

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: May 27, 2025

Subject: Robert Noshay
Variance Application
7208 Landis Ave
Block: 72.03, Lot: 868
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0269

I. Background

The applicant has submitted an application for Hardship & Flexible "C" variance relief. The property in question is known as Block 72.03, Lot 868 and is located at 7208 Landis Avenue. The property is located in the R-2 Two-Family Residential Zoning District.

The property in question has fifty-five (55) foot of frontage on Landis Avenue and a lot depth of one hundred (100) feet. Therefore, the lot area is five thousand five hundred (5,500) square feet and is a conforming lot in the R-2 Zoning District. The property supports a structure which is noted as an "Existing Single Family Home" on the submitted plan, however it is indicated to be a two-family dwelling at Item 7 on page 2 of the application form submitted. This should be clarified as will be addressed in Section III, Comments. The application is proposing to construct a ten (10) foot by forty (40) foot pool as shown on the plans, however the application form indicates that what is being proposed is two (2) ten (10) foot by twenty (20) foot inground pools. This should be reconciled and the plans and/or application should accurately reflect what is actually being proposed. The existing rear yard is divided by an existing vinyl fence and it appears that it will be necessary to remove the vinyl fence in order to construct the pools as proposed. This should be noted on the plans.

In addition to the requirements of the R-2 Zoning District at Code Section 26-46, the proposed pool use is also subject to the requirements of Code Section 26-26.7, Swimming Pools and Code Section 26-27.7, Building Setbacks from Accessory Structures.

The application has been accompanied by the following document which has been submitted for review:

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1	Pool Zoning Plan	Gregory K. Schneider, PE, PLS	02/27/2025	---

Variances are required for this project as noted in the Variance Chart:

VARIANCE CHART

<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed</u>	<u>Variance</u>	<u>Code Section</u>
1. Setback from Main Building to Accessory Structure	10 ft.	5 ft.	5 ft.	26-27.7a
2. Aggregate Side Yard Setback	15 ft. ENC	14.6 ft.	0.4 ft.	26-46.5.a

ENC= Existing Non-Conformity

II. Determination for Completeness

The application is technically complete. The plans will require revisions to satisfy the comments contained in this report. However, that application could proceed to a hearing.

III. Comments

1. Variances are necessary for this project as noted in the Variance Chart. The variances are required due to what is being proposed with the only exception being the variance for the Aggregate Side Yard Setback which I will address below.

I have listed the need for a variance from the Aggregate Side Yard Setback since the existing shower and HVAC units above the shower have a total setback distance of fourteen point six (14.6) feet where fifteen (15) feet is required. The plans indicate a seven point three (7.3) foot setback from the southern property line and while the plans do not show the same distance from the north property line it appears that the setback would only be seven point three (7.3) feet also and thus the total aggregate would be fourteen point six (14.6) feet. The plans should be revised to reflect the actual setback distance from the north property line to the outdoor shower with the HVAC unit above and the design engineer should provide testimony relative to what the actual setback is and whether there is a need for the aggregate side yard setback relief.

The proposed pool will be set back from the main building by a distance of five (5) feet as shown on the plans submitted and this will require variance relief since a ten (10) foot setback is required from the main building per the requirements of Code Section 26-27.7. The pool would setback from the two (2) side yards by six point five (6.5) feet which would provide a four (4) foot wide green space and two point five (2.5) feet of what appears to be a solid surface. This would conform to City requirements. However, the pool is proposed to be located five (5) feet from the rear property line and this would only provide a one (1) foot solid surface around the pool area. The proposal to create a one (1) foot wide solid space, which I assume would be concrete, would present an unsafe condition and the City has developed a

standard which requires at least a two (2) foot solid surface around the perimeter of pools. Therefore, I would recommend that the pool be reduced in size to provide a two (2) foot wide solid surface in the rear yard area where one (1) foot is presently proposed. This will conform to the new requirements developed by the City.

2. The applicant should provide testimony whether the existing structure is a single-family home or a two-family home.
3. Code Section 26-26.7 addresses the requirements for swimming pools and this section requires a seventy-two (72) inch high fence around the swimming pool. The plans indicate that a six (6) foot high vinyl fence is being proposed with a self-latching gate with a locking device. This would conform to Code Requirements. The plans should indicate that the existing vinyl fence dividing the rear yard is to be removed.
4. I have reviewed the Stormwater Management System which is being proposed and I would advise the design engineer that it appears that an existing recharge system is present at this site. Four downspouts located at the corners of the building connect to a pipe which appears to go to an underground recharge system. I also observed on a site visit that an overflow discharge pipe exits the curb onto Landis Avenue and this would appear to be an overflow pipe from recharge systems which exist on each side of the property. I verified this with the Construction Official that a recharge system was constructed when the existing structure was initially built. The proposed plans call for the construction of a new recharge system which would occupy the area of the existing system. This will not be necessary in my opinion. Therefore, I recommend the following:
 - a. Instead of constructing a new recharge system on each side one of the existing downspouts on each side which is not presently connected to the recharge system should be connected. Details for this connection should be provided.
 - b. The design engineer should check if an existing downspout in the rear yard on the north side of the existing vinyl fence will impact the proposed pool construction.
 - c. Elements of the proposed recharge system shown on the plans should be removed if the design engineer agrees with my comments relative to the existing recharge system. This would include the Stormwater Management calculations.
 - d. The design engineer should contact the Construction Office for the actual details of the existing recharge systems located in each of the side yards of the property.
5. The plans indicate that a Belgium Block Border is to be used to ensure that storm runoff does not encroach upon adjoining properties. However, the proposed elevation of six point one five (6.15) would be one (1) foot higher than the existing elevation on the property to the north which is five point one five (5.15). The Belgium Block detail indicates that the Belgium Block itself would only be zero point seven five (0.75) feet or nine (9) inches in depth which of course would not satisfy the requirements necessary for this site since the difference in elevation

between the two (2) properties would be one (1) foot. Therefore, a retaining wall would be necessary instead of the Belgium Blocks at least along the north side of the property.

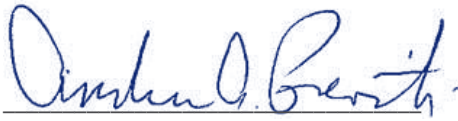
Since it appears that the recharge system will not be necessary and that the proposed grading was to facilitate flow to the recharge systems on each side the grading of the site may be modified and I will leave that to the design engineer to determine final grades for the site and whether Belgium Block and/or retaining walls will be necessary.

6. A detail of the "Proposed Water Feature" should be provided.
7. Landscaping at the site is acceptable. The proposed landscaping in the rear yard area is also acceptable.
8. A note should be added to the plans that the pool contractor is to contact the Municipal Engineer to setup a preconstruction meeting prior to construction. **This should be a specific condition of approval.**
9. Any action taken by the Board should be conditioned on the improvements being constructed in accordance with Chapter 14 – Flood Damage Prevention Ordinance and all FEMA regulations required by the City.
10. **If this application is approved and following memorialization of the Board's action in a resolution, the design professionals should revise the plans as necessary and provide an electronic copy to me for review. If the plans have been revised to satisfy the comments contained in this Memorandum as well as any conditions imposed by the Board the seven signed and sealed sets should be sent to my office for signature along with a cost estimate for on-site improvements.**

Construction permits will not be issued until plans signed by the Board Chairperson, Secretary and Engineer are on file with the Construction Official and the necessary inspection fees have been posted. It will also be necessary for the pool contractor to contact the Municipal Engineer to setup a time for a preconstruction meeting for this project. This should be a condition of approval.

IV. Recommendations

1. The applicant and his professionals should provide testimony as to why the Board should grant the variance relief applied for.
2. The plans submitted should be revised to reflect the comments contained in this report as well as any additional comments that the Board may have.
3. The Board has the discretion to grant any of the variances as requested or could decide to grant some of the variances while denying other. The Board Solicitor will advise you relative to this issue.
4. **A condition of approval should be the requirement to have a Pre-Construction Meeting prior to the start of construction.**



Andrew A. Previti, P.E.
Municipal & Board Engineer

AAP/dpm

cc:

Genell Ferrilli, Board Secretary (via email)
Chris Gillin-Schwartz, Planning Board Solicitor (via email)
Cornelius Byrne, Construction Official (via email)
Mariah Rodia, Construction Clerk (via email)
Robert Noshay, 89 Grant Ave, Southampton, PA 18966
Donald A. Wilkinson, Esq, (via email)
Gregory K. Schneider, PE, PLS (via email)

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