

## **Zoning Board of Adjustment | Regular Meeting | December 4<sup>th</sup>, 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, 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.

### **Board Members Present**

Bob Ross  
Jack Gensemer  
John McAllister  
Mel Lide  
Tim Carney  
Nick Guiffre  
Angelo Caracciolo, Chair

### **Solicitor Present**

Paul Baldini, Esq.

### **Zoning Officer Present**

Raymond Poudrier

### **Borough Engineer Present**

William Cathcart

### **Secretary Present**

Megan Brown

### **MINUTES**

Upon a motion by Mr. Gensemer, seconded by Mr. Lide, that the minutes of the Regular Meeting of November 6<sup>th</sup>, 2023, be approved. The motion to approve the minutes was carried by a roll call vote.

### **ADMINISTRATIVE BUSINESS**

Upon a motion by Mr. Gensemer, seconded by Mr. Ross, that the meeting date schedule for 2024 be adopted and approved. The motion to approve was carried by a roll call vote.

### **Resolution #933-2021 & #933A-2021 for John Dennison**

The property address is 400-104th Street, designated on the SH tax map as block 103.06 lot 132. The board approved both resolutions for this property in 2021, During the construction a discrepancy was discovered between the zoning chart and the dimensions shown on the plan that was filed.

Specifically concerning the setback for the proposed swimming pool. The zoning chart set forth a front yard setback of 11.06 feet and the actual dimension is 10.05 feet, which is shown on the plan.

Mr. Davis wishes to get this discrepancy corrected now to avoid any issues with the CO at the completion of the project.

Mr. Baldini gave the Board a summation of the applicable legal standards. Chairman Caracciolo opened the meeting to the public.

Mr. Poudrier, Zoning Officer, was sworn in and testified to let the board know that he interpreted the pool permit application as Mr. Kiss had referred to in the variance hearing and the pool permit has been issued for this site at the 10.06-foot setback.

No further comments were made. Chairman Caracciolo closed the meeting to the public. Mr. Davis gave his closing statement.

Upon a motion by Mr. Gensemer, seconded by Mr. Ross, that the typographical error on the resolution will be corrected in the appropriate file. The motion was carried unanimously by roll call vote.

**ROLL CALL VOTE**

**ZBA #933-2021 / 933A-2021**

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

Mr. Baldini advised an amended resolution will be provided for approval at the next regularly scheduled meeting.

**OLD BUSINESS**

**Memorialize Resolution #966-2023 Atlantic Shores LLC**

Upon a motion by Mr. Gensemer, seconded by Mr. Ross, that the resolution be approved and adopted. The motion was carried by a roll call vote.

**NEW BUSINESS**

**HEARING #965-2023**

Applicant's Name & Address:	Gregory & Maxine Spencer 3131 Maple Avenue Apt. 12A, Dallas, Texas 75201
Owners Name & Address	Same
Subject Property:	411 Berkely Road Stone Harbor, NJ 08247
Block and Lot:	B-200.02 L- 450

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

All notices were given with respect to this hearing.

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

1. Mr. Spencer- Project Owner
2. Mr. Kiss- Architect for project

The following Exhibits were moved into Evidence.

1. A1- Renderings of proposed project

Mr. Kiss explained the projected plans to the Board and attendees.

Mr. Baldini advised that, if approved, this resolution will have a conditional of approval indicating that the applicant agrees to raise the lot grade if the Borough intends to raise the street.

Mr. Davis stated that the applicant is aware of that condition and will comply if variances are granted and if required. Mr. Cathcart commented on the application as the Borough engineer review.

Mr. Baldini advised that a deed restriction should be placed on the title indicating that the owner is aware of the requirement that they will need to bring the property into compliance with the grading at that time. Deed restriction must be reviewed by Borough Solicitor and Borough Engineer and be recorded prior to applying for a construction permit.

Chairman Caracciolo opened the meeting to the public.

The following individuals were sworn in and testified in favor of the application.

1. Martin Wade- 421 Berkely Road
2. Karen Earley- 408 Berkely Road
3. Ken Biddick- 408 - 104<sup>th</sup> Street
4. Joseph Griesser- 9802 Corinthian Drive

Mr. Davis gave his closing statement. Chairman Caracciolo closed the hearing to the Applicants & the Public. Mr. Baldini gave the Board a summation of the applicable legal standards.

The board discussed the application. Mr. Gensemer made a motion, seconded by Mr. Ross, to approve the C2 variance. The motion was approved unanimously by roll call vote.

**ROLL CALL VOTE**

**ZBA # 965-2023**

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

Dr. McAllister made a motion, seconded by Mr. Ross, to approve the C1 variance. The motion was approved unanimously by roll call vote.

**ROLL CALL VOTE**

**ZBA #965-2023**

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

The Solicitor will prepare a memorializing resolution for adoption at the next regularly scheduled meeting.

Chairman Caracciolo opened the meeting to the public for any zoning board comments not specific to the heard case.

Dr. McAllister expressed his concerns about the variances that were approved at the November hearing. He believes the Board will come across this again in the future and feels a need to address it before that could happen.

Chairman Caracciolo advised when the annual report of all cases heard in 2023, that is also submitted to the Planning Board, we can then have it as an Agenda item for February or March to discuss in greater detail.

With there being no other business, upon a motion of Mr. Ross, seconded by Dr. McAllister and unanimously approved, the meeting was adjourned to 7:36 p.m.

The next regularly scheduled meeting will be on January 8<sup>th</sup>, 2024.

Approved:

Attest:   
Megan Brown, Secretary

December 4<sup>th</sup>, 2023