

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: April 29, 2025

Subject: Anthony & Trisha Piccone
Variance Application
33 71st Street, East Unit
Block: 70.02, Lot: 16
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0267

I. Background

The applicants have submitted an application for Flexible "C" variance relief. The property in question is known as Block 70.02, Lot 16 and is located at 33 -71st Street, East Unit. The property is located in the R-2 Two-Family Residential Zoning District. The property in question has 58.57 feet of frontage on 71st Street and a lot depth of 110 feet. Therefore, the lot area is 6,442.7 square feet and is a conforming lot in the R-2 Zoning District. The property supports a two-family duplex structure and the applicants are the owners of the east unit.

The application is proposing to construct a 9 feet-6 inchesx19 feet-8 inches inground swimming pool in a portion of the rear yard and an equipment platform for the pool equipment. The existing rear yard between the duplex units is divided by a 6 foot high vinyl fence. The rear yard of the eastern unit would therefore measure 29.29 feet in width and the pool would occupy 19 feet – 8 inches of this area.

In addition to the requirements of the R2 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 documents which have been submitted for review:

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
ZB-1	Variance Plan Top Sheet	Andrew Bechtold, RA	2/5/2025	---
ZB-2	Variance Plan Plot Plan & Pool Plan	Andrew Bechtold, RA	2/5/2025	---

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

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.	5.21 ft.	4.79 ft.	26-27.7.a
2. Rear Yard Setback	20 ft. ENC	19.7 ft.	0.3 ft.	26-46.6

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, the application could proceed to a hearing.

III. Comments

1. Variances are necessary for this project as noted in the variance chart. One variance required is necessary due to what is being proposed. The rear yard setback variance is an existing non-conforming condition.

The proposed pool will be setback from the main building 5.21 feet as shown on the plans submitted and this will require variance relief since a 10 foot setback is required from the main building per the requirements of Code Section 26-27.7. The pool will be setback from the rear property line 5 feet and from the side property line 5' and when the required 4' landscape area shown on the plans is factored in there would only be a 1' wide solid surface around these two sides of the pool. The proposal to create this 1' wide solid surface would present an unsafe condition and the City has developed a standard which requires at least a 2' wide solid surface around the perimeter of pools. Therefore, I would recommend that either the pool be reduced in size or relocated. The relocation of the pool to the south may reduce the setback from the main building unless the pool width is reduced.

2. Code Section 26-26.7 addresses the requirements for swimming pools and this section requires a 72 inch high fence around the swimming pool. The plans indicate that there is an existing 6 foot high vinyl fence with a self-latching gate and this will be acceptable for the proposed pool enclosure.
3. The Zoning Compliance Schedule on Drawing ZB-1 should be revised to include rear yard setback requirement and the non-conformance of the existing rear yard.

The zoning chart indicates that the maximum impervious coverage is exceeded under existing conditions and would be reduced by the proposed project to 73.7% where 70% is permitted. However, since a stormwater management system is being proposed a 5% credit is applicable and therefore the permitted impervious coverage would increase to 75%. The proposed conditions would therefore be conforming and no variance relief would be necessary.

4. The proposed landscaping in the rear yard area is generally acceptable. The Construction Official may require additional landscaping as part of a condition of issuing a building permit since the existing duplex does not meet the landscape requirements of the City Code.
5. I have reviewed the stormwater management plan and calculations which are part of the plans submitted and will have comments concerning the calculations and the plan itself as follows:

A. Stormwater Calculations

1. The stormwater calculations should be prepared by a professional engineer licensed in the State of New Jersey. The plans are signed by Mr. Bechtold who is an architect and the calculations should be signed by Mr. Thomas, the professional engineer in the firm.
2. The calculations need only address the area which is being disturbed by the proposed construction. Therefore, the hydraulic calculations should be revised accordingly as well as the storage volume calculations.
3. The volume calculations only utilize 0.5 of the proposed runoff. This is not acceptable given the fact that only 30% of the runoff is to be recharged onsite. 100% of the calculated runoff should be considered in the required storage calculation.
4. I will review the stormwater calculations once they have been revised.

B. Stormwater Plan

1. The Stormwater Section Through Trench Detail should indicate the size and type of stone material to be part of the recharge system.
 2. The plan calls for the construction of a 4 inch diameter P.V.C. connecting pipe from roof downspouts to the recharge system. However, this building is not equipped with gutters and downspouts and therefore, they will need to be added to the portion of the building which would channel storm runoff to the recharge system. The plan should be revised to reflect where gutters and downspouts will be constructed.
6. I have the following comments concerning the pool area:
- a. The pool is proposed to have a 5.21 foot setback from the main building where 10 feet is required. This will satisfy the new standards which have been developed by the City relative to setbacks from the main building or stairs or deck. However, the variance is

still necessary from the Code Requirements. The need to provide a 2 foot solid surface around the pool perimeter may impact the proposed setback from the main building.

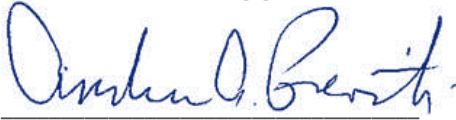
- b. The pool should be reduced in size or relocated to provide the 2 foot wide solid surface around all sides of the pool.
7. The plan is proposing a pervious paver system and details for that system are found on Drawing ZB-2. The applicants should provide testimony that they have reviewed the plans and agree with the proposed construction of the pervious paver system.
8. A grading plan is not being provided for the proposed construction. Proposed elevations should be provided on the plan and the plan should also ensure that runoff from the developed property would not impact adjacent properties.
9. A note should be added to the plans that the pool contractor is to contract the Municipal Engineer to setup a pre-construction meeting prior to construction. **This should be a condition of approval.**
10. 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.
11. **If this application is approved and following memorialization of the Board's action in a resolution the design professional should revise the plans as necessary and provide an electronic copy for me to review. If the plans have been revised to satisfy the comments contained in this memorandum as well as conditions imposed by the Board then 7 signed and sealed sets should be sent to my office for signature along with a cost estimate for the required 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 be necessary for the pool contractor to contact the Municipal Engineer to set up a time for a pre-construction meeting for this project. This should also be a condition of approval.

IV. Recommendations

1. The applicants and their 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 or deny any of the variances as requested or could decide to grant some of the variances while denying others. 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)
Anthony & Trisha Piccone, 33 71st Street – East Unit, Sea Isle City, NJ 08243
Avery S. Teitler, Esq., Teitler & Teitler, LLC (via email)
Andrew Bechtold, RA, Thomas/Bechtold (via email)

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