

**CITY of SEA ISLE CITY**  
**ZONING BOARD OF ADJUSTMENT**

**MONDAY, October 4<sup>th</sup>, 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:**

**\*\* NOTE: these applications have been continued from the September 7th, 2021 Zoning Board Meeting**  
**(( Having waived all time for decision issues relating to request for adjournments and with no further notice required ))**

- ◆ **\*\*Applicant: 89th STREET, LLC.** (*Hardship/Bulk & Flex 'C' Variance App*)  
15 - 89th Street / Block 89.01 / Lot(s) 1.02, 2.02 & 3.02 / Zone R-2  
*Proposed:* to install an in-ground pool  
*Requesting:* variance relief of accessory setback from house, distance from curb-line, patio rear yard setback, planted green space in rear yard and any other relief deemed necessary
- ◆ **\*\*Applicant: 3710 Sounds Avenue Condominium Association**  
c/o Samuel & Regina King and Nancy O'Brien (*Hardship/Bulk & Flex 'C' Variance App*)  
3710 Sounds Avenue / Block 37.03 / Lot(s) 1, 2, & 1.01/ Zone R-2  
*Proposed:* replace existing duplex with new duplex residence  
*Requesting:* variance relief of front yard setback on 38th Street and any other relief deemed necessary
- ◆ **\*\*Applicant: CUMMINGS, Elmer & Jennifer** (*Hardship/Bulk & Flex 'C' Variance App*)  
9004 Landis Avenue / Block 91.03 / Lot(s) 62 & 61.02/ Zone R-2  
*Proposed:* demolish existing one story structure and construct a multi-level single family dwelling  
*Requesting:* variance relief of lot area, lot depth, setback and floor area ratio and any other relief deemed necessary
- ◆ **\*\*Applicant: KRUEGER** (*Hardship/Bulk & Flex 'C' Variance App*)  
125 - 51st Street / Block 50.03 / Lot(s) 930.01/ Zone R-2  
*Proposed:* addition of elevator to west unit  
*Requesting:* variance relief of lot coverage, aggregate side yard setback, front yard setback, parking and any other relief deemed necessary

**6. Resolutions:**

℞ **Resolution No. 2021 - 09 - 01- JCM Development @ 4415 Park Rd/ B:44.04/ L:1.01/ Zone R-2**

**7. Meeting Minutes:**

ℳ *Minutes* of Tuesday, September 7, 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, October 4th, 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:* Ms. Elko, Mr. Feola, Mr. Keller, Mr. McGinn, Mr. Iannelli (Alt #2), & Mr. Pasceri

*Absent:* Mr. April, Mr. Deal (Alt #1) & Mrs. Urbaczewski

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

### **~NEW BUSINESS:**

#### **1) Applicant: 89th STREET, LLC.** (Hardship/Bulk & Flex 'C' Variance App)

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

*Proposed:* to install an in-ground pool

*Requesting:* variance relief of accessory setback from house, distance from curb-line, patio rear yard setback, planted green space in rear yard and any other relief deemed necessary

**Professionals:** Donald Wilkinson, Esq. on behalf of the applicant summarizes relief being sought as he reviews the continuations and timing waived since this application is to amend approvals on what is now known as an undersized lot that was created by a prior sub-division that included setback relief to add an in-ground pool in the rear yard. He explains the proposed relief to construct an in-ground pool, as he addresses Carmen LaRosa (Architect/Planner) to further provide testimony on the proposed accessory 'Pool' structure as he mentions the reduction made in the pool size and reviews the dimensions which incorporate a hot tub as part of the pool, in addition to explaining the rear buffer, fulfilling the landscape requirements, impervious coverage, setbacks, fencing requirements, pool equipment, how this property is unique with having two front yards, and reviews the positive and negative criteria of this project.

#### **Witness(s):**

**Exhibits/Reports:** A-1 - Drawing with most recent revision date of 8-6-2021 is confirmed as an exhibit, since some received it and others did not due to needing more.

**Board Comment:** there is a question as to the actual hardship for this project since the property was created undersized with less than 50' of frontage and only a bit more than 3,000+ S/F in size which is too small for the single family dwelling just constructed and then to try incorporating an in-ground pool in the rear yard which does not seem reasonable with such a small property; there is brief review of the variances sought and those eliminated as well as comments about the house being too big to add something like this now, there are safety concerns about how close this pool will be to the structure and decks; some questions are raised as to exactly what hardship this project is based on.

**Public Comment:** Kathleen O'Connor of northerly adjacent property expresses concern about the storm water run-off, noise and safety concerns.

- Motion in the affirmative to approve this application for 1) setback from main building to accessory pool structure and 2) distance from the curblineline to the pool, further having eliminated prior variances 3 & 4, and having incorporated comments and conditions as outlined in Mr. Previti's engineer memorandum dated 3/30/2021 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* '2' in favor / *nay* '3' opposed / one '1' abstained, " having failed 3 to 2 & therefore DENIED "

#### **2) Applicant: 3710 Sounds Avenue Condominium Association** (Hardship/Bulk & Flex 'C' Variance App)

c/o Samuel & Regina King and Nancy O'Brien @ 3710 Sounds Avenue / Block 37.03 / Lot(s) 1, 2, & 1.01/ Zone R-2

*Proposed:* replace existing duplex with new duplex residence

*Requesting:* variance relief of front yard setback on 38th Street and any other relief deemed necessary

**Professionals:** Mr. Donald Wilkinson, Esq., representing the applicants begins with detailed summary of how the current structure has been flooded numerous times, explains exactly what this project is proposing by way of a new and improved flood compliant duplex structure with an elevator for added access and a pervious ground level rear deck. Carmen LaRosa (Architect/Planner) provides testimony regarding this property having both upland and Riparian Grant Area (underwater), continues testimony in detail about this irregularly shaped lot with frontage on both 38th Street and Sounds Avenue, especially with a portion extending into the water area which allows an upland lot area of 6,418 S/F and a Riparian Grant Area of 3,699 S/F containing a 29 year old structure built in 1992

that has had numerous flooding issues. Therefore the applicants are proposing a new flood compliant duplex structure that will be conforming except for variance relief being requested, based on this unique corner lot having two front yard setbacks. Mr. LaRosa provides further testimony regarding the structure design, layout, decking details and dimensions as proposed.

Witness(s): Mr. Samuel King and Ms. Nancy O'Brien (Owners/Applicants) are sworn in and explain to the Board how their intentions are to have a more flood compliant structure due to all of the flooding issues they have dealt with, how the proposed improvements and extra height will help with their parking issues, in addition to having a more up to date and attractive structure with the important and needed elevator for ease of access to upper levels as well. Mr. King also notes that 38th Street may be a dead end but directly across the dead end street is the City Pumping Station which is in the right-of-way of 38th Street and noted too be quite noisy as well.

Exhibits/Reports: clarification is requested on record regarding a discrepancy in the plans that were submitted on this application since there is a more current revision date on some of the plans submitted that not everyone was provided a copy of, so which plan is their testimony based on.

Board Comment: there is a request for more details regarding the setbacks proposed; there is mention of a possible encroachment agreement that may be required with the City, some discussion in regards to the decks, clarification as the landscape and planting variance is reviewed in detail which is decided to be relief for two street trees and two onsite trees and noted by Applicants

Public Comment: N / A

- Motion in the affirmative for variance relief on minimum front yard setback where 15' is required & 5' is proposed and incorporating 20 potted shrubs in lieu of two street & two on-site trees, as per items discussed and as agreed 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* '6' in favor / *nay* '0' opposed " Approved 6 to 0 & therefore GRANTED "

**3) Applicant: CUMMINGS, Elmer & Jennifer** (Hardship/Bulk & Flex 'C' Variance App)

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

Proposed: demolish existing one story structure and construct a multi-level single family dwelling

Requesting: variance relief of lot area, lot depth, setback and floor area ratio and any other relief deemed necessary

Professionals: Donald Wilkinson, Esq., on behalf of the applicants begins with a brief introduction and summary of the applicant's wish to replace the existing two story 85 year old structure with a new code and flood compliant single family structure on what is known as a non-conforming lot. He addresses Carmen LaRosa, RA (Architect/Planner) to provide testimony regarding the proposed new and improved single family dwelling where they eliminated any FAR relief and designed the new structure to be more in line with the surrounding neighborhood and compliant with all codes, safety and flood requirements.

Witness(s): Mr. & Mrs. Cummings (Owner/Applicant) provide testimony on the age of the current structure that their family has now outgrown and their desire to maintain a single family dwelling like they had, in addition to all of the maintenance due to the continuous flooding issues they have had.

Exhibits/Reports: N/A

Board Comment: *noted on record Ms. Elko will step down due to conflict with this application*; verification is requested for the different dates on the plans for this application and which ones the Engineer report is based on; there was brief talk pertaining to the calculations, gutters and downspouts, utilities, storm water, trenches, fencing, landscaping and review the variance relief being sought.

Public Comment: N/A

- Motion in the affirmative for variance relief of min. lot area proposing 3,537.36 s/f and min. lot depth proposing 14 ft which are both existing non-conformities, front yard setback proposed at 8 ft from 90th Street, and rear yard setback proposed at 2 ft from the 3rd Story deck, incorporating everything as discussed and agreed including garage area for parking only and Mr. Previti's engineer memorandum dated 7/28/2021, inclusive; Motion made by Mr. Keller, second by Mr. Feola; roll call of eligible votes - *aye* '5' in favor / *nay* '0' opposed (1 abstain due to conflict) " Approved 5 to 0 & therefore GRANTED "

**4) Applicant: KRUEGER, Paul & Lydia** (Hardship/Bulk & Flex 'C' Variance App)

@ 125 - 51st Street / Block 50.03 / Lot(s) 930.01/ Zone R-2

Proposed: addition of elevator to west unit

Requesting: variance relief of lot coverage, aggregate side yard setback, front yard setback, parking and any other relief deemed necessary

Professionals: Donald Wilkinson, Esq., on behalf of applicants provides a brief introduction and summary of what is being proposed by way of the relief being sought to construct an elevator addition for access to the upper levels of the structure. He reviews the variances and addresses James Chadwick, RA (Architect/Engineer) to provide his credentials and detailed testimony regarding the current structure, the proposed location of the elevator, and mentions that this is for handicap access to the upper floors and not an increase in any living area and verification regarding the area specified for storage, which is not permitted and will be occupied with the elevator and elevator equipment. There is confirmation as to the elevator taking some of the storage space so the storage will be reduced not increased.

Witness(s): Paul & Lydia Krueger (Owner/Applicant) provides some testimony about their health and physical limitations making extremely difficult to use their stairs, which is their reason for proposing an elevator addition for their home

Exhibits/Reports: N/A

Board Comment: noted on record Mr. Feola will step down due to conflict with this application; there is some discussion in regards to the impervious coverage and the setbacks for the deck and the shed, in conjunction with the proposed addition, as well as issues with the storage area since it is not permitted and both the storage and shed will need to be reviewed by the Construction Official for any determination.

Public Comment: N/A

- Motion in the affirmative for variance relief of min. front yard setback proposed at 14.65 ft, aggregate side yard setback at 14.39 ft, min. rear yard setback at 19.76 ft, impervious coverage @ 82.1%, number of parking spaces at 5 and parking space dimension @ 9' x 16' all as based on Existing Non-Conformities, as well as lot coverage at 35.6%, incorporating everything as discussed and agreed and Mr. Previti's engineer memorandum dated 8/23/2021, inclusive; Motion made by Mr. McGinn, second by Mr. Keller; roll call of eligible votes - aye '5' in favor / nay '0' opposed (1 abstain due to conflict) " Approved 5 to 0 & therefore GRANTED

Public Inquiry: there is a question raised by the public in regards to receiving notice for an application that was to be heard at this meeting and was never announced for continuance to the November Zoning Board Meeting.

Resolutions:

**R** Resolution No. 2021-09-01 JCM DEVELOPMENT @ 4415 Park Road / Block 44.04 / Lot(s) 1.01/ Zone R-2

- Motion memorializing Resolution # 2021-09-01; Motion made by Mr. McGinn, second by Ms. Elko; roll call of those eligible to vote - aye '2' in favor / nay '0' opposed

Meeting Minutes to Adopt:

**m** Minutes of Tuesday, September 7, 2021 Zoning Board Meetings

- Mr. McGinn makes motion, Ms. Elko seconds; roll call of those eligible to vote - all ayes '3' in favor / none opposed

With no further business

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

Meeting Adjourned

Respectfully submitted,

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