

**REGULAR MEETING IMMEDIATELY  
FOLLOWING THE WORK SESSION  
MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE  
PRELIMINARY AGENDA FOR COUNCILMEMBERS**

**AGENDA REGULAR MEETING**

**TUESDAY**                      **December 7, 2021**

**PRESENTATION – Jack Kelleher – Project of the Year 2022**

**ORDINANCE 1601 Courts Zone D – (1) 2<sup>nd</sup> 3<sup>rd</sup> and final Krafczek**

**Resolution - Refund Dumpster Permit – Pride Builders (2) Parzych**

**Resolution –Refund Duplicate Tax Payment – CoreLogic (3) Krafczek**

**Resolution – Refund Direct Debit Tax Payment – Kennedy (4) Parzych**

**Resolution – Award Contract COOP – Rio Supply Inc. – Neptune Water  
Meters (5) Moore**

(1)

**BOROUGH OF STONE HARBOR  
CAPE MAY COUNTY, NEW JERSEY  
ORDINANCE NO. 1601**

**AN ORDINANCE AMENDING CHAPTER 560 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF STONE HARBOR CREATING THE  
RESIDENTIAL D ZONING DISTRICT**

**WHEREAS**, Section 560 of the Zoning Ordinance of the Borough of Stone Harbor currently establishes four residential zoning districts; and

**WHEREAS**, included in the Borough's Residential C Zoning District regulations are special provisions governing properties having street frontage only on Bower Court, Stone Court, Weber Court, or Linden Lane; and

**WHEREAS**, the Stone Harbor Master Plan Reexamination Report adopted June 2019 recommended the creation of a new residential zoning district to regulate and provide for the responsible development and improvement of properties located on Bower Court, Stone Court, Weber Court, or Linden Lane; and

**WHEREAS**, the Borough desires that the Ordinance be revised to implement the recommendations of the Master Plan, all in accordance with the provisions set forth below.

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

**Section 1.** Section 560-5. Classes of districts is amended as follows:

For the purposes of this chapter, the Borough is divided into ten classes of districts as follows:

- A. Residential A District (§ 560-13).
- B. Residential B District (§ 560-14).
- C. Residential B Parking B-P District (§ 560-15).
- D. Residential C District (§ 560-16).
- E. Residential D District (§ 560-17).
- F. Business District (§ 560-18).
- G. Waterfront Business District (§ 560-19).
- H. Light Industry District (§ 560-22).
- I. Public Use P District (§ 560-23).
- J. Conservation Management CM District (§ 560-24).

**Section 2.** Section 560-6. Zoning Map is amended as follows:

The districts and their boundaries shall be as shown on the Zoning Map, dated June 1, 2006, together with approved revisions, and originally prepared by Remington, Vernick and Walberg Engineers, and as revised from time to time by the Borough Engineer, on file in the office of the Administrative Officer, hereinafter to be referred to as the "Zoning Map of the Borough of Stone Harbor."

**Section 3.** Section 560-10 Definitions is amended to add the following definitions alphabetically:

**BUILDING HEIGHT**

- A. In all residential zones (Residential A, B, B-P, C, and D), "building height" shall be defined as the vertical measurement from design flood elevation as defined in Chapter 300 of the Borough Code to the uppermost point of a building, except as otherwise provided.

B. In all other zones, "building height" shall be defined as the vertical measurement from the curb level to the uppermost point of a building, except as otherwise provided.

**Section 4.** Section 560-16 D (2) Supplemental regulations is amended as follows:

(2) A single-family dwelling may be constructed upon a lawfully existing isolated undersized lot without variance relief from the minimum lot area and lot frontage requirements in § 560-16B(1), provided that the lot shall have a minimum lot area of 2,200 square feet or a minimum lot frontage of 40 feet.

**Section 5.** Section 560-17 is created as follows:

**560-17 Residential D Zoning District.**

A. Use Regulations. In the Residential D Zoning District, lands, buildings and premises may be used for the following purposes:

1. Principal Permitted Use: Single Family Dwellings
2. Permitted Accessory Use: Accessory Storage Building (Shed)
3. Conditional Uses: None

B. Area Regulations. Development in the Residential D District shall be subject to the following area regulations.

1. Minimum requirements

TABLE I Minimum Requirements	
Lot Area	1,400 Square Feet
Lot Frontage	40 Feet
Setbacks (Principal Structure)	
Front Yard	First Floor (up to DFE +10') - 5 Feet Second Floor (Above DFE +10') - 3 Feet from the front face of the structure
Side Yards (each)	First floor (up to DFE plus 10 feet) - 5 Feet, plus 1 additional foot for each 560 sq. ft. of lot area or portion thereof in excess of 1,400 sq. ft.; minimum side yard requirement shall not be greater than 10 feet Second floor (above DFE plus 10 feet) - 8 Feet plus 1 additional foot for each 560 sq. ft. of lot area or portion thereof in excess of 1,400 sq. ft.; minimum second floor side yard requirement shall not be greater than 10 feet
Rear Yard	5 Feet, plus 1 additional foot for each 360 sq. ft. of lot area or portion thereof in excess of 1,400 sq. ft.; minimum rear yard requirement shall not be greater than 10 feet

Setbacks (Accessory Structure)	Side Yard: 3 feet  Rear Yard: 3 feet  Front Yard: the greater of the front setback to the principal structure on the subject lot or 5 feet.
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2. Maximum Limitations

TABLE II Maximum Limitations	
Building Coverage	40%, minus 1% for each 200 sq. ft. of lot area or portion thereof in excess of <u>1,400</u> sq. ft.: Maximum Building Coverage shall not be less than 25%
Lot Coverage	85%, minus 1% for each 200 sq. ft. of lot area or portion thereof in excess of <u>1,400</u> sq. ft.
Building Height	Prohibited (Flat Roof) 22' (Peaked Roof) with 6"/12" minimum roof slope
Habitable Stories	Two
Building Length	30 feet
Second floor habitable area, <u>inclusive of second floor decks</u>	Not to exceed 24%, <u>inclusive of both habitable area and second floor decks</u> , of the total lot area, subject to item D Supplemental Regulations #3 below

C. Conditional Use Regulations. Not Applicable.

D. Supplemental Regulations

1. No accessory buildings shall be permitted, except that each principal structure shall be permitted one (1) accessory storage building (shed) which (i) shall not exceed one (1) story; (ii) shall not exceed an overall height of eight (8') feet (flat roof) or twelve (12') feet (pitched roof) measured from the curb level to the uppermost point of the roof; and (iii) shall be a minimum of five feet (5') from the principal structure. No cooking facilities, sink, shower, clothes washing or drying machine, or toilet shall be installed in any accessory shed. No accessory shed may be utilized for dwelling purposes.

2. A pitched roof with or without dormers may be located within the front yard setback of any second floor area (greater than 10' above Design Flood Elevation); provided that (i) any roof located in the second floor front yard setback area shall have a maximum pitch of 6"/12"; (ii) no more than two dormers shall be permitted; (iii) dormers shall be

subject to a minimum front yard setback of five (5') feet; and (iv) the combined width of dormers shall not exceed forty (40%) percent of the building total frontage.

3. This section applies to second floor. Decks on the second floor shall only be permitted in the front yard of the second floor and shall be permitted as long as said decks do not extend beyond the front face of the structure. Front decks shall not encroach into the 3' side yard setback from each side wall of habitable area of the first floor. Flat roofs to accommodate any front facing decks shall be at design flood plus 10' and no higher, inclusive of front decks.

4. All new construction and all renovations that result in the addition of a second story shall require that all wires shall be placed underground in accordance with Section 560-47.

5. Any nonconforming structure has to be brought into compliance with all Borough Codes in order to add a second floor.

6. The Borough recognizes that the Borough cannot mandate sprinkler systems for single and two family residences however, the Borough for added safety recommends and encourages homeowners to install sprinkler systems for single family and two family residences in this zone due to the smaller size of residences and closeness of residences.

**Section 6. 560-38 D. Supplemental area regulations is amended as follows:**

**D. Setback exceptions.**

(1) Notwithstanding the setback requirements set forth in Article IV above, the following shall be permitted in yard spaces in all zoning districts:

(a) Landings/stairs.

- [1] For all residential buildings having an elevation at or above design flood elevation, as defined in Chapter 300, stairs or steps leading to a first-floor entrance landing or porch shall be permitted in yard spaces in all zoning districts, provided that (i) no such stairs or steps shall be located less than five feet from a front property line or less than 3 1/2 feet from a side or rear property line, except in the Residential C and Residential D Zoning Districts, where no such stairs or steps shall be located less than two feet from a side property line; and (ii) stairs or steps located in a front yard setback shall not exceed 25% of the building length as defined in § 56010.
- [2] For all residential buildings having an elevation below design flood elevation as defined in Chapter 300, stairs or steps leading directly to a first-floor entrance landing or a porch shall be permitted in yard spaces in all zoning districts, provided that (i) no such stairs or steps shall be located less than five feet from a property line, except in the Residential C and Residential D Zoning Districts, where no such stairs or steps shall be located less than two feet from a side property line; and (ii) stairs or steps located in a front yard setback shall not exceed 25% of the building length as defined in § 560-10.
- [3] This § 560-38D(1)(a) shall not permit landings to be located in any front yard setback.
- [4] Landings not exceeding five feet in length or five feet in width shall be permitted in side yard and rear yard setbacks; provided that no such landing shall (i) be located less than five feet from a property line, except in the Residential C and Residential D Zoning Districts, where no such

landing shall be located less than two feet from a side or rear property line; nor (ii) be elevated above design flood elevation.

- (b) Outside shower enclosures, which shall not exceed four feet by eight feet in length and width, shall not exceed seven feet in height, and shall not encroach more than four feet into the yard space; provided that no shower enclosure shall be less than six feet from a side property line in the Residential A and Residential B Zoning Districts nor less than two feet from a side property line in the Residential C and Residential D Zoning Districts. Outside showers are prohibited in front yards.
- (c) Trash receptacle enclosures which shall not exceed four feet in height; provided that encroachments into side yards or front yards shall not exceed four feet; and further provided that no trash receptacle enclosure shall be closer to the front or side property lines than five feet in the Residential A and Residential B Zoning Districts nor closer than two feet in the Residential C and Residential D Districts.
- (d) Bay windows, chimneys, and window seats having no floor area; provided that they do not extend more than 20 inches into the yard space; and further provided that the windows, chimneys, and window seats having no floor area shall not exceed 10 feet in width and shall be separated from each other by a minimum horizontal distance of 10 feet. Should bay windows, chimneys, and window seats having no floor area not have footings or foundations, they shall not be counted as lot coverage or building coverage. Any and all bay windows, chimneys, and window seats which have footings or foundations shall be counted as lot coverage and building coverage and shall comply with all applicable setback requirements. The purpose of the aforesaid deviations from the setback requirements is to permit aesthetic enhancement to structures in the case of bay windows and window seats and for proper ventilation in the case of chimneys. This section shall supersede and control to the extent its provisions conflict with the definitions of "lot coverage" and "building coverage."
- (e) Eaves; provided that they do not extend more than 20 inches into any yard space; and further provided that eaves extending from bay windows and/or window seats permitted under § 560-38D(4) may extend an additional eight inches into a side yard space. In no event shall any eave extend to within three feet of any property line.
- (f) Heating, air-conditioning and circulating equipment; provided that they do not encroach more than five feet into any yard space; and further provided that they are no closer than two feet to any side or front property line.
- (g) Fences; provided that no fence shall exceed four feet in height, with the exception of fences enclosing swimming pools subject to § 560-43.
- (h) Lampposts, which shall be of a single-globe type only, at a height not to exceed seven feet above grade. The light intensity shall not exceed the lumen output of a standard one-hundred-watt frosted incandescent lamp or 1,750 lumens, whichever is higher.
- (i) Arbors and trellises, provided that:
  - [1] No arbor or trellis shall exceed eight feet in height, five feet in width (inside dimension) or five feet in depth.
  - [2] Arbors and/or trellises greater than four feet in height and located on a single lot or parcel shall be separated by a minimum distance of 25 feet.
  - [3] Arbors and trellises shall not be placed in the site triangle on any corner lot.
  - [4] Any fence, latticework, bench or decorative structure attached to, extending from or running with an arbor or trellis shall not exceed four feet in height, if these structures are contained within a required yard setback.

(2) Notwithstanding the foregoing, no provision of this § 560-38D shall permit the construction of improvements in any required yard space which is adjacent to any beach or bay waters.

**Section 7.**

**Zone Change and Zoning Map Amendment. (NOT TO BE PLACED IN THE CODE)**

The Zoning Map of the Borough of Stone Harbor, New Jersey is hereby amended to conform to the following changes.

<b>Zone Change</b>	<b>General Location</b>	<b>Block &amp; Lot</b>
Residential C to Residential D	LINDEN LANE	BLOCK 84.03, LOT 82, 84, 86, 88, 90, 91.02, 92, 94, 95.02, 96, 97.02, 98, 99.03, 100, 101.02, 101.03, 102, 103.02, 103.03, 104, 105.02, 105.03, 106, 107.02, 108, 109.03, 110, 112, and 114
Residential C to Residential D	BOWER COURT	BLOCK 108.03 LOTS 6, 8, 10, 12, 14, 16, 17.02, 18, 19.02, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, and 56
Residential C to Residential D	BOWER COURT	BLOCK 108.31 LOTS , 9, 11, 13, 15, 17.01, 17.02, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, and 51
Residential C to Residential D	WEBER COURT	BLOCK 109.03 LOTS 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, and 58
Residential C to Residential D	WEBER COURT	BLOCK 109.31 LOTS 5.02, 7, 9, 11, 13, 15, 17, 19, 21, 22.02, 23, 24.02, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 48.02, 49, 50.04, 51, 52.02, 53, 55, 57, 82.04, and 82.05
Residential C to Residential D	STONE COURT	BLOCK 110.03 LOTS 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56.01, and 77.04
Residential C to Residential D	STONE COURT	BLOCK 110.31 LOTS 5, 7, 9, 11, 12, 13, 14.02, 15, 16.02, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, and 80.03

**Section 8.** 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 9.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 10.** This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:

Judith Davies- Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk



(2)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**REFUND DUMPSTER PERMIT**

**WHEREAS**, a dumpster permit fee was received by the Stone Harbor Construction Office from Pride Building Associates – 348 – 96<sup>th</sup> Street, Stone Harbor, N.J. 08247 in the amount of \$250.00 for a job at the Stone Harbor Museum ; and

**WHEREAS**, Pride Building Associates have requested a refund of the permit fee since they will not be doing the job.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$ 250.00 be issued to Pride Building Associates; and

**BE IT FURTHER RESOLVED** that Borough Officials make the proper adjustments in their records.

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 ....., 2021

The above resolution approved this ..... day of....., 2021

Borough Clerk

.....  
Mayor

(3)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**REFUND DUPLICATE TAX PAYMENT**

**WHEREAS**, CoreLogic Tax Servicing Agency and Seaboard Title Agency paid the August 1, 2021 Tax installment for Block 109.03 Lot 47.02 Qualifier C0001 aka 206 110<sup>th</sup> Street Unit A; and,

**WHEREAS**, Seaboard Title Agency requested a refund; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$793.08 be issued to Seaboard Title Agency % Nicole Peter, 2761 Dune Drive, Avalon NJ 08202; and,

**BE IT FURTHER RESOLVED** that the Tax Collector make the proper adjustment in her records.

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 ....., 2021

.....

Borough Clerk

The above resolution approved this ..... day of....., 2021

.....  
Mayor

(4)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

*Council Meeting – December 7, 2021*

**REFUND DIRECT DEBIT TAX PAYMENT**

**WHEREAS**, Edward Kennedy sold his home in September and neglected to cancel the Direct Debit Authorization Agreement for the property tax payments on Block 107.02 Lot 35.02 aka 130 108<sup>th</sup> St; and,

**WHEREAS**, the November 1<sup>st</sup> installment was automatically withdrawn from his bank account and Mr. Kennedy requested a refund; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$5,319.87 be issued to Edward Kennedy, 468 Loucroft Rd, Haddonfield NJ 08033; and,

**BE IT FURTHER RESOLVED** that the Tax Collector make the proper adjustment in her records.

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 ....., 2021

.....

Borough Clerk

The above resolution approved this ..... day of....., 2021

.....  
Mayor

(5)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

WHEREAS, the Borough of Stone Harbor entered into a Cooperative Purchasing Agreement – Valley Sewerage Commission, part of the North Jersey Wastewater Cooperative Pricing System , Contract Number B270-11 for the Furnish & Delivery of various manufactures equipment and spare parts, Neptune Water Meters and related supplies; and

WHEREAS, the Borough of Stone Harbor will be using this Co-Op to make the purchase as per quote attached from Rio Supply, Inc.100 Allied Parkway, Sicklerville, N.J. 08082 for a total price of \$1,038,118.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Stone Harbor, in the County of Cape May on this 7<sup>th</sup> day of December, 2021 that the purchase of Manufactures Equipment and Spare Parts, Neptune Water Meters and related supplies, as per quote attached from Rio Supply, Inc. for a total price of \$ 1,038,118.00 be approved.

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 ....., 2021

Borough Clerk

The above resolution approved this ..... day of....., 2021

Mayor