

MINUTES OF THE REGULAR SESSION  
STONE HARBOR PLANNING BOARD

September 27, 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  
Mayor Suzanne Walters  
Kenneth Hawk  
Thomas Cope (Delayed Arrival 7:07)  
Albert Carusi  
Wayne Conrad

Board Solicitor

Andrew Catanese

Alternates Present

Robert Ashman  
Julian Miraglia

Board Secretary

Patricia H. Wagner

Absent

Joanne Mascia, Zoning Officer

**Approve Minutes**

**Motion by Mr. Carusi and seconded by Mr. Conte to approve the minutes of the August 23, 2010 regular session.**

All members present voted in the affirmative.

**Motion by Mayor Walters and seconded by Mr. Cope to Memorialize Site Plan Resolution SPR 2010-004, Silver Lake, LLC**

Approved: Mr. Hand, Mayor Walters, Mr. Conte, Mr. Cope, Mr. Conrad, Mr. Carusi, Mr. Ashman and Mr. Miraglia.

**Zoning Revisions**

Mr. Catanese reported the Board’s subcommittee continues to meet and review the current zoning ordinance.

**Historic Preservation Element of the Master Plan**

The Board’s Professional Planner, Linda Weber presented a slide show for the Board outlining the highlights of the Master Plan’s Historic Preservation Element. Topics covered were the purpose and benefits of the Element such as maintaining a community’s character, promoting heritage tourism, increased property values and encouraging sustainability building construction. Ms. Weber also covered the criteria for meeting US Federal and New Jersey State regulations. Illustrations covered several different types of historic architectural styles found throughout the Borough such as Stick, Queen Anne, Shingle, Four Square, Seaside Commercial, Dutch Revival, Bungalow and Cape Cod.

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Ms. Weber noted the subcommittee has prepared an inventory of 41 historic structures, objects and landmarks which will be included as part of the Historic Preservation Element. The Bird Sanctuary and the Second Avenue railroad right of way are included on the current list. The number of properties may increase as the subcommittee continues its review. The subcommittee has also decided to use the criteria established by the National Registry (1966 National Preservation Act) to define what structures will be considered historic. The National Register restricts public encroachment and does not regulate use of private property landowners. Criteria for a property to be designated as historic include that the building must be historically or architecturally significant on the national, state or local level and generally must be at least fifty years old. They must be associated with events or persons that have made significant contributions to our history or the property should display the characteristics of a type, period or method of construction that represent high artistic values.

Ms. Weber noted the various tools and programs available for Historic Preservation awareness. They include but are not limited to: educational programs, volunteers aiding with restoration guidelines, site plan review with appropriate adopted design guidelines, demolition regulations and the establishment of a municipal historic preservation commission. The commission would act in an advisory capacity only to both the Planning and Zoning Boards. At the time of any board application a copy of the applicant's plans would be forwarded to the preservation commission for review.

Several Board members are concerned with the possibility of placing additional site plan restrictions and regulations on a property owner for a Planning or Zoning Board review. Ms. Weber stated it would be up to the Planning Board to establish the guidelines for what would trigger a Historic Preservation Commission review before hearing the actual site plan application. Ms. Weber suggested sending a copy of all applications to the Historic Preservation Commission for review & comment prior to any zoning or planning board hearing or just to the ones listed on the initial inventory list.

Ms. Weber assured the Board that the proposed Historic Preservation Element and the work of the Preservation Commission would not supersede any of the Borough's zoning ordinances or UCC building codes. She suggested the Commission act in an advisory role first and then, if desired the plan could be strengthened at a later date to give the Commission more of a regulatory role.

As the Historic Preservation Element is a component of the Master Plan, it only needs the approval of the Planning Board. In accordance with NJ Municipal Land Use Law, the Historic Preservation Element will be presented at a public hearing to be scheduled for October 25, 2010. Following the Board's discussion and public comments, the document may also be adopted that evening. The hearing will also be noticed on the Borough's web site. Area realtors and architects will also be invited to attend. It was also suggested the Borough's Tourism Director issue a press release to local newspapers explaining the Commission's purpose and run a notice on Public Access TV Channel 2 and send a form letter to those property owners listed on the historic property inventory list. There are some editorial changes to be made to the document as presented tonight, such as revising construction dates.

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**Shade Tree Protection Ordinance Report**

Mr. Conte reported the Shade Tree Advisory Committee has stated their opposition to having a Planning Board member be part of their committee. Mr. Hawk stated that he has been made aware of the correspondence between Mr. Conte, the Advisory Chairperson and the Advisory's Council Liaison and this issue has been forwarded to the Council's Natural Resource Committee for review and resolution.

Mayor Walters stated the ordinance that created the Shade Tree Advisory states that it is composed of five members. One must be the Council's Liaison, two from the Garden Club and two from any area of Borough. She stated there is nothing that prohibits the Advisory Committee from having Mr. Conte sit in on their meetings. Mayor Walters is waiting to hear the Natural Resource's recommendation before proceeding. Mayor Walters will report on this subject at the October 25, 2010 meeting.

**Waterfront Business District Purchase Plan**

Mr. Miraglia had distributed an updated report that he and Mr. Conrad and Mr. Ashman prepared.

Mr. Miraglia stated he has spoken with Barbara Ernst from the Cape May County Open Spaces Review Board. Ms. Ernst expressed an interest in proceeding with the establishment of a Stone Harbor Borough pocket park along the waterfront. An application must first be made before the County Review Board. County officials will not commit any funding details in writing at this time. Mr. Miraglia was told that in order for the County to distribute Open Space funding for the purchase of a property for a pocket park the Borough must first enter into a contract with a willing seller to purchase the land and then continue to proceed to settlement. The property cannot be taken by means of eminent domain (condemnation). After a period of 18 months the Borough may apply for asset reimbursement funding. The County would not fund for any construction or alterations needed for the park (new bulkhead, demolition & legal costs).

There is no State funding available at this time. The Borough would have to wait until the next accounting cycle to apply. 25% funding could be available through the Green Acres Program.

Mr. Cope and Mr. Hawk spoke of budget constraints on the upcoming Borough's capital budget. Mr. Cope feels the Planning Board should forward their recommendation to Council for the establishment of a pocket park regardless of the capital budget status. Mr. Hand stated he is not in favor of removing a centrally located property in the waterfront business district.

**Resolution 2010-006 - Motion by Mr. Cope and seconded by Mr. Carusi recommending Borough Council establish a waterfront business district pocket park as contained in the action plan of the Master Plan.**

**RESOLUTION RECOMMENDING THE ESTABLISHMENT OF A POCKET PARK  
ADJACENT TO SHELTER HAVEN BASIN**

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**WHEREAS**, the Stone Harbor Master Plan adopted June 22, 2009 recommends the establishment of a small pocket park in the Waterfront business District of the Borough of Stone Harbor; and

**WHEREAS**, the Stone Harbor Action Plan contained within the Borough's Master Plan designates the Stone Harbor Borough Council as the entity responsible for creating the proposed pocket park; and

**WHEREAS**, the Planning Board desires to encourage Borough Council to follow through with the Master Plan recommendation to establish a pocket park and to assist Borough Council in that task; and

**WHEREAS**, the Planning Board has received a proposal from a committee of its members with recommendations regarding the establishment of a pocket park.

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

1. The Planning Board urges Borough Council to take immediate action in an effort to establish a pocket park as recommended by the 2009 Master Plan, in accordance with the proposal attached hereto as EXHIBIT A or upon such other terms as Council may deem appropriate in its discretion.
2. That the Planning Board of the Borough of Stone Harbor does hereby commit to assist Borough Council in the establishment of a pocket park.

**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 the 27<sup>th</sup> day of September, 2010.

**Affirmative votes: Mayor Walters, Mr. Hawk, Mr. Conte, Mr. Cope, Mr. Conrad and Mr. Carusi.**

**Negative votes: Mr. Hand.**

**Public Comment**

John Ready of 105<sup>th</sup> Street addressed the Board. He is in favor of the waterfront pocket park. Mr. Reddy thought if the project was unsuccessful the Borough could return the use of the land back to a commercial status.

Mr. Catanese explained that might not be possible. If the land is purchased by the CMC Open Space Board it remains in their inventory and not the Borough's. Mr. Hand's understanding is that once the land is designated as open space it remains that way forever. Other members of the Board concurred with Mr. Hand.

Miriam Kauterman – 96<sup>th</sup> Street business owner spoke next. She is in favor of having the pocket park in the waterfront business district. She is also in favor the historic preservation commission.

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**NEW BUSINESS** - None

**OLD BUSINESS** - None

**Public Session**

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

**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. Hawk and seconded by Mayor Walters. All members present voted in the affirmative.

APPROVED:

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