

## Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: April 16, 2025

Subject: Joseph A. Troilo, Jr. & Elena Zarabara - Variance Application  
2201-03 Landis Avenue  
Block: 22.02, Lot: 10  
R-2 Two Family Residential Zoning District  
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0262

### **I. Background**

The applicants have submitted an application for Flexible "C" variance relief. The applicants are also requesting a "Permit to Build in Street Bed". I will address the request to build in the street bed under Section III - Comments.

The property in question has fifty-five point zero five (55.05) foot of frontage on Landis Avenue and one hundred (100) foot of frontage on 22<sup>nd</sup> Street as extended. This property fronts on the beach and as such the front yard is the yard between the property line on the beach and the building. Code Section 26-46.4 indicates the following:

**For properties fronting on the beach in which the longer dimension of the lot is perpendicular to the beach, the front yard shall be between the property line on the beach and the building.**

This will require revisions to the Zoning Conformance Schedule noted on the submitted plans and I will also address this in Section III – Comments.

The lot has a lot area of five thousand five hundred five (5,505) square feet and would be a conforming lot in the R-2 Zoning District. The property supports a two-family duplex structure.

The applicants are seeking approval to renovate the existing duplex including a height variance to exceed the permitted building height for a flat roof. The proposed improvements include the following:

- a. Replacement and relocation of windows.
- b. Construction of new bump out window seats.
- c. Roof modifications including removal of an existing Mansard Roof, removal of shake roofing and installation of metal standing seam roofing on existing Mansard Roof, and construction of a new parapet at a higher elevation.

- d. Removal of gable above windows and installation of new shed roof with metal standing seam.
- e. Removal of existing vinyl guard rail and installation of new stainless steel guardrail.
- f. Replacement of exterior stairs in the same location.
- g. Removal of existing concrete and installation of new pervious pavers.
- h. Removal of a grass area within the public right of way of 22<sup>nd</sup> Street and the installation of pervious pavers. The application form indicates removal of pavement however the plans and a site visit indicate that the area that will be disturbed is a grassed area. The architect should address this.

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>
1 of 1	Variance Plan	James E. Chadwick, PE, RA	9/29/2024	---
1 of 2	Preliminary Plans For Alteration to Existing Duplex Second & Third Floor Plans	James E. Chadwick, PE, RA	6/9/2024	9/24/2024
2 of 2	Preliminary Plans For Alteration to Existing Duplex Elevations	James E. Chadwick, PE, RA	6/9/2024	9/24/2024
Proj. No. 16,205	Existing Conditions Survey	George Swensen, PLS	3/18/2020	---
	<ul style="list-style-type: none"> <li>Letter to Andy Previti, Zoning Board Engineer from James E. Chadwick, PE, RA dated March 17, 2025</li> <li>Letter to Andrew Previti, PE from Cornelius Byrne, CFM, Construction Official/Zoning Official Dated April 1, 2025</li> </ul>			

The application will require variance relief as noted in the Variance Chart below.

<u>VARIANCE CHART</u>				
<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed</u>	<u>Variance</u>	<u>Code Section</u>
1. Front Yard Set Back (22 <sup>nd</sup> St.)	15 ft. ENC	10.1 ft. Building (based on Survey)	4.9 ft.	26-46.4

**VARIANCE CHART -Continued**

<b><u>Parameter</u></b>	<b><u>Required or Permitted</u></b>	<b><u>Proposed</u></b>	<b><u>Variance</u></b>	<b><u>Code Section</u></b>
2. Front Yard Projection/ Overhang (22 <sup>nd</sup> Street)	18 inches	23.45 inches	5.45 inches	26-27.6.e.3
3. Rear Yard Setback (Landis Ave)	20 ft. ENC	10 ft. Building (Based on Survey)	10 ft.	26-46.6
4. Rear Yard Projection/ Overhang (Landis Ave.)	18 inches ENC	25.38 inches	7.38 inches	26-27.6.e.3
5. Side Yard Setback	5 ft. ENC	4.9 ft. Building	0.1 ft.	26-46.5.a
6. Side Yard Projection/ Overhang Setbacks	5 ft. ENC	2.875 ft.	2.125 ft.	26-27.6.e.1
7. Building Height	25 ft. Above El 15.0 Flat Roof in V -Zone	26.42 ft. Above El 15.0	1.42 ft.	26-46.8.a

**NOTE: Local Design Flood Elevation in this area is El. 15.0**

**ENC=Existing Non-Conforming Condition**

**NOTE: The requirement that the front yard of this property is between the property line on the beach and the building will necessitate revisions to the Zoning Conformance Schedule on the plans. The Variance Chart indicates variances based on the requirements of Code Section 26-46.4 relative to this issue.**

**II. Determination for Completeness**

I initially advised the Board Secretary that the application was technically incomplete since the original submission did not provide sufficient information to determine if what is being proposed is a Substantial Improvement/Cumulative Substantial Improvement as defined by

Chapter 14 – 2.2, and which is necessary since this property is located in a Velocity Zone as specified by Code Section 14-102.2.d. The area north of 29<sup>th</sup> Street down to 1<sup>st</sup> Street is considered a Velocity Zone per the recited Code Section. The applicants' professional submitted information via his March 17, 2025, letter to me relative to this issue, which was shared with the Floodplain Administrator, Mr. Byrne. Mr. Byrne reviewed that information and provided a letter (copy attached) which indicates that in his opinion, based on the information submitted that the proposal to modify the building does not meet the threshold for Substantial Improvement and therefore the building may not comply with building requirements of Chapter 14. Therefore, the application is now technically complete.

### **III. Comments**

1. Variances for this project are necessary as noted in the Variance Chart. The Variance Chart is based on the code requirement that lots which front on the beach and which have the longest dimension perpendicular to the beach that the front yard will be measured from the property line on the beach to the building. This differs from how the Zoning Conformance Schedule was prepared and that schedule will require revision. The manner in which the Conformance Schedule was prepared is understandable since this property is a corner lot. However, by definition in the code the lot fronts on the beach and therefore the interpretation of the front yard and the rear yard is governed by the requirements of Code Section 26-46.4 as noted. Therefore, the Zoning Conformance Schedule on Sheet 1 of 1 will require revision.
2. Code Section 14-102.2.d indicates that the area between 29<sup>th</sup> Street to 1<sup>st</sup> Street shall conform to the Flood Hazard Protection Area – V-Zone Standards. The manner in which the Floodplain Administrator and the applicants' professional have determined building height differ. The plans indicate that per FEMA Flood Map 34009C0166F having an effective date of October 5, 2017, that the property is located in an AE10 Zone which would have a base flood elevation of 10.0 NAVD. This is correct. The Floodplain Administrator has advised that since this property is located in a V-Zone by the code requirements that the base flood elevation on the maps is not the most stringent and that the closest Velocity Zone Elevation plus 3 ft. of freeboard must be applied in order to determine the Local Design Flood Elevation (LDFE). The closest adjacent flood zone is a VE Zone with a Base Flood Elevation of 12. When the three foot freeboard required by Code Section 14 -102.3.a is applied then the Local Design Flood Elevation is 15 and not the 14 noted on the submitted plans. Therefore, when referring to the variance chart you will see that I have determined that the building height variance is 1.42 feet or 1 foot 5 inches utilizing Elevation 15 as the measuring point measuring to a flat roof and not the 2 feet 5 inches noted on the plans. This assumes that the proposed height of the building will stay the same and that the building would be twenty-six point four two (26.42) feet above Elevation 15 and not twenty-seven point four two (27.42) feet. The applicants' professional should address this in testimony.
3. The application is also requesting approval for "Permit to Build in Street Bed" per the requirements NJSA 40:55D-34. This code section is entitled as follows:

#### **Issuance Of Permits For Building Or Structures.**

The applicant is proposing to construct a pervious paver area in a portion of the right of way of 22<sup>nd</sup> Street which appears to be entirely grass and not pavement as noted on the application rider. The application plans also note on Sheet 1 of 1 Variance Plan, that an existing paver and concrete and paver walkway, which is partially on the applicants' property and partially within the right of way of 22<sup>nd</sup> Street is to remain.

It would be my opinion that the proposed improvements would not be considered "buildings or structures". They are improvements and, in my opinion, they are regulated by the requirements of Chapter 15 of the City Code – Streets and Sidewalks. It would be my opinion that the applicants would need a permit from the Construction Official to construct the pervious pavers within the public right of way of 22<sup>nd</sup> Street as well as to legalize the existing concrete and paver walkway which is also located within this area. The applicants should testify if any permission from the City was granted for the existing concrete and paver walkway. I will defer to the Board Attorney on this however, I do not think the proposed improvements require any approval from the Board and that approval would come from the Construction Official.

The proposed pervious pavers located within the applicants' property can be approved as part of this application but the proposed and existing improvements located within the right of way of 22<sup>nd</sup> Street are regulated by Chapter 15 as noted and the applicant is required to comply with the provisions of that chapter. I would also note that a detail for the proposed pervious pavers to be constructed on-site should be added to the plans.

4. The proposed new stainless steel wire guardrail must comply with the Uniform Construction Code. The architect should provide testimony whether it complies.
5. Dimensions should be added to the plans for the proposed window seat bump outs.
6. This project does not increase impervious surface more than two hundred fifty (250) square feet, and actually would reduce impervious surface, therefore, the requirements of Code Section 26-38 relative to a Stormwater Management Plan are not applicable.
7. The existing site does not conform to the landscape requirements of Code Section 26-25. The Construction Official will address this issue during plan review.
8. 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 as applicable.
9. **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 to me for review. If the plans have been revised to satisfy the comments contained in this memorandum as well as any other conditions imposed by the Board then seven (7) signed and sealed sets should be sent to my office for signature along with the 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.**

#### **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. The proposed pervious pavers which would be constructed in the right of way of 22<sup>nd</sup> Street could remain on the plan but their construction would be conditioned on the issuance of a permit by the Construction Official under the requirements of Chapter 15.



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

AAP/dpm

Encl.

cc: Genell Ferrilli, Board Secretary, with enclosure (via email)  
Chris Gillin-Schwartz, Planning Board Solicitor with enclosure (via email)  
Cornelius Byrne, Construction Official with enclosure (via email)  
Mariah Rodia, Construction Clerk with enclosure (via email)  
Michael J. Malinsky, Esquire with enclosure (via email)  
James E. Chadwick, PE, RA with enclosure (via email)  
Joseph A. Troilo, Jr. & Elena Zarabara, 112 N. Lexington Ave, Havertown, PA 19083 (with enclosure)  
Joseph & Donna Cassidy, 1901 Walnut Street Unit 13-B, Rittenhouse Plaza, Philadelphia, PA 19103 (with enclosure )



# City of Sea Isle City

MUNICIPAL SERVICES - 2ND FLOOR

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609-263-4461

April 1, 2025

Mr. Andrew Previti, P.E.  
Colliers Engineering & Design  
500 Scarborough Drive  
Suite 108  
Egg Harbor Township, NJ 08234

Dear Mr. Previti:

**RE: 2201 Landis Ave Troilo- Zoning Board**

Please be advised upon review of submitted contracts and other data used by my office to analyze if a building is considered a substantial improvement, I have determined that if the worked proposed to the building is done per plan it does not meet the threshold for a substantial improvement and therefore does not need to come into compliance with the current requirements of Chapter 14 Flood Prevention.

Should you have any other questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

Cornelius Byrne, CFM  
Construction Official  
Zoning Official

CB/rd



