

MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD

**July 26, 2010**

**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

Kenneth Hawk

Thomas Cope

Albert Carusi

Wayne Conrad

Board Solicitor

Andrew Catanese

Alternates Present

Robert Ashman

Julian Miraglia

Board Secretary

Patricia H. Wagner

Members Absent

Mayor Suzanne Walters

Joanne Mascia, Zoning Officer

**Approve Minutes**

**Motion by Mr. Conrad and seconded by Mr. Conte to approve the minutes of the June 28, 2010 regular session.**

All members present voted in the affirmative.

**Board Discussion**

**Historic Preservation** – Mr. Ashman submitted to the Board a draft ordinance outlining the purpose, benefits and duties for the creation of a Historic Preservation Commission. Mr. Ashman reported the Planning Board subcommittee has completed an inventory of all homes located in the Borough, including the construction dates. The committee has approximately 100 photos of older style homes on CD disk. Professional Planner Linda Weber is scheduled to give a presentation to the Board at the August 23, 2010 Planning Board meeting.

Mr. Cope stated he is in complete support for establishing a Historic Commission rather than a Historic Committee. He asked who the Commission would be accountable to. Mr. Ashman stated the subcommittee thought it should be a dual accountability, both to the Planning Board and Borough Council. Mr. Cope & Mr. Carusi believe that would be troublesome. Mr. Cope thinks it would be best to be subject to the Planning Board’s direction as the conception of such a commission was cited under the Master Plan.

Mr. Catanese summarized from the New Jersey Municipal Land Use Law the powers & duties of a Historic Preservation Commission (HPC) and he noted that only the Borough Council can appoint members and grant funds for an operating budget. The suggested ordinance has no provisions to regulate demolitions. Mr. Conrad noted the proposal calls for an Advisory Commission or a “Weak HPC” and not a regulatory HPC.

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Mr. Hand asked what types of incentives the Commission would use to entice home owners to preserve the historic nature of a home. Mr. Ashman stated the committee has not yet decided but he feels that the Commission could perhaps use tax abatements, special house markers/plaques, newspaper press releases and inclusion in historic house tours to recognize the home owners.

Mr. Conte asked if private funds could be used to help aid the Historic Preservation Commission. Mr. Cope stated the Borough could set up a trust fund similar to the Bird Sanctuary Trust Fund. Mr. Ashman also stated funds could be sent to the Stone Harbor Museum.

Mr. Ashman asked the Board to forward their suggestions to him so he may incorporate them with Ms. Weber's August 23<sup>rd</sup> presentation.

Mr. Cope restated his opinion that the Commission should look to the Planning Board for guidance and direction, rather than the Borough Council. Mr. Conte was concerned that there could be a conflict if an applicant had to come before the Planning Board. Mr. Catanese stated an applicant coming before the Planning Board or Zoning Board can certainly ask for the Historic Commission's advice and input but the Commission could not override Board's ability to make whatever decision they would deem appropriate.

Mr. Hawk asked that the ordinance stagger the term lengths of its appointments so the members would not be maturing all at the same time.

**Motion by Mr. Cope and seconded by Mr. Conte to authorize Mr. Catanese, with assistance of Linda Weber and Vincent LaManna, to prepare an ordinance recommending that Borough Council establish and appoint a Stone Harbor Historic Preservation Commission.**

Motion approved by a voice vote of the members present.

**Shade Tree Protection –**

Mr. Conte reported on his recent meeting with the Borough's Shade Tree Advisory Committee. As he understood it, the Advisory Committee was charged to do a survey of all trees in the public areas of the Borough and by means of education, select hardy species of trees & vegetation that can survive in our local soil. Mr. Conte had suggested to the Committee they work on updating or strengthening the ordinance. The Committee feels they can work under our current ordinance.

Mr. Cope expressed concerns that the Committee is not adhering to the task it was assigned, which was to draft a Tree Protection Ordinance for the entire town as outlined in the Master Plan to preserve native vegetation and limit or minimize the clear cutting of lots by developers, builders and home owners. Non-native species need chemicals to grow and artificial watering; they also do not support wildlife, birds or butterflies. A revised ordinance could give an applicant some options or choices as to preserve the native vegetation or to replace, on public property, when vegetation is removed. Mr. Cope will give Mr. Conte a publication called Safe Harbors, which was a ROA program listing all native vegetations.

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Mr. Catanese noted that some confusion to the Advisory Committee's role might have come from the difference between being an Advisory Committee rather than a Shade Tree Commission. A Commission is generally in charge of public lands. Mr. Catanese stated the developing the Master Plan or a Tree Protection Ordinance governing private property is a Zoning function, thereby a Planning Board or Planning Board subcommittee responsibility and not the responsibility of a Borough Council Sub Advisory Committee.

The Board does not want to dampen the enthusiasm that the Shade Tree Advisory Committee has already demonstrated. Mr. Conte will restate the Planning Board's objective to the committee members.

**Public Session**

Mr. Hand opened the meeting for Public Comment. There were none. Mr. Hand closed the Public Session.

**NEW BUSINESS**

Mr. Miraglia had previously distributed a list of discussion topics to Board members. Mr. Miraglia asked if Borough Administration had any knowledge of Dr. Sprandio, owner of the Shelter Haven property, had applied for or received a building permit to start construction on the lot. Mr. Hawk and Mr. Cope stated Dr. Sprandio has the Borough's Zoning Board and CAFRA approvals. They do not know if a building permit has been taken out yet. Mr. Catanese stated Dr. Sprandio's plans have site plan protection until June 30, 2013.

In response to a question from Mr. Miraglia, Mr. Hawk does not feel it is appropriate for the Board to discuss single individual financing abilities. Similar properties in the same area have not been brought up for discussion.

Mr. Miraglia feels these undeveloped and centrally located business properties should be a concern for the Board and Borough Council. He stated he is not disclosing anything that is not a matter of public record

Mr. Cope stated he, as a member of Borough Council, has received many inquiries to the status of the Shelter Haven lot and to a lesser degree the O'Hara and Fred's properties. He doesn't think the Council or the Board can do anything about their development, they are private properties.

Mr. Miraglia asked for Borough Council, in closed session, to discuss the possibility of the Borough purchasing the Shelter Haven property. Mr. Cope will convey this suggestion to the Council.

Mr. Miraglia would also like for the Council to pursue the Master Plan suggestion of acquiring land in the Waterfront Business District for the establishment of a Pocket Park and the growth of a walkway located along the bay front.

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Mr. Ashman noted that the Council and Planning Board should be developing long range plans and he would like to have several scenarios in place for the successful implementation of the Master Plan objectives among them being the waterfront pocket park.

Mr. Miraglia stated there is NJ Green Acres funding available to aid the Borough in purchasing properties along the waterfront area. Up to 50% funding is available for purchasing a site.

Mr. Cope noted CAFRA rules are changing and he is putting a proposal together for the CAFRA committee on the Borough's waterfront intent. He also would like to have a plan in place for the possibility of purchasing waterfront land. Mr. Conrad agreed that the Board should have long range plans in place.

Mr. Miraglia would like for the Board to also consider recommending to the Borough Council the purchase of Smuggler's Cove, one of the few remaining marine fuel stations left in our coastal area. Mr. Conrad noted that fewer fueling stations remain along the coastal waterways as many marina owners are selling their properties for land developments.

Mr. Miraglia, Mr. Conrad and Mr. Ashman will craft a long range course of action program for purchasing different waterfront sites. They will report back to the Board at the next meeting. If the plan is acceptable it will then be forwarded to the Borough Council.

**OLD BUSINESS**

Mr. Conte would like move forward on reviewing and revising the Borough's Zoning Ordinance. As funds were allocated in this year's operating budget for Mr. Catanese to begin work on this project the Board authorized Mr. Catanese to start work on this project immediately. Mr. Catanese agreed and also suggested that a committee be put together to work on this project. The committee will be comprised of Mr. Catanese, Mrs. Mascia, Mr. Cope and a member from the Zoning Board and a member of Borough Council. Borough Solicitor Donohue will also be asked for his input. The makeup of this committee does not have to be finalized tonight for Mr. Catanese to begin work on this project. Mr. Hawk will inform Mrs. Mascia of this discussion and he will also contact Zoning Chairman Bill Cathcart for his suggestion for the ZBA liaison.

**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