

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: May 21, 2026

Subject: Joseph McAllister – Variance Application
106 50th Street
Block: 50.03 Lot: 22.03, 23.01 & 23.02
C-2 Neighborhood Business District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0285

Expansion of a Non-Conforming Use

I. Background

This property under a previous ownership was previously granted approval to construct a 2-family residential structure in the C-2 Zoning District and a D1 Use Variance was approved. This was memorialized in Zoning Board of Adjustment Resolution No. 2024-06-01. The 2-family residential dwelling has been constructed.

A subsequent application was submitted by the original developer for the expansion of a non-conforming use for the construction of 2 swimming pools in the rear yard area. That application was denied as memorialized in Zoning Board of Adjustment Resolution No. 2025-10-01.

The current application is proposing to construct a pool in the rear yard of the eastern unit at this property. Variance relief is necessary since what is being proposed would be an expansion of a non-conforming use (2-family dwelling in C-2 District). Additional variance relief may be necessary as discussed in this report.

The parcel has 50ft of frontage on 50th Street and a lot depth of 110 ft. Therefore, the parcel has a lot area of 5,500 square feet which would be a conforming lot in the C-2 District.

The proposed pool use is subject to the requirements of Code Section 26-26.7, Swimming Pools and may be subject to the requirements of Code Section 26-26.7, Building Setbacks from Accessory Structures. That will depend on discussions at the hearing for this application.

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 Block 50.03 Lot 22.02	Vincent C. Orlando, PE	3/4/2026	4/21/2026

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
•	Condo Survey	George Swenson, PLS	10/7/2025	---

A "D2" Variance for the expansion of a non-conforming use is required for this application 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. Use	Various Commercial & Mixed Use Per Section 26-53.1	One (1) In-Ground Swimming Pool	Expansion of a Non-Conforming Use	26-17-4 & 26-53.1

NOTE: Additional variances may be necessary based on discussions and testimony at the hearing for this application.

II. Determination for Completeness

The application is technically complete. The applicant or his professionals should provide testimony as to whether a flood zone determination has been obtained from the City's Flood Plain Administrator, Mr. Byrne. However, the application could proceed to hearing.

III. Comments

1. A variance for this project is necessary as noted in the variance chart. The proposed project will be an expansion of a non-conforming use and a D-2 Variance will be required.

A variance from the 10' set back requirement from the main building to an accessory structure may be necessary and will be determined at the hearing based on discussions with the applicant as will be addressed in comments below.

2. Code Section 26-26.7 addresses requirements for swimming pools and this section requires a 72" high fence around the swimming pool. The plans indicate the proposed removal of an existing 4 ft high fence and the replacement with a 6' high fence. The plans also indicate that the fence will be provided with a latching gate, however, Code requires that the gate be self-latching and this should be noted on the plans.

3. I have reviewed the Stormwater management plan and 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. The calculations as submitted are generally acceptable.
2. There appears to be 2 typographical errors in the Stormwater Calculations as follows:

- The length of the 3" diameter pipe should be indicated as 26 feet not 16 feet as noted.
- The volume of the 3" diameter pipe should be 1.27 cubic feet and not 0.78

This does not affect the calculations since the calculations appear to utilize the correct dimensions and the total storage capacity of 9.92 cubic feet is acceptable.

B. Stormwater Management Plan

1. The Inlet and Stone Trench Detail should specify the specific geotextile material to be used. The details should also indicate that the geotextile material will be on all sides of the trench.
 2. Correct the Grading & Drainage Details to reflect 16 linear feet of 3" diameter perforated pipe not 10 feet in the east/west direction.
4. The 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 swimming pool applications.

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. No such surface is being proposed around the pool except for a proposed pool deck, the composition of which has not been specified. Providing this 2 foot wide solid surface around the pool perimeter may impact either the size of the proposed pool, which is minimum, or will create the need for additional variance relief.
5. The plans indicate a "Proposed Pool Mechanicals". This will have to be on an elevated platform however no proposed elevation is noted nor is the platform dimensioned. The information should be added to the plans.

The location of the proposed pool mechanicals and the necessary platform appear to encroach into the rear yard. If this is the case this will impact the original D1 Use Variance Relief granted for the duplex structure.

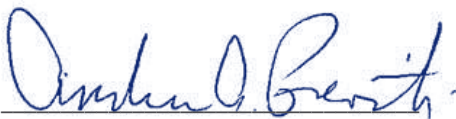
6. The revised plans indicate a 4 foot wide green space in the rear yard and the side yard portion of the rear yard with the exception of where existing concrete pad is located. The 4 foot green space is acceptable. The applicant should indicate if the existing landscaping in this area would be removed or if the proposed 12 Compact Inkberry Hollies will be placed in addition to the existing vegetation.
7. All conditions of the Use Variance Relief granted is to continue as conditions of approval of the current application if approved.
8. Any action taken by the Board should be conditioned on the improvements having been constructed in accordance with Chapter 14 - Flood Damage Prevention Ordinance and all FEMA regulations as required by the City.

9. **If this application is approved and following memorialization of the Board actions in a resolution the design professionals 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 any conditions imposed by the Board, then seven signed and sealed sets should be sent to my office for signature along with a cost estimate for on-site improvements. Offsite improvements are not required for this project.**

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 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 be a condition of approval.

IV. Recommendations

1. The applicant and his professional 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 or deny the variance as requested.
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)
Joseph McAllister, 692 Lindsay Way, Horsham, PA 19044
Andrew D. Cantanese, Esq., Esquire (via email)
Vincent C. Orlando PE, (via email)