

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

**August 9, 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  
Thomas Hand, Chairman  
Robert D. Bickford, Jr  
Lynne Dubler  
Sandy Slabik (Alternate I)  
Robert Smith, Administrator

**Members Not Present:**

Wayne Conrad, Vice-Chair  
Charles C. Krafczek  
Kevin Fischer (Alternate II)

**Solicitor:**

Paul J. Baldini

**Secretary:**

Kate McGonagle

**Zoning Officer:**

Ray Poudrier

**Engineers/Planners:**

Kates Schneider  
Engineering, LLC

**Salute to Flag**

**Approval of July 12, 2021 Meeting Minutes**

The Board considered the proposed Meeting Minutes for July 12th, 2021. Motion for approval was made by Mr. Bickford and seconded by Mayor Davies-Dunhour with all eligible members voting in the affirmative.

**Memorializations**

**PB 21-005-David Ezra, Tenant.**

*Block 95.03 Lot 115*

*280 96th Street, Unit 6A*

*Site Plan Approval*

Chairman Hand requested a Motion to approve Planning Board Resolution 2021-005. The Board proposed no additions, corrections or comments to the Resolution. Mayor Davies-Dunhour moved the motion and Mr. Bickford seconded. The motion carried unanimously with one abstention (Chairman Hand).

**PB 19-003-Third & 97th Street, LLC**

*Block 96.04, Lot(s) 136.01-136.05*

*9627-29 Third Avenue*

*Extension Application*

Chairman Hand requested a Motion to approve Planning Board Resolution 2019-003. The Board proposed no additions, corrections or comments to the Resolution. Mrs. Slabik moved the motion and Mayor Davies-Dunhour seconded. The motion carried unanimously.

**Old Business**

**Lot Grading Ordinance-Accessory Structures**

Mr. Poudrier addressed the Board with concerns regarding the implementation of accessory structure guidelines in the lot grading ordinance. Mr. Poudrier explained that currently accessory structure height is measured from the top of the property's curb line. Mr. Poudrier further explained that an issue may arise if the grade is subjected to elevation standards. Mr. Poudrier suggested allowing measurement of the height of the accessory structure to begin at the grade of the property rather than the top of the curb. Mr. Poudrier also mentioned a concern for outlining guidance pertaining to existing swimming pools, patios and other structures when a substantial improvement is planned. Mr. Kates echoed Mr. Poudrier's concerns regarding accessory structure requirements, particularly in areas with curb elevations and grade regulations. Mr. Kates reasoned that current standards could essentially make an existing structure unusable. The Board discussed drawbacks and benefits to revising the ordinance to permit measuring accessory structures from design flood or grade.

Chairman Hand then allowed public comment for the topic of accessory structures in the lot grading ordinance.

Allison Rufe Burkard, a professional at OSK Design Partners, took to public comment to mention the disparity between measuring heights of accessory structures from the curb versus grade at properties with different elevations. Ms. Burkard declared that she believed the simplest solution to address this topic is to measure from adjacent grade to keep it consistent as opposed to design grade.

Mrs. Bernadette Parzych of 9925 Sunset Drive addressed the Board with comments about lot grading. Mrs. Parzych noted that she was under the impression that new properties are graded at the start of the project. Mr. Poudrier relayed that each project is constructed differently, and that it is common to build foundation first and subsequently grade the property. Mr. Kates mentioned that this method helps with the stability of the structure.

Mr. Ray Parzych of 9925 Sunset Drive took to public comment to ask the Board about contractors fill in the cross space with dirt. Mr. Poudrier and Mr. Baldini answered that contractors do fill the cross space but only to grade level.

Public comment for the lot grading discussion was closed. Mr. Poudrier agreed to research FEMA regulations and revisit the topic at September's meeting.

**Overlay Zone Update**

Mr. Kates informed the Board that he had developed the basis of where the overlay zone would be best positioned based on the needs of the Borough. Mr. Kates plans to meet and coordinate with Borough Engineer, Marc DeBlasio to ensure cohesiveness to begin developing the overlay ordinance. The overlay zone will include anything specific to flood mitigation or elevation.

### **Town Center Subcommittee Update**

Mr. Kates communicated that the Town Center Subcommittee was approved by Borough Council. Mr. Kates is finalizing the draft to send out to members and plans to arrange meetings for feedback from the committee to finalize the draft and sent it to the State for their comments.

### **Zone D "Courts" Update**

Mayor Davies-Dunhour provided an update relaying the Courts Ordinance was passed on first reading in July, and that it is slated for 2<sup>nd</sup>, 3<sup>rd</sup> and final reading at the August 17<sup>th</sup>, 2021 Council Meeting. Mayor Davies-Dunhour expressed that there are concerns with language within the zoning changes. Particularly the usage of the words "upland" and "FAR" were noted because they are not otherwise included into the Borough's zoning regulations. Mr. Baldini explained that the purpose of the use of FAR (floor area ratio) in the ordinance was used to control density. Mr. Baldini also mentioned that the DCA rendered an opinion that in the state of New Jersey, municipalities are not permitted to require sprinkler systems in residential properties. Considering the opinion, Mr. Baldini revealed that the requirement of sprinkler systems in the proposed ordinance will be removed.

### **New Business**

There was no new business.

### **Public Comment**

Chairman Hand opened Public Comment.

Allison Rufe Burkard, professional of OSK Design Partners, took to public comment to ask the Board if they could project the length of time it takes to finalize the revision of an existing ordinance. She was advised of the timeline for the procedure for passage.

Kathryn Satori of 226 86<sup>th</sup> Street voiced concerns about changes regarding subdivision requirements of properties. She was advised that there have been no changes that the Board is aware of regarding the requirements of subdivisions.

Mrs. Bernadette Parzych of 9925 Sunset Drive addressed the Board with suggestions for the standards for floor area ratio for Zone D in Stone Harbor. The calculation of FAR and the setbacks on the second floor were discussed. Questions of the physical structure of a dwelling and open and closed decks were also mentioned. Mrs. Parzych was advised to present concerns of the Zone D ordinance to Council since The Board no longer has bearing over the draft. Borough-wide side yard setbacks and protocols concerning live testimony for hearings were also discussed.

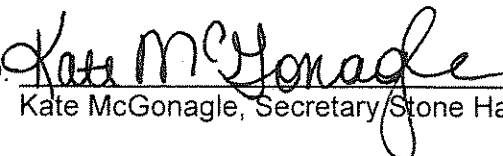
Mr. Ray Parzych of 9925 Sunset Drive came forward to discuss the Zone D drafted ordinance. Mr. Parzych expressed the need for the ordinance to be tweaked with minor revisions to ensure clarity and to leave minimal allowance for interpretation before the ordinance is approved.

Chairman Hand closed public comment.

### **Adjournment**

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

APPROVED: September 13, 2021

ATTESTED:   
Kate McGonagle, Secretary Stone Harbor Planning Board