**Town of Slaughter Beach**

**Public Notice**

**Planning & Zoning Committee**

**Minutes of the Meeting**

April 8, 2021, 5:30pm via Zoom

The Meeting was opened by Julia Geha, moderator via Zoom at 5:30pm April 8, 2021. All in attendance were thanked for joining the meeting and asked to remain on mute unless they needed to ask a question. The Planning and Zoning members present were Beth Yost, Bill McSpadden and Ken Lewis, absent were Bob Rivers and Bill Wernick.

Moderator advised this meeting was informational and while public comments or questions were welcome, the Town Attorney would not be on this call, but would be present at the May 10, 2021 Town Meeting after Planning and Zoning forwarded their vote from this Committee Meeting. Moderator asked for a volunteer to operate as Chair of the Committee.

**A Motion** was made by Ken Lewis to nominate Bill McSpadden as Committee Chair and seconded by Beth Yost. **Motion passed 2-1**.

After reading the request to rezone from C/A (Conservation/Agricultural) to R2 (Residential) floor was open for comments. Bill McSpadden volunteered that based on previous zoning changes in 2012 a C/A/R was partially created but never fully adopted. The zoning map dated 2007 was never changed to create the C/A/R district. In 2014 the Town amended its Comprehensive Land Use Plan and used the 2007 map as its Current Land Use, which showed the property in the C/A district.

Ken Lewis stated that when the Town prepared the Comprehensive Land Use Plan (CLUP) it was the intention of Town Council that the area in question was not to be classified as anything other than C/A (conservation/agriculture). If there is an issue in the CLUP not making this clear, the Town needs to do whatever is needed to correct the unintentional infraction.

Ramsey Forest advised he was under the impression that the lot was deeded to front Sussex Avenue on the Slaughter Beach map and therefore was buildable at the time zoning was developed after the Town was incorporated. Chair conceded the lot may have been deeded to reflect same, however there was ample frontage to access the property via Bay Avenue and Sussex Avenue was never developed on the West side of Bay Avenue before the lots behind Lot 40 were deeded to the Prime Hook Natural Wildlife Refuge.

Mr. Forest contends that the Sussex County Map still shows the Lot as Residential and he and his family have believed it was zoned as such this entire time because his father attended the Prime Hook meeting (April 1990) and was told his property would not be affected by the deeding of property for the nature preserve.

Chair McSpadden contended that Sussex County zoning classification doesn’t override Slaughter Beach zoning classifications. The formation of PHNWR in 1963 had no effect on the zoning until 1990 when the property was rezoned into the new zoning classification of Conservation/Agricultural (C/A).

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Floor was opened for questions and one was asked by Sue Miller “has an environmental impact study been done on the Lot?”. This would require a legal response so Moderator advised it would be presented to counsel to be answered at the Town Council Meeting, May 10, 2021.

No other questions were introduced, and Chair requested a vote. Moderator asked each member for a yay or nay vote to the question: Should the Town of Slaughter Beach allow a change of zone from C/A to R1 for the property located on the west side of Bay Avenue bordered on three sides by the Prime Hook National Wildlife Refuge; described as Lot 40; Tax Map Parcel No. 230-1.00-159.00 and owned by the Revocable Trust of John A. Forest, Jr.?

Beth Yost voted yay, Ken Lewis voted nay, and Chair McSpadden voted nay.

**A Motion to refuse a change in zone from C/A to R2 for Lot 40 referenced above passed 2-1**.

By a vote of 2-1 the Committee’s recommendation to Town Council is not to change the present zoning classification for this lot.

In Attendance:

Julia Geha

Beth Yost

William McSpadden

Ken Lewis

Ramsey Forest

Amy Dubois

Brenda Desjardins

Don Seto

Gail Tucker

Helen & Mike Cocozello

Kathleen McFadden

Sue Miller

Maggie Roth

George & Mary Beth Summers

Jerry & Peggy Carroll

Jimmy Dalton

Jeff Dennis

Glenn Steiffenhofer