

Zoning Board of Adjustment | Regular Meeting | August 5th, 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
Kathryn Laughlin
Nicholas Guiffre
William Righter
Tim Stauning
Ken Barbuscio
Angelo Caracciolo, Chair

Solicitor Present

Paul Baldini, Esq.

Borough Engineer Present

William Cathcart

Zoning Officer Present

Ray Poudrier

Secretary Present

Megan Brown

MINUTES

Upon a motion by Ms. Laughlin, seconded by Mr. Ross, that the minutes of the Regular Meeting & closed session Minutes of July 1st, 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 Mr. Ross, that Resolution # 975-2024, for George & Nikki Keyser be memorialized. The motion to approve the resolution was carried out by a roll call vote.

NEW BUSINESS

Chairman Caracciolo announced a change to the agenda for this evening. Regarding Hearing #978-2024 for Shawn & Anne Marie Romano, the applicant has requested that this case be adjourned to the September 9th meeting, this announcement will serve as official notice and no further noticing will be required.

ZBA Hearing Case #974A-2024- Kyle & Kara Sweet 23 Stone Court

Mr. Baldini explained the nature of this hearing.

Mr. Gensemer recused himself from the hearing.

Mrs. Sweet was sworn in and testified.

Mrs. Sweet moved the following Exhibits into evidence.

- Exhibit 1- Memorandum of Agreement
- Exhibit Sweet 1- Chart showing the difference between the original application and the present mediation memorandum

Mr. Poudrier, Zoning Officer, was sworn in and testified as to the definitions within the Borough Code.

Mr. Cathcart, Borough Engineer, was sworn and testified consistent with his Board Engineer report draft dated on 7/25/2024 and final version dated 7/30/2024.

Mr. Richard Carlucci was present & representing Mr. Thomas Mulcher, as an intervenor in the case.

Mr. Mutchler of 225 110th Street, was sworn in and testified.

Mr. Mulcher moved the following Exhibits into evidence.

- Exhibit M1 8/5/24- Zoning comparison chart relative to the Courts.
- Exhibit M2 8/5/24- Ordinance 1601 Unapproved Ordinance for the Courts.

Mrs. Sweet cross examined Mr. Mutchler.

Chairman Caracciolo opened the meeting to the public.

The following individuals were sworn in and testified against the Application.

- William Hauf 3rd – 214 109th Street
- David Vignola- 227 W 108th Street
- Maryann Zwicker- 221 110th Street
- Dana VasNunes- 220 110th Street
- Gordon Branov- 251 110th Street
- Pamela Acree- 206 110th Street
- David Piede- 234 110th Street
- Geoff Woolery- 217 110th Street
- Justine Herzog- 10215 Sunrise Drive

The following individuals were sworn in and testified in favor of the Application

- Kimberely Dudley- 18 Stone Court
- Jenny Staley 30 Weber Court

With no further comments from the public, Mr. Caracciolo closed the public comment portion of the meeting.

Mrs. Sweet gave her closing statement.

Mr. Caracciolo closed the meeting to the applicant.

Mr. Baldini gave his summation of the hearing and the applicable legal standards.

The board deliberated.

A motion was made by Ms. Laughlin, seconded by Mr. Ross, to approve the mediation agreement memorandum Board Exhibit 1.

ROLL CALL VOTE

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

Mrs. Sweet asked if the board would consider accepting a change in the plans from 25' feet to 22' feet.

The board deliberated

A motion was made by Ms. Laughlin, seconded by Mr. Ross, to entertain an amendment to the initial offer.

ROLL CALL VOTE

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

A motion was made by Dr. McAllister, seconded by Ms. Laughlin, to approve an amended mediation agreement changing the height from 25' feet to 22' feet.

ROLL CALL VOTE

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

A memorializing resolution will follow, which will be subject to the conditions of the memorandum agreement as amended here.

Chairman Caracciolo opened the meeting to the public for any questions or comments on zoning not specific to a 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 9:03pm.

The next meeting will be held on September 9th, 2024, at 6pm at Borough Hall 9508 Second Avenue, Stone Harbor, NJ 08247.

Approved:

Attest: Megan Brown
Megan Brown, Secretary

August 5th, 2024