

MINUTES OF THE REGULAR SESSION
STONE HARBOR PLANNING BOARD

June 25, 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.
Jill Gougher
Joselyn O. Rich

Board Solicitor

Andrew Catanese

Board Secretary

Patricia H. Wagner

Zoning Officer

Joanne Mascia

Alternates Present

Robert Ashman
Julian Miraglia

Approve Minutes

Motion by Mr. Conte and seconded by Mr. Bickford to approve the minutes of the May 21, 2012 regular session.

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

1. Planning Board Ordinance 2012-006:Proposed amendments to set-back regulations

Tom Cope reviewed his subcommittee final project, amendments to Section 560-38 setback regulations with respect to light and air issues as noted in the current Master Plan. The proposed ordinance was prepared by Mr. Catanese. The proposal will prohibit the larger elements of stairs and landings, outdoor shower enclosures, trash enclosures and HVAC equipment in the side yard and front yard setback areas, unless lawfully existing prior to a date to be determined. All lawfully existing structures will be grandfathered and the proposal limits the size and location, when permitted, for new construction. There are minor word changes with regards to arbors, trellises, lamp posts, bay windows and eaves. The committee feels the larger elements should be placed in the rear yard, believing this to be less offensive to the neighbors.

Mr. Catanese noted the use of the term “side yard” in the ordinance proposal refers to the set back area only.

Mr. Hand and Mrs. Rich noted that many people use their back yards for relaxation and they will not want trash enclosures in their rear yard. Mrs. Rich asked if the amendments cover pool equipment. She was informed the subcommittee did not review pools as they are covered in a different section of the Zoning Ordinances.

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Mr. Cope explained the committee's concept is based on the idea that the primary purpose for set-back areas is to create open space between structures. However in recent years as more people turned to their back yards for entertainment purposes the placement of HVAC's, showers, etc. have been encroaching into the side yard open spaces (set-back areas) between houses. This has often been to the detriment of the neighbors.

Mr. Bickford and Mr. Catanese noted that this doesn't mean a reduction in the area of the house as the houses can be built narrower or deeper onto the lots. The houses can also be designed with indentations for the placement of the equipment. Mrs. Mascia noted that the second floor can be cantilevered over the enclosures, showers, etc. Mr. Cope agreed with their statements and feels this will call for more creative design considerations on the part of the architects and will make the designs of the houses more interesting. This will then add to the character of the neighborhoods. Mrs. Mascia stated she has already informed many of the local architects of the pending legislation.

Motion by Mr. Conte and seconded by Mayor Walters to place similar set-back restrictions on the placement of pool equipment.

No vote taken at this time

Mr. Bickford inquired about procedurals for delivering tonight's proposed ordinance amendment to Borough Council. He asked if we are revising the pool regulations for review at a later Board meeting or is it to be included with the ordinance as presented this evening. He feels the subcommittee might want to review the pool zoning changes and the Board should also leave Mr. Catanese enough time to compose the changes and for the Board to review the final proposal.

The Board discussed using a specific effective date for tonight's proposed ordinance. It was decided not to use a specific date plus ninety days but to just state effective date of ordinance.

Mr. Hand agrees with about 75% of the proposed ordinance. In his opinion most people do not want trash enclosures and noisy HVAC units in their back yards. Mrs. Rich and Mr. Conrad agreed with Mr. Hand. Mrs. Rich feels that smaller lots would be affected the most.

Mr. Cope stated the equipment, enclosures, stairs, etc., could go in the side yard of the residences, just not in the side yard set-back areas. He feels it is the government's job to strike an appropriate balance to maintain the character of the community and neighborhoods.

PUBLIC COMMENT

Vince Lamanna, Golden Gate Road addressed the Board. He asked if trash cans (not in an enclosure) can be placed in the side yards. He was told yes. Mr. Lamanna asked if in-window air conditioning units would be allowed in the side yards. Mrs. Mascia said they could as they are not considered a permanent fixture. He is also not in favor of adding a 90 day extension to the effective date, feeling that it would set a dangerous precedence for future zoning amendments.

No one else spoke. Public Session was closed.

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Motion by Mr. Bickford and seconded by Mr. Conrad to recommend to Borough Council approve the proposed zoning ordinance amendments to Section 560-38 as presented tonight and changing the effective date to the date of adoption by Borough Council.

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

Negative votes: Mr. Hand and Mrs. Rich.

Mr. Catanese will prepare the revised document and forward to the Board Secretary for distribution to Borough Council.

Motion to withdraw prior motion by Mr. Conte and seconded by Mayor Walters to place similar set-back restrictions on the placement of pool equipment in tonight's proposed document.

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

It was decided for Mr. Catanese to review and update the pool zoning regulations section separately. He will distribute a draft document for Board discussion at a future meeting.

2. Amend RGO Outdoor Dining

As recommend by the Planning Board, Borough Council introduced Ordinance 1405 at the Council meeting held on June 5, 2012 with the public hearing and possible adoption of the ordinance to be held on July 3, 2012. They are asking for final Planning Board input.

The Board decided to add language to clarify what is considered ground area. Mr. Catanese does not feel it would be a sustentative change so it can be added by the Borough Solicitor to Ordinance 1405 prior to the 2nd, 3rd and final hearing scheduled for July 5, 2012. Ground Area: to include only unimproved exterior areas, including paved areas upon which the tables are situated.

Public Comment

Mr. Lamanna does not feel this added wording is necessary, it is a non-issue. He stressed the maximum number of tables per property is four.

No one else spoke. Public session was closed.

Motion by Mr. Hand and seconded by Mr. Conte to recommend to Borough Council the adoption of Borough Council Ordinance 1405 and to approve the language clarification to Borough Council Ordinance 1405 as discussed tonight.

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

Mr. Catanese will revise the document and forward it to the Borough Clerk, Suzanne Stanford.

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3. Subcommittee - Hotel/Motel Zone

Mr. Ashman reported that the committee continues to meet with the professional planners, Heyer & Gruel. Hotel/motel owners have asked to rebuild and have a four story building. The surrounding neighbors feel that this will block the light and air and add to the density of the area. The committee feels that three stories would be more appropriate in the proposed zone. They would also eliminate the onsite parking requirements and use offsite spaces to fulfill the legal requirements. This is one of the main items to be addressed by the committee and the planners. Remote parking lots at the municipal marina are too far and just would not work for the motel guests. The possibility of the Borough building a parking garage should be explored. This would be additional revenue for the Borough. The planners also suggested the possibility of entering into a joint public/private partnership to solve the parking needs. The hotel/motels could lease some of the parking garage spaces. The planners have had success with this concept in other shore communities. The idea is to build an aesthetically pleasing, two story parking garage, with the possibility to also include roof top parking on 97th Street, between Second and Third Avenues. This could provide for a total of over 200 parking spaces. The idea is that the Borough would control “x” amount of spaces and the private individual would control “x” amount of spaces. The committee did approach a private individual with this concept & they reported that Dr. Sprandio would be willing to explore this type of venture.

Mayor Walters noted the idea of having a parking garage was explored a few years ago.

The Borough currently owns a lot on 97th Street with approximately 44 spaces and Dr. Sprandio owns an adjacent lot with the same number of spaces. Dr. Sprandio stated he would be willing to speak to the appropriate Borough representative. Mr. Ashman felt that it should be Mrs. Rich, as she is the liaison between the Planning Board and Borough Council. Mr. Ashman estimates that costs would run from \$10,000 to \$30,000, per space, to build. Mr. Ashman noted there are grant monies available for this type of construction. Mr. Miraglia feels the Borough might have to have a bond issue to help cover costs.

Mrs. Mascia stated Dr. Sprandio has current approved plans on file in her office. If there are any changes to the original zoning approvals, Dr. Sprandio would have to come back for further site plan review.

Due to the width of the Second Avenue, it is the planner’s opinion that there would not be a canyon effect when traveling on Second Avenue. They did note their concerns the effect taller structures would have on light and air circulation on the residences behind the motels.

Mr. Bickford is in favor of exploring the possibility of the joint public/private venture and the associated costs of construction. Mayor Walters asked that Mrs. Gougher, acting in her capacity as the Borough Administrator, be included in any meetings or discussions. Mr. Catanese cautioned that it would not be appropriate for members of the Planning Board to participate in discussions with Dr. Sprandio for the possibility of entering into a public/private venture, as there is a planning element to it. Discussions will be handled by the Borough Administrator and the appropriate Borough Council Committee.

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4. Signage – Business District & Waterfront Business District

Following a request at the May 21, 2012 meeting from several business owners for relief from the current zoning signage requirements, RGO 532-B(3), a subcommittee consisting of Mr. Bickford, Mrs. Gougher and Mr. Hand, was formed to review the current ordinance and to see if any immediate relief could be offered to the business owners for the current season with regards to free standing signs.

The subcommittee met on May 29, 2012. They found the existing ordinance, as currently written, did not leave any room for an alternate interpretation and therefore must stand as is.

Based upon the committee's findings, Mr. Catanese prepared a draft ordinance document, dated June 22, 2012, for proposed amendments. The document was distributed to the Board this evening.

The preliminary discussion points are to prohibit all free standing signs EXCEPT for stores that do not front onto a main street such as 96th Street, Second Avenue or Third Avenue. Some of the proposed amended regulations for stores not having frontage on a main business street would include:

- One free standing sign per property lot (not per business).
- The sign must be professionally prepared using natural materials or a replica of natural materials (no chalkboards).
- The signs must adhere to specific heights, widths or depths (dimensions which have not been finalized as of this meeting) and content of the signs will not include phone numbers.
- The free standing signs must be located with a yet to be determined distance from the associated store entrance.
- They shall be located nearer to the front property line than the associated business.
- The free standing signs may not be in the public right of way.
- The signs shall be located on the same property as the associated business.

(Note: Mr. Miraglia left the meeting at 9:27pm)

Mrs. Mascia stated that business owners that do not agree with current or proposed changes have the right to apply for a variance from the Zoning Board of Adjustment.

Board members expressed their appreciation for the work the committee and Mr. Catanese have done to date. They agreed the proposed ordinance changes are significant and the Board should not rush to a final decision tonight. Relief might not become available for the current summer season, but store owners could benefit from it in the upcoming fall season.

Mr. Bickford recognized that tonight was the first time Board members have had a chance to look at the committee's recommendations. He asked that the Board carefully review the proposed amendments and that the proposed amendments be placed on the agenda for discussion at the meeting scheduled for July 23, 2012.

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OLD BUSINESS

- **Bay Walk – Water Access Plan.**

In response to a question from Mr. Ashman, Mayor Walters reported the Borough's plans were submitted and are being reviewed by the State. No approvals have been granted at this time.

- **Open Space Funding.**

Mr. Ashman & Mr. Conrad met with CMC Freeholder Will Morey. Mr. Morey is in charge of the Open Space Program for Cape May County. He wants to have local municipalities submit their proposals for accessing the funds. Mr. Conrad noted the conversations he and Mr. Ashman have been having with representatives from the Stone Harbor Historic Museum and Mr. Morey, at the County level, center around acquiring a bay front property, such as the Tice house, for open space use. It is not known if this property is currently for sale. The County will only pay assessed value for a property.

Mayor Walters stated the Borough Administration is working on something right now. She noted to Mrs. Rich and Councilman Carusi, who was in the audience, that the full Borough Council is scheduled to be informed of the ideas at the Council meeting scheduled for July 3, 2012 and to see if the Council is interested in proceeding with purchasing a water front property. If any future discussions occur, they are to be coordinated by the Borough Administrator.

Main Street Grants

Mayor Walters and Mrs. Gougher announced the Borough has applied for a \$99,000 USDA Grant for future projects.

NEW BUSINESS

None

OPEN PUBLIC SESSION

Mr. Hand opened the meeting for public comment.

No one spoke.

Public session was closed.

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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 Mrs. Rich. All members present voted in the affirmative.

APPROVED: July 23, 2012

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