

Zoning Board of Adjustment | Special Meeting | June 3rd, 2024

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 2024 in December 2023, and the schedule having been posted on the Municipal Clerk’s Bulletin Board.

Board Members Present

Bob Ross
Jack Gensemer
John McAllister
Kat Laughlin
Nicholas Guiffre
William Righter
Tim Stauning
Ken Barbuscio
Angelo Caracciolo, Chair

Solicitor Present

Paul Baldini, Esq.

Borough Engineer Present

Cody Stanford

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 & closed session Minutes of May 6th, 2024, be approved. The motion to approve the minutes was carried by a roll call vote.

OLD BUSINESS

Upon a motion by Mr. Gensemer, seconded by Ms. Laughlin that Resolution # 972-2024, for Reixan Properties LLC be memorialized. The motion to approve the resolution was carried by a roll call vote.

NEW BUSINESS

- **ZBA Hearing Case #974-2024**

Applicant’s Name & Address: Kara Sweet
23 Stone Court
Stone Harbor, NJ 08247
Owner’s Name & Address: Same
Subject Property: 23 Stone Court
Stone Harbor, NJ 08247
Bl: 110.31 Lot(s): 21 & 23

Applicant seeks variance relief to construct a new two-story dwelling with associated improvements.

Mr. Baldini explained the nature of this Whispering woods hearing & entered the following into evidence.

- Exhibit 1- Attachments to the litigation settlement agreement consisting of two pages of plans proposed by Kara and Kyle Sweet
- Exhibit 2- Transcript from the original Board hearing of August 7, 2023
- Exhibit 3- which was presented to the Board and on file with the Board Secretary at least ten days prior to the meetings.

All notices were given with respect to this hearing.

Mr. Gensemer recused himself from the hearing.

Mr. Stanford, Borough Engineer, was sworn and testified consistent with the Board Engineer report of June 3, 2024 which report was accepted by the Board & the Applicant/Attorney.

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

- Kara Sweet- Applicant & owner of project
- Kyle Sweet- Applicant & owner of project
- Gary Thomas, accepted as an expert planner
- Steven Lloyd resident of 27 Stone Court

The Plaintiff's entered the following Exhibits into Evidence in addition to all exhibits presented to the Board at the August 7, 2023 hearing:

- Exhibit 1- Whispering Woods Settlement and variance justification report related to 23 Stone Court, Block 110.31, Lots 21 and 23.
- Exhibit- 2 photograph of property on 110 street.
- Exhibit- 3 photograph of residence on Stone Court.
- Exhibit- 4 comparison chart of comparable zones, existing structure, original design, revised design, and variances still needed by Plaintiffs.

Mrs. Sweet explained the nature of the case and the need to rebuild the structure.

Mrs. Sweet called Mr. Sweet for questioning. Mr. Richard Carlucci, Esquire, cross examined Mr. Sweet.

Mrs. Sweet called Mr. Thomas for questioning. Mr. Richard Carlucci, Esquire, cross examined Mr. Thomas.

Chairman Caracciolo opened the meeting was then open to public testimony with regard to the proposed settlement agreement.

Richard Carlucci, Esquire, presented the case for objection to the settlement agreement on behalf of resident, Thomas Mutchler, who resides at 225 110 Street, Stone Harbor, New Jersey.

Richard Carlucci, Esquire presented two witnesses in opposition to the proposed settlement that being Philip Sartorio, planner who was accepted as an expert in planning by the Board and Thomas Mutchler.

Richard Carlucci, Esquire, on behalf of objector Thomas Mutchler, moved the following exhibits into Evidence:

- M1- Qualifications of Philip C. Sartorio, PP/AICP
- M2- Photograph of number 35 Stone Court
- M3- 23 Stone Court settlement conditions comparison
- M4- Canyon effect airflow and circulation
- M5- Street design and urban canopy layer climate article/treatise

- M6- Stone Court overlay photograph as prepared by Thomas Mutchler
- M7- Griffith and Carlucci statement in opposition to the legal statement of Sweet and in opposition to the Whispering Woods hearing and litigation settlement agreement.

Mrs. Sweet objected to Exhibit M6, Mr. Baldini expressed that he will allow it to be entered into evidence & allow further public comment from Mr. Mutchler for this evening, but since this hearing will be continued, we can arrange for both parties to review the object able exhibits together before further comments are recorded on that exhibit. All parties agreed.

Mr. Richard Carlucci, Esquire, further questioned Mr. Mulcher on his reasons for opposing this project.

Due to the time of the evening, Mrs. Sweet requested the Board set a special meeting to continue this hearing. The Board discussed and decided on a special meeting date of June 10th, 2024, for a continuation meeting.

Chairman Caracciolo announced the meeting to the public. No further noticing will be required.

Chairman Caracciolo opened the meeting to the public for any questions or comments on zoning not specific to a certain case.

With there being no other business, upon a motion by Dr. McAllister, seconded by Ms. Laughlin and unanimously approved, the meeting was adjourned at 10:18pm.

The special meeting will be held on June 10th, 2024 at 6pm at Borough Hall 9508 Second Avenue, Stone Harbor, NJ 08247.

Approved:

Attest: Megan Brown
Megan Brown, Secretary

July 1st, 2024

Zoning Board of Adjustment | Special Meeting | June 10th, 2024

Angelo Caracciolo called the Special 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 special meeting on June 10th, 2024 and the meeting has been posted on the Municipal Clerk’s Bulletin Board & on the Boroughs website.

Board Members Present

Bob Ross
Jack Gensemer (recused)
John McAllister
Kat Laughlin
Nicholas Guiffre
William Righter
Tim Stauning
Ken Barbuscio
Angelo Caracciolo, Chair

Solicitor Present

Paul Baldini, Esq.

Borough Engineer Present

Cody Stanford

Secretary Present

Megan Brown

CONTINUATION CASE

- **ZBA Hearing Case #974-2024**

Applicant’s Name & Address:	Kara Sweet 23 Stone Court Stone Harbor, NJ 08247
Owner’s Name & Address:	Same
Subject Property:	23 Stone Court Stone Harbor, NJ 08247 Bl: 110.31 Lot(s): 21 & 23

Applicant seeks variance relief to construct a new two-story dwelling with associated improvements.

Mr. Gensemer recused himself from this case. Mr. Baldini gave a summation of where the case left off. Mr. Baldini expressed that he needed to record to reflect a correction, in that the objectors were not granted intervenor status yet, the court set the matter for oral argument on the issue for a later date, and there is a management conference scheduled for immediately after this hearing for the court to decide.

Mr. Richard Carlucci, Esquire called Mr. Thomas Mulcher of 225 110 Street, Stone Harbor, to complete his testimony.

The following Exhibits were moved into evidence.

- M3- 23 Stone Court settlement conditions comparison
- M4- Canyon effect airflow and circulation
- M5- Street design and urban canopy layer climate article/treatise
- M6- Stone Court overlay photograph as prepared by Thomas Mutchler

Mrs. Sweet cross examined Mr. Mutchler.

Chairman Caracciolo opened the meeting to the public.

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

- Marcus Rose- 2 Linden Lane
- Susan Rose- 2 Linden Lane
- Robert & Robin Lee Stiles- 23 Bower Court & 42 Stone Court
- Mike Rhoads- 14 Stone Court
- Nancy Schaffer- 29 Harmony Way Newtown, PA

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

- Ann Delaney- 216-110th Street
- Miriam Brookes- 235-110th Street
- Greg & Dana Vasnunes- 220-110th Street
- Pamela Acree- 206-110th Street
- Janis Oeschger- 234-111th Street & 10109 Third Ave
- Frank Carfagno- 243- 110th Street
- Maryann Zwicker- 221-110th Street

Chairman Caracciolo closed the meeting to the public.

Mrs. Sweet gave a summation of her case. Mr. Baldini gave his summation of the case.

Mr. Stanford gave a summation of the zoning ordinance for the Linden Lane approved ordinance

The board deliberated. The board unanimously felt that this issue is not a decision that the zoning board should be deciding, and this should be handled the same way the Linden lane ordinance was handled, drafted for that street, proposed and decided on by Council which would affect the entire street rather than one property.

Upon a motion by Mr. Ross, seconded by Ms. Laughlin to accept the settlement option, the motion was denied unanimously by a roll call vote.

ROLL CALL VOTE

ZBA # 974-2024

Mr. Ross	NAY
Dr. McAllister	NAY
Ms. Laughlin	NAY
Mr. Guiffre	NAY
Mr. Righter	NAY
Mr. Stauning	NAY
Mr. Barbuscio	NAY
Chairman Caracciolo	NAY

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

With there being no other business, upon a motion by Dr. McAllister, seconded by Mr. Ross and unanimously approved, the meeting was adjourned at 9:35pm. The next regularly scheduled meeting will be on July 1st, 2024

Approved:

Attest: Megan Brown
Megan Brown, Secretary

June 10th, 2024