



A Professional Corporation
211 Bayberry Drive, Suite 2A
Cape May Court House, New Jersey 08210
Phone: 609 463-4601

June 27, 2023

VIA HAND DELIVERY

Genell Ferrilli, Board Secretary
Sea Isle City Zoning Board of Adjustment
233 John F. Kennedy Blvd, Room 206
Sea Isle City, NJ 08243

Re: Applicant: 9 42nd Street, LLC
9 42nd Street, Sea Isle City
Our File No.: 6407-001

Dear Ms. Ferrilli:

Pursuant to the Engineer's Review Memorandum dated May 16, 2023, enclosed please find twenty (20) sets of the following to supplement the Zoning Board application for the above-referenced matter:

1. Deed of Easement dated November 2, 1981 between the City of Sea Isle City and Windrift Associates, former owners of the subject property, providing access to use portions of Block 41.01, Lots 15 & 16; and
2. Plans prepared by William C. McLees, AIA, LEED AP dated June 22, 2023 including a Site Plan.

We respectfully request a revised review memorandum be issued prior to the August 7, 2023 Zoning Board meeting at which this application is currently scheduled.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Lyndsy M. Newcomb', written over a blue circular stamp.

LYNDSY M. NEWCOMB
newcomb@mcdpclaw.com

LMN/rv

Enclosures

cc: 9 42nd Street, LLC (*via email only w/o plans*)
Andrew A. Previti, P.E. (*via federal express delivery*)

mcdpclaw.com

DEED OF EASEMENT

THIS INDENTURE, made this 2nd day of November, 1981, between The CITY OF SEA ISLE CITY, a municipal corporation of the City of Sea Isle City, County of Cape May and State of New Jersey, Grantor, and WINDRIFT ASSOCIATES, a partnership of 4210 Landis Avenue, Sea Isle City, Cape May County, New Jersey, Grantees;

WITNESSETH, that the said Grantor in consideration of the sum of ONE DOLLAR (\$1.00) to be duly paid before the delivery hereof does hereby for itself and its assigns and successors grant to the Grantees, their heirs, assigns and successors an easement and right of way upon the following described properties for the purpose of the provision of a motor vehicle parking area, a general passageway to facilitate ingress and egress to adjoining Lot 7.01, Block 41.01 and the use of a portion of the airspace in accordance with those guidelines previously set or to be set by the Sea Isle City Planning Board, Zoning or Construction Official.

BEGINNING in the Northeasterly side of 42nd Street at a point 140 feet Southeastwardly from the Southeasterly side of Pleasure Avenue, Thence;

1. Northeastwardly at right angle to 42nd Street along Lot 7.01, a distance of 92 feet, Thence;
2. Southeastwardly parallel to 42nd Street through a portion of Lot 17, a distance of 15 feet, Thence;
3. Southwestwardly at right angle to 42nd Street through Lots 15, 16 and a portion of 17, a distance of 92 feet, Thence;
4. Northwestwardly along said side of 42nd Street, a distance of 15 feet to the point and place of BEGINNING.

BEING a 15 foot wide portion of Lots 15 & 16 in Block 41.01 on the official Tax Map of the City of Sea Isle City, Cape May County, New Jersey and containing within the above described bounds 1380 Square feet be the same more or less.

The easements granted hereunder are expressly conditioned upon the following conditions:

REC-1489 PAGE 541

1. The above described property, except as herein stated, shall forever remain free and open and no improvements of any kind shall be made thereon except those now or later approved by the Sea Isle City Planning Board, Zoning or Construction Official.

2. The Grantees shall construct, maintain and landscape above the parking area an extension to the Sea Isle City Promenade with said extension to remain free and open for public use and Grantees and all those claiming under them shall not inhibit the public's use of same in any way, shape or form. Grantee shall landscape and maintain the premises and shall keep the same in good condition for the purpose of access to the Sea Isle City Promenade.

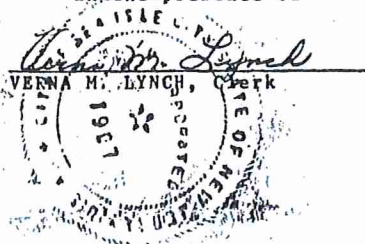
TERM: These covenants are to run with the land and shall be binding to Grantees and all parties claiming under them.

ENFORCEMENT: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

STANDARD: Grantee agrees for themselves and those claiming thereunder that all questions of compliance with conditions set forth herein shall be the sole decision of the City Engineer of the City of Sea Isle City and his decision shall be binding on all parties.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

Signed, Sealed, and Delivered
in the presence of



Dominic C. Raffa
DOMINIC C. RAFFA, Mayor

STATE OF NEW JERSEY;
COUNTY OF CAPE MAY : ss

RECORDED PAGE 542
1981

BE IT REMEMBERED that on this 2nd day of November 1981, before me, the subscriber, personally appeared Verna M. Lynch, who being by me duly sworn, on her oath deposes and makes proof to my satisfaction that she is the City Clerk of the City of Sea Isle City, the corporation named in the within instrument; that Dominic C. Raffa is the Mayor of said corporation; that the execution as well as the making of this instrument has been duly authorized by a proper resolution of the Board of Commissioners of said corporation, and that the seal affixed to said instrument is the proper corporate seal and was thereto affixed and said instrument signed and delivered by said Mayor as and for the voluntary act and deed of the corporation, in the presence of the deponent, who thereupon subscribed her name thereto as attesting witness; and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, c.49 Sec 1(c) is \$1.00.

Sworn to and Subscribed
before me this 2nd day of
November, 1981.

Verna M. Lynch
Verna M. Lynch, Municipal Clerk

Susan L. Campbell
SUSAN L. CAMPBELL
Notary Public, New Jersey
My Commission Expires Nov. 30, 1983

DEED OF EASEMENT

13.000

CITY OF SEA ISLE CITY, a
municipal corporation of
the City of Sea Isle City

TO

WINDRIFF ASSOCIATES, a
partnership

DATED: November 2, 1981

JOSEPHSON & POLING

ATTORNEYS AT LAW

4210 LANDIS AVENUE

P. O. BOX 145

SEA ISLE CITY, NEW JERSEY 08243

RECEIVED IN THE CLERK'S OFFICE OF CAPE
MAY COUNTY AT CAPE MAY COURT HOUSE,
N. J. ON THE 12th DAY OF
NOV. 1981. 12:44 P.M.
AND RECORDED IN BOOK NO. 1459 OF
DEEDS, PAGE 542

PREPARED BY: DONALD A. WILKINSON, ESQUIRE

Donald A. Wilkinson

Ret Josephson & Poling
4210 Landis Ave
S. I. C.