

MINUTES OF THE REGULAR SESSION STONE HARBOR PLANNING BOARD

November 23, 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 November 22, 2019, and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board. The meeting was held via video conference format through Zoom.

Roll Call

Members Present:

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

Members Not Present:

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Engineers/Planners:

Kates Schneider
Engineering, LLC

Salute to Flag

Approval of October 19, 2020 Meeting Minutes

Mr. Hand requested a Motion to approve the October 19th, 2020 Meeting Minutes. Motion made by Mr. Conrad and seconded by Mayor Davies Dunhour. Affirmative votes: Mr. Bickford, Mr. Conrad, Ms.Dubler, Mr. Krafczek, Mrs. Slabik, Mr. Smith, Mayor Davies-Dunhour, and Mr. Hand.

Lot Grading Update

Mr. Kates reported that the drafted Ordinance presented to Borough Council was not acted on because there are still concerns that need to be addressed. Mr. Kates explained that he, Mr. Poudrier, Mr. DeBlasio and Mr. Baldini are looking at the Lot Grading Ordinance, Bulkhead Ordinance and other developmental ordinances to resolve any inconsistencies. Mr. Kates relayed that he is looking at ways to clarify the minimum lot grading elevation ordinance and the definition of "patio" by adding language to make the ordinance clearer. Mr. Kates explained that Mr. Baldini is working on restrictions and side yard setbacks. Mr. Kates mentioned that Councilman Parzych voiced a concern for fences that are obstructing side yard setbacks and suggested researching a setback for specific fence types.

Mr. Poudrier discussed issues with properties that have completed elevation of the rear yard for retaining walls while leaving the front yard unelevated. Mr. Poudrier explained that scenarios related to this circumstance resulted in steps in side yard setbacks leading to a terrace or on-grade patio. Mr. Poudrier explained that the current zoning regulation primarily references setbacks for steps that access a structure, but not a terrace or patio, so they are working on revising the setback regulation to make the regulation cohesive. Mr. Poudrier informed the Board that Mr. DeBlasio, Borough Engineer, had drafted a letter to notify adjoining property owners of lot grading properties. Mr. DeBlasio also drew up diagrams that reflect lot grading designs so viewers could understand the intent and the details of the retaining walls. Mr. Poudrier also mentioned that currently the lot grading is primarily affecting new construction, substantial improvement, and impervious service within five feet of the property line.

Mayor Davies Dunhour and Mr. Krafczek expressed that the priority of the task at hand is eliminating inconsistencies between the current ordinances first. Subsequently, the Board can discuss additions or eliminations of the ordinances regarding subjects that aren't necessarily affected by the adjusted bulkhead regulations. Mr. Kates explained that once the changes are complete, the drafted updates will be presented to the Board.

Master Plan Sub-committee Update Report

Mr. Kates informed the Board that he and Mr. Baldini were still working on the drafted Ordinance for the Courts to retain the 50% floor area ratio and then present it to the Board for discussion.

Mr. Kates explained that the Valet Parking Sub-Committee is working on orchestrating a meeting to discuss start-up locations of the valet parking project.

Update on Wood Burning Outdoor Fire Pits

Mr. Poudrier relayed that the outdoor fire pits are already regulated through the NJ Fire Codes if a wood burning fire pit is creating a nuisance. Mr. Poudrier did mention that wood burning fire pits are regulated but gas-burning fires are not regulated. Mr. Poudrier explained that gas-burning fire pits generally do not cause the same output of smoke that could be considered a "nuisance". Members agreed that the Fire Codes in place should suffice at the present time and that they don't want to over restrict wood burning fire pits.

POD/Dumpster Ordinance

Mr. Poudrier expressed his only concern regarding the POD/Dumpster Ordinance which restricts dumpsters from July 1st through Labor Day of each year is that it may cause a burden for contractors. Mr. Krafczek responded by explaining that the Ordinance is not banning, but rather managing dumpsters from being located in the street due to obstruction of available street parking when there is an influx in population in the Borough. Paul Imhof, Stone Harbor Code Enforcer, voiced concern for finding space that could accommodate the placement of a dumpster under setback regulations and the accessibility of deliveries for construction purposes. Mr. Krafczek reiterated that although it may cause a bit more management for contractors, he felt it was in the best interest of the homeowners to make the changes for the limited time frame. Mr. Baldini relayed portable structures will be placed on the property with a five foot setback and only allowed in the street under certain circumstance with specific approval.

2021 Meeting Dates

Mr. Hand requested a Motion to approve the 2021 meeting dates. Motion made by Mr. Bickford and seconded by Mrs. Slabik. Affirmative votes: Mr. Bickford, Mr. Conrad, Ms. Dubler, Mr. Krafczek, Mrs. Slabik, Mr. Smith, Mayor Davies-Dunhour, and Mr. Hand.

Public Comment

Ms. Kim Parks of F-6 Stone Court commented that she did research pertaining to the FAR percentages discussed at the last meeting. Ms. Parks stated that out of the ninety-five properties in the D Zone, 40% of the properties are already one and a half or two-story properties. Out of the total number of properties, only one third will be able to renovate their structures. Ms. Parks relayed properties that are eligible to make changes are currently considered nonconforming. Ms. Parks is concerned over whether the 22-foot height and roof pitch requirements will even allow for a second floor with the proposed regulations. Mr. Kates responded that the roof pitch discussed is the minimum requirement in an effort to eliminate flat roofs. Mr. Poudrier explained that the 22-foot maximum begins at the designed flood elevation, not necessarily the grade of the property. Ms. Parks added that 50% or 70% FAR's for the already limited square footage would not allow for an ample addition of square footage. Ms. Parks stated that she has a drone video that she would like to present for the Board that gives an idealistic visual of the areas of the Courts.

Mrs. Bernadette Parzych of 9925 Sunset Drive asked the Board how there are so many nonconforming properties in the Courts. Ms. Parzych questioned if the properties are grandfathered in or if there was once a zoning code that allowed for the properties to add additional square footage. The Board explained that if property owners do want to add square footage, the dwelling must be in compliance for public safety reasons. Mayor Davies Dunhour did state that there was a period when there was a zoning code that allowed for expansion of the structure, but the exact timeframe is unknown. Mayor Davies Dunhour explained that property owners do have the option to apply for a variance if the property is not in compliance.

Closed Session

Mr. Hand requested a Motion to enter into closed session for a Resolution. Motion made by Mr. Bickford and seconded by Mrs. Slabik. Mr. Affirmative votes: Mr. Conrad, Ms. Dubler, Mrs. Slabik, Mayor Davies-Dunhour, and Mr. Hand. Mr. Krafczek, Mr. Smith and Mr. Poudrier were recused from the Closed Session.

Adjournment

The meeting was called to order by Mr. Hand. Having no further business and no members of the Public present or on Zoom, Mr. Hand called for a Motion to adjourn the meeting. Mrs. Slabik made the Motion and Mr. Bickford seconded. Members present were: Mr. Bickford, Mr. Conrad, Mrs. Slabik, Mayor Davies Dunhour and Mr. Hand.

APPROVED:

ATTESTED:


Kate McGonagle, Secretary Stone Harbor Planning Board