

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

March 26, 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

Members Absent

Jill Gougher
Joanne Mascia, Zoning Officer

Board Solicitor

Andrew Catanese

Board Secretary

Patricia H. Wagner

Alternates Present

Robert Ashman
Julian Miraglia

Oath of Office and Oath of Allegiance

Joselyn O. Rich and Robert D. Bickford, Jr., recited the Oath of Office and the Oath of Allegiance as two of the newest members of the Planning Board.

Approve Minutes

Motion by Mayor Walters and seconded by Mr. Conrad to approve the minutes of the February 27, 2012 regular session.

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

Professional Planner

In Mrs. Gougher’s absence, subcommittee members, Wayne Conrad and Perry Conte, updated the Board on their progress. The subcommittee was formed to review resumes for the professional planner. The Borough Clerk advertised the position in the Press of Atlantic City and the committee received six (6) proposals for professional services. The committee selected three firms to interview. Based on those interviews they selected the firm they felt would best serve the Borough. All Board members will have an opportunity to review the proposal for professional planning services at a special work session which will be held on April 16, 2012 at 4:30pm. It is anticipated that a final hiring decision will be made at the regular meeting on April 23, 2012 at 7:00pm.

Motion by Mr. Conrad and seconded by Mr. Bickford to schedule a special work session on April 16, 2012 at 4:30 pm for the purpose of interviewing a professional planner and the possible hiring of said planner.

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

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BOARD DISCUSSION

Zoning Ordinance Review Work Group – Phase II

For the benefit of the Board's newer members Tom Cope, a member of the review committee, gave a summary of the group's work to date. They are proposing the following amendments to the RGO Zoning Ordinance section.

(1) Residential C Zoning District. The group is recommending changing RGO zoning ordinance section 560-16(D)(3). Following a review by the Zoning Officer, the amendment will allow construction on a lawfully existing undersized lot without variance relief, provided the lot has 2,200 square feet **OR** minimum frontage of 40 feet without the applicant incurring the associated costs of appearing before the Zoning Board of Adjustment. ZBA Chairman William Cathcart is also in favor of this amendment.

Motion by Mr. Ashman and seconded by Mr. Hand to approve Resolution 2012- 003 recommending to Council to Amend RGO 560-16-(D)(3)

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

RESOLUTION NO. 2012-003

WHEREAS, the Stone Harbor Planning Board carefully evaluated the draft ordinance attached hereto (the Proposed Ordinance") at a public meeting held on March 26, 2012; and

WHEREAS, the Planning Board has determined that the Proposed Ordinance amending the zoning requirements in the Residential C Zoning District promotes the intent and purposes of the Municipal Land Use Law and is consistent with the Borough's Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor, New Jersey on this 26th day of March, 2012 that the Ordinance attached hereto is consistent with the intent and purposes of the Municipal Land Use Law and is consistent with the Borough's Master Plan. Accordingly, the Planning Board recommends adoption of the Proposed Ordinance by the Borough Council.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Clerk of the Borough of Stone Harbor and maintained by the Secretary of the Planning Board.

I hereby certify the foregoing to be an original resolution of the Borough of Stone Harbor Planning Board adopted and approved at a meeting held on 26th day of March, 2012.

Dated: March 26, 2012

Patricia Wagner, Secretary
Stone Harbor Planning Board

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STONE HARBOR PLANNING BOARD

March 26, 2012

7:00 p.m.

Draft 3/20/12

BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 560-16 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR
REGULATING THE RESIDENTIAL C ZONING DISTRICT**

WHEREAS, Chapter 560-16 of the Borough's zoning ordinance (the "Zoning Ordinance") regulates development in the Residential C Zoning District (the "C-Zone") of the Borough of Stone Harbor (the "Borough"); and

WHEREAS, the C-Zone currently requires minimum lot area of 5,500 square feet and minimum lot frontage of 50 feet for a single family residence; and

WHEREAS, many lawfully existing lots located in the C-Zone do not meet the minimum lot area and frontage requirements for the zone, which lots may not be developed without variance relief from the Stone Harbor Zoning Board of Adjustment (the "Zoning Board"); and

WHEREAS, lawfully existing undersized lots often necessitate the granting of hardship variance relief from lot area and lot frontage requirements by the Zoning Board, such that the grant of those variances in the C-Zone have become routine; and

WHEREAS, the Stone Harbor Planning Board (the "Board") has recommended revisions to the Zoning Ordinance as set forth below and has determined the implementation of those revisions is consistent with the Borough Master Plan and will promote the general welfare of the Borough and its residents; and

WHEREAS, the Borough Council desires to adopt and implement the recommendations of the Board, as 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. A new Section 560-16(D)(3) is hereby adopted as follows:

(3) 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 Section 560-16(B)(1); provided the lot shall have minimum lot area of two-thousand two hundred square feet (2,200 ft²) OR minimum lot frontage of forty feet (40').

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Section 3. 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 4. 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 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:
Suzanne M. Walters, Mayor

ATTEST:
Suzanne C. Stanford, Borough Clerk

(2) Retractable Awnings for Outdoor Dining on Waterfront Properties.

The group is recommending changing RGO zoning ordinance section 560 to allow retractable awnings for waterfront outdoor dining in the Waterfront Business District and the General Business District. This will allow for overhead protection (sun, seagulls).

Motion by Mr. Conte and seconded by Mr. Ashman to approve Resolution 2012- 003 recommending to Council to Amend RGO 560

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

RESOLUTION NO. 2012-002

WHEREAS, the Stone Harbor Planning Board carefully evaluated the draft ordinance attached hereto (the Proposed Ordinance”) at a public meeting held on March 26, 2012; and

WHEREAS, the Planning Board has determined that the Proposed Ordinance regulating outdoor waterfront dining promotes the intent and purposes of the Municipal Land Use Law and is consistent with the Borough’s Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor, New Jersey on this 26th day of March, 2012 that the Ordinance attached hereto is consistent with the intent and purposes of the Municipal Land Use Law and is consistent with the Borough’s Master Plan. Accordingly, the Planning Board recommends adoption of the Proposed Ordinance by the Borough Council.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Clerk of the Borough of Stone Harbor and maintained by the Secretary of the Planning Board.

I hereby certify the foregoing to be an original resolution of the Borough of Stone Harbor Planning Board adopted and approved at a meeting held on 26th day of March, 2012.

Dated: March 26, 2012

Patricia Wagner, Secretary

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7:00 p.m.

Draft 3/20/12

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 560 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR AND
REGULATING WATERFRONT OUTDOOR DINING**

WHEREAS, the Borough of Stone Harbor (the “Borough”) currently permits outdoor dining as a conditional use in the Borough’s Business District and Waterfront Business District pursuant to Chapter 560 of the Borough’s zoning ordinance (the “Zoning Ordinance”); and

WHEREAS, the Business District and Waterfront Business District include areas adjacent to the Shelter Haven Basin; and

WHEREAS, the Stone Harbor Master Plan adopted June 22, 2009 (the “Master Plan”) provides “[t]he Shelter Haven Basin is an underutilized scenic and recreational resource that can provide a unique environment for shopping, dining, and both passive and active recreation”; and

WHEREAS, the Stone Harbor Planning Board (the “Board”) has determined that the Zoning Ordinance should be revised in order to promote the Shelter Haven Basin as a dining destination; and

WHEREAS, the Board has recommended revisions to the Zoning Ordinance as set forth below and has determined the implementation of those revisions is consistent with the Borough Master Plan and will promote the general welfare of the Borough and its residents; and

WHEREAS, the Borough Council desires to adopt and implement the recommendations of the Board, as 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 560-18(C)(1) is amended as follows (insertions are underlined, deletions are ~~stricken~~):

- (i) Bulkhead setback. With regard to bulkhead setbacks in general, refer to Section 560-38B. With regard to properties on back bay waters and lagoons, tables, and chairs ~~and umbrellas~~ used in connection with outdoor dining may be located up to the actual, physical bulkhead.

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(j) Umbrellas and retractable awnings. Umbrellas and retractable awnings may be utilized in conjunction with outdoor dining areas adjacent to back bay waters and lagoons without the need for site plan review; provided that (i) umbrellas and retractable awnings shall be located within approved outdoor dining areas only; (ii) retractable awnings shall be made of fabric over a rigid frame; (iii) retractable awnings (including their supporting poles, stanchions and other means of support) shall be fully retracted during all times the outdoor dining area is not in use; (iv) no signage shall be permitted on umbrellas or retractable awnings; (v) retractable awnings shall not be enclosed with screens, curtains or other materials; (vi) retractable awnings shall maintain a minimum height (ground clearance) of seven (7') feet.

Section 2. Section 560-19(E)(1) is amended as follows (insertions are underlined, deletions are ~~stricken~~):

(i) Bulkhead setback. With regard to bulkhead setbacks in general, refer to Section 560-38B. With regard to properties on back bay waters and lagoons, tables, and chairs ~~and umbrellas~~ used in connection with outdoor dining may be located up to the actual, physical bulkhead.

(j) Umbrellas and retractable awnings. Umbrellas and retractable awnings may be utilized in conjunction with outdoor dining areas adjacent to back bay waters and lagoons without the need for site plan review; provided that (i) umbrellas and retractable awnings shall be located within approved outdoor dining areas only; (ii) retractable awnings shall be made of fabric over a rigid frame; (iii) retractable awnings (including their supporting poles, stanchions and other means of support) shall be fully retracted during all times the outdoor dining area is not in use; (iv) no signage shall be permitted on umbrellas or retractable awnings; (v) retractable awnings shall not be enclosed with screens, curtains or other materials; (vi) retractable awnings shall maintain a minimum height (ground clearance) of seven (7') feet.

Section 3. 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 4. 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 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:
Suzanne M. Walters, Mayor

ATTEST:
Suzanne C. Stanford, Borough Clerk

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Mr. Cope outlined the committee's upcoming discussion items, including items in setback areas, such as stairs & landings, outside shower enclosures and trash receptacle enclosures. Their next meeting is on April 16, 2012. Mr. Cope will report on their progress at the next regular Planning Board meeting.

Mrs. Mascia will update the Borough's Zoning Map to include the Waterfront Business District.

OLD BUSINESS

- Easements into the County Right of Way – It was noted by Mayor Walters that it has been decided not to invite a representative from the County Planning Board to discuss this issue at a regularly scheduled meeting. Instead, Mayor Walters, Mrs. Gougher and Mrs. Mascia will meet with the County for an informal meeting.
- The Board Secretary will contact the Secretary for the Zoning Board of Adjustment for a copy of their Annual Report of Activity/Decisions to Borough Council.

NEW BUSINESS

None

OPEN PUBLIC SESSION

Mr. Hand opened the meeting for public comment. No one spoke. Public session was closed.

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. Conrad and seconded by Mr. Ashman. All members present voted in the affirmative.

APPROVED:

ATTESTED: _____
Patricia H. Wagner, Secretary Stone Harbor Planning Board