

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

January 23, 2012

7:00 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.

ROLL CALL:

Planning Members Present

Thomas Hand
Perry Conte
Mayor Suzanne Walters
Wayne Conrad
Robert D. Bickford, Jr.
Joselyn O. Rich
Jill Gougher

Board Solicitor

Andrew Catanese

Zoning Officer

Joanne Mascia

Board Secretary

Patricia H. Wagner

Alternates Present

Robert Ashman
Julian Miraglia

Mr. Hand welcomed new members, Borough Administrator Jill Gougher (Class II), Councilwoman Joselyn O. Rich (Class III) and Robert D. Bickford, Jr. (Class IV).

Nomination for 2012 Board Chairman

Motion by Mr. Conte and seconded by Mayor Walters to appoint Thomas Hand as Board Chairman.

Affirmative votes: Mayor Walters, Mr. Conte, Mr. Conrad and Mrs. Gougher, Mrs. Rich and Mr. Bickford.

Nomination for 2012 Board Vice Chairman

Motion by Mayor Walters and seconded by Mr. Hand to appoint Perry Conte as Board Vice Chairman.

Affirmative votes: Mr. Hand, Mayor Walters, Mr. Conrad and Mrs. Gougher, Mrs. Rich and Mr. Bickford.

Nomination for 2012 Board Solicitor

Motion by Mr. Conte and seconded by Mr. Hand to appoint Andrew Catanese as Board Solicitor and accompanying Resolution 2012-001.

Approve Resolution 2012-001 – Appointment of Board Solicitor

WHEREAS, the Planning Board of the Borough of Stone Harbor, Cape May County, New Jersey, is a contracting unit as defined by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq; and

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WHEREAS, there exists a need for legal services for the Planning Board's business from time to time, which services are professional services as defined in said law; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contract Law requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor, Cape May County, New Jersey, as follows:

1. Andrew D. Catanese, Esquire (Monzo Catanese, P.C.) is appointed to the position of Planning Board Solicitor.

2. The Chairperson and Secretary of the Planning Board are hereby authorized and directed to enter into an agreement with Andrew D. Catanese, Esquire, for the performance of such services, for the calendar year 2012 as set forth on the attached EXHIBIT A.

3. This contract will be awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because it is a contract for services performed by a person authorized by law to practice a recognized profession and that it was not possible to obtain competitive bids.

4. A copy of this resolution shall be published in the Borough's official newspaper, as required by law, within ten (10) days of its passage.

5. A copy of the Resolution and any contract pursuant hereto are on file and available for public inspection in the Office of the Clerk of the Borough of Stone Harbor.

Dated: January 23, 2012

Affirmative votes: Mr. Hand, Mr. Conte, Mayor Walters, Mr. Conrad, Mrs. Gougher, Mrs. Rich and Mr. Bickford.

Approve Minutes

Motion by Mayor Walters and seconded by Mr. Conrad to approve the minutes of the November 28, 2011 regular session.

Affirmative votes: Mr. Hand, Mr. Conte, Mayor Walters, Mr. Conrad, Mr. Ashman and Mr. Miraglia.

Motion by Mr. Conrad and seconded by Mr. Mr. Miraglia to approve the minutes of the December 19, 2011 regular session.

Affirmative votes: Mr. Hand, Mr. Conrad, Mr. Ashman and Mr. Miraglia.

Discussion – Proposed Hotel & Motel District

Mr. Catanese and Mr. Ashman presented draft ordinance-version two creating a Business/Hotel Overlay Zoning District. Revised issues included:

- Parking – all Hotels/Motels in this zone shall provide 1.5 parking spaces for each unit, which shall not be less than nine (9) feet wide & eighteen (18) feet long. All other commercial business parking spaces shall be not less than ten (10) feet wide and twenty (20) feet long.

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The Board continued to discuss methods for handling off street parking for the hotel/motel zone. A parking authority or commission could be established by the Borough or a developer could enter into an agreement to lease a dedicated number of spaces from the municipality. This could be additional income for the Borough. This method should be investigated thoroughly in order not to violate any public bidding laws. Developers could also buy their own land or enter into an agreement with another private property owner to lease spaces. If an agreement is reached to lease spaces from a source other than the municipality the Board should keep in mind that if those leased spaces are lost for any reason in the future it could trigger a need for a hardship variance for an applicant to amend their original approvals because they would not be able to provide off street parking anymore.

The need for more parking spaces exists primarily during the months of July and August, the height of the tourism season.

Mr. Bickford inquired as to the heights of other buildings in the proposed zone. There were no definitive answers. Mrs. Mascia stated she would have several buildings in the subject zone surveyed for height and have the figures available before the next Board meeting. The buildings will include Regis Harbor Condominiums, Stone Harbor Townhouse Association and the Seaward Motel. She will also provide the heights for the proposed Shelter Haven property and Hall Harbor Condominiums. At this time Mayor Walters and Mrs. Rich are not in favor of the proposed 42' for the hotels/motels in the overlay zone.

Mr. Conrad feels aesthetically the difference between the visual impact of 36' compared to 42' is very minimal, particularly if there is a wide street.

Mrs. Gougher asked if anyone has taken a look at the potential impact the proposed additional units will have on the Borough's current infrastructure system and water allocation. She reported the Borough has come dangerously close in 2010 and 2011 to exceeding its allocated amount during the peak summer months. If the Borough does exceed its permitted allocation the resulting fines are extremely high.

Mrs. Rich asked if the increased number of rooms at the new Shelter Haven project had been taken into consideration. She was told they had not. Mrs. Gougher stated the Borough had made internal changes with its own water consumption, changing the amounts and number of times the water irrigation system is used during the summer months.

Mr. Conte and Mayor Walters noted the Borough has, since 1986, kept the heights of the buildings lower to promote light and air movement. Mrs. Rich agreed and she felt this maintained the charm of the town. Mr. Conte noted that several houses located behind the existing motels are only 28' in height.

Mr. Bickford stated he also wants to preserve the charm of the Borough but he is reserving judgment before deciding if 42' is too high for the proposed zone. He does feel the proposed zone covers a discrete area.

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Mrs. Rich noted the Borough, after the construction of Hall Harbor on 96th Street, enacted new laws to maintain the lower profile of new buildings. It was in keeping with the general consensus to keep the height, density and bulk down and is why people choose to come to Stone Harbor and vacation here or purchase a home.

Mr. Ashman does not feel the proposed height of 42' would be out of proportion with what is currently in use in the proposed overlay zone.

Mr. Conrad asked if all the proposed units would have to be handicap accessible or is it just a certain percentage of the units. No one had a definitive answer.

Board members discussed the maximum room size of 650 sq. feet as being adequate to provide certain amenities that guests now expect at an upscale hotel/motel. Anything over 650 sq. feet will trigger CAFRA rules and regulations.

Mr. Hand noted that a few of the Board members are concerned over the proposed height of 42 feet and he would like for the Board to start or center the discussion on the height issue.

Mrs. Mascia located the dimensions of the proposed Shelter Haven project. It is a three story building, 38' in height and will have 37 units, none of which will be located on the first floor. Mr. Bickford noted that the Shelter Haven project is also located along a narrow street (Third Avenue) as opposed to Second Avenue. The proposed buildings in the hotel/motel overlay zone would only be an additional four (4) feet higher than the Shelter Haven, they would not go up an additional floor. Mr. Hand and Mr. Ashman noted the buildings in the proposed overlay zone would also have the top floor set back eight (8) feet. Mr. Conrad noted the Shelter Haven building set back's (front yard 4 ½ feet) are different and the building would come out more to street as opposed to the proposed set back requirements for the overlay zone. Mrs. Mascia asked why the proposed zone is using five (5) feet when ten (10) feet is required. Mr. Miraglia noted the front yard setback of five (5) feet was discussed at last month's meeting. It would be for open spacing with no solid wall to allow for parking underneath the building. The area was also to be landscaped.

Mr. Hand wants all the building height data to be compiled and sent to the members before the next meeting. Both Mr. Hand and Mrs. Mascia agreed the impact on the Borough's infrastructure system and water consumption is an area that must be investigated.

In response to a question from Mr. Conte, Mrs. Mascia noted the 38' for the Shelter Haven is to top of roof and does not include any mechanicals (HVAC, elevator shafts, etc.) which can be placed on top of the roof as per the ordinance.

Mr. Ashman feels the current motels will not survive economically if the zoning regulations remain unchanged.

Mr. Hand opened the meeting for public comment.

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Karen Lane, Chairperson of the Borough's Utilities (Water/Sewer) department addressed the Board. Mrs. Lane distributed water consumption information to the Board for their review. Currently the Borough is permitted to use up to 46,000,000 gallons of water monthly but we are not permitted to exceed the annual allotment of 230,000,000 gallons of water. In 2009 & 2010 the Borough came dangerously close to exceeding the allocated amounts. If that would have happened the Borough would have to pay an extremely high fine and be subjected to even more restrictions and monitoring by the State of New Jersey.

She stated a recent study had been completed and the infrastructure of the Borough is fine but the Borough can't handle the demand for an increase to its water consumption. The addition of more hotel/motel rooms will put strain on our already jeopardized water allotments.

Most of the year the Borough stays under its allocated monthly amounts but in the summer months we have experienced a drastic increase in the demand for water. Mrs. Lane noted the Borough had instituted changes for water consumption for public land and buildings and she is introducing at the next Council meeting a resolution calling for the general public to put voluntary restrictions on their own water irrigation systems as a means of controlling the demand.

Mrs. Lane stated the Borough could make an application to the State to increase its allocated amounts, but the process is lengthy and there is no guarantee it would be granted. She noted that the Borough of Avalon has been unsuccessfully trying for 3 years to increase its allotment. Mrs. Lane again stressed the importance of staying under the allocated amounts and asked the Board to please take this issue into consideration before making zoning changes that would add to the demand for more water usage.

Mr. Conte stated that regardless of the proposed overlay zone the issue of water conservation should be investigated. Mr. Conrad agreed and asked if the Utilities Committee could provide the Board with figures showing how much water is used for home/personal use versus irrigation for landscaping. Mrs. Lane feels the Utilities Collector can provide this information. Mrs. Lane will forward any information gathered to the Board's attention.

Tom Benjamin, 1 Heron Court, CMCH, NJ asked to address the Board. Mr. Benjamin noted he had spoken at the December 2011 meeting. He doesn't see much difference in tonight's version of the proposed ordinance. He asked if any planner had been consulted to date. He was told no. Mr. Benjamin noting that Mr. Ashman had at previous meetings and tonight's meeting referred to architects being consulted and he asked for those architects to be named for the record. Mr. Ashman stated that Oliveri, and an architect from Avalon and one other architect were consulted.

Mr. Benjamin stated that Oliveri has an active application for a motel design before the Stone Harbor Zoning Board of Adjustment and he feels that this is a conflict of interest. Mr. Benjamin stated he is a professional engineer, land surveyor and was a 10 year member of the Zoning Board of Chatham, New Jersey.

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Mr. Catanese reminded Mr. Benjamin that the Planning Board can't comment on any case before the Zoning Board and he should not bring any pending cases into the discussion regarding the establishment of the proposed hotel/motel overlay zone.

Vincent L. LaManna, Jr., attorney for the Zoning Board applicant also stated that Mr. Benjamin should not keep bring his client's case to the Planning Board's attention. He felt that perhaps Mr. Benjamin did not understand the process.

Mr. Benjamin does not feel the lots in the proposed zone are large enough to accommodate the bigger motels/hotels. The zone also backs up onto a Residential A zone with single family houses. He feels the Shelter Haven project had more restrictions put on it than the proposed overlay zone. He questioned the need for a building height of 42'. Mr. Benjamin is concerned that the proposed buildings will be turned into condominium buildings (permanent living residences). He also stressed that parking needs for the neighborhoods will be strained. He does not want to see balconies build at the rear of the buildings. They would create a severe nuisance.

Mr. Hand stated the Board is still in the early stages of gathering information. Nothing has been decided yet. In addition to getting more feedback from the general public, this topic will be presented to a professional planner for review.

Vincent LaManna, Golden Gate Road, addressed the Board. He feels the Borough should consider establishing a Parking Authority. He would also like to see a projected inventory of parking spaces need for the area. Mr. LaManna also would like to see projected water usage figures.

No one else spoke. Mr. Hand closed the public session of the meeting.

Motion by Mr. Conrad and seconded by Mr. Conte to request the Utilities Committee of the Borough Council to research the requirements for increasing our water allotment regardless of the proposed hotel/motel overlay zone. He feels this is a critical issue.

Affirmative votes: Mr. Hand, Mr. Conte, Mayor Walters, Mr. Conrad, Mrs. Gougher, Mrs. Rich and Mr. Bickford.

Zoning Ordinance Review/Revisions Phase II

Phase II has not started yet. Budget figures have not been finalized. Mrs. Gougher will report back to the Board on the final budget amount. Mr. Conrad asked that funds be included in the 2012 budget for a professional planner. The following list is from the October 2011 Planning Board meeting:

1. Review recommendations set forth in Comments of Phase 1 black-lined draft.
(Items not appropriate for a Land Use document, but should not be removed until addressed elsewhere).
2. Incorporate Master Plan recommendations
3. Eliminate Light Industry District
4. Eliminate Public Use District

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5. Create guidelines for courtesy review of municipal projects by Planning Board
6. Create grandfather clause for smaller lots, particularly in the C Zone
7. Review residential uses in Business District
8. Incorporate Bird Sanctuary and Sedge Island in Conservation Management Zone
9. Consider Neighborhood Business District
10. Consider Marina District
11. Permit retractable awnings for outdoor dining on waterfront properties
12. Review height regulations including, without limitation, roof pitch, “hipped” roofs, dormers, eave height, FAR, and other features for impact on structure bulk
13. Review regulations concerning exterior stairs and landings.

The Board agreed to prioritize the list in the following manner.

1. Item #6: Create grandfather clause for smaller lots, particularly in the C Zone.
Review Committee will be Mr. Catanese, Mr. Cope, Mr. Wannan, Mr. Carusi and Mrs. Mascia.
2. Item # 11: Permit retractable awnings for outdoor dining on water front business properties and in the general business district.
Item #13: Review regulations concerning exterior stairs and landings.
Review Committee will be Mr. Catanese, Mr. Cope, Mr. Wannan, Mr. Carusi and Mrs. Mascia.
3. Item #'s 1, 3, 4, 5, 8, 9 & 10 – District Issues
These issues will require lengthy reviews. Some ordinances are specific with regards to Adult Businesses & Amusement Arcades abutting Public Use Districts. Mr. Hawk noted there are deed restrictions on the Conservation Management District (result of NJ DEP lawsuit against Stone Harbor). Mr. Catanese noted any district changes mentioned in the Master Plan would trigger Zoning Map Changes.
4. Item #12: Review height regulations including, without limitation, roof pitch, “hipped” roofs, dormers, eave height, FAR, and other features for impact on structure bulk.
Mrs. Mascia noted several area architects have offered to help with these discussions. They stated they would do this on their own time. The architects are Paul Kiss, Marc Asher, Blane Steinman and Will Haryslak.
Sub-committee will be Mr. Hawk, Mr. Conte and Mr. Miraglia.

Note: Replacements will have to be made for Mr. Carusi and Mr. Hawk as they are no longer members of the Planning Board.

ADJOURNMENT

Having no further business at hand Mr. Hand called for a motion to adjourn the meeting.

A motion to adjourn the meeting by Mr. Conte and seconded by Mayor Walters. All members present voted in the affirmative.

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APPROVED:

ATTESTED:

Patricia H. Wagner, Secretary Stone Harbor Planning Board