

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 2013 in December 2012, and the schedule having been posted on the Municipal Clerk’s Bulletin Board.

ROLL CALL

Members Present

William W. Cathcart
Angelo Caracciolo
J. Craig Otton
Greg Szetela
Mia Donnell
Robert Ross
Alan Kaplan

Secretary Present

Carrie Bosacco

Solicitor Present

Andrew Catanese, Esq.

Zoning Officer Present

Joanne Mascia

Alternates Present

Matt DeRose
Brian Markle

MINUTES

Upon a motion by Mr. Caracciolo, seconded by Ms. Donnell, that the minutes of the Regular Meeting on March 8, 2013 be approved. The motion to approve the minutes was carried unanimously on a roll call vote.

Chairman Cathcart	AYE
Mr. Caracciolo	AYE
Mr. Otton	AYE
Mr. Szetela	AYE
Ms. Donnell	AYE
Mr. Ross	AYE
Mr. Markle	AYE

OLD BUSINESS

Memorializing of Resolution #807-2013, Iacovone/Kunz

Upon a motion by Ms. Donnell, seconded by Mr. Szetela that the resolution be adopted. The motion carried unanimously by roll call vote.

Chairman Cathcart	AYE
Mr. Caracciolo	AYE
Mr. Otton	AYE

Mr. Szetela	AYE
Ms. Donnell	AYE
Mr. Ross	AYE

NEW BUSINESS

HEARING

#808-2013	Applicants' Name & Address:	Michael and Elizabeth Pepitone 24 Neville Drive Lincroft, NJ 07738
	Owners' Name & Address:	Same
	Subject Property:	9500 Sunset Drive Stone Harbor, NJ 08247
	Block and Lots:	Bl: 95.04 Lots: 176.02

Applicants are seeking a variance for lot area, side yard setback and building coverage.

All required notices were given with respect to this hearing.

Vincent L. Lamanna, Esquire appeared on behalf of the Applicants and explained the nature of the application.

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

1. Michael Pepitone
2. Pamela Fine
3. Gary Thomas

The following exhibits were submitted and moved into evidence on behalf of the Applicant:

- A-1: Aerial Photograph
- A-2: Aerial Photograph
- A-3: Photographs (9)

No one spoke for or against granting 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. Kaplan the C-2 variance be granted. The motion was approved unanimously by roll call vote.

ROLL CALL VOTE
ZBA #808-2013 **C2 Variance**

Chairman Cathcart	AYE
Mr. Caracciolo	AYE
Mr. Otton	AYE
Mr. Kaplan	AYE
Mr. Szetela	AYE
Ms. Donnell	AYE
Mr. Ross	AYE

Mr. Caracciolo made a motion, seconded by Mr. Szetela that the C-1 variance be granted. The motion was denied unanimously by roll call vote.

ROLL CALL VOTE
ZBA #808-2013 **C-1 Variance**

Chairman Cathcart	NAY
Mr. Caracciolo	NAY
Mr. Otton	NAY
Mr. Kaplan	NAY
Mr. Szetela	NAY
Ms. Donnell	NAY
Mr. Ross	NAY

The solicitor will prepare a memorializing resolution for adoption at our next regularly scheduled meeting.

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. Szetela, that the **Resolution 2013-C-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 April 12, 2013 that an Executive Session closed to the public shall be held on April 12, 2013 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 Mr. Kaplan, seconded by Mr. Ross.

The next regularly scheduled meeting is June 14, 2013.

With there being no other business, upon a motion of Mr. Kaplan, seconded by Mr. Szetela, and unanimously approved, the meeting was adjourned at 9:24 p.m.

Approved:

Attest: _____
Carrie Bosacco, Secretary

June 14, 2013