Regular Meeting

Zoning Board of Adjustment

December 5, 2014

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 2014 in December 2013, and the schedule having been posted on the Municipal Clerk’s Bulletin Board.

**ROLL CALL** **Members Present** **Members Absent**

William W. Cathcart J. Craig Otton

Angelo Caracciolo

Alan Kaplan **Secretary Present**

Greg Szetela Carrie Bosacco

Mia Donnell

Bob Ross **Solicitor Present**

Andrew Catanese

**Alternates Present**

Matt DeRose **Zoning Officer Present**

Brian Markle Joanne Mascia

**MINUTES**

Upon a motion by Mr. Kaplan, seconded by Mr. Markle, that the minutes of the Regular Meeting on September 12, 2014 be approved. The motion to approve the minutes was carried unanimously on a roll call vote.

**2015 MEETING DATES**

Upon a motion by Mr. Caracciolo, seconded by Mr. Ross that the 2015 Meeting Dates be approved for the first Monday of every month at 6:00 p.m. The motion was carried seven votes to one by roll call vote.

**NEW BUSINESS**

**HEARING**

**#828-2014** Applicant’s Name & Address: Thomas Welsh Builders LLC

2589 Ocean Drive

Avalon, NJ 08202

Subject Property: 249 88th Street

Stone Harbor, NJ 08247

Block and Lot: Bl: 96.04 Lots: 119, 120, 121 and 122

Applicants are requesting relief from lot area and lot frontage.

All notices were given with respect to this hearing.

Cory J. Gilman, Esq. appeared on behalf of the Applicant and explained the nature of the application.

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

1. Thomas Welsh, homeowner

No exhibits were moved into evidence on behalf of the Applicant.

No members of the public spoke for or against the application.

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

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

The Board discussed the application. Mr. Caracciolo made a motion, seconded by Mr. Szetela that the C-1 variance be granted. The motion was approved four votes to three by roll call vote.

**ROLL CALL VOTE**

**ZBA #828-2014 C-1 Variance**

Chairman Cathcart NAY

Mr. Caracciolo NAY

Mr. Kaplan NAY

Mr. Szetela AYE

Ms. Donnell AYE

Mr. Ross AYE

Mr. DeRose AYE

Mr. Caracciolo made a motion, seconded by Mr. Szetela that the C-2 variance be granted. The motion was approved six votes to one by roll call vote.

**ROLL CALL VOTE**

**ZBA #828-2014 C-2 Variance**

Chairman Cathcart AYE

Mr. Caracciolo AYE

Mr. Kaplan AYE

Mr. Szetela NAY

Ms. Donnell AYE

Mr. Ross AYE

Mr. DeRose AYE

**HEARING**

**#829-2014** Applicant’s Name & Address: 100th Street LLC

c/o Compass Mgmt Partners

1982 Butler Pike, Suite 5

Conshohocken, PA 19428

Subject Property: (a) 221-237 97th Street

(b) 230-240 97th Street

(c) 9601 Third Avenue

(d) 9622-28 Third Avenue

Stone Harbor, NJ 08247

Block and Lot: (a) Bl: 97.03 Lots: 92.02, 94, 96, 98.01, 98.02, 100, 102.01, 102.02 & 104.01

(b) Bl: 96.03 Lots: 87, 89, 91

& 93

(c) Bl: 96.04 Lots: 138-144

(d) Bl: 96.03 Lots: 111, 112,

113.01, 113.03, 114.01 &

114.05

Applicant seeks modification of prior preliminary and final site plan approval so as to allow installation of a generator on the rooftop of the hotel property. Also relief to allow the valet stand to be situated in the side and front yard setbacks.

All notices were given with respect to this hearing.

Jane M. Hoy, Esq. appeared on behalf of the Applicant and explained the nature of the application.

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

1. Ron Gorodesky, managing director at the Reed’s
2. Joanne Mascia, zoning officer
3. Paul Massing, construction manager
4. Gary Thomas, Surveyor and professional planner

The following exhibits were moved into evidence on behalf of the applicant:

1. A-1 Plans by Stokes Architecture (11/14/14) A1.1, A2.1 and A3.1
2. Z-1 Cape May County Planning Department letter (11/21/14)

**ADMINISTRATIVE BUSINESS**

The meeting was closed to the public for discussion with Mr. Catanese regarding matters related to litigation involving the Zoning Board of Adjustment.

Upon a motion by Mr. Kaplan, seconded by Mr. Ross, that the **Resolution 2014-D-789** be adopted. The motion carried unanimously by roll call vote.

**A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4–12.**

**Whereas,** the Zoning Board of Adjustment of the Borough of Stone Harbor is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A.* 10:4–6, et seq., and

**Whereas,** the *Open Public Meetings Act, N.J.S.A.* 10:4–12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

**Whereas,** it is necessary for the Zoning Board of Adjustment of the Borough of Stone Harbor to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4–12b and designated below:

1. *Matters related to litigation entitled Buckley v. Godlewski and Zoning Board of Adjustment*

**Now, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Stone Harbor, assembled in public session on December 5, 2014 that an Executive Session closed to the public shall be held on December 5, 2014 at or about 7:00 P.M. in the Municipal Building of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, for the discussion of matters relating to the specific items designated above. The Zoning Board of Adjustment may take official action as a result of said Executive Session.

It is anticipated that, in accordance with law and in a timely manner, the deliberations conducted in closed session may be disclosed to the public upon the determination of the Zoning Board of Adjustment that the public interest will no longer be served by such confidentiality.

The Board returned to open session at 9:21 p.m. by motion of Ms. Donnell, seconded by Mr. Kaplan.

With there being no other business, upon a motion of Mr. Ross, seconded by Mr. Kaplan, and unanimously approved, the meeting was adjourned at 9:11 p.m.

Approved:

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Carrie Bosacco, Secretary December 5, 2014