

CITY of SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
MONDAY, MAY 1st, 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: NOTEBOOM, Anita (Hardship/Bulk/Flex 'C' & Use 'D' Variances)

@ 9 -58th 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' & Use 'D' Variances)

@ 26 – 59th 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' & Use 'D' Variances) @ 105-60th 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

℞ Resolution No. 2023-04-01: DUNBAR, Frederick J. & Dolores M (Hardship/Bulk/Flex 'C' Variances)

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

7. Meeting Minutes

m Minutes of Monday, April 3rd, 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, May 1st, 2023 @ 7:00 PM

~Meeting called to order: by Acting Chairperson Mr. Pasceri. 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. Christopher Eaton, P.E. of Collier's Engineering & Design, Interim Board Engineer.

~NEW BUSINESS:

Applicant: **NOTEBOOM, Anita** (*Hardship/Bulk/Flex 'C' & Use 'D' Variances*)

@ 9 – 58th Street, Unit B North / Block 57.02 / Lots 1343 / Zone R-2

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

Professionals: Donald Wilkinson, Esq. on behalf of applicant offers a summary of the project proposed for the existing 3 story, 2 family structure with parking underneath fronting 58th Street, and due to her poor health is seeking the approvals necessary to construct an elevator addition to the rear of the North unit. He notes for the record that Project Architect, Carmen LaRosa was ill and unable to attend as he continues to detail how the property was converted to a condominium in 1987, existing non-conforming conditions, how it was designed to be built within the rear deck area to offset some of the relief, FAR and address the parking requirements.

Witnesses: Anita Noteboom (Owner/Applicant), Daughter Cherie Howard, and Granddaughter Kimberly Barker (also power of attorney) who testify to Ms. Noteboom's severe arthritis that hinders her accessibility to the upper living levels of the structure

Exhibits/Reports: M. Stanton Exhibits 0-1 & 0-2 photographs showing ground level photos and views from top of Ms. Fry's property looking towards applicant's structure

Board Comment: there was some discussion as to whether there would be any negative impact from the proposed project.

Public Comment: Michael Stanton, Esq. on behalf of Erin Fry (direct neighbor to applicant) in opposition of the project submits ground level view photograph exhibits of Ms. Fry's property that they believe support the issue with this proposed elevator addition blocking their view of the ocean, however Ms. Fry admits to having a 3rd floor deck not shown in the pictures that will not be obstructed by this elevator followed by argument from Mr. Stanton that impact on views must be taken into account citing another case which Board Solicitor Mr. Gillin-Schwartz notes that every case is based on its own merits and individual circumstances.

- Motion taken in the affirmative to incorporate an elevator within the existing rear deck area to minimize any impact from construction to the surrounding area and structure, including any & all comments and conditions as discussed, as agreed too, and outlined in Mr. Previti's engineer memorandum dated 2-28-2023 inclusive; Motion made by Mr. Feola, second by Mr. Cloud; roll call of eligible votes - aye '6' in favor / nay '0' opposed & therefore **GRANTED** 6-0

Applicant: **JCM Development, LLC**, (*Hardship/Bulk/Flex 'C' & Use 'D' Variances*)

@ 26 – 59th Street / Block 59.02 / Lots 12 / Zones R2

Proposed: to demolish existing structure and replace with new duplex structure

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

Professionals: Daniel McCann, Esq. on behalf of applicant recaps the previous meeting where the board heard limited testimony on the issue of whether 'C' or 'D' variance relief would be required, as he reviews the Hardship and Flex 'C' variance relief being sought and the D(5) Density relief deemed necessary to demolish an existing single family dwelling, adding that it will be demolished no matter what, because it is over 100 years old. Tim O'Neill, R.A. (Architect) reviews credentials and offers additional testimony to the C2 criteria, structural details, density, benefits and uniqueness of the property, and landscaping. Mr. O'Neill proceeds with details on the proposed structure indicating compliance with flood elevation, height, and parking for a two-family use consistent with the surrounding neighborhood.

Witnesses: Jason McNulty (Builder)

Exhibits/Reports: applicant bills from City to show more than one dwelling within current structure, an email from the City Tax Assessor and city tax records to reflect two meters.

Board Comment: there is a brief discussion about the prior meeting and the board's determination that a D(5) variance would be needed for this project proposing a new duplex on a 4,400 square foot existing sub-standard lot, it was noted for the record that there was no real evidence or compelling testimony to specify use of what is permitted to be single family but being proposed for a two family dwelling.

Public Comment: Joe Conroy to note on record that he has been living here for 25 years and disagrees with the two-family claim on the existing structure and to express concern about the density, Mike Adams (neighbor to Mr. Conroy) also notes the second unit reference is actually used for storage and questions the parking and that he will lose his view, Mike Spader notes that he disagrees with the density and adds that all the neighboring lots are the same size and all single family homes, Ken Koreyva reiterates what the previous speakers said adding about the negative impact it will have parking and traffic, Daniel Fisher to note his concern with any relief for density and allowing two family dwellings on single family proposed lots, Barry McCarraher states that he purchased a lot the same size and built a nice single family home and feels this should not be granted, Joe Johnson to recap prior comments

- Motion in the affirmative for variance relief based on the positive and negative criteria, min. lot width, min. lot area and existing non-conformities with Use Limitation, adding that D(5) would require five affirmative votes, including any & all comments and conditions as discussed, as agreed, and outlined in Mr. Previti's engineer memorandum dated 3/1/2023 & updated 3/15/2023 inclusive; Motion made by Mr. Cloud, second by Ms. Elko; roll call of eligible votes - aye '1' in favor / nay '5' opposed & therefore **DENIED** 1-5

📁 **Applicant: McHALE, S. Heather (B), Joan Ann McHale Perpetual Living Trust (A) & Condo Assoc.** (Hardship/Bulk/Flex'C', Use'D' Variances)
@ 105-60th 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

Professionals: Donald Wilkinson, Esq. on behalf of the McHale Family & Trust summarizes the project being proposed to remove and rebuild another improved and code compliant two-family structure within the same footprint. Piero Grimaldi, R.A. (Architect) is called and provides details about the property and the poor shape of the current structure that will be demolished to build a new two-family structure with the same density, within the same footprint and redesigned to conform with FAR, parking, landscaping, and notes for the record that the proposed will be more aesthetically pleasing and reduced by one foot in both width and depth, further adding that the elevator is the reason for height relief. Louis Scheidt, P.P., P.E. (Engineer & Planner) offers further testimony regarding the landscaping, increase open space and lite air, the benefits and compatibility with the surrounding neighborhood.

Witness(es): Heather McHale offers testimony that the original duplex was built in the early 60's and then rebuilt as duplex again in the 80's, thereafter, becoming condos about 10 years ago, adding how they have had nothing but trouble with it since.

Exhibits/Reports: n / a

Board Comment: there is some clarification requested regarding ground level which is proposed parking and some questions pertaining to the golf cart garage, and some discussion regarding the landscape and street trees.

Public Comment: n / a

- Motion taken in the affirmative for existing non-conformities of min. lot area and min. lot width, Use limitation D(5) for building on substandard lot of 4,400 s.f. and the street trees; including any & all comments and conditions as discussed, as agreed, and outlined in Mr. Previti's engineer memorandum dated 3/21/2023 & updated 4/17/2023 inclusive Motion made by Mr. McGinn, second by Mr. Iannelli; roll call of eligible votes - aye '6' in favor / nay '0' opposed & therefore **GRANTED** 6-

~Public Comments:

A prior applicant questions his application in comparison to the one heard afterward and the Board Solicitor explains the similarities and differences between the two applications.

~Resolutions:

📁 **Resolution No. 2023-04-01: DUNBAR, Frederick & Dolores** (Hardship/Bulk/Flex 'C' Variances) @ 6606 Central Ave (N)/B:59.04 /L:1.11/Z:R2

- Motion memorializing Resolution #2023-04-01 made by Mr. McGinn, second by Mr. Cloud; roll call of those eligible to vote - aye '4' in favor /nay '0' opposed

~Meeting Minutes to Adopt:

📁 **Minutes of Monday, April 6th, 2023 Regular Zoning Board Meeting**

- Motion to adopt the April 6th, 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