

MINUTES OF THE REGULAR SESSION STONE HARBOR PLANNING BOARD

April 12, 2021

4:30 p.m.

CALL TO ORDER:

The meeting was called to order by Chairman 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 2021 on December 12, 2020, 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
Robert Smith-Administrator
Thomas Hand, Chairman
Wayne Conrad, Vice-Chair
Robert D. Bickford, Jr
Lynne Dubler-via Zoom
Kevin Fischer (Alternate II)
Charles C. Krafczek
Sandy Slabik (Alternate I)

Members Not Present:

Robert Smith, Administrator

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier-Absent

Engineers/Planners:

Kates Schneider
Engineering, LLC

Salute to Flag

Old Business

Approval of March 8, 2021 Meeting Minutes

The Board considered the proposed Meeting Minutes for March 8th, 2021. Motion for approval was made by Reverend Conrad and seconded by Mayor Davies-Dunhour with all eligible members voting in the affirmative.

Lot Grading Update

Mayor Davies-Dunhour informed the Board that the Lot Grading Ordinance was introduced to Council. Mayor Davies-Dunhour explained the Lot Grading Ordinance would go before Council again on Tuesday, March 16th, 2021 for third and final approval.

Master Plan-Courts "Zone D" Sub-committee Update Report

Mr. Baldini notified the Board that the drafted ordinance for the Courts was still being reviewed. Mr. Baldini relayed there are additional lots located between the Courts and numbered streets that needed to be considered. Mr. Baldini explained the Board must review and ascertain which zone each of the smaller lots belong in. Mr. Kates explained that further research into individual property information would assist in determining which parcels belong in Zone D. Mr. Kates also mentioned that floor area ratio in the ordinance remained undecided. Mr. Kates questioned if the

Board would or would not consider stairwells as part of the FAR. Mr. Krafczek reiterated that safety is the number one priority of the Board while weighing all of the details pertaining to the ordinance. Mr. Krafczek noted that he is in favor of maximum expansion of the dwellings in the Courts as long as all safety guidelines are met. The Board ultimately agreed that FAR should remain at 50%. Mr. Krafczek expressed the difficulty of reaching standardized regulations for very unique lots that differ greatly amongst one another.

Chairman Hand allowed for Public Comment during this time.

Ms. Kim Park of F-6 Stone Court took to public comment to express that after learning the ordinance would only allow expansion for dwellings 1400-feet and greater, she began an analysis to determine how many properties would be eligible for second-floor expansion. Ms. Parks found that there are about 12 properties that would be considered ineligible because they do not meet the criteria outlined in the draft. Ms. Park also noted that she estimates about 40% of the homes in the D Zone already have a second story. Ms. Parks asked about the allowance of porches and decks on the second floor. Mr. Baldini and Mr. Kates explained that stipulations in the draft such as the requirement of decks being no higher than the floor at the lowest habitable area and minimum roof slope regulations would preclude second-floor decks for Court properties. Ms. Parks expressed that she did not feel that this stipulation was reasonable. Mr. Baldini explained that property owners could still apply for variances if they wanted second-floor decks. Ms. Parks concluded her statement by emphasizing that time is of the essence while politely requesting the Board finalize the ordinance so that homeowners could move forward with future plans.

Mrs. Bernadette Parzych of 9925 Sunset Drive weighed in on the Courts discussion regarding the proposed FAR. Mrs. Parzych expressed that keeping the dwellings at such a minimal FAR would almost be considered uncivilized. Mrs. Parzych stated that a FAR of 70% would be more optimal. Mrs. Parzych suggested allowing those in conformity to expand at 70-80%. Mrs. Parzych also noted that she felt second floor decks should be permissible.

Chairman Hand then closed Public Comment.

Mr. Baldini stated that he would put together a draft based on the discussions that were held and provide the document to members prior to the next meeting.

New Business

Overlay Zone

Mr. Kates explained that Stone Harbor attended a workshop, Planning Practices for Flood Mitigation, sponsored by FEMA. Mr. Kates explained that the best planning practice for flood mitigation in Stone Harbor would be to establish an overlay zone. Mr. Kates explained that an overlay zone would outline low lying areas of elevation in town which would allow for stricter standards in those areas to help with flood mitigation. One of the standards Mr. Kates mentioned was the minimum lot grade standards. Mr. Kates explained that under the lot grading ordinance, lot grading standards prompt street elevation which requires a surveyor to obtain the street elevation level. The overlay zone would assist in making street elevations clear to the Zoning Officer to establish standards for different areas. Mr. Kates stated an overlay zone would also allow for future flood mitigation practices to be easily incorporated. Mr. Kates asked the Board if they would be interested in developing the overlay zone. Mr. Kates also mentioned that by having well-developed maps that clearly reflect street elevations, Stone Harbor's flood rating has the potential to increase. Mr. Krafczek voiced the importance of having accurate maps of street elevations to begin the launch of the project. Mr. Kates mentioned areas below 6.5' elevation would be the basis of focus during the initiation of the overlay zone. The Board agreed that now would be a good time to begin looking at an overlay zone considering the Borough Engineer is

working on the Stormwater Master Plan, which would help provide data to assist in developing an overlay zone. Mr. Kates agreed to begin working on a plan to put the overlay zone in place.

Establishing Borough Wide Standards Pursuant to the Recent Legalization of Marijuana

Mr. Baldini summarized the overall purpose of the ordinance in relation to the recent legalization of marijuana. Mr. Baldini explained that the Board's responsibility is to ensure that action regarding the land-use portion of the ordinance is consistent with the Master Plan. Mr. Baldini further stated that the ordinance has three purposes: to prohibit any marijuana-type of facility in the borough, to create penalties for the police to enforce regulations, and to ban anyone from using marijuana in public areas. Mr. Baldini explained that municipalities have a six-month window to implement restrictive zone requirements under the Land Use Law. After the 6-month timeframe, municipalities are able to implement less-restrictive requirements, but will be unable to establish actions that are more-restrictive. Under the recommendation of Atlantic/Cape May Joint Insurance Fund, Mr. Baldini felt it was better to ban marijuana operations, and then if necessary, reintroduce other ordinances or amendments to make the initial ordinance less restrictive. Mr. Baldini indicated that the Board's objective will be reviewing land use regulations, such as allowing the retail sale of marijuana or the cultivation of marijuana, for example. The Board discussed revenue generators and tax impositions. Mr. Baldini made it clear that the purpose of the ordinance is to allow for more time to conduct a proper land use analysis to determine the best fit for the borough. Mr. Bickford moved the Motion and Mr. Krafczek seconded. All members present voted in the affirmative.

Public Comment

Chairman Hand opened Public Comment. No one spoke.

Adjournment

Mr. Hand called for a Motion to adjourn the meeting. Mayor Davies-Dunhour made the Motion and Mr. Krafczek seconded.

APPROVED: May 10, 2021

ATTESTED



Kate McGohagle, Secretary Stone Harbor Planning Board