

Regular Meeting  
Zoning Board of Adjustment  
April 8, 2011

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 2011 in December 2010, and the schedule having been posted on the Municipal Clerk's Bulletin Board.

<u>ROLL CALL</u>	<u>Members Present</u> William W. Cathcart Stanley Moore J. Craig Otton Alan Kaplan Greg Szetela Angelo Caracciolo	<u>Alternates Present</u> Mel Lide  <u>Solicitor Present</u> Andrew Catanese  <u>Secretary Present</u> Carrie Bosacco
	<u>Member Absent</u> Peter Tribulski	

MINUTES

Mr. Kaplan made a motion, seconded by Mr. Caracciolo, that the minutes of the Regular Meeting on January 7, 2011 be approved. The motion to approve the minutes was carried unanimously by voice vote.

OLD BUSINESS

**Memorialize Resolution #2011-001 Monzo Catanese Law Firm**

Upon a motion by Mr. Caracciolo, seconded by Mr. Kaplan that the resolution be adopted. The motion carried unanimously by roll call vote.

The Board discussed Annual Report for 2010. Chairman Cathcart made some suggestions regarding the report. No action was taken at this meeting.

NEW BUSINESS

HEARING

#790-2011	Applicants' Name & Address:	Hall Harbor Condominium Association 351 96th Street Stone Harbor, NJ 08247
	Owners' Name & Address:	Same
	Subject property street address:	351 96th Street Stone Harbor, NJ 08247

Block & Lots:

Block: 96.04 Lots: 153.02,  
154, 155, 156, 157, 158, 159  
and 160

Applicants are seeking variances maximum building height and number of stories, rear yard setback, side yard setback, and front yard setback, waivers from certain requirements of the site plan element checklist and site plan approval.

All required notices were given with respect to this hearing.

Doreen Corino, Esq. appeared on behalf of the Applicants and explained the nature of the application.

The following individuals were sworn in and testified:

1. Robert Burdick
2. Thomas Degnan
3. Richard Burke

The following exhibits were submitted and moved into evidence:

- A-1: Architectural Rendering - as proposed
- A-2: Architectural Rendering - as proposed
- A-3: Photograph (Existing Conditions)
- A-4 through 9: Photographs of existing canopies on surrounding properties
- A-10: Photograph of proposed canopy

Two members of the public spoke regarding the application.

Ms. Corino gave her closing statement. 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 D variances with associated C variances be granted. The motion was approved unanimously by roll call vote.

ROLL CALL VOTE  
ZBA #790-2011

Chairman Cathcart	AYE
Mr. Moore	AYE
Mr. Otton	AYE
Mr. Szetela	AYE
Mr. Kaplan	AYE
Mr. Lide	AYE

Mr. Caracciolo            AYE

Mr. Kaplan made a motion, seconded by Mr. Moore that the waivers be granted. The motion was approved unanimously by roll call vote.

ROLL CALL VOTE  
ZBA #790-2011

Chairman Cathcart    AYE  
Mr. Moore                AYE  
Mr. Otton                AYE  
Mr. Szetela             AYE  
Mr. Kaplan              AYE  
Mr. Lide                 AYE  
Mr. Caracciolo         AYE

Mr. Caracciolo made a motion, seconded by Mr. Kaplan that site plan approval be granted. The motion was approved unanimously by roll call vote.

ROLL CALL VOTE  
ZBA #790-2011

Chairman Cathcart    AYE  
Mr. Moore                AYE  
Mr. Otton                AYE  
Mr. Szetela             AYE  
Mr. Kaplan              AYE  
Mr. Lide                 AYE  
Mr. Caracciolo         AYE

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

HEARING

#791-2010	Applicants' Name & Address:	The Tanner Corporation 9614 Third Avenue Stone Harbor, NJ 08247
	Owners' Name & Address:	Same
	Subject property street address:	9700 Second Avenue Stone Harbor, NJ 08247
	Block & Lots:	Block: 97.02 Lots: 60, 62, 64, 66, 68 and 70

Applicant seeks variances for front yard setback, rear yard setback, side yard setback, lot coverage, building height, building coverage, and occupied area, parking and use variances.

This application was not heard and the applicant will have to renote and readvertise.

#### ADMINISTRATIVE BUSINESS

At this time we are about to consider a Resolution to go into private session. We would appreciate it if you would all remain seated until the Resolution has been acted upon. At the conclusion of the private session we will come back into public session for the purpose of either taking action as a result of our discussion in private session or to simply adjourn. It is also possible that someone might bring up some other item of business in public session after we come back from private session.

Upon a motion by Mr. Kaplan, seconded by Mr. Szetela that the **Resolution 2011-A-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 8, 2011 that an Executive Session closed to the public shall be held on April 8, 2011 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 8:28 p.m.

The next regularly scheduled meeting will be on May 13, 2011.

With there being no other business, upon a motion of Mr. Kaplan, seconded by Mr. Caracciolo, and unanimously approved, the meeting was adjourned at 8:30 p.m.

Approved:

Attest: \_\_\_\_\_  
Carrie Bosacco, Secretary

April 8, 2011