

AGENDA

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE
PRELIMINARY AGENDA FOR COUNCILMEMBERS
WORK SESSION

TUESDAY

April 3, 2018

3:00 p.m.

1. Meeting called to order
2. Roll Call
3. Announcement of Open Public Meeting Law
4. Salute to the Flag

5. A & F REPORT

Tax Collector
Tax Assessor
Construction & Zoning
Engineer
CFO
Borough Clerk
Planning Board Report

Planning Board Ordinance – Zoning Change – Regulating Pools on Bayfront Property

6. PUBLIC WORKS REPORT

7. UTILITY REPORT -

DISCUSSION: Lutheran Church of Our Saviour – Use of Parking Lot – 93rd and Third Avenue

8. Motion to adjourn

*Work
stop April 3*

**PLANNING BOARD
BOROUGH OF STONE HARBOR**

RESOLUTION NO. 2018-003

WHEREAS, Section 560-38(B) the Zoning Ordinance (the "Ordinance") of the Borough of Stone Harbor (the "Borough") currently prohibits the erection of structures within ten feet of the established bulkhead line on bayfront properties in the Borough; and

WHEREAS, the Borough's prohibition on the erection of structures within ten feet of the established bulkhead line is subject to several exceptions that include an exception which permits the construction of uncovered open decks between the main building and the bulkhead, provided that the height of any such deck does not exceed thirty inches above the horizontal plate of the bulkhead; and

WHEREAS, the Stone Harbor Planning Board (the "Board") has determined that Private Residential Swimming Pools, as defined in Section 560-43 and amended hereby, may be constructed within ten feet of the established bulkhead line without impairing the views of any properties or otherwise negatively impacting open space light or air, provided that such pools are limited in height to thirty inches above the horizontal plate of the bulkhead.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor, New Jersey, on the 12th day of March, 2018 that the Board recommends adoption of the 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 the 12th day of March, 2018.

Dated: March 12, 2018

Diane Frangiose
Diane Frangiose, Secretary
Stone Harbor Planning Board

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 560 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR
REGULATING POOLS ON BAYFRONT PROPERTIES**

WHEREAS, Section 560-38(B) the Zoning Ordinance (the “Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently prohibits the erection of structures within ten feet of the established bulkhead line on bayfront properties in the Borough; and

WHEREAS, the Borough’s prohibition on the erection of structures within ten feet of the established bulkhead line is subject to several exceptions that include an exception which permits the construction of uncovered open decks between the main building and the bulkhead, provided that the height of any such deck does not exceed thirty inches above the horizontal plate of the bulkhead; and

WHEREAS, the Stone Harbor Planning Board (the “Board”) has determined that Private Residential Swimming Pools, as defined in Section 560-43 and amended hereby, may be constructed within ten feet of the established bulkhead line without impairing the views of any properties or otherwise negatively impacting open space light or air, provided that such pools are limited in height to thirty inches above the horizontal plate of the bulkhead; and

WHEREAS, the Board has recommended revisions to the Zoning Ordinance as set forth below and has determined that the implementation of those revisions is consistent with the Master Plan and will promote the general welfare of the Borough and its residents; and

WHEREAS, the Borough Council desires to adopt and implement the recommendations of the Board, as 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 (inserted text is underlined, deleted text is ~~stricken~~):

Section 1. Section 560-38(B) is amended as follows:

Bulkhead setback (bay waters and lagoons). On properties contiguous to back bay waters and lagoons, no building or other structure shall be located or erected within 10 feet of the established bulkhead line, except

that (1) an uncovered open deck, with or without hand railings, may be located or constructed between the main building and the bulkhead to a maximum of 30 inches above the horizontal plate of the bulkhead; (2) a Private Residential Swimming Pool may be located or constructed between the main building and the bulkhead to a maximum of 30 inches above the horizontal plate of the bulkhead; and ~~(2)~~(3) a landing measuring four feet or less in width and four feet or less in depth may be constructed at or below the height of the lowest finished floor of the principal structure along with stairs from said landing to a deck permitted under Subsection B(1) above, provided that (a) such landing and stairs are constructed for the purpose of gaining access to the principal structure, and (b) no such landing or stairs may be constructed in any side yard or within six feet of the established bulkhead line.

Section 2. The definition of a “Sunken Pool” in Section 560-43 is amended as follows:

SUNKEN POOL – Any swimming pool having more than 25 square feet of water surface and (i) protruding above the average natural grade not more than eight inches; or (ii) in the case of pools adjacent to bay waters and lagoons, having a height not to exceed thirty inches above the horizontal plate of the bulkhead.

Section 3. 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 4. 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 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk