

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
SATURDAY, MARCH 30, 2019
MINUTES**

Present: Chuck Chadwick – Chair, Sallie Boody, T. Van Itallie, Bill Christensen, Rick Neely (Alternate), Marilyn Ozols – ZEO.

Absent: Art Wright.

Members of Public: None.

1. **Call to Order.** C. Chadwick called the meeting to order at 9:01 a.m. and seated R. Neely as a voting member. A quorum was established (Chadwick, Boody, Neely, Van Itallie, Christensen).

2. **Short Term Rental Regulations.** Discussion in anticipation of proposed regulations for public hearing in late spring or early summer.

C. Chadwick stated that the objective for this meeting was to make a decision on how to go forward. Members discussed a timeframe for bringing a proposed regulation to public hearing in mid-July:

- March 30 Decide on Direction
- April 1 Provide information to M. Zizka for drafting
- Apr 29 – May 11 Schedule meeting with M. Zizka to finalize proposed language
- May 13-24 Receive final language from M. Zizka and meet to review
- May 25 Annual Meeting – present information and possibly draft regulation
- June 14 Deadline to meet legal referral requirements for a July 20 public hearing
- July 20 Public Hearing mid July
- July 20 – Aug 31 Vote on Amendment at meeting or at subsequent meeting prior to Labor Day
- Set effective date so as to minimize impact on rental contracts already in place.

Members discussed the issue of properties that might be grandfathered for a use already established. T. Van Itallie recommended that the regulation be crafted in such a manner that it would be acceptable enough to those currently renting their property to effectively eliminate the need for grandfathering in the majority of cases.

Members reviewed the suggestion received from A. Wright at the last meeting that rentals be for no less than seven days and that there be no more than three rentals in any calendar month. It was the opinion of the members that the start date for each rental would establish the month for which it would be counted.

S. Boody suggested that the summer be taken as a whole and five (minimum seven day) rentals be allowed between July 1 and Labor Day. It was noted that this would not address the issue of consecutive one-week rentals, which would be limited to three in one month in A. Wright's suggestion. All agreed that the language should be kept simple and that the 7-day minimum should apply year-round.

It was noted that one of the major concerns is rental solely for the purpose of holding a large party or event. This is partially addressed by the 7-day minimum but also by the last sentence in Section 4.3.13 as proposed by the Burgesses. It was discussed that this language, while legally enforceable, may not be clear to those reading the regulation. It was agreed that in addition to a Zoning Regulation, there should be rental guidelines produced by the Burgesses and provided to all homeowners. Among other items, the guidelines should stress that all leases should include a prohibition of events/large parties.

After further discussion, **R. Neely moved to forward to M. Zizka, for incorporation into the proposed regulation, the recommendation that permissible rentals should be no less than seven days and there should be no more than three distinct rentals in any one calendar month.**

Approved 5-0-0

For: Chadwick, Van Itallie, Boody, Christensen, Neely.
Against: None.
Abstain: None.

M. Zizka will also be asked to include a procedure for establishing grandfathered status for properties that may qualify. The preferred process will be an administrative determination with appeal to P&Z.

Members expressed their gratitude to A. Wright for his statesmanship in suggesting a compromise timeframe.

3. Approval of Minutes of previous meetings: Planning & Zoning/Inland Wetlands

a. October 27, 2018

S. Boody moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the October 27, 2018 meeting as corrected. T. Van Itallie seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Van Itallie, Boody, Christensen, Neely.
Against: None.
Abstain: None.

b. March 4, 2019

R. Neely moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the March 4, 2019 meeting as amended. S. Boody seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Van Itallie, Boody, Christensen, Neely.
Against: None.
Abstain: None.

S. Boody moved to add Other Business to the agenda. B. Christensen seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Van Itallie, Boody, Christensen, Neely.
Against: None.
Abstain: None.

4. Other Business.

a. Building Size.

C. Chadwick noted that he had attended an HDC meeting where members had voiced concern over the repeated applications to increase the size of buildings. He noted that the orientation of the building is actually more of an issue than the length. It was noted that P&Z does have jurisdiction over this to the extent that views from public areas are impacted. Members were encouraged to request that applicants address all of the site plan review standards in their presentations.

b. Section 5.2.3.

“No building or other structure shall be constructed, enlarged, extended, moved, or utilized in such manner as to... be located within fifty (50) feet of any watercourse, tidal wetland, coastal bluff or escarpment, beach or dune, except as follows...”

This section needs to be clarified the next time the regulations are amended to address the type of accessory structure that may be exempted and to clarify the point from which measurements are taken.

c. Driveway Aprons.

In most portions of the Borough, the HDC discourages any kind of paved or Belgian block apron, but P&Z's engineer routinely recommends a paved apron in order to protect the edge of the roadway pavement. After discussion, members agreed to continue to address this discrepancy on a case by case basis.

d. Roads Committee meeting.

C. Chadwick reported that the Roads Committee had met earlier in the week and there was discussion relative to raising Sequassen Avenue beyond Crab Creek Bridge in order to reduce flooding.

5. **Adjournment.**

At 10:30 p.m., it was moved by R. Neely and seconded by S. Boody to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary