

MINUTES OF THE REGULAR SESSION STONE HARBOR PLANNING BOARD

August 8th, 2022

4:30 p.m.

CALL TO ORDER:

The meeting was called to order by Mr. Bickford, 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 2022 on December 17, 2021, and the schedule having been posted on Stone Harbor's website and the Municipal Clerk's Bulletin Board.

SALUTE TO THE FLAG

ROLL CALL

Members Present:

Robert D. Bickford Jr., Chairman
Tim Clay (Alternate I)
Mayor Judy Davies-Dunhour
Kevin Fischer
Jennifer Gensemer, Councilmember
Sandy Slabik

Members Not Present:

Wayne Conrad, Vice-Chair
Jonathan LaKose

Solicitor:

Paul J. Baldini

Board Secretary:

Kate McGonagle

Zoning Officer:

Ray Poudrier

Engineers/Planners:

Kates Schneider
Engineering, LLC

Approval of July 11th, 2022 Meeting Minutes

The Board considered the minutes for the July 11th, 2022 meeting. A Motion to approve the minutes was made by Mr. Fischer and seconded by Dr. Slabik. Roll call was taken for members present at the meeting with all eligible members voting in the affirmative.

Public Hearing

***PB 22-007 George Gowen Jr. & Paula Gowen and Anne Bazik
Block 202 Lot(s) 81, 82, 83, 84, 85, 86 & 87.01
10511 & 10501 Sunset Drive
Approval of Major Subdivision***

Mr. Andrew D. Catanese of Monzo, Catanese & Hillegass P.C. appeared on behalf of the Applicants. Mr. Catanese introduced himself to the Board and explained the purpose of the Application is to demolish the existing single-family home located at 10511 Sunset Drive and to subdivide the property into two lots. The lot line separating 10511 Sunset Drive from 10501 Sunset Drive will also be adjusted. The existing home at 10501 Sunset Drive is proposed to remain. Mr. Catanese explained that there are currently two homes on two lots. The subdivision will permit three homes on three fully conforming lots. No variances are being requested and no off-site improvements are proposed.

Jason Sciuлло of Sciuлло Engineering at 17 South Gordons Alley in Atlantic City, NJ appeared and was affirmed. Mr. Sciuлло introduced himself to the Board and gave his credentials as a project engineer and expert planner. Mr. Sciuлло gave the Board a synopsis of the existing conditions and the proposed plan for the properties. Mr. Sciuлло testified that there are no variances being requested, and the application is only classified as a major subdivision as a technicality. Mr. Sciuлло testified that there are existing non-conformities for side-yard setbacks at the 10511 property. The adjustment of the line would result in three conforming, over-sized lots.

Mr. Paul Kates, Planning Board Engineer, was then sworn and affirmed. Mr. Kates testified that he reviewed the major stormwater requirements that may be triggered due to the classification of a major subdivision. After reviewing the stormwater ordinance, it was found the application did not trigger the requirements of a "major development" despite being characterized as a major subdivision. Mr. Kates stated that the lots are still required to adhere to underground storage requirements. Conditions Mr. Kates stated were: the plan should be revised to reflect property corners being set at the points of curvature along the right-of-way line and that the applicant must comply with and seek approval from all other state, county and local agencies having jurisdiction over the project.

Mr. Catanese took to the podium to request approval to demolish the dwelling located at 10511 Sunset Drive prior to the plat being filed with the option to bond should that become necessary. Mr. Catanese also informed the Board that the Applicant has already obtained approval from the County. The Board agreed to this request. Mr. Catanese agreed to submit the number for the bond to Mr. Kates for review.

Mr. Poudrier, Zoning Officer, stated that he had no additional comments to add as all lots would be conforming under zoning regulations.

Chairman Bickford opened public comment for the case.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to public comment to ask the Board if there were any variances being voted on or if there were state requirements that needed to be addressed.

Mr. Kates informed Mrs. Parzych that there were no requests initiated by the Application triggering state requirements and no variances were being requested.

Chairman Bickford closed public comment and opened Board discussion.

The Board provided clarification of property located underwater versus upland when considering lot size. Mr. Kates and Mr. Baldini both stated that there was nothing in the ordinance prohibiting what the Applicant is requesting.

Mr. Bickford closed Board discussion.

Mr. Baldini read the Motion into the record. Mr. Bickford requested a Motion to approve the major subdivision. Mrs. Gensemer moved the Motion. Mrs. Slabik seconded with all eligible members voting in the affirmative.

Old Business

Overlay Zone Update

Mr. Kates explained that the Overlay Zone draft is still being reviewed and updated, however it was near completion. Mr. Kates stated upon completion that he would send the draft to Mr. Poudrier and Mr. Baldini for review and if accepted, would forward it to members before the September meeting.

Lot Grading Ordinance Update

Mayor Davies-Dunhour relayed the lot grading ordinance passed on 2nd, 3rd and Final reading at the July 19th, 2022 council meeting. The amended ordinance would be in effect after the statutory estoppel period.

Setback Discussion

The Board considered various options for concerns over current setbacks requirements. Grandfathering property setbacks was mentioned. According to information provided by the Borough Assessor, 625 Stone Harbor properties are considered oversized lots. The Board mentioned the complexity of changing the current standards and finding an appropriate calculation to conclude setback requirements based on lot size. The Board expressed concern over shifts of property values if there was a change to the setbacks requirements.

New Business

New Planning Board Member

Mayor Davies-Dunhour informed the Board that Planning Board member, JT LaKose, would be taking a leave from the Board due to military deployment. Mayor Davies-Dunhour stated Frank Vaul, would be filling Mr. LaKose's role as Planning Board member and OEM manager for the Borough until Mr. LaKose's anticipated return in 2023.

Public Comment

Mr. Bickford opened Public Comment.

Mrs. Bernadette Parzych of 9925 Sunset Drive took to public comment to present the Board with an illustration displaying adjusted setbacks based on lot size. Mrs. Parzych testified about the importance of looking at the measurements of the setbacks and noted the need for solutions regarding the current setback standards. Mrs. Parzych asked the Board to focus on adjusting side-yard setbacks rather than rear-yard setbacks to create more open space which would not inhibit any living space.

Mrs. Justine Herzog of 10215 Sunrise Drive took to public comment to voice concern over setback requirements. Mrs. Herzog asked the Board to not table the topic, but to really consider finding a solution which would work for the greater good of the Borough. Mrs. Herzog also mentioned the importance of light, space and air.

Ms. Robin Casper of 10516 Golden Gate Road took to public comment to offer her support of the idea of imposing gradual setbacks which she believes would have a beneficial impact.

Adjournment

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

APPROVED: September 12th, 2022

ATTESTED Kate McGonagle
Kate McGonagle, Stone Harbor Planning Board Secretary