

William W. Cathcart called the Regular Meeting of the Stone Harbor Board of Adjustment to order at 7:00 p.m. He stated that all requirements of the “Open Public Meetings Act of 1975” had been met, the Press of Atlantic City having been notified of the Board’s schedule for 2013 in December 2012, and the schedule having been posted on the Municipal Clerk’s Bulletin Board.

**ROLL CALL**

**Members Present**

William W. Cathcart  
Angelo Caracciolo  
J. Craig Otton  
Greg Szetela  
Robert Ross  
Alan Kaplan

**Member Absent**

Mia Donnell

**Alternate Absent**

Matt DeRose

**Acting Secretary Present**

Kate Slyne

**Alternates Present**

Brian Markle

**Solicitor Present**

Tom Hillegass, Esq.

**Zoning Officer Present**

Joanne Mascia

**MINUTES**

Upon a motion by Mr. Kaplan, seconded by Mr. Caracciolo, that the minutes of the Regular Meeting on April 12, 2013 be approved with the changes proposed by Alan Kaplan. The motion to approve the minutes was carried unanimously on a roll call vote.

Chairman Cathcart	AYE
Mr. Caracciolo	AYE
Mr. Otton	AYE
Mr. Kaplan	AYE
Mr. Szetela	AYE
Mr. Ross	AYE
Mr. Markle	AYE

**OLD BUSINESS**

Memorializing of Resolution #808-2013, Pepitone

Upon a motion by Mr. Kaplan, seconded by Mr. Szetela that the resolution be adopted with changes. The motion carried unanimously by roll call vote.

Chairman Cathcart	AYE
Mr. Caracciolo	AYE

Mr. Otton	AYE
Mr. Kaplan	AYE
Mr. Szetela	AYE
Mr. Ross	AYE

## **NEW BUSINESS**

### **HEARING**

<b>#809-2013</b>	Applicants' Name & Address:	Michael and Alicia Niedzielski Po Box 795 Worcester, PA 19490
	Owners' Name & Address:	Same
	Subject Property:	206 101st Street Stone Harbor, NJ 08247
	Block and Lots:	Bl: 100.03 Lots: 71.02, 72.02, 73.02 and 74.02

Applicants are seeking a variance for lot area, lot frontage and side yard setback and pool setbacks.

All required notices were given with respect to this hearing.

Cory J. Gilman, Esquire appeared on behalf of the Applicants and explained the nature of the application.

The following individuals were sworn in and testified on behalf of the Applicant:

1. Michael Niedzielski, Homeowner
2. William Haryslak, Architect

One person spoke against granting the application and one person spoke for granting the application.

Chairman Cathcart closed the hearing to the Applicant and the public.

Mr. Hillegass gave the Board a summation of the applicable legal standards.

The Board discussed the application. Mr. Caracciolo made a motion, seconded by Mr. Kaplan the C-2 variance for the front and side yard be granted. The motion was approved unanimously by roll call vote.

### **ROLL CALL VOTE**

**ZBA #809-2013 C-2 Variance-front/side**

Chairman Cathcart	AYE
Mr. Caracciolo	AYE
Mr. Otton	AYE
Mr. Kaplan	AYE
Mr. Szetela	AYE
Mr. Ross	AYE
Mr. Markle	AYE

Mr. Caracciolo made a motion, seconded by Mr. Szetela that the C-2 variance for the pool be granted. The motion was denied five votes to two by roll call vote.

**ROLL CALL VOTE**  
**ZBA #809-2013 C-2 Variance-pool**

Chairman Cathcart	AYE
Mr. Caracciolo	NAY
Mr. Otton	AYE
Mr. Kaplan	NAY
Mr. Szetela	NAY
Mr. Ross	NAY
Mr. Markle	NAY

Mr. Caracciolo made a motion, seconded by Mr. Kaplan the C-1 variance for the front and side yard be granted. The motion was denied unanimously by roll call vote.

**ROLL CALL VOTE**  
**ZBA #809-2013 C-1 Variance-front/side yard**

Chairman Cathcart	NAY
Mr. Caracciolo	NAY
Mr. Otton	NAY
Mr. Kaplan	NAY
Mr. Szetela	NAY
Mr. Ross	NAY
Mr. Markle	NAY

Mr. Caracciolo made a motion, seconded by Mr. Szetela that the C-1 variance for the pool be granted. The motion was denied six votes to one by roll call vote.

**ROLL CALL VOTE**  
**ZBA #809-2013 C-2 Variance-pool**

Chairman Cathcart	NAY
Mr. Caracciolo	NAY
Mr. Otton	AYE
Mr. Kaplan	NAY

Mr. Szetela	NAY
Mr. Ross	NAY
Mr. Markle	NAY

The solicitor will prepare a memorializing resolution for adoption at our next regularly scheduled meeting.

### **HEARING**

<b>#810-2013</b>	Applicants' Name & Address:	Sycamore Shores Condo Association 172 85th Street Stone Harbor, NJ 08247
	Owners' Name & Address:	Same
	Subject Property:	172 85th Street Stone Harbor, NJ 08247
	Block and Lots:	Bl: 84.02 Lots: 59.01, 59.02, 59.03, 59.04, 59.05, 61, 63.02 and 64.02

Applicants are seeking a use variance to reconstruct stairway.

All required notices were given with respect to this hearing.

Jane M. Hoy, Esquire appeared on behalf of the Applicants and explained the nature of the application.

The following individuals were sworn in and testified on behalf of the Applicant:

1. Herbert Liss, President of Condo Assoc.
2. Lawrence Bieluckie, Foreman for Vaspoli Builders
3. William Haryslak, Architect

The following exhibits were submitted and moved into evidence on behalf of the Applicant:

- A-1: Architectural Plans prepared by George Wray Thomas, P.E., P.P., R.A. dated 5/6/13
- A-2: Photograph of front of structure
- A-3: Photograph of existing conditions of rear of building
- A-4: Two pages of photographs depicting the deteriorated conditions of the rear of the building.

One person spoke in favor of granting the application and no one spoke in opposition.

Chairman Cathcart closed the hearing to the Applicant and the public.

Mr. Hillegass gave the Board a summation of the applicable legal standards.

The board discussed the application. Mr. Kaplan made a motion, seconded by Mr. Szetela that the use variance with bulk variances be granted. The motion was approved unanimously by roll call vote.

**ROLL CALL VOTE**

**ZBA #810-2013 Use variance with bulk variances**

Chairman Cathcart	AYE
Mr. Caracciolo	AYE
Mr. Otton	AYE
Mr. Kaplan	AYE
Mr. Szetela	AYE
Mr. Ross	AYE
Mr. Markle	AYE

Mr. Szetela made a motion, seconded by Mr. Caracciolo that the waiver of site plan be granted. The motion was approved unanimously by roll call vote.

**ROLL CALL VOTE**

**ZBA #810-2013 Waiver of Site Plan**

Chairman Cathcart	AYE
Mr. Caracciolo	AYE
Mr. Otton	AYE
Mr. Kaplan	AYE
Mr. Szetela	AYE
Mr. Ross	AYE
Mr. Markle	AYE

The solicitor will prepare a memorializing resolution for adoption at our next regularly scheduled meeting.

The next regularly scheduled meeting is July 12, 2013.

With there being no other business, upon a motion of Mr. Kaplan, seconded by Mr. Szetela, and unanimously approved, the meeting was adjourned at 9:24 p.m.

Approved:

Attest: \_\_\_\_\_  
Kate Slyne, Acting Secretary

June 14, 2013