

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

February 10, 2020

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 2020 on December 14, 2019, and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board.

Roll Call

Members Present:

Mayor Judy Davies-Dunhour
Thomas Hand, Chairman
Wayne Conrad, Vice-Chair
Robert D. Bickford, Jr.
Lynne Dubler
Charles C. Krafczek
Jackie Mauro (Alternate II)
Sandy Slabik (Alternate I)

Solicitor:

Paul J. Baldini

Board Secretary:

Diane Frangiose

Zoning Officer

Ray Poudrier

Engineers/Planners

Kates Schneider
Engineering, LLC

Members Not Present:

Oath of Office & Oath of Allegiance of Borough Administrator, Robert Smith

Mr. Hand, on behalf of the Planning Board, welcomed new Board member, Robert Smith, Borough Administrator. Mr. Baldini administered the Oath of Allegiance and Oath of Office for Mr. Smith.

Approval of January 13, 2020 Meeting 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 January 13, 2020 meeting. Affirmative votes: Mayor Davies-Dunhour, Mr. Hand, Mr. Conrad, Mr. Bickford, Ms. Dubler, Mr. Krafczek, Ms. Mauro and Mrs. Slabik.

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Application Hearing re 10315 Sunrise Drive

Messrs. Krafczek, Poudrier and Smith were recused from the hearing. Mr. Baldini advised it was not necessary for Mr. Kates to be recused since he is a non-employee. Mr. Cory Gilman introduced himself to members of the Board and stated he is the Attorney for Charles Street Developers, LLC, concerning the property located at 10315 Sunrise Drive. Mr. Gilman advised applicants are seeking an approval of a minor subdivision for subdividing lots 531, 532, 533 & 534 into two non-conforming lots. Single family dwellings are proposed on both proposed Lot A and Lot B. A "C" variance is required for both proposed lots for relief from minimum lot area pursuant to Section 561013(B)(1).

Mr. Baldini administered the Oath to Messrs. Helbig and Russ. Mr. Helbig, a Professional Engineer and Planner of Dante Guzzi Engineering Associates, provided his name and address for the record. Mr. Helbig provided in-depth testimony regarding the Application and stated in his professional opinion, the variances requested are consistent with the work to be completed at the subject property. Mr. Russ, Director of Stone Harbor Department of Public Works, stated currently there is an 8" outflow pipe on the east side of the property which flows from 104th Street to Second Avenue, 105th Street south and back to 104th Street. Mr. Russ advised in his professional opinion, the 8" pipe is not adequate, a new larger pipe is proposed and will be 9 times better than the present pipe. The new underground larger pipe should last 50 to 60 years, will hold a larger flow for storm water, get water off the street faster and will be a benefit to the Borough.

Mr. Kates stated the Engineer's Report was provided by Design Associates and it meets all requirements with no major issues.

Public comment regarding the proposed Application was requested by Mr. Hand. Mr. Baldini administered the Oath to Mr. Charles P. Deegan of Sunrise Drive. Mr. Deegan was represented by Attorney Richard Carlucci. Mr. Deegan stated lengthy vocal opposition to the approval of the Application. He voiced strong concern for the mature trees on the property line and stated he is fearful two new properties will be an invasion of his privacy since his property is next door to the property in question. He feels there will be increased population and parking issues with the construction of two properties and therefore making the corner of the basin more crowded than it already is. He also said the Borough will have to improve the water drainage and that it will be costly.

Mr. Gilman stated the Applicant will resolve or lessen the issues raised by Mr. Deegan. The trees will be preserved and the Applicant will pay the cost of the outflow pipe to be installed east to west at the property and Applicant will provide an easement on the west side of the property.

Mr. Hand requested a Motion to proceed with the vote on the Application. Motion made by Mr. Conrad and seconded by Mayor Davies-Dunhour. Mr. Baldini advised the Motion would be in the affirmative.

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Application Hearing re 10315 Sunrise Drive (continued)

Mr. Baldini stated an affirmative vote would grant a C-2 variance for proposed Lot A and Lot B at 10315 Sunrise Drive with the following conditions: 1) Applicant will comply with the Engineer's Report dated January 28, 2020, with a clarification made on one or two of the points and revised Plans to reflect said conditions; 2) Applicant will submit revised Plans satisfactory to the Board Engineer and the Zoning Officer; 3) Applicant agrees to allow the relocation of the storm sewer outfall pipe from the easterly side of the property to the westerly side of the property and Applicant shall pay the cost of installing the new pipe from Applicant's property line at the street to and through the bulkhead; 4) Applicant will work to preserve and use reasonable efforts to preserve the tree line on the east side of the Applicant's property; 5) Applicant accepts bulk requirements for the zone and will not be able to come back to the Board seeking bulk variances for the two newly formed lots; 6) Applicant shall obtain any and all other necessary State, County, Federal, Municipal, and other governmental approvals to comply with all laws and regulations, all setbacks in the plans submitted to the Board are not to be deemed as Deed restrictions but are evidence of the current requirements of the Borough of Stone Harbor Planning and Zoning Ordinance; and 7) Applicant agrees to provide an easement for the relocation of the outflow pipe to the west side of the property which shall be approved by the Board Engineer and Board Solicitor prior to filing a recording.

Mr. Baldini advised the approval hereby granted is specifically based upon the testimony, evidence and documentation submitted to the Board during the hearing. The Board reserves the right to modify or deem this Application null and void if in the future, testimony, evidence and documentation are determined to be inaccurate.

Mr. Hand requested a Motion to grant the variance requested. Motion made by Mr. Conrad and seconded by Mayor Davies-Dunhour. Roll call taken. All Board members present voted affirmatively with the exception of Ms. Dubler voting no.

Mr. Baldini stated the second Motion is to grant the minor subdivision relief sought by the Applicant for the creation of two non-conforming lots located at 10315 Sunrise Drive. The same conditions stated above in the first Motion apply to the second Motion. Mr. Hand requested a Motion. Mrs. Slabik made the Motion and Mayor Davies-Dunhour seconded. All Board members present voted affirmatively.

Master Plan Sub-committee Update Report

Mr. Kates stated he is working on drafts for the Outdoor Dining and Valet Parking projects to be sent to the Sub-committee members for review. He is also working on the Courts and flood standards. He expects those drafts will be forwarded to Board members prior to the next meeting on March 9th.

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Public Comment

No one spoke.

Adjournment

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

APPROVED: March 9, 2020

ATTESTED: Kate McGonagle, Secretary Stone Harbor Planning Board