

CITY OF SEA ISLE CITY
PLANNING BOARD
REVISED Agenda of Regular Meeting
Monday, July 13, 2015 @ 6:00 pm

1. Call 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 Planning 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 and published in the Atlantic City Press and/or Ocean City Sentinel.

4. Roll Call

_____ Patricia Urbaczewski, Chairperson	_____ Antimo Ferrilli
_____ Edward Sgalio, Vice Chairperson	_____ Donna Miller
_____ Philip Bonifazi	_____ Frances Steelman
_____ Mayor Leonard C. Desiderio	_____ Michael Baldini Alt. #1
_____ Jeff DiCesare	_____ James Sofronev Alt #2
_____ Councilman John Divney	

5. Potential Planning Board Solicitor Applications Potential Applicant Interviews

6. Resolution to be Adopted (if necessary)

Resolution to be adopted for Closed Session to discuss personnel and hiring of Planning Board Solicitor

7. Closed Session (if necessary) Discussion regarding personnel and direction in considering a selection
OPEN MEETING RESUMES

8. Selection of Planning Board Solicitor Vote on Solicitor – if agreed to & motion is made

9. Planning Board ReOrganization

Re-Organization of Planning Board for 2015-2016 Calendar Year, including elected and re-elected terms of Board Members, appointing Professional Services of Board Engineer, appoint legal newspaper for publications and secondary newspaper, and approval of meeting dates schedule.

10. New Business

• **APPLICANT:**

8410 Landis Avenue, LLC / Robert E. Miller & Eric K. Miller

215– 85th Street (aka: 8410-12 Landis Avenue), B: 85.04, L: 20, 21, 22 & 23, Zone R-2

Request: seeking Minor Subdivision Approval to subdivide current parcel into three conforming lots.

• **ORDINANCE:**

Ordinance No. 1580 (Revised)

Adopted on first reading by City Council at its regular meeting on Tuesday, June 9, 2015, and is being presented to the Planning Board for its Master Plan Consistency Review. City Council will schedule second reading and public hearing of Ordinance at its meeting of July 21, 2015.

11. Adoption of Minutes Minutes of June 8, 2015 Regular Meeting

12. Adjourn

CITY OF SEA ISLE CITY PLANNING BOARD

Minutes of Regular Planning Board Meeting

Monday, July 13, 2015 @ 7:00 PM

~CALL TO ORDER: Planning Board Chairperson, Mrs. Pat Urbaczewski, leads in Pledge of Allegiance and calls meeting to order beginning with open public meetings act statement.

~ROLL CALL: Councilman Divney, Mr. Ferrilli, Mrs. Miller, Ms. Steelman, Mr. Sofrone, Mr. Sgalio, Mrs. Urbaczewski (Mayer Desiderio arrived late following reorganization due to a previous engagement)
Also present: Mr. Andy Previti of Maser Consulting (Board Engineer) and for the record Mr. Ron Gelzun is introduced and will be acting Interim Solicitor for this meeting.

~NEW BUSINESS:

First order of business is selection of a New Planning Board Solicitor. We have received applications from three candidates interested in the position of Planning Board Solicitor from Ellen Nicholson Byrne, Jon Batastini, and Thomas Hillegass. Floor is open for Board Member comments regarding applicants. Mr. Sgalio comments to the benefit of having Mr. Hillegass for the purpose of creating consistency between the two boards, his experience with the latest zoning and knowledge of what is going on throughout town right now, as well as being the current Zoning Board Solicitor. This is the same sentiment to which Mrs. Miller and Councilman Divney also agree as well. Chairperson Urbaczewski provides direction to the Board Members, verifies one nomination before a Motion is called and approved, and with no other nominations proposed

- A Motion to nominate Mr. Thomas Hillegass is made by Mr. Sgalio and said motion is second by Mrs. Miller, and thereby completes the selection of Mr. Thomas Hillegass of Monzo Cantese Hillegass as Planning Board Solicitor -

Roll Call: Councilman Divney – yes, Mrs. Steelman – yes, Mr. Sofrone – yes, Mr. Sgalio –yes, Mrs. Miller – yes, Mr. Ferrilli – yes, Mrs. Urbaczewski - yes

~Next order of business is to Re-Organize:

Chairperson, whereas the nomination of current Chairperson Mrs. Urbaczewski is offered

- Motion made by Councilman Divney and second by Ms. Steelman
Roll call: Councilman Divney-y, Mr. Ferrilli-y, Mrs. Miller-y, Ms. Steelman-y, Mr. Sofrone-y, Mr. Sgalio-y, Mrs. Urbaczewski-y

Vice Chairperson, whereas the nomination of current Vice Chairperson Mr. Sgalio is offered

- Motion made by Ms. Steelman and second by Councilman Divney
Roll call: Mr. Ferrilli-y, Councilman Divney-y, Ms. Steelman-y, Mrs. Miller-y, Mr. Sofrone-y, Mr. Sgalio-y, Mrs. Urbaczewski-y

Board Secretary, whereas the nomination of current Board Secretary Genell Ferrilli is offered

- Motion made by Mrs. Urbaczewski and second by Ms. Steelman
Roll call: Mr. Ferrilli-abstained, Councilman Divney-y, Mrs. Miller-y, Ms. Steelman-y, Mr. Sofrone-y, Mrs. Urbaczewski-y, Mr. Sgalio-y

Board Engineer, whereas the nomination of current Board Engineer Andy Previti of Maser Consulting is offered

- Motion made by Mrs. Urbaczewski and second by Mrs. Miller
Roll Call: Councilman Divney-y, Mr. Ferrilli-y, Mrs. Miller-y, Ms. Steelman-y, Mr. Sofrone-y, Mr. Sgalio-y, Mrs. Urbaczewski-y

Board Solicitor was just taken care of in the selection process for a New Board Solicitor

Legal notice for the Newspaper of Publication which is Ocean City Sentinal as primary and A.C. Press as secondary

- Motion made by Mr. Ferrilli and second by Ms. Steelman
Roll call: Councilman Divney-y, Mrs. Miller-y, Ms. Steelman-y, Mr. Ferrilli-y, Mr. Sofrone-y, Mr. Sgalio-y, Mrs. Urbaczewski-y

Meeting Schedule as proposed for the 2015-2016 Calendar Year approved

- Motion made by Mrs. Miller and second by Ms. Steelman
Roll call: Ms. Steelman-y, Mrs. Miller-y, Mr. Ferrilli-y, Mr. Sofrone-y, Councilman Divney-y, Mr. Sgalio-y, Mrs. Urbaczewski-y

Mr. Previti inquires as to whether there are any board members that are in need of being re-appointed and Mrs. Urbaczewski notes that at this time we are unsure. There has been conflicting information found in previous resolutions pertaining to this which will need to be clarified by the Mayor. There was also an inquiry about the Classes of the Board Members and how the terms run, like being based on a one year period and not a two or four year period like most terms are, because looking at our information it shows several members with terms due to expire.

~MEETING MINUTES:

To review and approve the Meeting Minutes from the June 8, 2015 Planning Board Meeting

- To adopt the June 8, 2015 minutes a Motion is made by Mr. Ferrilli and second by Ms. Steelman
Roll Call: Councilman Divney-y, Mr. Ferrilli-y, Mrs. Miller-y, Ms. Steelman-y, Mr. Sgalio-y

~Continued Business:

Mr. Previti was addressed by Mr. Ferrilli regarding his presentation to Council in regards to FAR. He first identified lots best representing most lots in the city, took the most common 50' x 110', then picked two lots where one was built under Floor Area Ratio regulations and the other built since 2010 under new regulations not requiring FAR but addressing FEMA mandated height regulations, and compare the two. There was a question in the number of properties being 74 or 130 (which includes 2013, '14, & '15) to which the bulk of those fell under .8 / .89 and a few that were .7 so Council felt it best if the issue were studied further during the re-exam process and the data gathered during the presentation to Council which will be made available to the Planning Board as suggested since it also reflected on other issues like land use control, FEMA regulations, building above flood, as well as preventing violations of space below flood level being made livable (especially after a CO has been issued). Following discussion and comments in regards to the various issues that were raised, the problems that have been created, changes brought up but never addressed, bonus rooms that should have been stopped years ago Mr.

Previti's feeling was that Council was in favor of FAR but thought it would be better to look into what the number should be with more data available. It is asked about what data is being referenced as to what is actually being built – being from the construction office – lot size, square footage of building, living area, and calculated floor area ratio, or looking for a scale of FAR vs. no FAR and maybe more detail about why the bonus room issue was addressed as part of that ordinance, of which Mr. Baldini, Esq. did that part of the presentation very well and should be brought in to be included in this since he was involved with this to get the discount from FEMA – from 20% to 25%.

FAR and FEMA are not a side by side issue in comparison per ordinance 1489 because when the question came up with FAR in the commercial zone which is how this 1489 started, and when FAR was eliminated in the commercial zone - it was also simultaneously eliminated in the residential zone.....but there is no supporting information as to why it was eliminated in the residential zone other than the explanation that the solicitor had at the last meeting that buildings height increase is insignificant and the only reason why we did it was for FEMA.

FEMA is a big issue and had to be addressed but there was no study – there was no ANYTHING. The ordinance 1489 just disappeared and there was no input, but what happen if it is noted that it is required to be given to the board for review then and something must be on file.

So here there was a problem with the FEMA people and the issue was in the bonus rooms – the inconsistency with the FAR was a big problem. There is a list of properties with illegal bonus rooms (200) that was submitted to the construction office, but with a response of that is what lawyers are for. If it is not going to be enforced and stopped THEN WHAT. There was an ordinance in place at one time with condos that a final survey had to be made and submitted of exactly what was built – AS BUILT – actual size and what is there but now is not required.

Next problem was bonus rooms - then they were eliminated (technically eliminated) and no one is allowed to do them because it is below flood lever and the square footage is moved upstairs for whatever reason and this is when FAR should have been adjusted for the average square footage that was being added to the building, not after the fact. It should have been done then so they can get a credit for something they are not suppose to have, we are going to make it .8 or .79 or whatever and now here we are but where is the rational for doing away with the FAR and now there is need to know what Council had to say and to see the documents to back it up. So where are the documents of compliance, what rational or what could have possibly led to this because the commercial was correct but the FAR for residential was under there and no one saw it.

It is noted that it would not have been a mistake because the ordinance had to explicitly address each zoning district and it did, it specifically addressed the three residential districts R1, R2 and R2a and eliminated the floor area ratio and that was the conscience thing that had to be done and not a mistake, but whether everyone agreed with it or not is a different issue. So what happened and how did it get to where it is now and where is the documentation to back it up.

He continues in regards to the survey that was provided to the board members to complete online and announces that it was suppose to be distributed to the community of which Fran confirmed there was a notice included in the Tax bills regarding the survey. Andy P says there was a notice emailed and included in the city newsletter regarding the survey also. Divney also announces that the date set for the workshop will be September 12, 2015 as he adds about

having jobs for everyone at this workshop in addition to doing some recruiting as well. Anyway, there is no way a logical elected official can sit back and ignore a strong showing from this questionnaire and from reading the newspapers to get rid of monster houses. Pat U brings up having Zoning Board Agendas available in order to be better informed and Ed agreeing as well as they both say it is not so much a monster house but that things have just gone to such an extreme because people think without FAR they can do whatever they want and they make it known that they intend to do so because others have so they can too and it needs to change.

No matter what pressure needs to be put on per Divney, like calling and nagging elected officials because the oversized houses and all the other problem issues have to stop.

Next Pat U asks John to speak about the Master Plan where he talks again about the Workshop that is scheduled to be held on September 12, 2015 and reviews the workshop focus stations that will set up on different topics for zoning, density, parking, parks & recreation, economic development and need volunteers to lead these groups and are looking to Planning Board Members to maybe volunteer and be the Group Leaders only to listen to citizens. It has been thought that Two people per group would be best so one person could take notes and the other could entertain a discussion with the group or possibly address questions. There is mention of the possibility of asking some Zoning Board Members to get involved as well. Some possible coaching and review can be done, in addition to Andy P's firm providing prepared question and answer packs for leader volunteers to use when running these smaller group discussions as well.

~NEW BUSINESS - Continued:

Applicant – 8410 Landis Avenue, LLC - Robert E. Miller & Eric K. Miller

Don Wilkinson – Attorney on behalf of Applicants – begins with applicant introduction of Millers who are present & 8410 Landis Avenue, LLC (limited liability company) with sole proprietor Richard Burke not present. Mr. Wilkinson proceeds with a brief summary of the proposed request for Minor Sub-Division Approval to reconfigure an existing parcel at the corner of 85th & Landis Avenue currently showing 4 lots into three (3) conforming lots. The Millers are the owners and 8410 Landis Avenue, LLC, are contract purchasers of two of the newly created lots. The lots will be conforming, no variances are necessary, and two of the lots will be 5,500 sq. ft. and one lot will be 5,000 sq. ft. The intent is to remove any existing structures prior to filing as well as making all revisions as requested by the Board Engineer in his Memorandum. Sworn in are Mark DeVaul of DeVaul Surveying and Mike O'Neill of O'Neill Builders as well as Andy Previti – Board Engineer.

Andy Previti reviews his Report and is satisfied. Floor is open to the public and with a show of no hands the public portion is closed. The only question asked was if submitted to the county yet of which it had not and was thereby noted as the most simple and clean cut application and sub division ever done, therefore

- To approve this Sub-Division including conditions of approval as noted in Engineer's report, a Motion is made by Mayor Desiderio and second by Mr. Ferrilli
Roll call: Mayor Desiderio-y, Councilman Divney-y, Mr. Ferrilli-y, Mrs. Miller-y, Ms. Steelman-y, Mr. Sofrone-y, Mr. Sgalio-y, Mrs. Urbaczewski-y

~ **Ordinance No. 1580:**

Last order of business -Ordinance No. 1580 – Mr. Previti reviews his report concerning the consistency with the Master Plan which is up for a second reading and where the board basically has to determine that the ordinance is not Inconsistent with the Master Plan, as implied by the law. Section 2 describes the ordinance which is to grandfather existing showers that are attached to structures and encroach into rear yards. It prohibits such structures in front yards & limits grandfathering only to lots 95' to 100' in depth, so if lot is 110' in depth it would not be covered under this ordinance and covers such structures that were in existence as of this coming 9/15/15. This is different from that presented previously and only addresses existing showers on lots of 95-100 feet in depth. Council felt 110' lots had enough room to build a shower without encroaching. This is not applicable to small 40' x 74' lots, only 95-100 foot lots, which was noted as lagoon lots and also referred to as R-2 and R-2a district (or bay area) & definitely Landis Ave lots. Most side street lots are 110'. This allows them to rebuild without a variance if necessary and they can be maintained and considered conforming.

There is discussion in regards to a recommendation in changing the wording to be more specific in regards to not allowing any increase in size or change in size when rebuilding or replacing a shower, which raises a question of how to know the original size in order to prevent any change in size thereby requiring verification or something. (Google earth shows everything). The wording is reviewed, discussed, changed and agreed to, therefore

- To make the recommendation to Council on Ordinance No. 1580 a Motion is made by Mr. Ferrilli and second by Mrs. Miller

Roll Call: Mr. Ferrilli-y, Mrs. Miller-y, Ms. Steelman-y, Mr. Sofrone-y, Mr. Sgalio-y, Mrs. Urbaczewski-y

Mayor Desiderio-Abstain, Councilman Divney-Abstain

~With no further business

- Motion to adjourn made by Mr. Sofrone-y and second by Ms. Steelman

MEETING ADJOURNED

Respectfully Submitted



Genell M. Ferrilli
Planning Board Secretary