

Recent discussions with Assembly member Lapham and Mayor Hill about development of the harbor design has brought to light apparent discrepancies between our Charter and our code in assigning planning powers.

Our Borough Charter establishes our Planning Commission as the sole planning body of the borough. Yet, we have code that provides that the Port & Harbor advisory committee "shall deliberate over matters concerning...port and harbor facilities and make recommendations...to the assembly..." I point out – not to the planning commission, our sole planning body.

State Statute requires a Planning Commission to formulate a comprehensive plan for guiding the physical, social and economic development of the borough.

Our Charter establishes that the comprehensive plan shall serve as a guide for all planning commission recommendations and all assembly legislative action concerning land use and development issues.

Both State Statute and our Charter call for a community facilities plan as an integral part of a comprehensive plan. A boat harbor is a community facility. Our harbor plan is addressed on pages 122 and 123 of our comprehensive plan.

I submit to you that that failure to identify the harbor expansion project as a planning exercise requiring oversight by the Planning Commission whose statutory duties include gathering information and informing the public at hearings on planning matters has resulted in a major disconnect between the government and the public, which has a varied interest in the design of the harbor and the land use associated with it.

This is no one's fault. It is simply a situation we must address.

This ordinance we are hearing tonight allows a planning activity that is in direct conflict with our requirement to use the planning commission and the comprehensive plan as our guide in the Harbor Expansion Project.

You have the opportunity to amend this ordinance so that, in the future, the integrity of planning is placed where it belongs statutorily, with the planning commission.

*Re: Reconciliation of Charter & Code, I recommend
that we seek advice and facilitation from Dept. of Commerce &
Regional Affairs.*

*From Debra Schnabel -
read during
Public Hearing for
Ord. 15-07-446
on
11/1/15*