

**CITY of SEA ISLE CITY**  
**ZONING BOARD OF ADJUSTMENT**  
**MONDAY, APRIL 3<sup>rd</sup>, 2023 @ 7:00 pm 'Regular 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      \_\_\_\_\_ Kenneth Cloud Alt I  
                         \_\_\_\_\_ Caryn Durling      \_\_\_\_\_ Lenny Iannelli      \_\_\_\_\_ Patrick Curtin, Alt II \*\*

\*\* New City Council appointed Zoning Board Member will be sworn in prior to roll call (if present)

**5. NEW BUSINESS**

📁 **Applicant: DUNBAR, Frederick J. & Dolores M.** (Hardship/Bulk/Flex 'C' Variances)

@ 6606 Central Avenue, North Unit / Block 59.04 / Lot 1.11 / Zone R-2

*Proposed:* to construct an elevator addition to the North Unit

*Requesting:* variance relief for aggregate side yard setback and any other relief deemed necessary

📁 **Applicant: NOTEBOOM, Anita** (Hardship/Bulk/Flex 'C' Variances)

@ 9 -58<sup>th</sup> Street, Unit B North / Block 57.02 / Lots 1343 / Zones R2

*Proposed:* to construct an elevator addition to the rear of the structure

*Requesting:* variance relief for pre-existing rear yard setback, lot coverage and any other relief deemed necessary

📁 **Applicant: JCM Development, LLC.** (Hardship/Bulk/Flex 'C' Variances)

@ 26 – 59<sup>th</sup> Street / Block 59.02 / Lots 12 / Zones R2 a

*Proposed:* to demolish existing single and construct a new two-family duplex structure

*Requesting:* variance relief for minimum lot area and any other relief deemed necessary

📁 **Applicant: McHALE, S. Heather (B), Joan Ann McHale Perpetual Living Trust (A) & Condo Assoc.**

(Hardship/Bulk/Flex 'C' and Use 'D' Variances) @ 105-60<sup>th</sup> Street, Units A & B / Block 59.03 / Lot 13 / Zone R-2

*Proposed:* to replace existing with a new Duplex dwelling

*Requesting:* variance relief for existing lot size and width, building on undersized lot and any other relief deemed necessary

**6. Resolutions**      n / a

**7. Meeting Minutes**

*m* Minutes of Monday, March 6th, 2023 Regular Zoning Board Meeting

**8. Adjourn**

\* Please note - changes are possible \*

**SEA ISLE CITY**  
**ZONING BOARD OF ADJUSTMENT**  
**Minutes of Regular 'In-Person' Meeting**  
**Monday, April 3<sup>rd</sup>, 2023 @ 7:00 PM**

**~Meeting called to order:** by Acting Chairperson Mr. McGinn. All join for Pledge of Allegiance. Opening comments begin with the Open Public Meetings Act statement.

**~Board Roll Call:**

*Present:* Ms. Elko, Mr. Feola, Mr. McGinn, Mr. Cloud (Alt #1)

*Absent:* Mrs. Durling, Mr. Curtain (Alt #2), Mrs. Urbaczewski & Mr. Pasceri

*Board Professionals:* Mr. Christopher Gillin-Schwartz, Esq., of Gillin-Schwartz Law, Zoning Board Solicitor and Mr. Andrew Previti, P.E. of Collier's Engineering & Design, Board Engineer.

**~NEW BUSINESS:**

📁 **Applicant: JCM Development, LLC.**

@ 136 – 88<sup>th</sup> Street, East Unit / Block 89.02 / Lots 30.02, 31.01, 32.01 & 32.02 / Zone R-2

*Proposed:* to install an in-ground pool in the rear yard of East Unit

*Requesting:* variance relief for distance between main structure and accessory/pool structure and any other relief deemed necessary

**Professionals:** Daniel McCann, Esq. on behalf of the applicant and indicated he understood the applicant is requesting relief from the Use Limitation set forth in Section 26-20.2 for substandard lots. Mr. McCann requested that the board hear limited testimony and argument on the issue of whether relief from that section of the code required "C" or "D" variance relief. The Board Solicitor indicated the circumstances were unique and in the interests of providing clarity, the Board may consider this limited component of the application. The Board Solicitor explained to the applicant, and the public, that the presentation at that time would be limited to the nature of the variance only and that the public would be able to comment on this issue before a vote on the issue. Furthermore, the full presentation of the application would proceed at a subsequent meeting and there would be another opportunity for public comment at that later date on the full application. Mr. McCann begins with a summary of the proposed project as he explains the need for a determination to be made prior to moving forward with this application. Mr. McCann calls on testimony from Tim O'Neill, Architect, who offers his credentials and reviews specific details and exhibits pertaining to codes, water/sewer, and taxes on the current structure to document number of units.

**Exhibits/Reports:** The applicant submitted several documents to support a duplex dwelling considering the understanding that the building was originally presented as a single family in application documents.

**Board Comment:** City Engineer explains the property requirements for a single vs. a two-family dwelling noting for the record that a determination would need to be made by the board before proceeding. The Board Solicitor briefly expands on the Engineer's recommendation that the variance be viewed as a D(5) variance based on the code appearing as a density limitation. The plain language of Section 26-20.2 appears to indicate a single-family use limitation for lots that are greater than 3,500 SF but less than the minimum required for the zone (in this case 5,000 SF). Here, the lot size is 4,400. The Board Solicitor and Board Engineer concurred that the relief requested most closely resembles a D(5) variance based in large part on the plain language of the City Code.

**Public Comment:** Mike Spader with several questions regarding the setbacks discussed by the Architect and questions the relief discussed; Daniel Fisher to point out the current structure looks like a single family, and both swear it is and has always been one unit.

- Motion taken in the affirmative to move this application forward based on treating this as a 'D(5) Density Variance\_ and thereby continued to the next meeting; Motion made by Mr. McGinn, second by Mr. Feola; roll call of eligible votes - *aye* '3' in favor / *nay* '1' opposed & therefore based on 'D' variance relief 3-1

📁 **Applicant: DUNBAR, Frederick J. & Dolores M.** (Hardship/Bulk, Flex 'C' Variances)

@ 6606 Central Avenue, North Unit / Block 59.04 / Lot 1.11 / Zone R-2

*Proposed:* to construct an elevator addition to the North Unit

*Requesting:* variance relief for aggregate side yard setback and any other relief deemed necessary

**Professionals:** Donald Wilkinson, Esq. on behalf of the Applicants begins with a brief summary of the proposed elevator they wish to add to the dwelling and will encroach into the aggregate side yard setback and has Carmen LaRosa, Architect testify to where they plan on adding the elevator being the reason for the relief sought, offers specific elevator details and reviews all the criteria all in response to the engineer's report.

**Witnesses:** Fred Dunbar (Owner/Applicant) testifies to the deteriorating health and heart problems of his wife, as well as the importance and true benefit this would be to them.

**Exhibits/Reports:** n / a

Board Comment: there is some discussion regarding the zoning, equipment placement, landscaping, and a few other small items like elevator access and specifications.

Public Comment: Mr. Connor to express his support for the project proposed.

- Motion in the affirmative for variance relief on setback of accessory structure (pool) to main structure, patio setback in rear yard, patio setback in side yard and aggregate side yard setback (to proposed pool platform); including any & all comments and conditions as discussed, as agreed, and outlined in Mr. Previti's engineer memorandum dated 1/18/20 inclusive; Motion made by Mr. Feola, second by Ms. Elko; roll call of eligible votes - aye '4' in favor / nay '0' opposed & therefore GRANTED 4-0

**~Meeting Minutes to Adopt:**

**m Minutes of Monday, March 6<sup>th</sup>, 2023 Regular Zoning Board Meeting**

- Motion to adopt the March 6<sup>th</sup>, 2023, Zoning Board Meeting made by Mr. Cloud, second by Mr. Feola; roll call of those eligible to vote - aye '4' in favor / nay '0' opposed

~With no further business

- Motion to adjourn by Mr. McGinn, second by Mr. Feola, and all were in favor

**Meeting Adjourned**

Respectfully submitted,



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