

CITY of SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT

MONDAY, November 1st, 2021 @ 7:00 pm 'Regular IN-PERSON Meeting'

AGENDA

1. Called to Order:

2. Pledge of Allegiance:

3. Open Public Meetings Acts Statement:

In accordance with the provisions of the New Jersey Open Public Meetings Act, Chapter 231 of the Public Laws of 1975, the Sea Isle City Zoning Board caused notice of the date, time and place of this meeting to be posted on the City Clerk's Bulletin Board at City Hall, Sea Isle City Web Site and published in the Atlantic City Press and/or Ocean City Sentinel.

- 4. Roll Call:**
- | | | |
|--|-------------------------|------------------------------|
| _____ Patrick Pasceri, Chairperson | _____ Jacqueline Elko | _____ William McGinn |
| _____ Patricia Urbaczewski, Vice Chair | _____ Louis Feola, Jr. | _____ Nathaniel Deal, Alt I |
| _____ Jeffery April | _____ William J. Keller | _____ Lenny Iannelli, Alt II |

5. NEW BUSINESS:

📁 Applicant: COSTANZO, Gabriel & Joanne (*Hardship/Bulk & Flex 'C' Variance App*)

➤ 33 - 35th Street, East Unit / Block 34.02 / Lot(s) 1.01 & 2.01 / Zone R-2

Proposed: to install an in-ground pool

Requesting: variance relief of accessory structure side & rear yard setbacks and setback from main structure, distance from curb-line to pool, patio in rear yard, impervious coverage and any other relief deemed necessary

📁 Applicant: NOODLES 1, LLC. (*Hardship/Bulk & Flex 'C' Variance App*)

➤ 119-33rd Street / Block 32.03 / Lot(s) 8/ Zone R-2

Proposed: replace existing duplex with new duplex residence

Requesting: variance relief of building on undersized lot, lot area, lot depth, aggregate side yard, encroachment of stairs and any other relief deemed necessary

📁 Applicant: FITZGERALD, James (*Hardship/Bulk & Flex 'C' Variance App*)

➤ 213 - 93rd Street / Block 93.03 / Lot(s) 26 & 27.01/ Zone R-2

Proposed: demolish existing single and construct a new single family dwelling

Requesting: variance relief of building on undersized non-buildable lot, aggregate side yard & rear yard (shower) setbacks and any other relief deemed necessary

📁 Applicant: 4722 PARK ASSOCIATES, LLC. c/o Craig Rankin (*Hardship/Bulk & Flex 'C' Variance App*)

➤ 4722 Park Road / Block 48.05 / Lot(s) 1,2,3,4,5,6 &7/ Zone R-2

Proposed: to maintain 6' high stockade fencing along east side of property

Requesting: variance relief of fence exceeding 3' in height

6. Resolutions:

℞ Resolution No. 2021-10-01: 89th STREET, LLC.

@ 15 - 89th Street / Block 89.01 / Lot(s) 1.02, 2.02 & 3.02 / Zone R-2

℞ Resolution No. 2021-10-02: 3710 Sounds Avenue Condominium Association (Samuel/Regina King & Nancy O'Brien)

@ 3710 Sounds Avenue / Block 37.03 / Lot(s) 1, 2, & 1.01/ Zone R-2

℞ Resolution No. 2021-10-03: CUMMINGS, Elmer & Jennifer

@ 9004 Landis Avenue / Block 91.03 / Lot(s) 62 & 61.02/ Zone R-2

℞ Resolution No. 2021-10-04: KRUEGER

@ 125 - 51st Street / Block 50.03 / Lot(s) 930.01/ Zone

7. Meeting Minutes:

℞ *Minutes of Monday, October 4, 2021 Regular 'In-Person' Meeting*

8. Adjourn

* Please note - changes are possible *

**SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT**

**Minutes of Regular 'In-Person' Meeting
Monday, November 1st, 2021 @ 7:00 PM**

~Meeting called to order: by Chairperson P. Pasceri. All join for Pledge of Allegiance. Opening comments begin with Open Public Meetings Act statement.

~Board Roll Call:

Present: Mr. April, Mr. Feola, Mr. Keller, Mr. McGinn, Mr. Deal (Alt #1), Mr. Iannelli (Alt #2), Mrs. Urbaczewski & Mr. Pasceri

Absent: Ms. Elko

Board Professionals: Mr. Christopher Gillin-Schwartz, Esq., Zoning Board Solicitor and Mr. Andrew A. Previti, P.E. of Maser Consulting, Board Engineer.

~NEW BUSINESS:

Applicant: COSTANZO, Gabriel & Joanne (Hardship/Bulk & Flex 'C' Variance App)

@ 33 - 35th Street, East Unit / Block 34.02 / Lot(s) 1.01 & 2.01 / Zone R-2

Proposed: to install an in-ground pool

Requesting: variance relief of accessory structure side & rear yard setbacks and setback from main structure, distance from curb-line to pool, patio in rear yard, impervious coverage and any other relief deemed necessary

Professionals: Donald Wilkinson, Esq. on behalf of the applicant provides a brief summary of what is being proposed by way of constructing an in-ground pool in their rear yard and continues with details about the property and pool size proposed, which he adds has been changed, as he addresses Carmen LaRosa, RA (Architect) to provide further detailed testimony of the landscape buffer and storm water trench, moving of the fence line which moves but keeps parking within applicants property and reviews the positive and negative criteria of the project

Witness(s): Mr. & Mrs. Costanzo (applicants are present to answer questions)

Exhibits/Reports: A-1 (plan revised 8-7-2021)

Board Comment: there was an inquiry into and discussion regarding stacked parking, clarification of fence height, flood concerns,

Public Comment: Michael O'Connell questions fence location, drainage & wording in notice to public.

- Motion in the affirmative to approve this application for 1) setback from main building to accessory pool structure, 2) patio in rear yard, and 3) distance from curb line to pool, whereas revised plan eliminated side yard, rear yard and impervious coverage, including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 10/18/2021 and updated 4/28/2021 and 7/26/ 2021, inclusive; Motion made by Mr. McGinn, second by Ms. Elko; roll call of eligible votes - aye '5' in favor / nay '2' opposed / one '1' abstained & therefore GRANTED 5 to 2

Applicant: NOODLES 1, LLC. (Hardship/Bulk & Flex 'C' Variance App)

@ 119-33rd Street / Block 32.03 / Lot(s) 8/ Zone R-2

Proposed: replace existing duplex with new duplex residence

Requesting: variance relief of building on undersized lot, lot area, lot depth, aggregate side yard, encroachment of stairs and any other relief deemed necessary

Professionals: Donald Wilkinson, Esq. on behalf of the applicant provides a brief summary of the proposed demolition of an existing two family structure and constructing a new duplex dwelling which he explains is an undersized lot and the reason why they are before the board. He further addresses Carmen LaRosa, RA (Architect) who provides further detailed testimony regarding the proposed four story / two family structure that is an older structure that needs to be made flood compliant, proposed entrance/exit, accessibility to parking with columns, and clarifies the side yard relief is not the building itself but for the access steps.

Witness(s): Mr. Edwardi (applicant) offers testimony that the current structure is about 30 - 40 years old and at an elevation of 8.6' does not meet the flood requirements, in addition to the current duplex being north/south in layout where the new proposed structure is based on an east/west layout and more in line with the neighborhood.

Exhibits/Reports: N/A

Board Comment: there is some question regarding side yard relief and a suggestion to consider conforming to code,

Public Comment: Jerry Leyden expresses concern regarding the increase in size and the impact on parking; Larry McCarthy also expresses concern regarding the negative impact the drainage could have and the if the proposed trench will be sufficient which was noted to be designed to hold the water; Edward Capella expresses concern with the water run-off and the ratio of parking spaces to bedrooms and the height; Steve Cassaboon speaks in favor of the project and notes what an improvement it will be; Michael Monichetti also speaks in favor of the project and how they and the City's CRS will benefit with this improvement to be flood compliant.

- Motion in the affirmative for variance relief on Use limitation, minimum lot area & minimum lot depth which are existing non-conformities, and for the encroaching stairs, in addition to eliminating the aggregate side yard setback variance, all as discussed and agreed and incorporating Mr. Previti's engineer memorandum dated 8/24/2021, inclusive; Motion made by Mr. McGinn, second by Mr. Keller; roll call of eligible votes - aye '7' in favor / nay '0' opposed / one '1' abstained & therefore GRANTED 7 to 0

Applicant: FITZGERALD, James (Hardship/Bulk & Flex 'C' Variance App)

@ 213 - 93rd Street / Block 93.03 / Lot(s) 26 & 27.01/ Zone R-2

Proposed: demolish existing single and construct a new single family dwelling

Requesting: variance relief of building on undersized non-buildable lot, aggregate side yard & rear yard (shower) setbacks and any other relief deemed necessary

Professionals: Donald Wilkinson, Esq., on behalf of the applicants begins with brief summary of the proposed demolition of an existing single family structure and to construct a new single family dwelling on what is an undersized lot and one of the reasons for this application. He further addresses Carmen LaRosa, RA (Architect) who provides further detailed testimony in regards to what currently exists, the property and existing non-conformities to consider for a proposed new single family in addition to clarifying the final building was reduced in size which eliminates any FAR relief.

Witness(s): Mr. James Fitzgerald (applicant) offers a brief history and explains how it flooding during Sandy and now that they are making this their permanent residence they want to update and have the structure flood compliant as well

Exhibits/Reports:

Board Comment:

Public Comment: Jason Steminac spoke against the application and questioned the removal of the retaining wall and the structure height.

- Motion in the affirmative for variance relief of building on an undersized lot, minimum lot area and minimum lot width and minimum lot depth (existing non-conformities), minimum rear yard setback, further eliminating FAR relief, incorporating items discussed and agreed including the garage area as storage only, and including Mr. Previti's engineer memorandum dated 10.27.2021, inclusive; Motion made by Mr. McGinn, second by Mr. Keller; roll call of eligible votes - aye '7' in favor / nay '0' opposed / one '1' abstained & therefore GRANTED 7 to 0

Applicant: 4722 PARK ASSOCIATES, LLC. c/o Craig Rankin (Hardship/Bulk & Flex 'C' Variance App)

@ 4722 Park Road / Block 48.05 / Lot(s) 1,2,3,4,5,6 &7/ Zone R-2

Proposed: to maintain 6' high stockade fencing along east side of property

Requesting: variance relief of fence exceeding 3' in height and any other relief deemed necessary

Professionals: Donald Wilkinson, Esq., on behalf of applicants begins with a summary of what the applicant is bringing before the Board by way of an existing fence that was installed against code and without the required permits and approvals.

Witness(s): Mr. Rankin (applicant) as Owner of the property in question offers testimony as to how and why the fence was installed further adding that this is in fact a second home and the he installed the fence himself due to people cutting through their property from the wetlands and bay.

Exhibits/Reports: A-2 - Photographs of Fence and area in question

Board Comment: there was question to whether an agreement with the City was ever addressed or could be if deemed necessary, and whether they have ever looked into vacating the lots which was noted

Public Comment:

- Board Solicitor Mr. Gillin Schwartz notes for the record that the Zoning Board cannot act to extend their jurisdiction to include areas of property not under control of the applicant or subject to an agreement with the applicant. Mr. Gillin-Schwartz indicated that because the request for relief implicates property owned by the City, and the applicant has not submitted any agreement or acknowledgement by the City, the Board could potentially deny the application without prejudice until such time as that information was provided by the applicant. In response to this discussion, the Applicant through their attorney Mr. Wilkinson requested a continuance to seek approval from the City and indicated their waiver of any time for decision issues associated with the request. Board Solicitor Mr. Gillin-Schwartz notes for the record that the Zoning Board cannot act on any affiliated with any City review for approvals.

~Resolutions:

Resolution No. 2021-10-01 - 89th STREET, LLC. @ 15 - 89th St/ B: 89.01/ L: 1.02, 2.02 & 3.02

Motion memorializing Resolution # 2021-10-01; Motion made by Mr. Keller, second by Mr. McGinn; roll call of those eligible to vote - aye '7' in favor / nay '0' opposed

Resolution No. 2021-10-02 - 3710 Sounds Avenue Condominium Assoc. (King/O'Brien) @ 3710 Sounds/ B: 37.03/ L: 1,2,&1.01

Motion memorializing Resolution # 2021-10-02; Motion made by Mr. Keller, second by Mr. Iannelli; roll call of those eligible to vote - aye '7' in favor / nay '0' opposed

℞ Resolution No. 2021-10-03 - CUMMINGS, Elmer & Jennifer @ 9004 Landis Avenue / Block 91.03 / Lot(s) 62 & 61.02
Motion memorializing Resolution # 2021-10-03; Motion made by Mr. Keller, second by Mr. McGinn; roll call of those eligible to vote -
aye '2' in favor / nay '0' opposed

℞ Resolution No. 2021-10-04 - KRUEGER, Paul & Lydia @ 125 - 51st Street / Block 50.03 / Lot(s) 930.01/ Zone
Motion memorializing Resolution # 2021-10-04; Motion made by Mr. Iannelli, second by Mr. Keller; roll call of those eligible to vote -
aye '2' in favor / nay '0' opposed

~Meeting Minutes to Adopt:

℞ Minutes of Monday, October 4th, 2021 Zoning Board Meetings

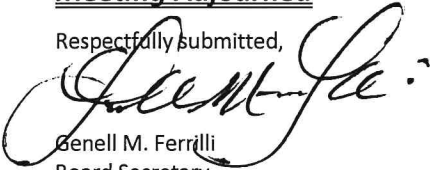
- Mr. McGinn makes motion, Mr. Keller seconds; roll call of those eligible to vote - all ayes '4' in favor / none opposed

~With no further business

- Motion to adjourn by Mr. Keller, second by Mr. Pasceri, with all in favor

Meeting Adjourned

Respectfully submitted,



Genell M. Ferrilli
Board Secretary
City of Sea Isle City Zoning Board