

CITY OF SEA ISLE CITY
PLANNING BOARD
MEETING AGENDA

Monday, November 14th, 2022, 7:00 pm

1. CALL 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 Planning 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 and published in the Atlantic City Press and/or Ocean City Sentinel.

4. ROLL CALL

_____ Patricia Urbaczewski, Chairperson	_____ Rodney Greco
_____ Antimo Ferrilli, Vice Chairperson	_____ Donna Miller
_____ Michael Baldini	_____ Frances Steelman
_____ Philip Bonifazi	_____ Alt. #1 Jack McCusker
_____ Mayor Leonard C. Desiderio	_____ Alt #2 Rick Lochetto
_____ Councilman Frank Edwardi	

5. NEW BUSINESS

❖ **ORDINANCE No. 1690** entitled "AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, CHAPTER 26-27 ENTITLED "ENCROACHMENTS" TO UPDATE ENCROACHMENT SETBACKS presented to the members of the Planning Board for a Master Plan Consistency review as introduced by City Council on first ready Tuesday, September 27th, 2022 and scheduled for second reading and public hearing of the ordinance to be held on Tuesday, November 22nd, 2022.

❖ **ORDINANCE No. 1691** entitled "AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 21-4 ENTITLED "PROTECTION OF THE DUNES" AND CHAPTER 26-35 ENTITLED "DUNE PROTECTION" TO ADOPT A CITY WIDE DUNE LINE AS ESTABLISHED BY PROJECT DESIGN BY THE PHILADELPHIA DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS presented to the members of the Planning Board for a Master Plan Consistency review as introduced by City Council on first ready Tuesday, October 11th, 2022 and scheduled for second reading and public hearing of the ordinance to be held on Tuesday, November 22nd, 2022.

❖ **APPLICANT: ENR INVESTMENTS, LLC.** (Preliminary & Final Site Plan Approval w/ Hardship & Benefits Variances)
Property: 8505 Landis Avenue / Block 86.02 / Lot(s) 12.02 / Zone C-2
Proposed: New 3 story Mixed Use Development w/ 2 commercial units on 1st & 2nd levels and 1 residential unit on 3rd level
Relief is being sought for Preliminary and Final Site Plan Approval and variance relief as deemed necessary

6. RESOLUTIONS

℞ **RESOLUTION No. 2022-09-01: 4118 LANDIS, LLC** (Preliminary & Final Site Plan Approval & Benefits Variance Approvals)
4118 Landis Avenue/ Block 41.03/ Lots 11.01, 11.02, 12.01 & 12.02/ Zone C-1

℞ **RESOLUTION No. 2022-09-02: LANE, Lawrence, Jr., Darlene & Lawrence J. Jr.**
(Preliminary & Final Site Plan Approval & Benefits Variance Approvals)
30 - 42nd Street/ Block 42.02/ Lots 9.02/ Zone C-1

7. MEETING MINUTES

℞ **MINUTES** of September 12th, 2022 Regular In-person Planning Board Meeting

8. ADJOURN

"Please note - changes are possible"

CITY OF SEA ISLE CITY PLANNING BOARD

Minutes of Regular Planning Board Meeting November 14th, 2022 @ 7:00 PM

~**Meeting Called to Order** by Vice Chairperson Mr. Ferrilli. All join for Pledge of Allegiance. Opening comments begin with Open Public Meeting Act statement.

~**Planning Board Roll Call:**

Present: Mr. Baldini, Mr. Bonifazi, Mr. Greco, Mrs. Miller, Ms. Steelman, Mr. McCusker (Alt #1), & Mr. Ferrilli

Absent: Mayor Desiderio, Councilman Edwardi, Mrs. Urbaczewski & Mr. Lochetto (Alt #2)

Professionals: Jon D. Batastini, Esq. of Garrett & Batastini (Planning Board Solicitor) & Andrew Previti, P.E. of Colliers Engineering & Design (Municipal & Board Engineer)

~**NEW Business:**

❖ **APPLICANT: ENR INVESTMENTS, LLC.** (Preliminary & Final Site Plan Approval w/ Hardship & Benefits Variances)

@ 8505 Landis Avenue / Block 86.02 / Lot(s) 12.02 / Zone C-2

Proposed: New 3 story Mixed Use Development with two (2) commercial units on the first and second levels and one (1) residential unit on third level

Relief Sought: for Preliminary and Final Site Plan Approval and variance relief as deemed necessary

Professionals: Donald Wilkinson, Esq. on behalf of Applicants offers introductions, briefly reviews the prior application submitted and withdrawn, and provides some history about the property summarizing the relief being sought and emphasizing that the proposed structure meets all bulk requirements based on commercial requirements. Andrew Bechtold, RA (Architect) is sworn in along with applicants and begins with testimony on the existing non-conformities, how compatibility with the surrounding neighborhood was considered, points out how the project was kept under FAR and adds that it could have been made smaller but that would defeat the purpose of this application and proposed project. Mr. Bechtold describes the structure layout of which the first two levels are proposed for commercial use and the top level as residential which they intend to use themselves. It is also noted for the record that provisions like an exhaust vent will be installed for possible future food use

Witnesses: Brian O'Neill (Single Member LLC) and his father, Mike O'Neill (builder) discuss what the intended use is for and clarify that the dormer/attic area will be identified as an extremely limited common area for residential storage and review the landscape requirements as to what they are proposing.

Exhibits: n / a

Board Comment: there was some discussion regarding the pre-existing non-conformities issues which they say is the reason for the application for density, the change in zoning by the master plan is discussed; there are questions asked and answered regarding ADA accessibility, trash, utilities, green space, parking, fire suppression system, HVAC equipment placement, inquiry about a deed restriction for commercial levels so it cannot be used as residential space, in addition to discussing the dormer/attic space as far as access and the space not being proposed for living space at all.

Public Comment: n / a

- Motion in the affirmative for Preliminary and Final Site Plan Approval, including site plan waiver, deed restriction, attic storage area including but not limited to any & all items as discussed and agreed, all conditions of approval and items per Engineer's Memorandum dated October 3, 2022; Mr. Ferrilli makes motion, Ms. Steelman seconds, roll call – aye '7' in favor / nay '0' opposed

❖ **Ordinance No. 1690 (2022) - Master Plan Consistency Review**

entitled "AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, CHAPTER 26-27 ENTITLED "ENCROACHMENTS" TO UPDATE ENCROACHMENT SETBACKS

Professionals: Board Engineer Mr. Previti reviews his October 10, 2022, report and explains how this ordinance implements one of the Planning Board's recommendations in the 2017 Master Plan Reexamination that addresses residential side yard setbacks directly related to overhang/bump-outs must be more than five feet from the property line and are not permitted to encroach or project into the 5' minimum side yard setback

Board Comment: it is noted for the record that the original recommendation was a minimum side yard back of 7-1/2 feet per side which Council did not implement so it is clarified that this ordinance is specific to overhangs/bump-outs that will not be permitted to encroach into the 5' side yard setback

- Motion by the Planning Board that Ordinance 1690 (2022) is NOT INCONSISTENT with the Master Plan, but consistent in implementing one of the board's Master Plan recommendations; therefore, Mrs. Miller makes said Motion, Ms. Steelman seconds, roll call - aye '7' in favor / nay none opposed

❖ **Ordinance No. 1691 (2022) - Master Plan Consistency Review**

entitled "AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 21-4 ENTITLED "PROTECTION OF THE DUNES" AND CHAPTER 26-35 ENTITLED "DUNE PROTECTION" TO ADOPT A CITY-WIDE DUNE LINE AS ESTABLISHED BY PROJECT DESIGN BY THE PHILADELPHIA DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS SETBACKS

Professionals: Board Engineer Mr. Previti reviews his November 9, 2022, report and explains how Chapter 21-4 is not a planning or zoning chapter but references protection of sand dunes that affects all beach front properties as he further explains the dune line determination process. He continues with Chapter 26-35 which is part of the zoning and requires a 10' setback from the dune line, as he reviews a provision in Chapter 21-4 stating if the city adopts a city-wide dune line map dune line determinations would no longer be needed and is the reason for this ordinance. He offers more details about the dune line, property line and control line and notes that the map is available for viewing in the Administrators office.

Board Comment: there is some discussion regarding the dune line and map and how it will be handled with contractors who encroach into the dune line because they don't know where the line is, some question as to why it took so long for this to come up and details the dune line, property line, control line

- Motion by the Planning Board that Ordinance 1691 (2022) is NOT INCONSISTENT with the Master Plan; therefore, Mr. McCusker makes said Motion, Mr. Baldini seconds, roll call - aye '7' in favor / nay none opposed

~**Resolutions:**

℞ **RESOLUTION No. 2022-09-01:** 4118 LANDIS, LLC (Preliminary & Final Site Plan Approval & Benefits Variance Approvals)
@ 4118 Landis Ave/ B-41.03/ L-11.01, 11.02, 12.01 & 12.02/ Z-C-1

- Motion to memorialize Resolution #2022-06-01, subject to changes as noted; Ms. Steelman makes motion, Mrs. Miller seconds, roll call of those eligible to vote - aye all '5' in favor / nay '1' opposed

℞ **RESOLUTION No. 2022-09-02:** LANE, Lawrence, Jr., Darlene & Lawrence J. Jr.
(Preliminary & Final Site Plan Approval & Benefits Variance Approvals) 30 - 42nd St/ B-42.02/ L-9.02/ Z-C-1

- Motion to memorialize Resolution #2022-06-01, subject to changes as noted; Ms. Steelman makes motion, Mr. McCusker seconds, roll call of those eligible to vote - aye all '6' in favor / none opposed

~**Meeting Minutes to adopt:**

ℳ **Minutes of the September 12th, 2022, Regular In-Person Meeting**

- Motion to adopt minutes of meeting made by Mrs. Miller, second by Ms. Steelman, roll call those eligible to vote - aye all '6' in favor / none opposed

~**Additional Announcement:** solicitor briefly mentions some information he will be providing some information to the board members to better explain what he was telling them about

~With no further business

- Motion to adjourn made by Mr. McCusker, second by Mr. Baldini, with all in favor 'aye'

Meeting Adjourned

Respectfully Submitted,



Genell M. Ferrilli
Planning Board Clerk