Regular/ Hybrid Meeting

Zoning Board of Adjustment

June 21st, 2021

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, the Press of Atlantic City and Cape May County Herald having been notified of the Board’s schedule for 2021 in December 2020, and the schedule having been posted on the Municipal Clerk’s Bulletin Board.

**ROLL CALL** **Members Present** **Alternate Present**

Bob Ross Mel Lide

Jack Gensemer

Kat Laughlin (via Zoom) **Solicitor Present**

Bunny Parzych Paul Baldini, Esq.

Nicole Jones (via Zoom)

Angelo Caracciolo **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/ Hybrid Meeting of May 3rd, 2021 be approved. The motion to approve the minutes was carried unanimously on a roll call vote.

**OLD BUSINESS**

Memorialize Resolution #924-2021 Berran, Lawrence

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

Memorialize Resolution #925-2021 Ems, Steve & Pia

Upon a motion by Mr. Gensemer seconded by Ms. Laughlin that the resolution be adopted. The motion was carried unanimously by roll call vote.

**NEW BUSINESS**

Paul Baldini made an announcement for all subsequent meetings, there will be no more virtual presentations. We are resuming to rules as prior to the pandemic. No comments or testimony will be heard via Zoom.

**HEARING**

**#926-2021**  Applicant’s Name & Address: Seahawk LLC

1030 West Germantown Pike

E. Norristown, PA 19403

Owner’s Name & Address: Smugglers Cove, Inc.

8310 Sunset Ave

Stone Harbor, NJ 08247

Subject Property: 370-83rd Street

Stone Harbor, NJ 08247

Block and Lot: Bl: 81.04 Lots: 135, 137 & 139

Stephen Hankin spoke on behalf of the applicant, explained the nature of the application. Paul Kiss, Architect for the project, was sworn in and spoke on behalf of applicant.

All Notices were given with respect to this hearing.

The following Exhibits were moved into evidence: A1-A17 CS1-2 P1-2 SP1-3 EX1-4, included plans and photos of the site and surrounding area.

Mr. Hankin explained they have received the appropriate permits from CAFRA and DEP to go from 10 slips to 4. Discussed the height interpretation, removal of oil tank and mix use structure.

Raymond Poudrier- Zoning Officer was sworn in and testified. He read Ordinances 560-18 & 560-10 regarding Building Heights in DB Zones.

No one spoke for or against the granting of the application during public comment.

Chairman Caracciolo closed the hearing to the public and the Applicants.

Mr. Baldini gave a summation of the applicable legal standards.

The Board discussed the application. Mr. Ross made a motion, seconded by Mrs. Parzych that the D variance for height be granted. The Motion was approved unanimously by a roll call vote.

**ROLL CALL VOTE**

**ZBA #926-2021- D Variance- Height**

Mr. Ross AYE

Mr. Gensemer AYE

Ms. Laughlin AYE

Mrs. Parzych AYE

Ms. Jones AYE

Mr. Lide AYE

Chairman Caracciolo AYE

Mr. Gensemer made a motion, seconded by Mrs. Parzych that the C Variance for Front Yard setback for Roof eve encroachment, Side & Rear yard setback for the Juliet balconies and parking be granted. The motion was approved unanimously by roll call vote.

**ROLL CALL VOTE**

**ZBA #926-2021- C Variance**

Mr. Ross AYE

Mr. Gensemer AYE

Ms. Laughlin AYE

Mrs. Parzych AYE

Ms. Jones AYE

Mr. Lide AYE

Chairman Caracciolo AYE

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

Mel Lide recused himself from the board for the next hearing, he explained his law firm is involved in a case with the owner of The Wharf, regarding a separate matter.

**HEARING**

**#927-2021** Applicant’s Name & Address: The Wharf at Stone Harbor, LLC

348-96th Street

Stone Harbor, NJ 08247

Owner’s Name & Address: Same

Subject Property: 348-96th Street

Stone Harbor, NJ 08247

Block and Lot: Bl: 95.04 Lot: 234-237, 152.02, 154.03 &

156.03

Keith Davis spoke on behalf of the applicant and explained the nature of the hearing.

This case came before Zoning Board in 2018, and was approved.

All notices were given with respect to this hearing.

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

1. Pamela Fine- Fine Architect
2. Joe Maffei- NJ Licensed planner and engineer
3. Skip Holtzapfel- Builder for project
4. John Grace- Owner of project

Skip Holtzapfel testified that he is the Builder of the project, and when he started construction, he starting the project using the front as the number to take and build from, but as he later found out, the number Pamela Fine had given him, was from the rear of the building , not the front of the building. This mistake created a voided space of 2.5 feet which increased the height of the building. Mr. Holtzapfel stated that he noticed this error when he completed the roof and looked at the building from a street perspective and thought something didn’t look right, and immediately contacted Ray Poudrier, Zoning Officer and John Grace, Owner of project.

Raymond Poudrier, Zoning Officer, testified that Mr. Holtzapfel and Mr. Grace both reached out to see what steps they can take to rectify this error as well as keep the building from any damage from the elements while this matter is being resolved. At that time, Mr. Poudrier suggested they file an application to the Zoning Board for the Height of the building, all parties moved on his suggestion.

Pamela Fine testified that she is the architect for the original set of plans approved in 2018, she explained that the original plans were accurate, but as Mr. Holtzapfel testified the project started using the front number, rather than the rear, which created a void between the existing floor system and the new ceiling system.

Exhibits El-1, EL-2 and EL-3 were moved into evidence. These exhibits showed a front, side and rear view of the building, as approved vs. as constructed.

Joe Maffei testified he is a NJ Licensed planner and engineer with Engineer Design Associates. He testified regarding the D variance Height interpretation, he testified that a new D variance is not necessary since the original square footage of the structure is the same, no change in use. The only change is the gap between floors, what was approved in 2018 is still the same.

Chairman Caracciolo opened the meeting to the public for comments.

The following individuals were sworn in and testified to some concerns regarding the new building height:

1. Patricia Stump- Homeowner at 371-95th Street. She had questions relating to Solar panels she had installed in 2011. She wanted to know if the new height would affect any sunlight to her panels. Mr. Maffei explained that the panels will still get enough sunlight and it will not have any negative affect on her panels. Keith Davis explained that he will put something in writing advising of this condition.
2. Paul Voltz- Homeowners at 369-95th Street. Had concerned about the windows in the rear of the building which will overlook his master bedroom. John Grace agreed to have Bermuda style shutters installed on the second floor rear windows. All parties agreed with this condition. Mr. Poudrier advised that the shutters will need to be moveable as a means of egress in case of a fire.
3. Edward Skillin- Hall Harbor unit owner- against height due to view restrictions

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

1. Bob Ashman- 10301 First Ave
2. Jim Talone- 200 Osprey Dr. CMCH
3. Chuck Piola- Owner at Harborview Outfitters, tenant in building.
4. Tim Carney- 336 96th Street
5. Bob Bickford- 161 85th street
6. Jackie Mauro- 359-96th street

With no other public comments, Chairman Caracciolo closed the meeting to the public and applicant.

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

The board discussed the application. A motion was made by Mr. Gensemer and seconded by Mr. Ross that the C Variance be granted.

**ROLL CALL VOTE**

**ZBA #927-2021- C Variance**

Mr. Ross NAY

Mr. Gensemer AYE

Ms. Laughlin AYE

Mrs. Parzych AYE

Ms. Jones AYE

Chairman Caracciolo NAY

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

The next regularly scheduled meeting will be on July 12th, 2021

With there being no other business, upon a motion of Mr. Gensemer, seconded by Mr. Ross, and unanimously approved, the meeting was adjourned at 8:43 p.m.

Approved:

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

Megan Brown Secretary

June 21st, 2021