

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: March 18, 2025
Update May 28, 2025
Update July 29, 2025

Subject: Andrew Conrad – Variance Application
201 89th Street
Block: 89.03, Lots: 38, 39 & 40
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0265

I. Background

The applicant has submitted an application for Flexible “C” Variance Relief. The property in question is known as Block 89.03, Lots 38, 39 & 40 and is located at 201 89th Street on the corner of 89th Street and Landis Avenue. The property is located in the R-2, Two Family Residential Zoning District. The property in question has sixty one point four six (61.46) foot of frontage on Landis Avenue and one hundred two point four (102.4) foot of frontage on 89th Street. Therefore, the property has a lot area of six thousand one hundred forty-six (6,146) square feet and is a conforming lot in the R-2 Zoning District. The property supports a 2-family duplex structure as shown on the submitted plans.

The application is proposing to construct a six (6) foot high solid vinyl fence along a portion of the northerly property line and along a portion of the frontage along Landis Avenue. The proposed fence along a portion of the northerly property line and the Landis Avenue line would be located in the required front yard setback. The location of the fence in the front yard setback would require variance relief as noted in the variance chart.

The application has been accompanied by the following documents which have been submitted for review:

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1 of 1	Variance Plan	Joseph H. Maffei, PE	1/30/2025	7/15/2025
Proj. No. 17,606	Survey with Elevations	George Swensen, PLS	12/04/2024	7/10/2025
1 of 1	Evidence Map	Joseph H. Maffei, PE	4/30/2025	7/15/2025
1 of 1	Sight Triangle Aerial	Joseph H. Maffei, PE	4/30/2025	7/15/2025

- **Letter to Genell Ferrilli, Planning & Zoning Board Secretary from Joseph H. Maffei, PE, PP dated July 17, 2025.**

The revised submission of July 17, 2025, provides information to address Comment III.4 of the May 28, 2025 update. I will have comments concerning this information in the updated Section III.4.

The application will require variance relief as noted in the Variance Chart below.

VARIANCE CHART

<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed</u>	<u>Variance</u>	<u>Code Section</u>
1. Fence Height in Front Yard	3 ft.	6 ft.	3 ft.	26-26.4.a
2. Rear Yard Setback	20 ft. ENC	15.51 ft.	4.49 ft.	26-46.6

ENC=Existing Non-Conformity

Status: Comments Continue

II. Determination for Completeness

The application is technically complete. The plans will require revisions to address comments contained in this report relative to sight triangles required by Cape May County. However, this information can be provided by the applicant's professionals prior to or at the time of the hearing for my review. However, the application could proceed to a hearing.

Status: Additional information submitted. See comment III.4

III. Comments

1. Variances are necessary for this project as noted in the Variance Chart. The proposal to construct a six (6) foot high fence in the front yard would require variance relief from Code Section 26-26.4.a as noted in the Variance Chart. This section only permits a three (3) foot high fence in the front yard setback, while the applicant is proposing a six (6) foot high fence.

The rear yard setback variance relief is an existing non-conforming condition. The applicant should provide testimony whether they were granted relief for this deviation from the rear yard setback requirements.

Status: Comment Continues

2. Setback of the proposed fence from the northerly property line and the property line along Landis Avenue should be noted on the plans.

Status: Comment Continues

3. The Zoning Information Chart on the submitted plans should indicate under the required column a maximum building height of thirty-one (31) feet. It appears that the existing structure is conforming relative to building height and no variance relief is necessary.

Status: Comment Continues

4. Since this property fronts on Landis Avenue which is a County road the applicant must satisfy the requirements of Cape May County at Section 6-3.2c of the Subdivision and Site Plan Ordinance. Specifically, the sight triangle requirements and the clear sight areas must be in conformance with the standards as set forth in A Policy on Geometric Design of Rural Highways (1990) as prepared by the American Society of State and Highway Transportation Officials. (ASSHTO). The rural highway design has been incorporated into the Policy on Geometric Design of Highways and Streets 2018 Edition and that edition should be used to determine conformance. The applicant's professionals should provide a graphic representation of the requirements of the Sight Triangles as required by the ASSHTO Standard.

The County's sight triangle requirements also require that the sight triangle be dedicated by the owner of the property to the County of Cape May at streets that intersect with the County road. The County requirements require that the sight triangle area be clearly shown on the plan with bearings, metes and bounds and area descriptions as prepared and signed by a New Jersey Professional Land Surveyor. This information should be provided. I will provide further comment concerning the applicant's proposal once the requested information relative to the ASSHTO Standards has been submitted.

Status: A revised application has been submitted to address this comment. However, in order to properly analyze the sight triangles shown on the plans the applicant's engineer must provide additional survey information which should include the following:

- a. The southern curblineline of 89th Street, its radius and continuance southward along Landis Avenue.
- b. The location of the existing stop sign at the intersection.

These items are necessary to properly determine the "Decision Point" of a driver stopped on 89th Street per Cape May County and ultimately ASHTO requirements.

The sight triangle also does not address the County requirements for the sight triangle which would clearly show on the plans the bearings, metes and bounds and area descriptions prepared by a professional land surveyor. However, if the application is approved this could be a condition of approval for submission to the County.

Status: The revised submission provides information concerning sight triangles relative to AASHTO Requirements. We have utilized the AASHTO's Green Book (current edition 2018, Section 9.5.3.2.1) as stipulated in the Cape May County Subdivision and Site

Plan Resolution and utilizing this manual we have the following comments on the revised plans as follows:

- 1. A design speed of 30-mph was utilized in establishing the sight triangle. The speed limit on Landis Avenue is 25-mph. The plans should reflect the sight triangle at a speed of 25-mph. The design engineer can leave the 30-mph speed triangle on the plan however the 25-mph sight triangle should be established.**
 - 2. The point of analysis on the major road, Landis Avenue ("b" distance from the decision point – Figure 9-7, AASHTO) is shown on the SIGHT TRIANGLE AERIAL, but is not completely shown on the Variance Plan. The design engineer should explain how the AASHTO Sight Triangle was determined as shown on the Sight Triangle Aerial, and should also testify as to the degree of accuracy of the method used since it does not appear that survey data was used to establish the line of Landis Avenue.**
 - 3. There are existing trees and other objects within the area between the sidewalk and the curb line which fall within the sight triangle. These improvements are not shown on the submitted survey nor the design plan and should be added.**
5. The stormwater requirements of Code Section 26-38 are not applicable to this application.

Status: Comment Continues

6. The application as submitted does not address the landscape requirements of Code Section 26-25. The Construction Official may require additional landscaping as part of a condition of issuing a building permit if the variance relief is granted by the Board.

Status: Comment Continues

7. The majority of the fences in this area of the City which are in the front yard setback conform to the three (3) foot high standard. There are a few fences which exceed the three (3) foot in height and the Construction Official and Zoning Officer have advised that these were grandfathered fences prior to the current requirements restricting the height of fences in front yard setbacks to three (3) feet.

Status: Comment Continues

8. **If variance relief is granted and following memorialization of the Board's action in a resolution, the design professional should revise the plans as necessary and provide an electronic copy to me for review. If the plans have been revised to satisfy the comments contained in this memorandum as well as any other conditions imposed by the Board then seven (7) signed and sealed sets should be sent to my office for signature.**

Status: Comment Continues

IV. Recommendations

1. The applicant and his professionals should provide testimony as to why the Board should grant the variance relief applied for.
2. The plans submitted should be revised to reflect the comments contained in this report as well as any additional comments that the Board may have.
3. The Board has the discretion to grant or deny any of the variances as requested or could decide to grant some of the variances while denying others. The Board Solicitor will advise you relative to this issue.

Status: Item numbers 1 through 3 continue.

4. **Notwithstanding the need to address the comments contained in Comment III.4 as noted above it would be my opinion that given the existing conditions with visual obstacles along 89th Street and Landis Avenue that the construction of a six (6) foot high fence as proposed would create an unsafe condition for vehicles entering Landis Avenue from 89th Street as well as traffic on Landis Avenue heading in a southbound direction. Therefore, I would recommend that the variance relief requested be denied. The applicant could construct a three (3) foot high fence within the front yard area as is permitted by code.**



Andrew A. Previti, P.E.
Municipal & Board Engineer

AAP/dpm

cc: Genell Ferrilli, Board Secretary (via email)
Chris Gillin-Schwartz, Planning Board Solicitor (via email)
Cornelius Byrne, Construction Official (via email)
Mariah Rodia, Construction Clerk (via email)
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Joseph H. Maffei, PE Engineering Design Associates (via email)

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