

## Memorandum

To: Sea Isle City Planning Board

From: Andrew A. Previti, P.E.

Date: March 4, 2025

Subject: Frank Edwardi – Major Subdivision  
Block: 88.03, Lots: 16.02, 17.01, 17.02, 18.01, 18.02, 19-21 & 27-29.  
87<sup>th</sup> Street & 88<sup>th</sup> Street  
R-2 Two Family Residential Zoning District  
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIP0094

### **Preliminary and Final Plat Review**

#### **I. Background**

The applicant has submitted an application for Preliminary and Final Major Subdivision approval along with a request for Hardship and Benefits "C" variance relief. The applicant is also requesting the following waivers from Chapter 32 – Land Subdivision:

1. 32-3.2(d) Contours
2. 32-3.2 (e) Topographical Data
3. 32-5.2 Sanitary Sewer
4. 32-5.3 Storm Drainage
5. 32-5.4 Water System
6. 32-5.5 Fire Hydrant
7. 32-5.6 Underground Wiring
8. 32-6.22 Traffic Impact Study

The property is located in Block 88.03 and includes the lots listed in the reference. The project is proposing to realign existing lot lines to create four (4) lots. As such, the subdivision by definition must be classified as a major subdivision since it exceeds three (3) lots which is the requirement for a minor subdivision. However, the application is seeking various waivers as noted above since the utilities which would service the proposed lots are in place as well as the roadways adjacent to the site which would be 87<sup>th</sup> Street, 88<sup>th</sup> Street and Landis Avenue.

The applicant is proposing to realign lot lines to create four (4) lots as noted. Two of the lots, Proposed Lots 17 and 18 would be totally conforming lots, each of which having a lot areas of greater than 5,000 square feet. Proposed Lot 20 would also have a lot area greater than 5,000

square feet but would require a front yard setback variance as noted in the variance chart below. Proposed Lot 19 would not meet minimum lot area requirements and would have a lot area of 3,520 square feet. The application is indicating that this lot would be restricted to single family development.

The application has been accompanied by the following plans 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	Plan of Major Subdivision Block 88.03	George Swensen, PLS	12/5/2024	2/21/2025
1 of 2	Subdivision/Lot Analysis , Plan	Vincent C. Orlando, PE	2/12/2025	2/19/2025
2 of 2	Subdivision/Lot Analysis , Plan	Vincent C. Orlando, PE	2/19/2025	---

The variances which will be required for this project are listed in the Variance Chart below.

**VARIANCE CHART**

<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed Lot 19</u>	<u>Proposed Lot 20</u>	<u>Variance</u>	<u>Code Section</u>
1. Lot Area	5,000 S.F.	3,520 S.F.	Conforms	1,480 S.F.	26-46.7.a
2. Lot Frontage	50 ft.	32 ft.	Conforms	18 ft.	26-46.7.b
3. Aggregate Side Yard Setback	15 ft.	12 ft.	Conforms	3 ft.	26-46.5.a
4. Front Yard Set Back	15 ft.	Conforms	14 ft. (Landis Ave)	1 ft.	26-46.4

**Note: The Zoning Schedule on the Plan of Major Subdivision prepared by George Swensen, indicates that Lots 17 & 18 would have a non-conforming condition relative to lot depth, and that Proposed Lot 20 would have a non-conforming condition relative to lot frontage. However, this is not the case since the requirements of Code Section 26-46.7 reads as follows:**

- b. No lot shall be less than fifty (50) feet wide at the street line or less than one hundred (100) feet deep.**

The requirements of Code Section 26-46.7b above requires that a lot be either fifty (50) feet wide at the street line OR not less than one hundred (100) feet deep, not AND one hundred (100) feet deep. This is an either/or requirement. Therefore, since Lots 17 & 18 have frontage greater than fifty (50) feet and since Lot 20 has a lot depth of greater than one hundred (100) feet variances are not required for those requirements. Therefore, Proposed Lots 17 & 18 would be totally conforming and the only variance necessary for

**Lot 20 would be for the front yard setback of fourteen (14) feet where fifteen (15) feet is required as noted in the Variance Chart.**

## **II. Determination for Completeness**

This application was reviewed by the Planning Board Review Committee at its meeting of February 10, 2025. The meeting addressed various items which were discussed and the application was deemed complete at that February 10, 2025, meeting. The items discussed as noted in the list which was prepared have been substantially addressed on the revised plans. I would recommend that the application is complete and could be heard at a public hearing.

## **III. Preliminary Plat Major Subdivision Review**

The following comments are keyed to the attached Major Subdivision Preliminary Plat Check List:

2c. Name and address of owner(s) of record and certification of owner's review.

The application plan lists the owner as Noodles, 1, LLC – contract purchaser Frank Edwardi (managing partner), while the application form lists the owner as four (4) separate LLC's. It appears that both of these are correct and the only issue is who will actually sign the Owner's Certification on the plat which is to be filed. This should be discussed at the hearing for this application.

2e. Name and address of subdivider.

The application plan indicates that the applicant is Noodles, 1LLC, while the application form indicates that the applicant is Frank Edwardi. This should be reconciled and the plan and application form should be consistent.

2g. Elevations and contours to determine the general slop and natural drainage pattern of the tract.

The applicant has requested a waiver from this requirement. I would recommend that this waiver be granted due to the fact that the roadways adjacent to this parcel are existing as well as the various utilities.

2h. Utility Layouts

The applicant is requesting a waiver from this requirement and I recommend that this waiver could be granted since all utilities are existing. The plan has been revised to address comments discussed at the work session to show utilities on the plans.

2j. Proposed new lot lines , proposed lot and block numbers.

The applicant should confer with the tax assessor relative to the proposed lot numbers and a letter should be provided from the tax assessor indicating what the lot number should actually be.

2m. Names of adjoining property owners.

This information is not shown on the Plan of Major Subdivision. However, the application documents do include all properties within 200 feet including adjacent properties. Therefore, I would recommend that this would be acceptable and that it is not necessary to list all the adjacent owners on the plan.

2p. All existing buildings, wooded areas, and streams. The distance from all new property lines of all existing buildings.

The plan does show existing buildings on adjacent Lots 11 and 12, and 16.01 in Block 88.03. This is sufficient for plan review.

2q. Signature of Tax Collector attesting to the fact that all taxes have been paid in full.

The Tax Collector's Certification has not been executed on the Major Subdivision Plan which I have reviewed. The Tax Collector's Certification must be executed on the plat which is to be filed and the certification should be completed before I can sign the plan as the Municipal and Planning Board Engineer.

2r. Copy of any protected covenant or deed restrictions applying to the land being subdivided.

No information has been submitted to me for review. The applicant and their attorney should address this issue and indicate if there are any protective covenants involved with the parcel.

2t. Final lot grading plan.

The Plan of Major Subdivision indicates at Note 14 that a stormwater management plan including a grading plan would be submitted to the construction official at the time of construction permitting and that the stormwater management plan would be prepared in accordance with the Code Requirements of Code 26-38. This would be applicable to each of the four (4) proposed lots. This note is acceptable to me given the fact that no improvements are being proposed at this time and the requirement for a Stormwater Management Plan can be addressed when development is proposed and will be controlled through the construction permit process.

2u. Designated lines for signature of Planning Board Chairman, Secretary and Engineer and date of approval.

This information is on the Plan of Major Subdivision. However, signature lines should also be added to the EDA plans since certain of the improvements as each lot is developed will be required as shown on those plans. Therefore, the EDA plans will become part of the subdivision approval if approved.

#### IV. **Final Plat Major Subdivision Review**

Many of the items for Final Plat Review are the same as for Preliminary Plat Review per the check list in the City Code Chapter 32. Therefore, I will simply refer to prior comments in Section III for several of the items under Final Plat Review. The following comments are keyed to the attached Major Subdivision Final Plat Check List:

2. h Surveyor Certification

The surveyor certification has not been signed on the Major Subdivision Plan which I have reviewed. If the subdivision is approved the Surveyor must sign and seal his certification on the plans prior to submission for signature for filing purposes.

The Surveyor has signed the Subdivision Plan submitted for review but not the Certification.

2.i Land Owner's Certification

See Comment III, 2.c concerning the ownership issue.

2.j Approval of Plat by an officer of the Municipality, County or State on the Plat.

Municipal approvals will be executed on the Plat if the subdivision is approved. The subdivision lies on a County Road and therefore the County Planning Board must either waive, approve or disapprove of the subdivision and if approve should sign the plat accordingly.

2.k Cross Sections and Profiles of Streets approved by the Engineer.

Streets are existing and the applicant has requested a waiver from this requirement. I would recommend that this waiver could be granted.

2.l Plans and profiles of storm and sanitary sewers and water mains.

All utilities including storm, sanitary and water are existing and the applicant has requested a waiver from submitting this requirement. These utilities are shown on the submitted plans. I would therefore recommend that the waiver be granted.

2.m Tax Collector's Certification

The Tax Collector Certification has not been executed on the Major Subdivision Plan which I have reviewed. The Tax Collector Certification must be executed on the Plat which is to be filed and this certification should be completed before I can sign the plan as the Municipal and Planning Board Engineer.

2.n A statement by the Engineer that he is in receipt of a map showing all utilities and exact location and elevation identifying those portions already installed and those to be installed.

This statement is attached to this report.

- 2.o The applicant shall submit a statement by the engineer to the effect that either all of the improvements required under this chapter have been installed or the engineer shall give an estimate of the cost of the installation.

The only improvements which would be part of a performance guarantee are improvements within the public right-of-way. The plan indicates that concrete sidewalk will be installed as well as depressed curbs for driveways at certain locations and that street trees will be installed. If these lots are developed on an individual basis, then I would recommend that the only cost estimate that would be submitted would be for the ten (10) street trees that are proposed, at a cost of \$400.00 per tree. Curbs and sidewalk would be inspected as part of the development of the individual lots. Cape May County may require a performance guarantee for the sidewalks to be constructed along Landis Avenue.

- 2.p House numbers for each building lot on the final plat.

This information should be added to the plan and the City's tax assessor should be contacted concerning house numbers.

- 2.r Escrow account for streetlight installation.

Streetlights exist along Landis Avenue as well as the two side streets. Therefore, I do not think that this requirement is applicable to this development.

- 2.t Letter from Zoning Officer confirming whether the relief sought constituted substantial improvement and confirming FEMA Flood Zone and Design Flood Elevation for the property. The Flood Zone and Design Flood Elevation should be placed on all plans.

The plans indicate that the property is located in an AE (EL9) Flood Zone with a base flood elevation of 9. The City's three (3) foot free board should be noted on the plans and the Local Design Flood Elevation at this location would be 12.0 NAVD 1988 Datum. This note concerning the Local Design Flood Elevation should be added to the plans. **This could be a condition of approval.**

Any development on the proposed four (4) lots would have to be done under the requirements of the City's Flood Damage Prevention Chapter 14.

## V. Additional Comments

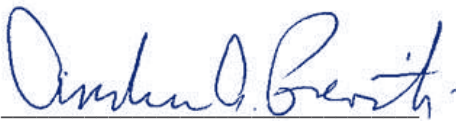
1. The variances necessary are listed in the Variance Chart for this Major Subdivision.
2. General Note 7 on the Plan of Major Subdivision prepared by George Swensen indicates that the property would be developed with three (3) two (2) family lots and one (1) single family lot and that Proposed Lot 19 would be deed restricted for single family home only. **This should be a condition of approval.**
3. Certain of the lots could possibly utilize existing sanitary sewer and water services which service the existing buildings on the existing lots. However, there may be a need to extend new services into one (1) or more or all of the lots and therefore as a condition of approval

- the applicant should be required to contact the Director of the Department of Public works to coordinate utility services to the individual lots as needed.
4. The existing dwelling which fronts on 88<sup>th</sup> Street will straddle the proposed lot line between Proposed Lots 19 & 20. The existing dwelling which fronts on 87<sup>th</sup> Street will straddle the proposed property line between Proposed Lots between 17 & 18. Therefore, prior to the signing of the plan and the filing of same the structures must be removed, or a performance guarantee must be posted with the city guaranteeing removal for the structures.  
  
If the applicant proposes to file the subdivision plan prior to demolishing the existing structures then he should provide a cost estimate for the removal of these existing structures and this will form the basis for the performance guarantee which would be posted ensuring the removal of the structures. If the applicant proposes to remove the structures before filing the plat, then the Performance Guarantee relative to structure removal would not be necessary and the applicant should notify the municipal engineer as to when demolition has occurred.
  5. A deed should be prepared for the Proposed Single Family Lot. The form of the deed should be reviewed and approved by the Board Solicitor. **This should be a condition of approval. I will not be able to sign off on the major subdivision plan until the Board Solicitor has indicated that he has reviewed the form of the deed. I would also recommend that the deed be filed at the same time as the major subdivision plan is filed.**
  6. The EDA plans contain a Zone Information Chart which does not address Proposed Lot 20. The Zoning Information Chart on Drawing Sheet 1 of 2 should be revised accordingly and should be consistent with the information which would be shown on a revised Plan of Major Subdivision by George Swensen. Please refer to my Note under the Zoning Chart concerning variances which are not necessary but which are shown as being non-conformities on the submitted plans.
  7. Comments from the City's Police and Fire Departments should be considered by the Board.

## VI. Recommendations

1. The items mentioned in this report should be discussed with the applicant. The Major Subdivision Plans should be revised to satisfy the comments contained in this report as necessary.
2. If the Major Subdivision is approved, it should be conditioned on the applicant obtaining all other governmental approvals and the submission of these approvals to the Board Secretary and the Board Engineer, including County Planning Board Approval or a Waiver.
3. If this Major Subdivision is approved all recommended conditions of approval as mentioned in this report should be indicated in the Board's approving memorializing resolution.

4. Any positive action taken by the Board should be conditioned on the various items noted in this report as agreed to by the Board Members and any other conditions deemed appropriate by the Board.
5. **A condition of approval should be the filing of this Major Subdivision Plat in accordance with the Map Filing Law.**
6. The applicants should confer with the City's Director of the Department of Public Works concerning any needed sanitary sewer or water services into the individual lots.
7. Both plan sets, the Swensen plans and the Orlando plans should be revised to address the comments contained in this report. The Orlando plans should have signature lines for signature by the Chairman, Secretary and Board Engineer as noted previously since the required improvements for curbs, sidewalks and driveways are noted on said plans as well as the proposed street trees. The Orlando plans will be part of the plan of subdivision and will be utilized for inspection purposes by the Construction Official.



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

AAP/dpm

cc: Planning Board Members (via Board Secretary)  
Genell Ferrilli, Board Secretary (via email)  
Jon D. Batastini, Esquire, Board Solicitor (via email)  
Don Teefy, Jr., Director of Public Works (via email)  
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