

MINUTES OF THE REGULAR SESSION STONE HARBOR PLANNING BOARD

August 12, 2019

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 with the Press of Atlantic City having been notified of the Board's schedule for 2019 on December 18, 2018, and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board.

Members Present:

Mayor Judy Davies-Dunhour
Jill Gougher
Thomas Hand, Chairman
Robert D. Bickford, Jr.
Wayne Conrad, Vice-Chair
Jackie Mauro (Alternate II)
Sandy Slabik (Alternate I)

Solicitor:

Andrew D. Catanese

Board Secretary:

Diane Frangiose

Zoning Officer:

Ray Poudrier

Members Not Present:

Lynne Dubler
Charles C. Krafczek

Letters Received from Property Owners

Correspondence was received by the Planning Board from property owners Jane Ryan, Jay Steven Neyer, Fred Pepe, Merrie Sailer, Jean Zartman, William Fischer, Lisa Wetzler, Gregory Wright, and Elaine Heil. The letters state opinions regarding the Planning Board and Borough Council approving homes on the Courts to be enlarged. Copies of the letters were distributed to Board members, and entered into the Planning Board record.

Approval of July 8, 2019 Minutes

Mr. Hand requested a Motion to admit the Meeting Minutes. Motion made by Mr. Conrad and seconded by Mayor Davies-Dunhour. Roll call taken for members present at the July 8, 2019 meeting. Affirmative votes: Mayor Davies-Dunhour, Mrs. Gougher, Mr. Hand, Mr. Conrad, Mr. Bickford, Mr. Krafczek, and Mrs. Slabik.

Master Plan Priority Sub-Committees Update

Valet Parking

Mr. Bickford advised Board members preliminary discussions have started regarding the anticipation of having valet parking in the Borough. The Sub-Committee is working on identifying and exploring arrangements with owners of vacant parking lots to determine if such an arrangement would be feasible.

MINUTES OF THE REGULAR SESSION STONE HARBOR PLANNING BOARD

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4:30 p.m.

Master Plan Priority Sub-Committees Update (continued)

Outdoor Dining

Mr. Conrad stated the Sub-Committee has not had an opportunity to meet. The proposal is to meet with County officials to get approvals needed for outdoor dining to occur as early as this Fall if possible.

Courts

Mrs. Slabik said the Sub-Committee has not met but will be scheduling a meeting in the near future. Mayor Davies-Dunhour stated the Planning Board has received emails about this topic and people are attending today's meeting to voice their opinions on it. Mr. Hand advised the Board has received two letters expressing opposition to changing the Zoning for homes on the Courts. The letters are now part of the Record and will be available upon request.

Review of Grandfather Ordinance Amendment for Lots & Structures

After a discussion by Board members regarding the clarification of specific wording in the Ordinance, it was decided to slightly revise minor wording and recommend the Ordinance to Borough Council for adoption. Mr. Hand requested a Motion to move forward. Mr. Bickford made the Motion and Mrs. Slabik seconded. All members present voted affirmatively.

Discussion on Living Fences

Mr. Poudrier spoke to Board members about other Municipalities that have an Ordinance in place regarding landscaping design standard regulations. Stone Harbor does not have such an Ordinance in place and should possibly consider adopting one. Mr. DeLollis stated there is no one size fits all Ordinance to regulate blocking of view corridors and there are several Supreme Court cases regarding the subject. Mr. DeLollis will forward Board members copies of the court cases to review.

Public Comment

Ms. Park, 6 Stone Court stated her home has no historic value. She addressed concerns for noise, parking, emergency vehicles, and construction vehicles coming into the Courts by stating all residents have dealt with the issues and everyone does their part for those items not to be a problem. Property owners want to add a level of comfort on their existing homes and not all owners will renovate. She asked Board members to continue to approach the subject to give homeowners on the Courts the relief they are seeking.

Mr. Walsh, 23 Weber Court said parking is not an issue on his street, however, there is an easy solution regarding those who feel there is. The Borough could issue seasonal parking permits.

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

August 12, 2019

4:30 p.m.

Public Comment (continued)

Ms. Hosler, 27 Linden Lane stated she and her family have no plans to change their house that was built in 1912, however, they support the proposal to allow owners to be able to add a second story on the Court and Lane homes. The parking issue could be resolved with permits.

Ms. Hunter, 19 Weber Court stated she bought her home in 2012. She enjoys the tight knit community that Stone Harbor is and she wants to continue being a part of the original Stone Harbor where people are reminded of what a beach town can be. She strongly opposes the Borough allowing property owners of the Courts being able to raise their homes.

Mr. Garlewicz, 34 Stone Court stated there is nothing historical about the homes on the Courts, his daughter is an Architect and he disagrees with Ms. Hunter completely. He thinks it is wrong to prevent owners from advancing their lifestyle and he has plans to improve his home if permitted.

Mr. Estel, 2 Weber Court told Board members he feels the issue of property owners being allowed to build their homes upward is turning one person against another, that bigger isn't always better and if turrets are allowed on the Courts, it will impact the sunlight coming into the neighborhood. The parking permit suggestion is a good one and should be considered.

Old Business

Mayor Davies-Dunhour asked Mrs. Gougher if the County had been contacted regarding the traffic light at 96th Street and Third Avenue. Mrs. Gougher advised the Police Department has contacted the County and she will reach out to them to ask them to put the issue at the top of their list. Mayor Davies-Dunhour stated there is an option of an all walk traffic light with audio that could be an alternative to what the County is using now.

Mr. Conrad stated the traffic of bicycles on Third Avenue should be addressed for next summer. Perhaps bicycles could be restricted to Second Avenue and therefore eliminate the potential for a catastrophic vehicle and bicycle accident.

Adjournment

Having no further business, Mr. Hand called for a Motion to adjourn the meeting. Mayor Davies-Dunhour made the Motion and Charles Krafczek seconded.

APPROVED: September 16, 2019

ATTESTED: Diane Frangiose
Diane Frangiose, Secretary Stone Harbor Planning Board

Diane Frangiose

From: janeryan10905@gmail.com
Sent: Thursday, August 01, 2019 9:26 PM
To: Judith Davies-Dunhour; Jill Gougher; thand12@comcast.net;
rbickford@kelleydrye.com; acatanese@mchlegal.com; swconrad@comcast.net;
ldubler@yahoo.com; Charles Krafczek; sanslabik@aol.com; Diane Frangiose
Subject: RE: Master Plan Re-examination Report(June 2019) - The Courts

Please Read Out Loud at the Next Planning Board Meeting

Planning Members

Jane Ryan
10905 Second

Ave

Stone Harbor,

NJ 08247

Borough of Stone Harbor Board

Dear Planning Board Members:

I attended the Planning board Meeting for Re-examination of the Master Plan on June 10, 2019. I learned the initial letter sent April 9th from Mott Associates stating the Courts were requesting an additional 4 ft under the house and also a second story had moved forward in the regulatory process. However, the surrounding residents who would be affected adversely were not notified. Mr. Kates stated in his letter "one important note, the Master Plan is a vision document." Mr. Kates replied in a letter to a concerned resident dated July 26, 2019 "The Stone Harbor Planning Board and Borough Council do not take changes to the zoning ordinance lightly. As such, any changes will be thoroughly vetted and discussed amongst the Boards as well as with the public." This is not the feeling I got from the Jun10th or the July 8th meeting. It seems somewhat premature that the Planning Board Members voted unanimously for the next step to move forward changing the Court zoning. I heard Mayor Judy Davies-Dunhour ask Board solicitor Andrew Catanese if the approval needed to be posted! This could be construed as an attempt to short circuit the process. The residents that back up to the Courts on 108th, 109th, 110th, 111th between Second and Third Ave have not been adequately notified. The addition of a second floor will have an impact on them. This lack of transparency will cause problems in the future.

I understand the need for additional storage but a second story is another issue. Residents of the Courts were well aware of the size limitations of these residences when they purchased them. Although Court residents have stated that parking will not be a problem, it is illogical to think that extra space and bedrooms will not bring more people and more cars. This

creates an unsafe condition. We have observed that there is not enough parking for the cars on Weber Court with many residents parking on Second avenue and 109th street on busy summer weekends. There is also car parking on Weber Court such that trash pickup is sometimes not possible due to cars blocking access to trash & recycling containers. Other considerations would be the traffic congestion with construction vehicles and delivery trucks when residents start constructing 2nd stories. Furthermore if there are additional bathrooms and utilities necessary will the current water and sewer lines be adequate or will a complete redo of the system in this area be necessary. How much will this cost? Are residents of Stone Harbor in agreement with this use of taxpayer funds?

Residents should be careful what they wish for. Homes that do not elect to add space may be adversely affected once neighbors proceed with expansion. If this zoning is changed there is no going back. The ambience and historical quality of the Courts will be lost.

Thanks for your attention.

Jane Ryan

Please Read out loud at the Next Planning Board Meeting

Jay Steven Neyer
11 Driftwood Lane
Palm Coast, FL 32137
215-527-7411

August 2, 2019

Planning Board Members
Borough of Stone Harbor

RE: Master Plan Re-examination Report (June 2019) – The Courts

Dear Planning Board Members:

We are writing to express some concerns regarding the Land Use Plan section – specifically, the issues relating to the Courts.

We live at the southeastern corner of Weber Court – 10917 Second Ave

We understand the concern on the part of some of the Courts' residents with the shortage of storage space. At the same time, it was noted elsewhere in the Report the desire to preserve the heritage of Stone Harbor. The quaint nature of the Courts is part of that heritage. Presumably the current residents understood and acknowledged that heritage (and the accompanying limitations on construction) when they decided to purchase properties in the Courts.

The proposed plan represented in Figure 6.1 on page 21 of the Report might work to preserve that heritage. But we are concerned about the potential impact of adding second floor living space.

Specifically, the Courts are already densely populated during the summer months. Increasing the occupancy of the Court structures will inevitably make the situation worse. Specific areas of concern are 1) parking, 2) disruption during renovation, and 3) way of life.

Parking - The parking situation, is already crowded and potentially dangerous during the weekends in the high season (July-August).

We can speak from personal experience, living full-time from June-October on Weber Court. During the summer, the parking on weekends is over-crowded. The regular Municipal trash trucks are sometimes unable to navigate the street (sanitation workers need to walk down the street in advance of the trucks, knocking on doors and requesting occupants to move their vehicles). We suspect that Municipal fire engines, as well as other emergency vehicles, would also be unable to navigate the street.

A large segment of the population during the summer appears to be renters. Adding more living space will increase the rental capacity of the homes and inevitably increase overcrowding.

Part of the problem is that there are simply not enough parking spots for the influx of people.

However, aggravating this issue is the fact that parking spots are not clearly defined. The Court streets are narrow, one-way alleyways that were not designed to accommodate on-street parking on both sides. The residents, however, have historically resolved this dilemma by utilizing the 34 inch concrete "sidewalks" that line each side of the streets. Since there are no curbs, cars may be parked partially on the street and partially on the "sidewalks", thus enabling vehicles to move down the middle of the street.

The difficulty is that some occupants either choose not to park on these sidewalks, or are unable to do so because the sidewalks have been replaced by landscaping. In segments of the street where on-street parking takes place on both sides – and the sidewalks are not utilized – the street is functionally unnavigable.

It has been suggested in the report that providing parking permits to owners could address this issue. However, parking permits cannot create more parking spaces – the additional cars still need to go somewhere. And the overflow will inevitably go to the adjacent numbered streets, whose parking is already under stress due to ongoing residential re-builds.

Disruption during Renovation - It is reasonable to assume that major additions to a majority of the Court homes will require significant changes to the supporting utilities – sewer, gas, electric, water – in order to support the increased occupancy. This will inevitably result in street excavations, and large construction vehicles clogging the Court streets.

Way of Life - It is obvious that the original Court homes were not designed to accommodate more than 2-4 occupants. And the alleyways were not designed to handle modern SUV's, vans, and pickup trucks. Increasing the occupancy of the homes within the same geographic constraints will only result in more traffic congestion and overcrowding.

It was noted elsewhere in the Master Plan report that old Stone Harbor is disappearing, as Cape Cod cottages are gradually replaced with massive structures. The Borough has wisely maintained the two-story limitation so that at least some semblance of the old look that makes Stone Harbor unique (and different than Avalon) is maintained.

The Courts are essentially alleyways and were not designed to accommodate two-story dwellings. Look down any of the Court streets as they currently exist and then try to imagine how they will change.

We realize that many of the Court homes already sit next to large two-story structures that partially obstruct views and sunlight. But this will only get worse. As some Court owners begin to add second stories, others will be under pressure to follow suit, in order to preserve some semblance of sunlight.

We have heard comments essentially dismissing these concerns. A summary is below.

Safety – The first is that safety will actually be increased, due to the superior construction of the renovated houses (new materials, compliance with current building codes, etc.).

However, we would guess that not every home will be renovated. The ones in most need of renovation may in fact be those that are not renovated, due to cost. So, the hazard will still exist, and the increased number of residential vehicles will impede emergency vehicles.

Overcrowding – It has been asserted that increased square footage will not bring about an influx of more people – it will simply make the homes more comfortable for existing owners.

However, it appears that many of the homes are already rented-out, and in fact that number may increase, as more owners opt to rent in order to cover the financing costs of renovation. Ask any realtor – one of the basic means to increase rental income is to increase the sleeping capacity of a unit. As such, the number of occupants (and vehicles on the street) will increase.

We might add one related concern – noise level. We cannot see how increasing the square footage will do anything but add to the number of people packed into the Court streets. While noise levels can be an issue throughout Seven Mile Island during the summer, it is certainly aggravated by the very close proximity of Court homes to each other.

Deja Vu

It may also be useful to re-examine the original motives for the height restriction. It is interesting to note that there was a time when there was no height restriction on the Court Homes. Why was a restriction put in place to begin with, and what has now changed, such that the restriction has outlived its utility?

We do not know the answer to this question, but perhaps the Planning Board members should be asking this themselves, so that history does not repeat itself.

We are presuming based on anecdotal information that the restriction came about due to the construction of a particular building on one of the streets that dwarfed all others and was out of character. It may have also created a parking/crowding issue due to its size and occupancy (here we are only speculating).

Presumably, the current advocates will counter that the same thing will not happen again – there will be restrictions/building code requirements, etc. to ensure that whatever additional square footage is allowed will not affect the ambiance of the street, parking, over-crowding, etc.

This may be so. But the Borough Council would be prudent to require more specifics as to exactly what will (and will not) be permissible before acting on this proposal. Do not leave implementation details to a later date. As examples:

- Exactly what requirements will be in place to ensure that any renovations will not negatively affect the current parking capacity on the streets? Will the street-level sidewalks, which are necessary for on-street parking on both sides, be maintained?

- Will Court homes only be allowed to build on the existing footprints? If not, will they be held to the same standards as current/previous owners, who were required to add off-street parking?

Conclusion

Before changing the zoning law, we urge Council members to visit the Court streets during weekends in high season, and/or speak to the manager of Public Works, as well as the local Fire Department to validate the safety comments above.

And take a close look at Stone, Bower, and Weber (which has the most grandfathered two-story structures). Then try to imagine how these streets will appear if the envisioned changes are put into place.

Thank you for your attention.

Jay Steven and Mary Jill Neyer

10917 Second Ave.
215-527-7411

Diane Frangiose

From: Judith Davies-Dunhour
Sent: Tuesday, August 13, 2019 8:55 AM
To: Diane Frangiose
Subject: Fwd: Court Streets - 8/12 meeting

Judith M. Davies-Dunhour, Mayor
Borough of Stone Harbor
Stone Harbor, New Jersey 08247
Daviesj@shnj.org

Sent from iPad

Begin forwarded message:

From: Fred Pepe <f.pepe@bdlawfirm.com>
Date: August 12, 2019 at 3:58:01 PM EDT
To: "DaviesJ@shnj.org" <DaviesJ@shnj.org>
Subject: Court Streets - 8/12 meeting

Dear Mayor Davies-Dunhour,

My name is Fred Pepe and my wife and I own a home on Stone Court. I am writing this email to you in hopes that you can direct it to the planning board and/or town council. I am not sure who else to send it to. I had attended a meeting with Mr. Kates on 4/20/29 regarding allowing second floors on the court properties. I am pasting an email I sent to Mr. Kates after the meeting below. It is my understanding that many other court property owners also sent him emails. I am sure that he shared them with the appropriate officials. It is my understanding that written statements of other residents may have been read into the record at past meetings without their presence being necessary. If that is the case I would ask that my email be read into the record at the planning board meeting and/or to Council. I cannot speak for all residents, but I suspect that most would also want their email made known.

Unfortunately I, like many other Court residents, work out of town during the week and cannot be present at today's planning board meeting. If the issue of the court streets is addressed, I would truly appreciate any assistance you can provide regarding the above.

Thank you,

Fred

Hi Paul,

It was a pleasure meeting you on April 20, 2019 at the informational meeting in Stone Harbor. I appreciate your time and effort to explain the current situation. Although I don't think that there was

any uncertainty of the opinion of the approximate 30 residents that showed up at the meeting, as per your request, I am sending this email to you to confirm that my wife and I are both in favor of raising the height restrictions and allowing 2nd floors on the courts. The proposed relief of allowing an additional four feet of height beneath the house does absolutely nothing for us.

By way of recap, you suggested that the 3 main reasons for the currently zoning law were due to concerns with parking, wind tunneling and character of the town. Although nobody knows exactly what the situation was when the zoning law was instituted (you indicated late 70's) with all due respect to the past Planning Board and Zoning Board, I don't think that the above mentioned reasons have much validity today.

Parking – in the time that I have owned a home on Stone Court, and listening to the other residents, there has never been a parking problem. Everybody is very respectful of each other and only parks in front of their house. Also, there is an abundance of street parking off the courts, even on the busiest of weekends.

Wind Tunneling – this argument makes no sense to me. As stated at the meeting, if the houses on the avenues are allowed to build to the heights that they are, aren't they creating the same effect? The photo that was given to you at the meeting of a new home being built is behind my house. I have no issues with them being able to build up, but we should be allowed to as well. Also, there are already 2 story houses on the courts, as well as a condo building on the corner Bower. There is no wind issue and I suspect that there are no documented studies that prove otherwise.

Character – I don't believe that allowing the courts to build up with ruin the character of the town. There is so much construction going on with many, many different styles of homes being built. The courts should not be the only exception. Also, it is the residents that make up the character of the town, not just the style of homes.

I look forward to reviewing the Master Plan draft after 6/1/19. I am hopeful that you will adequately express the concerns and opinions of the residents at the meeting to the Master Plan Sub-Committee and Planning Board. Although your letter of 4/9/19 indicates that there have been several lengthy discussions which brought about the proposed 4 feet of height below the house, you assured the residents that this was just the beginning of the process.

Again, thank you for your time.

Fred

Frederic Pepe, Esq.
Biancamano & Di Stefano, P.C.
10 Parsonage Road
Suite 300
Edison, NJ 08837
732-549-0220 (p)
732-549-0068 (f)

August 12th, 2019

Dear Stone Harbor Borough Council and Planning Board,

We support the cottage owner's in their request to put a second story on their homes.

Our family has been a long time resident of Stone Harbor and believe allowing the Courts and the Lane to build a second story on their homes would in no way alter the quality of life as we know it in Stone Harbor.

Sincerely,

Mrs. Merrie Sailer

9411 Sunset Drive

Mrs. Jean Zartman

10909 Sunset Drive

Mr. William Fischer

10907 Sunset Drive

To the Planning Board and Borough Council

The Davids vs. The Goliaths

I have learned there is occasional opposition to our cottages, going up, or more specifically, being allowed to put a second story on our very small homes. My husband and I, along with several of our cottage owners on Linden Lane, have been consistent in our goal of putting a second story on our cottage homes, which would give us some much needed space. The planning board meetings that I have attended agree with us, that it is the right and rational vote to allow us to build a second story on our cottage homes.

If you asked homeowners, who owned or still own the small cape cod designed houses, if they objected to their neighbors enlarging and building an entire second story on their homes, the small homeowners would probably not want any large changes next to them. Yet people are allowed to knock down, rebuild and enlarge their homes, if they are not on the courts or the lane.

If we are allowed to put a second story on our small homes, it still would not be as high as all the other homes, which are allowed 38 feet. Many people had ideas at the first meeting about height, one was 25 feet from top to bottom joist. My own house is 15 feet high, 5 feet of which is space I cannot use to live on or even store my water heater properly.

So I am asking the Council of Stone Harbor to honor the unanimous vote the Planning Board agreed to; to let the cottage owners put a second story on our homes. No one should have the right to take away my quality of life, when they themselves have that right.

I will reiterate my consensus of my near neighbors on 84th and 85th street, who have their large homes, yet they have no objection when it comes to our little places, because they know our homes will not be as tall as theirs. Next week I will send in names and addresses of these homeowners. They also understand since they were allowed to go up and put a second story on their homes, we also should have that right as taxpayers, proud residents, and some of us several generations of Stone Harbor workers. I have worked at several restaurants growing up. My sons have been lifeguards

and waiters in the community. We contribute not only to the quality of life here, but also to many businesses. My family, the Wetzlers' at 10901 Second Ave and the Zartman's at 10807 Sunset Drive and 94¹¹ Sunset Drive, do not oppose us going up and support us in this endeavor. You will receive their emails.

One objection is about parking, because as some believe falsely, we will have more people at our homes, more than we have now. The amount of people in our homes will remain the same. As I have stated to the planning board, I am not suddenly going to adopt another family to live or visit me. Nor do I rent and most of my neighbors own and don't rent unlike many owners who have large homes. It is judgmental and inappropriate for the author of the opposing letter that was read in council to assume owners of the cottages would need money to pay for any renovations.

Here is an example of a house, which was formally a small cottage that was knocked down, and then rebuilt into a larger home with a second story on it. They got rid of their *Charming* small home to build this large home. However, they could have created a drive on the side, but didn't. As you can see from the photo they have parked on the side of their house and also on the front, that is 2 parking spaces. On Linden Lane the neighbors and myself talk to

each other and work out any parking issues.



Second Ave. home. This home is formally a charming small cottage; now a large home with NO added driveway built into his renovated home. Poor planning.

There are many other incidents of parking spaces that could be improved. How about the almost double driveway curb cuts, yet only park one car in there. Then the resident beach block people who need extra space use all the beach block public parking. Or the extra long yellow lines that prohibit parking near or in the vicinity of the corners, you could take 4 feet off them and still have safe

vision around corners.



I have to say the last thing I want to do is throw fellow residents of Stone Harbor under the bus so to speak. But I rationally can't understand the prejudice against the small homes. Frankly I am sick and tired of it.

Lisa Wetzler/Gregory Wright

8 Linden Ln.

September 4, 2019

To: Planning Board

Borough of Stone Harbor

9508 Second Avenue

Stone Harbor, NJ 08247

From: Elaine Heil *Elaine Heil*

223-108th Street

Stone Harbor, NJ 08210



Stone Harbor is a unique town. I have been coming here since 1930. That was the summer just prior to my second birthday. During the 1930's our family spent our summers in the bungalow at A23 Bower Court. Our home at 223-108th Street was built in 1938. That has been our family vacation home ever since.

I believe that the Bungalow Colony is one of the most unique features of Stone Harbor. The bungalows have changed over the years and I am grateful that the zoning board has not allowed the building of second floors. The creativity of the owners given the very small ground is remarkable.

I believe that allowing second floor construction will destroy the uniqueness of the bungalows and the colony as a whole.

The article that appeared in the August 14, 2019 Herald outlined areas of concern. Parking will surely be a concern. (When we were kids in the 1930's cars were parked in the open areas between the houses which left the street as a wonderful place to play.) Now cars are parked in front of the houses on both sides of the Court leaving very little space for vehicles of any kind including emergency vehicles.

Developing a Residential D zone would be appropriate, but please don't allow adding second floors.

The small picture at the top of this page is our family in the early 1930 in front of A23 Bower Court. I am sitting on my mother's lap. I was about 6 years old.

CC: Mayor: Judith M. Davies-Dunhour @ Boro Administrator: Jill Gougher