHORES, A CONDO ASSOC. - Block 84.02, Lots 59.01, 59.02, 59.03, 59.04, 59.05, 61, 63.02 and 64.02 - Applicants seek variances for occupied area, front yard setback, side yard setback, rear yard setback, density of population and height regulations. **APPROVED**

RANDALL AND MARGARET TURNEY - Block 96.04, Lots 131 and 132 - Applicants seek variances for rear yard setback, height above curb, height of rear deck above bulkhead and conditional use relief. **APPROVED**

WILLIAM AND ARLENE HAURY - Block 107.03, Lots 85.02 AND 86 - Applicants seek variance relief from Zoning Code Chapter 560-18, site plan review, conditional use and any other variance(s), waiver(s) or other relief necessary to permit five tables for outdoor dining. **APPROVED**

9809 THIRD AVENUE LLC - Block 96.04, Lot 123 - Applicants seeks conditional use variance, hardship variance, Broad "C" and site plan waiver. **APPROVED**

WILLIAM LAUTH - Block 204.02, Lots 39 and 40 - Applicants seek variance for hardship and Broad "C" for location of the private residential swimming pool within ten feet of any side or rear property line. **APPROVED**

WILLIAM O'BRIEN - Block 110.01, Lot 13.01 - Applicant is seeking hardship variance and Broad "C" variance. **DENIED**

2014 Budget Appropriations

Mrs. Gougher stated that as of today's date the amount requested in November by the Planning Board has not yet been changed. Mrs. Gougher will notify the Board once the budget is finalized and adopted by the Borough Council.

Professional Planners

Mrs. Gougher has not heard back from Heyer Gruel & Associates for the 2014 hourly rate & updated contract proposal. She anticipates their response shortly. This item will be put on the Board's agenda for the March 10, 2014 meeting for review and possible adoption.

97th Street Parking Lots

Mrs. Gougher reported that Remington Vernick engineers are still in the process of reviewing all borough owned parking lots for possible upgrades and rehabilitations.

Planning & Zoning Board Consolidation

Mayor Walters reported the Administration & Finance Committee of the Borough Council is to review the consolidation proposal and when they are finished they will then make a recommendation to the full Borough Council. Mayor Walters will report back to the Planning Board when any change is proposed by the Borough Council.

Motel/Hotel Proposed Zone

Mr. Hand reported on an informal conversation he had with a motel owner. Out of five current motel owners (not including The Reeds) it was reported that they have one (1) on-site parking spot for every room they have available for rent. The current requirement is 1.5 spots. It was surmised the five motels were grandfathered in over the 1.5 spots. The owners have expressed an interest in discussing alternate parking arrangements such as remote parking lots.

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

February 10, 2014

4:30 p.m.

Mr. Hand and the members of his committee will continue to report back to the Planning Board as they make progress on their review of the proposed hotel/motel zone, the WBD and parking solutions for those areas.

Generators in Set Back Areas

Mrs. Mascia had supplied the Board with specifications on different types & sizes of generators. In a written memo to the Board she noted that the Borough's Fire Official, Ray Poudrier, explained to her that the generators cannot be placed against a structure, they have to be installed a minimum of 18 inches off the structure for fire clearances and some brands require three feet of clearance off the structure. She also noted other concerns: placement by any window, either at the property site or any neighboring sites because of the dangerous fumes from carbon monoxide, and generators have to test run once a week so noise could be a problem. Generators are more like pool heaters than AC units because of clearances and air exhaust generated heat. Mr. Catanese noted these concerns are covered by the Construction Code & the Board can't regulate around those items.

It was noted that newer generators are available in many sizes and some are fairly quiet. They are designed to be permanent fixtures to a property. Some are large enough to power an entire home and some are designed to power selected household necessities such as lights, refrigerators and HVAC units. Currently generators are not covered in the list of items allowed in setback areas. Right now, one option is for a property owner is to apply for a variance from the Zoning Board of Adjustment for generator installation.

Mr. Catanese suggested researching sample ordinances from the NJ Planners Association and other municipalities. Mayor Walters will also check with the NJ League of Municipalities for information.

Mr. Catanese suggested to the Board that they need to come up with a reasonable concept of what people need to run even a big house & set the acceptable decibel number levels. The property owner would have to abide by a installing a model with a manufactures decibel rating of "x" decibels or less. The unit would have to be installed a certain distance from the side/rear property line. The Board can also limit height and length of the unit per manufactures specifications. The units should be capable of running basic residential needs, but not small enough that it would be onerous to operate. Mr. Catanese feels the Board should have further discussions with Mrs. Mascia. The Board should be discussing units that are permanent fixtures rather than temporary units that can be pulled out of storage and used as needed. Should they be allowed at pre-existing structures and not just for new construction.

Mrs. Rich suggested using generators hooked up to a natural gas line rather than one that uses diesel fuel. The Board should also be reviewing units for residential use and units that will be used for commercial purposes (Clark's Market). The maximum length of time a unit can run/operate must also be considered. Provisions for temporary generators should also be included in the Board's discussion.

Discussion will be continued at the March 10, 2014 meeting.

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

February 10, 2014

4:30 p.m.

Zoning District Reclassification

Borough Council has requested the Planning Board review the following proposed ordinance and give a written response to the proposal.

BOROUGH OF STONE HARBOR CAPE MAY COUNTY ORDINANCE 1434

An Ordinance Amending Chapter 560 of the Revised General Ordinances of the Borough of Stone Harbor 2005, (Revising the Reference to the Zoning Map and Changing the Zoning District Classification for Certain Parcels within the Borough of Stone Harbor)

Section 1. Section 560-6 is hereby amended as follows:

"The districts and their boundaries shall be as shown on the Zoning Map, dated June 1, 2006, together with approved revisions, and prepared by Remington, Vernick and Walberg Engineers, on file in the office of the Administrative Officer, hereinafter to be referred to as the "Zoning Map of the Borough of Stone Harbor."

Section 2. The Borough of Stone Harbor, under the authority of N.J.S.A. 40:550-62, *et seq.*, in the interests of the health, safety and welfare of the citizens of the Borough of Stone Harbor and in order to effectuate the public purposes of the Borough of Stone Harbor, hereby amends the district designations for the following lots:

Lots	Block	Existing Designation	New Designation
71, 72, 73 74, 75, 76 77 & 78	93.03	Business District (BD)	Public Use (PU)
67 & 69	95.02	Business District (BD)	Public Use (PU)

Section 3. This Ordinance shall take effect immediately upon final passage and publication in accordance with the law and the appropriate revision of the Zoning Map, which is hereby authorized.

Section 4. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 5. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

The lots are the West side of Second Avenue, 93rd to 94th Street (Hand Lots) and the Northeast Corner of 96th and Second Avenue, future site of the CMC Library. A public parking lot is being proposed by Borough Council for the 93rd-94th Second Avenue lots. All property owners within 200' of both affected areas have been notified of the proposed changes. A public hearing is scheduled for April 18, 2014 Borough Council meeting at 4:30pm.

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

February 10, 2014

4:30 p.m.

Mr. Hand noted the “Hand Lots” had been suggested for a parking lot several years ago by the Board’s Professional Planner Linda Weber. At that time, Borough Administrator Kenneth Hawk said the associated costs with converting the lots for parking uses were too expensive. After that, the issue was not pursued.

Board members had no objection to the Borough Council reclassifying the zoning use at the two sites. However, several Board members expressed a desire for a more coordinated effort between the Borough Council and the Planning Board to develop a Borough parking plan, as the proposed “Hand Lots” could tie into the overall parking review currently being done by the Board’s subcommittee.

Motion by Mr. Miraglia and seconded by Mr. Hand to recommend the Borough Council adopt the change from Business Use to Public Use outlined in proposed ordinance 1434.

Affirmative Votes: Mr. Hand, Mayor Walters, Mrs. Gougher, Mr. Conrad, Mrs. Rich, Mr. Bickford and Mr. Miraglia.

Public Comment

No one spoke. Public Session Closed.

Old Business

Valet Parking Initiative

Mr. Hand asked for a Borough Council update. Mrs. Gougher reported that it has been brought to the attention of the Administration & Finance Committee. They are considering it but any action will be part of the overall Borough parking plan.

Mr. Hand said the parking concession in Naples, Florida is not run by the city, but is operated by private industry. Mrs. Gougher said the Borough would be required to put a parking concession out for public bidding.

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. Hand. All members present voted in the affirmative.

APPROVED: March 10, 2014

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