

Wdr

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE

AGENDA REGULAR MEETING

TUESDAY October 1, 2019 4:30 p.m.

DOCK HEARING – 423 – 104th Street (1)

ORDINANCE 1557 - (Purchase Voris Property 2nd 3rd and final (2) Partzych

Motion – New Firemen – Sean Kruger, Levin Oakley (3) Dallahan

DISCUSSION:

RESOLUTION – CLOSED SESSION (4) Krafczek

Suzanne Stanford

From: Lauren Plasket <lauren@channelmarineconstruction.com>
Sent: Thursday, September 19, 2019 9:11 AM
To: Suzanne Stanford
Subject: 423 104th St

Good morning Suzanne,

I have been notified via email by the construction office that we will need to go before Mayor and Council for permit approval. The property address for the permit is 423 104th Street.

I would like to request to be placed on the agenda for Tuesday, October 1st. Please confirm at your earliest convenience.
Thank you.

Kind Regards,

Lauren Plasket

Channel Marine Construction, Inc.

31 Clermont Drive

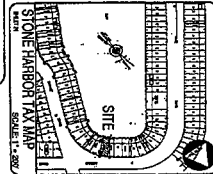
Clermont, NJ 08210

Office: 609-967-5600

Fax: 609-624-1225

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COPY



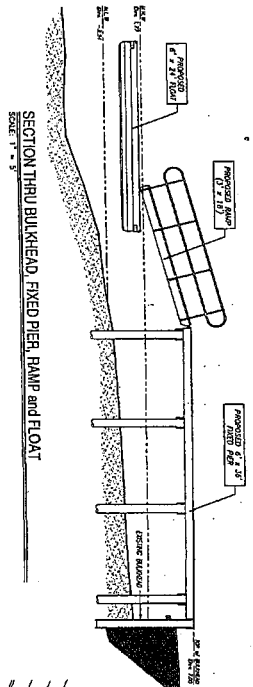
DOCKPIER COMPLIANCE NOTES

The proposed dock pier structure is designed to comply with the following requirements:

- Structure shall be constructed of galvanized steel.
- Structure shall be designed to withstand wind and wave forces.
- Structure shall be designed to withstand ice forces.
- Structure shall be designed to withstand scour.
- Structure shall be designed to withstand collision.

GENERAL NOTES

- Structure shall be constructed of galvanized steel.
- Structure shall be designed to withstand wind and wave forces.
- Structure shall be designed to withstand ice forces.
- Structure shall be designed to withstand scour.
- Structure shall be designed to withstand collision.



104th STREET

WATERFRONT DEVELOPMENT PERMIT PLAN



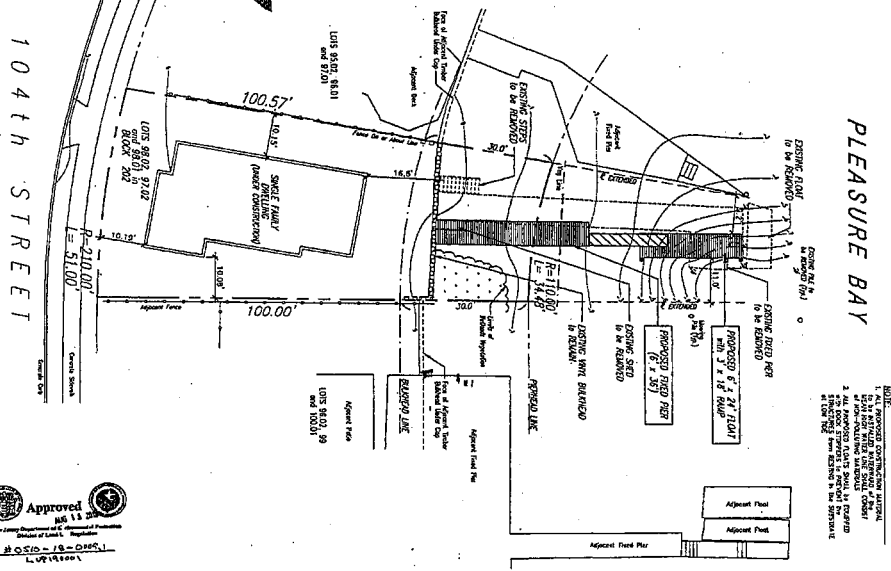
NO.	DATE	DESCRIPTION
1	10-11-11	ISSUED

PROJECT
423-104th STREET
 BLOCK 202 - LOTS 96.02, 97.02 & 98.01
 BOROUGH OF STONE HARBOR, CAPE MAY COUNTY, NJ

DWG. TITLE
NJDEP PERMIT PLAN

ANDREW C. SHAWL, P.E., L.L.C.
 6 LAKE CORSON LANE
 MARLBOROUGH, N.J. 08053
 (609) 249-2744 FAX: (609) 249-3860 EMAIL: andrew@acshawl.com
 ANDREW C. SHAWL, P.E. N.J.P.E. Lic. No. 240504012700

DATE: 8-7-13





**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means approval, certification, registration, authorization, waiver, etc. Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>Approval Date: AUG 15 2019</p>
		<p>Expiration Date: AUG 14 2021</p>
<p>Permit Number(s): 0510-18-0009.1 LUP190001</p>	<p>Type of Approval(s): WFD Individual Permit-SFH/Duplex(Waterward) SPGP17</p>	<p>Enabling Statute(s): NJSA 12:5-3 et seq. WFD</p>
<p>Permittee: Jim & Christine Mooney 466 Black Swan Lane Berwyn, PA 19312</p>	<p>Site Location: Block(s) & Lot(s): [202, 96.02] [202, 97.02] [202, 98.01] Municipality: Borough of Stone Harbor County: Cape May</p>	
<p>Description of Authorized Activities:</p> <p>Construction of a 6'x36' fixed pier with a 3'x18' ramp leading to a 6'x24' floating dock. All other docks and stairs shall be removed.</p> <p>This permit is authorized under and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7-1.1 et seq., as amended through July 15, 2019.</p> <p>The permit issued is subject to the conditions of the Army Corps of Engineers permit CENAP-OP-R-NJ-SPGP17.</p>		
<p>Prepared by: Mark C. Davis <i>Mark C. Davis</i></p>		<p>Received and/or Recorded by County Clerk:</p>
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

SPECIAL CONDITIONS:

1. The permit issued is subject to the conditions of the Army Corps of Engineers permit CENAP-OP-R-NJ-SPGP17.
2. Prior to site preparation or construction and/or within thirty (30) calendar days of permit issuance, whichever is sooner, the permittee shall record the permit, with the Office of the County Clerk (the Registrar of Deeds and Mortgages) within the county in which the site is located. Within thirty (30) calendar days of recordation, a copy of the recorded permit must be forwarded to the Division's project manager, at mark.davis@dep.nj.gov.
3. Prior to the construction of any structures and/or the placement of fill within any tidelands areas authorized under this permit, the permittee must apply to the Division's Bureau of Tidelands Management for a tidelands instrument (e.g., a license or lease) for the use and occupation of said tidelands. All decisions concerning the issuance of any tidelands instrument is solely up to the Division's Bureau of Tidelands Management following the Tidelands Resource Council policy.
4. Consistent with Assembly Bill, No. 2804, P.L. 2007, CHAPTER 113, the use of creosote treated material (or other descriptive term from the law) in the construction of the permitted structure(s) is prohibited.
5. The structures are not to exceed the dimensions as specified on the approved plans. No more than four (4) vessels may be moored at any time. All structures and mooring areas shall be located as depicted on the approved plans.
6. The width of the docks or piers shall not exceed twice the clearance between the structure and the surface of the ground below or the water surface at mean high water (measured from the bottom of the stringers). Floating docks are not subject to the height requirement, however the floating docks shall be constructed such that it does not rest on the bottom of the waterbody during the low tide event.
7. Spacing between horizontal planking of the dock shall be maximized and the width of the horizontal planking shall be minimized. Under normal circumstances, a minimum of 3/8 inch, 1/2 inch, 3/4 inch, or one inch space shall be provided for four inch, six inch, eight to 10 inch, or 12 inch wide planks on the dock, respectively.
8. All debris, wood, trash, and other loose materials shall be discarded and legally disposed of offsite. The applicant shall take special care that no debris enters or remains in the water.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.

5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;

- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action;
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.

26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address listed on page one of this permit.

APPROVED PLAN(S):

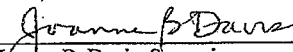
The drawing hereby approved consists of one (1) sheet prepared by Andrew C. Shawl, P.E., L.L.C., dated February 1, 2019, last revised August 13, 2019, and entitled: "423-104TH STREET, BLOCK 202 - LOTS 96.02, 97.02, 98.01, BOROUGH OF STONE HARBOR, CAPE MAY COUNTY, NJ."

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Use Regulation at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Mark Davis of the Division of Land Use Regulation at (609) 633-2289 or by email at mark.davis@dep.nj.gov.

Approved By:


Joanne B. Davis, Supervisor
Division of Land Use Regulation

8/15/19
Date

Original sent to Agent to record

- c: Permittee
- Borough of Stone Harbor Municipal Construction Official

(2)

Oct 1, 2014

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

ORDINANCE 1557

**AUTHORIZING THE EXECUTION OF
AGREEMENT OF SALE TO PURCHASE 230 94TH STREET**

WHEREAS, the vacant property known as 230 – 94th Street, Block 93.03, Lots 79 and 81 located in the Borough of Stone Harbor, is available for purchase and is in a location that would be extremely beneficial to the Borough with regard to various contemplated public improvements; and

WHEREAS the Borough has obtained an appraisal of value relative to said property and consistent therewith, the Mayor and Council of the Borough of Stone Harbor have proposed an Agreement in which the Borough will purchase vacant property known as 230 – 94th Street; and

WHEREAS, the owner of said property is agreeable to the price and terms proposed; and

WHEREAS, and the Chief Financial Officer has certified that funds are available.

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

SECTION 1. The averments set forth above are incorporated herein as if set forth at length.

SECTION 2. That Mayor, Judith M. Davies-Dunhour be and hereby is authorized to sign an Agreement of Sale, reasonably acceptable to the municipal solicitor, in form substantially similar to the attached Exhibit "A", providing for the acquisition of the subject property at a purchase price of One Million Fifty Thousand (\$1,050,000.00) Dollars.

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, are hereby repealed.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED:

Judith Davies Dunhour - Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(1)

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 related to purchase, lease, sale or acquisition of real property with public funds.*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on October 1, 2019 that an Executive Session closed to the public shall be held on October 1, 2019 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 the day of, 2019

Borough Clerk

The above resolution approved this day of....., 2019

Mayor