

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: June 29, 2026

Subject: 110 45th Street Stateside, LLC – Variance Application
110 45th Street
Block: 45.03 Lot: 22.01
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0288

I. Background

The applicants have submitted an application for Hardship and Flexible “C” variance relief. The property in question is known as Block 45.03, Lot 22.01 and is located at 110 45th Street. The property is located in the R-2 Two-Family Residential Zoning District.

The property in question has 26 foot of frontage on 45th Street and a lot depth of 110 feet. Therefore, the property has a lot area of 2,860 sq. ft. and as such is considered **non-buildable substandard lot as defined by Code Section 26-20.3. Non-compliance with the requirements of Code Section 26-20.3 would require “C” variance relief since what is being proposed is a continuation of the existing single family dwelling on this property. This has been the Board’s policy.**

The applicant is proposing to demolish the existing single family dwelling on this property and construct a new single family dwelling. The application is also proposing to construct an inground pool in the backyard and this pool would measure 11ft by 12ft inside dimensions.

In addition to the requirements of the R-2 Zoning District at Code Section 26-46, the proposed pool use portion of this ordinance 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>
CZ101	Variance, Grading & Stormwater Plans	John E. Halbruner, RA, PE	4/28/2026	---
CZ102	Landscaping & Utility Plans	John E. Halbruner, RA, PE	4/28/2026	---

CZ501	Construction Details	John E. Halbruner, RA, PE	4/28/2026	---
AZ101	Variance Plans Floor Plans & Elevations	John E. Halbruner, RA, PE	4/28/2026	---

The application will require Variance Relief 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. Building on Lot Less Than 3,500 s.f.	Not Permitted	4 Story, Single Family Dwelling	4 Story Single Family Dwelling	26-20.3 & 26-20.2
2. Min. Lot Area	5,000 s.f. ENC	2,860 s.f.	2,140 s.f.	26-46.7.a
3. Min Lot Width	50 ft. ENC	26 ft.	24 ft.	26-46.7.b
4. Min Side Yard Setback, Principal Structure	5 ft.	4 ft. Both Sides	1 ft.	26-46.5.a
5. Aggregate Side Yard Setback	15 ft.	8 ft.	7 ft.	26-46.5.a
6. Encroachment Setback Side Yards	5 ft.	3.17 ft. Both Sides	1.83 ft.	26-27.6.e.2
7. Fence Height around Swimming Pool Area	6 ft.	4 ft.	2 ft.	26-26.7

ENC= Existing Non-Conforming Condition

II. Determination for Completeness

I would advise the Board that this application is technically complete for review relative to the variance relief which is being sought. I have not received a correspondence from the Floodplain Administrator indicating the flood zone that the property is located in, however, it appears to be in a flood zone with a BFE of 9.0 and therefore the Local Design Flood Elevation would be 14.0. This is reflected on the submitted plans, therefore, it is in my opinion that this application could proceed to hearing. However, there will be a need for revisions of the submitted plans as will be discussed in Section III of this report.

III. Comments

1. The variances required for this project are as listed in the variance chart. Variance numbers 2 & 3 are existing non-conforming conditions and deal with the size of the lot.
2. Code Section 26-26.7 addresses requirements for swimming pools and this section requires a 72 inch high fence around the swimming pool area. The plans indicate a proposed new 4 foot high vinyl fence and this would not conform to code requirements. This is listed as a variance in the variance chart.

The Code also requires that the gate be 6 foot high and be part of the fence structure and be self-latching. The plans indicate that a self-latching gates on both sides of the property would be installed to control access. These gates should also be 6 foot in height.

3. A copy of the DeVaul survey should be provided.
4. The architect should provide testimony as to how the floor area of 2,419 square feet was calculated.
5. The Zoning Chart on Drawing CZ101 indicates that the proposed single family dwelling is conforming. This is not the case since the lot is less than 3,500 square feet and therefore the Zoning Chart under the Conforming Column should indicate "no" for the permitted use.

Variance relief is being requested and is required for the proposed structure.

6. The plans indicate a 2-car garage on the ground level. Drawing CZ101 and Drawing AZ101 should contain a note indicating that "Storage Below Local Design Elevation (Elevation 14.0) is not permitted".
7. Code Section 26-23.4 addresses driveways but limits standards to conforming lots and non-conforming lots where there is at least 3,499 square feet of lot area. Since the property in question is only 2,860 square feet there are no standards for driveway width.

The plans indicate a driveway width of 15 feet as measured at the top of the driveway apron. This would be acceptable for this project.

8. General Note 7 on Drawing CZ101 indicates that the property will be serviced by existing utilities within 45th Street. Drawing CZ102 indicates that new domestic water service and meter and a new sanitary sewer cleanout and sanitary line will be constructed. However, these services and new sewer laterals were extended to the existing property and these can be utilized in order to avoid opening the street for lateral connection.

I have the following comments concerning utilities:

- a. The existing sanitary main in 45th street is an 8 inch PVC main and a 6 inch PVC lateral was extended under City Project No. SIC 7435.1. Therefore, it should not be necessary

- to excavate the street to construct a sewer lateral. A new cleanout could be constructed as desired and a new building sewer could be extended to the building.
- b. The Sanitary Sewer Cleanout Cover Details do not specify which one is to be used for driveway and/or sidewalk construction. I will provide the design engineer with the City's Standard Details for Cleanout Covers and the associated language.
 - c. It should not be necessary to extend the water service from the existing water main into the property since it was previously done in a utility project. However, I will check this and advise the design engineer accordingly.
9. The Concrete Sidewalk Detail should indicate a concrete compressive strength of 4,000 psi.
10. If the Board does not approve the variance for a 4 foot high fence around the swimming pool then a detail for the 6 foot high fence should be provided. The plans call for a 4 foot high vinyl fence and it is not clear if this fence was only proposed around the swimming pool or if it is to be extended to other parts of the property. The plans also contain the following notes "existing vinyl fence to remain, "existing chain-link fence to remain".
11. Drawing CZ102 contains a planting schedule and a landscape and utility plan. I have the following comments concerning the landscape plan.
- a. 10 shrubs are required for this property and only 8 are being provided. The number of shrubs should be increased.
 - b. The Code requires the shrubs to have a planting height of between 24 inches and 36 inches. Therefore, the Japanese Shore Rose size in height should be revised accordingly.
 - c. The Sargent Juniper size 1 qt. container is too small and a 3 gallon container should be provided.
 - d. The proposed Redbud should be specified by the caliper not the height. Code Section 26-25.3.e requires a caliper of between 3.5 and 4 inches. The planting schedule should be revised accordingly.
 - e. An underground irrigation system is being proposed and this is acceptable.
12. I have reviewed the Grading and Stormwater Management Plan and the calculations which are part of the plan submitted and will have comments concerning the calculations and the plan itself as follows:
- A. Stormwater Calculations
 1. Code Section 26-.38.2.c.5.(a)(1) requires that predevelopment runoff be calculated as if the lot was vacant land. This has not been done and therefore the calculations as submitted are not acceptable.

The calculations should be recalculated with the existing lot being considered a vacant lot. A coefficient runoff of 0.30 should be used in this calculation. I will review the stormwater calculations for both pre-development and post-development runoff once the pre-development runoff has been recalculated. This will affect the recharge trench design.

I would also note that I will have comments concerning the proposed pool construction and City policy regarding pool construction and this may impact the post-development runoff calculations for the area involved of the building, concrete and asphalt as well as the landscaping and lawn areas and I will address this in subsequent comment.

B. Stormwater Management Plan

1. Drawing CZ101 contains the Grading and Stormwater Management Plan. The plan indicates an invert of the proposed 6 inch PVC collector pipe of 4.76 where it enters the recharge trench on the west side of the property. The same configuration on the east side of the property does not include the invert elevation. I have discussed this with design architect and he has indicated that the inverts are the same on both sides of the property and this should be indicated on the plans.
 2. The Stormwater Plan will utilize a downspout system to channel runoff from the roof to the recharge system. There are 4 proposed downspouts on the west side of the building and 3 on the east side. The second downspout from the front on the east side should be relocated so that it discharges into the recharge system. This would also be the case for the second downspout on the west side of the building.
 3. The proposed 6 inch diameter PVC collector pipe channeling water to the recharge system is shown on the Downspout Connection Detail shown on Drawing CZ501. This collector pipe should also be labeled on the Grading and Stormwater Management Plan on Drawing CZ101 and the lengths for this collector pipe should be noted.
13. The proposed depressed curb at each end has a proposed elevation of 3.74. The top of the depressed curb should not be the same at both points and should follow the slope of the street which slopes from Landis Avenue to Central Avenue. The plans should be revised accordingly.
14. The side yard setbacks to the building on each side is only 4 feet. The recharge trench as proposed will have a width of 3 feet and the proposed segmental retaining wall has a block depth of 8 inches. Therefore, there is only 4 inches of space between the property lines on the east and west side and the proposed construction. **Therefore, as a condition of approval the applicant should have the property lines staked to ensure that site improvements are constructed on their property.**

15. This City's Planning Board has recommended various standards for swimming pools and this has been provided to the Administration. The Zoning Board has utilized these recommended standards in the review of applications that include swimming pools. The proposed pool does not meet the following standards:

- a. A 2 foot wide solid surface around all sides of a pool has been required. The plan as proposed provides a 2 foot wide solid surface around 2 sides but not around the east or south side of the inground pool.

The requirement for a 2 foot wide solid surface around all sides of the pool is a safety related requirement relative to emergency access as necessary. Therefore, I would recommend that this 2 foot wide solid surface be provided around all sides of the pool. Providing this surface may impact the post-development runoff calculations for stormwater.

16. 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 City Code as applicable and all requirements of the Building Code.

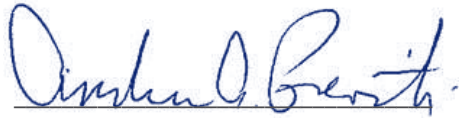
17. **If this application is approved and following memorialization of the Board's action in a resolution the design professional should revise the plans as necessary and provide an electronic copy to me for review. If the plans have been revised to satisfy the comments contained in this memorandum as well as any conditions imposed by the Board then 7 signed and sealed sets should be sent to my office for signature along with the cost estimates for on-site and off-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 paid. It will also be necessary for the contractor to contract the Municipal Engineer to set up a time for a pre-construction meeting for this project. This should 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 should be revised to reflect the comments contained in this report as well as additional comments that the Board may have.
3. The Board has the discretion to grant variances as requested or as required by testimony and could decide to grant some of the variance while denying others. The Board Solicitor will advise you relative this and to the type of variance required for deviation from the requirements of Code Section 26-20.3.

- 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)
110 45th Street Stateside LLC, 303 45th Place, Sea Isle City, NJ 08243
Donald A Wilkinson, Esquire (via email)
John R. Halbrunner, RA, PE (via email)

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