

Regular Meeting
Zoning Board of Adjustment
April 3rd, 2023

Angelo Caracciolo called the Regular Meeting of the Stone Harbor Board of Adjustment to order at 6:00 p.m. He stated that all requirements of the “Open Public Meetings Act of 1975” had been met, the Press of Atlantic City and Cape May County Herald having been notified of the Board’s schedule for 2023 in December 2022, and the schedule having been posted on the Municipal Clerk’s Bulletin Board.

ROLL CALL

Members Present

Bob Ross
Jack Gensemer
John McAllister
Mel Lide
Mr. Carney
Angelo Caracciolo

Alternate Present

Nick Giuffre

Solicitor Present

Paul Baldini, Esq.

Zoning Officer Present

Ray Poudrier

Secretary Present

Megan Brown

MINUTES

Upon a motion by Mr. Gensemer, seconded by Mr. Ross, that the minutes of the Regular Meeting of March 6, 2023 be approved. The motion to approve the minutes was carried unanimously on a roll call vote.

ADMINISTRATIVE BUSINESS

Mr. Baldini discussed the length of the meeting and testimony. He recommended, given the nature of the hearing, that the board put a time cap of 10pm for hearing testimony. The board discussed and agreed. Upon a motion made by Mr. Ross, and seconded by Mr. Gensemer the motion was carried unanimously by roll call vote.

Mr. Baldini also explained that the applicant has decided to use a videographer to record this meeting for transcript purposes.

Mr. Baldini also explained that there was a request for a postponement of this case by an objector to the application, the requestor has withdrawn their request and made arrangements for a substitute to testify, if need be.

Mr. Baldini also explained there are two interpretive issues that need to be addressed, first is the issue of what constitutes a floor, and also what criteria for the most restrictive zone applies in this case.

HEARING

#957-2022	Applicant’s Name & Address:	8310 Sunset Drive LLC 1030 West Germantown Pike East Norriton, PA 19403
	Owner’s Name & Address:	Same
	Subject Property:	8310 Sunset Drive 8314 Sunset Drive Stone Harbor, NJ 08247
	Block and Lot:	Bl: 83.04 Lots: 135.02, 136, 137.02 & 138

Keith Davis, Esq. spoke on behalf of the applicants and explained the nature of the application.

All notices were given with respect to this hearing.

The following individuals were sworn in and testified:

1. Thomas Hennigan- Owner of Project
2. Gerald Blackman- Architect for project
3. Tiffany Morrissey- Project Planner
4. John Halbruner- Project Engineer
5. Marc DeBlasio- Borough Engineer
6. Ray Poudrier – Zoning Officer
7. Creigh Rahenkamp- Planner

The following Exhibits were moved into Evidence:

1. Exhibit 2- Ariel photo of existing property. Referred to as the “neighborhood”
2. Exhibit 3- Variance Comparison Chart
3. Exhibit A19- Zoning Board Resolution #927-2021 Seahawk LLC, adopted 7/12/21.

Mr. Barse confirmed he is representing the following residents in objection to this application:

1. Mike Kovach
2. Sandra Slabik
3. Andy Stitzinger
4. Don Sparks,
5. Ken Catanella
6. Karen Hotz
7. Bob Harris

Chairman Caracciolo opened the meeting to the public for discussion on the interpretation.

The following individuals were sworn in and testified.

1. Daniel Nemeth- 317 83rd St. Stone Harbor
2. Steven Springer- 254 84th St. Stone Harbor
3. Anthony Polselli- 8201 Third Ave Unit #12, Stone Harbor Bay Club
4. Anthony Polselli- 317 83rd St. Unit 9 Stone Harbor
5. Alicia Hayden Gonba- Victorian House

Chairman Caracciolo closed the meeting to the public.

Mr. Davis provided the Board with a closing statement.

Mr. Barse provided the Board with a closing statement.

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

The Board discussed the application.

A short break was taken to discuss the wording of the motion/vote.

A ‘yes’ vote means you are taking the applicants position, habitable story is 7’ or more in ceiling height, a ‘no’ vote means you are taking the zoning official’s position, habitable story is 6’ or more in ceiling height). The motion is the interpretation of definition of habitable story, defined as -7 feet or more in ceiling height.

Upon a motion by Mr. Ross, seconded by Mr. Carney, that the vote be taken on the definition of the habitable story as being 7’ or more in ceiling height.

ROLL CALL VOTE

ZBA #957-2022

Mr. Ross	AYE
Mr. Gensemer	AYE
Dr. McAllister	NAY
Mr. Lide	AYE
Mr. Carney	NAY
Mr. Guiffre	NAY
Chairman Caracciolo	NAY

There was some discussion on the interpretation of the use restriction, and what criteria to use.

Mr. Baldini explained a motion can be taken that the language requiring criteria of the more restrictive district means all criteria of the more restrictive district are followed and not the more restrictive criteria of each district.

Upon a motion by Mr. Gensemer, seconded by Dr. McAllister, that the motion be voted on.

ROLL CALL VOTE

ZBA #957-2022

Mr. Ross	AYE
Mr. Gensemer	AYE
Dr. McAllister	AYE
Mr. Lide	AYE
Mr. Carney	NAY
Mr. Guiffre	AYE
Chairman Caracciolo	AYE

Mr. Baldini explained this motion will be for the regulations of the B/D district being the more restrictive zone requirements than the residential C District requirements.

Upon a motion by Mr. Ross and seconded by Dr. McAllister that the motion be voted on.

ROLL CALL VOTE

ZBA #957-2022


Mr. Ross	NAY
Mr. Gensemer	NAY
Dr. McAllister	NAY
Mr. Lide	NAY
Mr. Carney	NAY
Mr. Guiffre	NAY
Chairman Caracciolo	NAY

Therefore the Board will follow all of the zoning criteria of the more restrictive district and will accept the definition of habitable story as being any room of 6’ or more in ceiling height. The application of the residential “C” Zone standards and 6’ to ceiling definition of habitable story shall be applied to the 957-2022 application by the Board.

This case will be continued to our next regularly scheduled meeting on May 1st, 2023

With there being no other business, upon a motion of Mr. Gensemer, seconded by Mr. Ross, and unanimously approved, the meeting was adjourned at 9:35 p.m.

Approved:

Attest: 
Megan Brown Secretary

April 3, 2023