

Memorandum

To: Sea Isle City Zoning Board

From: Andrew A. Previti, P.E.

Date: June 23, 2026

Subject: Michael F. Rufo and Kimberly Rufo – Variance Application
133 91st Street
Block: 91.02 Lot: 9.02, 10, 11 & 12.01
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0286

I. **Background**

The applicants have submitted an application for Hardship “C” variance relief. The property in question is known as Block 91.02, Lots 9.02, 10, 11 & 12.01 and is located at 133 91st Street in the R-2 Two Family Zoning District.

The parcel has a frontage of 60 ft. on 91st Street and a depth of 74 ft. and therefore the lot area is 4,400 sq. ft. The lot does not meet the minimum lot size requirement of this zoning district which is 5,000 sq. ft. However, the applicant received variance relief for multiple existing non-conforming conditions in 2010 along with variance relief to exceed the building height of the addition that was built at that time as well as a front yard setback to build the steps to the deck area in the front of the property. This is as memorialized in Resolution No. 2010-02-03 which I have included a copy in this report. The plans indicate that the structure on the property is an existing single family home.

The applicants are proposing to construct an inground swimming pool which would measure 8 ft. by 18 ft. as shown on the plans. The proposed pool would be in the rear yard of the property.

In addition to the requirements of the R-2 Zoning District at 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 document which has been submitted for review:

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1 of 1	Pool Variance Plan	Paul D. Kates, PE	12/15/2025	---

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. Setback from Main Building To Accessory Structure	10 ft.	6 ft.	4 ft.	26-27.7a
2. Maximum Impervious Coverage	70%	74%	4%	26-36.a

II. Determination for Completeness

The application is technically complete. The applicant should also provide a letter or an email from the Floodplain Administrator indicating the flood zone in which the property is located. This submission would satisfy administrative completeness requirements.

III. Comments

1. The variances that are necessary for this project are as noted in the Variance Chart.

I have listed the need for a variance for Impervious Coverage due to the fact that only 230 sq. ft. of the overall lot is involved with the proposed recharge system while the remaining portion of the lot is not. Therefore, the application does not qualify for a 5% off set as would be permitted if the entire lot was used to calculate the necessary recharge area. The plans indicate that the proposed impervious coverage would be reduced from 80% to 74% and the design engineer should provide testimony as to how this is being accomplished. I will have further comments concerning this in this report.

Code Section 26-26.2 requires that fences be erected within property lines and that no fence or wall should be located so as to encroach upon a public right of way with the exception of special decorative fences. The existing vinyl picket fence in the front area of the property encroaches within the public right of way as shown on the plans. It does not appear that this encroachment was included in the variance relief granted in 2010 and the applicant should provide testimony as to whether he applied for building permits to build the fence and if variance relief was granted for the encroaching fence. The fence itself is a vinyl picket fence and does not comply with the definition of a special decorative fence as contained in Code Section 26-26.5. Special decorative fences are permitted but they must be made of wood and rope and the existing vinyl fence does not qualify as such. Therefore, the fence should either be removed and placed on the property line or variance relief will be necessary.

The proposed pool will be setback from the main building by a distance of 6 feet as shown on the submitted plans 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 itself would meet setback requirements of Code Section 26-46. The plans indicate that a 2 foot wide concrete area would be constructed around all portions of the pool and that a 4 foot wide landscaped planting area would be established along the easterly and northerly property lines. This would comply with the Standards which the City has established for swimming pools.

The plans do not indicate where the pool equipment and the necessary pool equipment platform to elevate the equipment will be located. The location of the pool equipment should be indicated and if the location does not satisfy setback requirements an additional variance may be necessary.

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. An existing vinyl fence is located at the site and it appears to be the applicants' fence however the applicant should provide testimony that the existing 6 foot high vinyl fence is actually on their property and is their fence. The plans indicate that a 6 foot high self latching gate would be located at the eastern side of the property and that an additional 6 foot high fence would be constructed between the existing shed and the building. This would be acceptable.
3. The plans indicate that a Belgium Block landscape border will be utilized to control run off from the site. The limits of this border should be shown on the plans.
4. The existing landscaping at the site is acceptable and is very attractive. The applicant is proposing to construction additional landscaping in the rear yard area. The plans indicate only 4 shrubs in the greenspace area and the applicant should indicate what the remaining portion of the landscaping would consist of and the surface material must be a pervious surface.
5. I have reviewed the stormwater management plan and calculations which are part of the plans submitted and I will have comments concerning the calculations and the plan itself as follows:
 - A. Stormwater Calculations
 1. The Recharge Trench Storage Capacity Calculations for stone indicates a pipe size of 8 inches (radius 4 inches or 0.33 feet) however the Stormwater Recharge System Detail indicates a 12 inch pipe. This should be reconciled and if a 12 inch pipe is proposed to be used then the calculations should be revised accordingly.
 2. The volume of the pipe of 1.410 cubic feet per linear foot appears to be incorrect and based on a 12 inch pipe the pipe volume should be 0.78 cubic feet per linear foot. This should be checked.

3. I will do a final review of the stormwater calculations once items 1 & 2 have are addressed.

B. Stormwater Plan

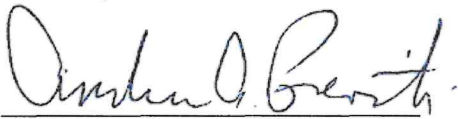
1. Stormwater from the roof of the structure should be channeled directly to the recharge trench and/or the nyloplast basin. There are no gutters or downspouts on this building and these will have to be added in order to channel the runoff directly into the system. Surface flow to the drainage basin is not acceptable. The plans should be revised accordingly.
6. The existing conditions indicate that there is an existing shed and an above ground pool. The above ground pool is no longer there and the plans submitted with the 2010 application indicate that the shed was also a garage. The applicant should provide testimony as to whether the garage is being used for parking.
7. The existing condition plan indicates that a paver strip along the west side of the building is to be removed. However, the proposed condition plan does not indicate what will take the place of the removed paver strip. It appears that the design engineer is trying to reduce the impervious coverage by removing a portion of the paver patio in the backyard as well as the paver strip along the west side of the building. Testimony should be provided as to what will be constructed in the area where the paver strip is to be removed.
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.
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 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 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 also be necessary for the pool contractor and/or the applicant 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. Note No. 6 addresses this on the submitted plans.

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 additional comments that the Board may have.
3. The Board has the discretion to grant any of the variances as requested or could decide to some of the variance while denying others. The Board Solicitor will advise you relative this issue.
4. That applicant should provide testimony whether permits were issued for the fence which exists at the site both the 6 foot high fence as well as the vinyl fence in the right of way and should also provide testimony concerning how the "Existing Shed" is utilized.
5. **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)
Michael F. Rufo & Kimberly Rufo, 225 Woodside Lane, Broomall, PA 19008
Donal A Wilkinson, Esquire (via email)
Paul D. Kates, PE (via email)







**ZONING BOARD OF ADJUSTMENT
CITY OF SEA ISLE**

RESOLUTION NO. 2010-02-03

WHEREAS, Michael F. Rufo (the "Applicant") has applied to the Sea Isle Zoning Board of Adjustment for variance relief pursuant to N.J.S.A. 40:55D-70 (c) (1) hardship variance and N.J.S.A. 40:55D-70 (c) (2) flexible variance from required building height and front yard setback to permit the Applicant to maintain the two and one-half story addition constructed by the Applicant pursuant to a construction permit issued November 2007, upon premises known and identified as 133-91st Street, Sea Isle City, New Jersey, also known as Block 91.02, Lots 9.02, 10, 11, and 12.01 (the "Property") as such appears on the City of Sea Isle Tax Map, which Property is situated in the R-2 Family Residential Zoning District. Specifically, the Applicant seeks variance relief from the following sections of the City of Sea Isle City ("the "City) Zoning Ordinance and Zone Plan:

<u>Section</u>	<u>Description</u>	<u>Required</u>	<u>Proposed</u>
26-46.4	Front yard setback to new building steps	15 ft.	10.17 ft.
26-46.8	Building height	30 ft.	32 ft.

Non-Conforming Pre-Existing Conditions

<u>Section</u>	<u>Description</u>	<u>Required</u>	<u>Pre-Existing</u>
26-46.4	Front yard setback to original 1 ½ story structure	15 ft.	6.94 ft.
26-46.7	Minimum lot area	5,000 sf	4,400 sf
26-46.5	Side yard setback	15 ft.	14.01 ft.
26-23.8	Parking spaces	3	1
26-46.5(b)	Side yard setback accessory use	5 ft.	1.15 ft.

26-46.6	Rear yard setback accessory use	5 ft.	1.86 ft.
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WHEREAS, a hearing on this Application was held before the Sea Isle Zoning Board of Adjustment on February 1, 2010, at which time the Board heard the testimony of the witnesses and considered all of the evidence presented as to the Application; and

WHEREAS, the Sea Isle Zoning Board of Adjustment, after carefully considering the evidence presented by Applicant and all interested parties, has made the following factual findings:

1. All statements contained in the preamble are incorporated by this reference.
2. The Applicant has standing to bring this Application and the Board has jurisdiction to hear this matter.
3. The Applicant submitted the requisite number of applications and exhibits; submitted proof of payment of taxes; paid the required application and escrow fees; and provided proper notice to the public.
4. The Applicant was represented by Donald A. Wilkinson, Esquire and Thomas R. Deneka, Professional land Surveyor, who was qualified as an expert in surveying.
5. The following items were introduced as evidence:
 - A-1: Plans and permits issued 11/29/07
 - A-2: Building photographs dated 6/25/05 and 6/28/08.
6. The Board accepts the exhibits produced by applicant as factual.
7. The Applicant testified the house is an original 1927 Sears Roebuck structure that has historical value. The Applicant purchased the property in 1998 and constructed a two and one-half story addition pursuant to plans submitted to the Sea Isle City Construction Office. However, it became apparent to the Applicant that he needed variance relief from building height which was inadvertently constructed at 32 ft. and for front yard setback variance relief for the proposed front

yard steps. Initially, the Applicant stated he appeared before the Board pro-se on May 5, 2008, pro-se on May 5, 2009, with retained counsel on August 3, 2009, December 7, 2009, January 4, 2010 and February 1, 2010. Initially, the Applicant adjourned the application to address all of the non-conformities of the structure and retain counsel.

8. Mr. Deneka testified as to the existing conditions and dimensions of the Property and stated that the front yard setback and height of the building are consistent with the character and scheme of the neighborhood and does not impact light, air, and open space.

9. The following persons spoke in favor of the application:

George Raniere, 135-91st Street, testified he is the adjacent property owner on the west side and supports the project;

Anthony Peracchia, 124-91st Street West, is located across the street and is happy the Applicant kept the original structure and believes the addition is an aesthetic improvement to the neighborhood;

Doug Pretsch, 118-91st Street East, stated the addition looks great and will accentuate the street.

Paul Volkwine, The Spinnaker, 3600 Boardwalk, Unit 317, thought the Property was an aesthetic improvement.

10. No one spoke in opposition to the application:

WHEREAS, the Board has determined failure to grant the requested relief would result in exceptional and undue hardship upon Applicant because of the exceptional shallowness and shape of the Property, and the strict application of the zoning ordinance would result in peculiar and exceptional practical difficulties and undue hardship upon the Applicant; and

WHEREAS, the Board has determined that the following purposes of the Municipal Land Use Law including N.J.S.A. 40:55D (a) to encourage municipal action to guide the appropriate use or development on all lands in the state, in a manner which will promote the public health, safety, morals, and general welfare; (c) provide adequate light, air, and open space; and to promote the conservation of the historic sites and district, open space, energy resources, and valuable natural resources in the state and to prevent urban sprawl and degradation of the environment through improper use of land are all advanced by a deviation of the zoning ordinance requirements, and the benefits of the deviation substantially outweigh any detriment; and

WHEREAS, the Board has determined the relief requested by Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the City of Sea Isle because the Applicant preserved a historically significant structure and the addition is consistent with the character and scheme of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the City of Sea Isle, New Jersey on this 1st day of March, 2010, that the application of the Applicant for front yard setback to the new building steps, building height, and the non-conforming pre-existing conditions of front yard setback to the original one and one-half story 1927 structure, minimum lot area, side yard setback, number of parking spaces, side yard setback accessory use, and rear yard setback accessory use, as aforesaid is GRANTED approval, subject to the following conditions:

- OK 7/8/10
1. Applicant shall submit a revised plan incorporating the comments of the Municipal Engineer dated April 30, 2009 and updated December 4, 2009, which revised plan shall be further subject to the approval of the Municipal Engineer.

2. Applicant shall comply with all terms and conditions as set forth on the plan as approved.

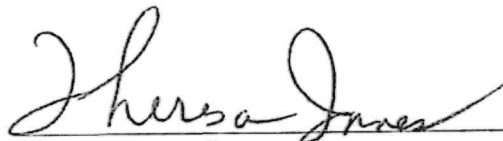
3. Applicant shall submit proof that Applicant has received all required local, state, county and federal approvals including, without limitation, Soil Conservation Service, Municipal and/or County Board of Health, County Planning Board and CAFRA, if applicable.

4. That the Applicant amend the plans to include the following dimensions; minimum floor area ratio, rear yard setback, building coverage, and all pre-existing non-conforming conditions.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Applicant and maintained by the Secretary of the Zoning Board of Adjustment for their records.

I hereby certify the foregoing to be an original Resolution of the City of Sea Isle Zoning Board of Adjustment adopted at a meeting held on February 1, 2010 and approved on March 1, 2010.

Dated: 3/9/10


 Theresa Innes, Secretary
 Sea Isle Zoning Board of Adjustment

Member	Motion to approve	Second	Yes	No	Absent	Abstain
Louis Feola, Jr.					x	
William McGinn					x	
Audrey Kramer						x
Gerry Brangenberg					x	
Joseph Morrissey					x	
Dan Organ, Alternate I		x	x			
James Farley, Alternate II					x	
Patricia Urbaczewski	x		x			
Pat Pasceri			x			