

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

*Regular Meeting – Monday, November 2, 2015 @ 7:00 PM*

**1. Pledge of Allegiance**

**2. 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 Zoning 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, Sea Isle City Web Site and published in the Atlantic City Press and/or Ocean City Sentinel.*

**3. Roll Call**

_____ Patrick Pasceri, Chairperson	_____ Joseph Morrissey
_____ Patricia Urbaczewski, Vice Chair	_____ Daniel E. Organ
_____ Gerard A. Brangenberg	_____ Jacqueline Elko, Alt I
_____ Louis Feola, Jr.	_____ Scott Laidlaw, Alt II
_____ William McGinn	

**4. New Business**

- **APPLICANT: 'GILLAN' (Patrick & Mary Gillan)**  
225 – 59<sup>th</sup> Street / Block: 58.04 / Lot 1325  
*Proposed:* installation of pool per plans and to request variances deemed necessary if appeal/ interpretation is denied  
*Requested Variance Relief:* Maximum building coverage (26-46-9) and any other variances deemed necessary
  
- **APPLICANT: 'McMAHON' (Gregory & Terry McMahon)**  
111 – 87<sup>th</sup> Street / Block: 87.02 / Lots 24.02 & 25 / R-2 Zone  
*Proposed:* To replace existing structure with a new single family residence  
*Requested Variance Relief:* Buildable Lot & building on non-buildable lot (26-20.3), min. lot area-ENC (26-46.7a), min. lot width & frontage-ENC (26-46.7b), min. rear yard setback (26-46.6), aggregate side yardsetback (26-46.5a), and any other variance relief deemed necessary
  
- **APPLICANT: 'VALLASTER' (Robert & Elizabeth Vallaster)**  
4302 Central Avenue / Block: 43.04 / Lots 29.02, 30.02, 31.02 & 32.02 / R-2 Zone  
*Proposed:* To raise and renovate existing duplex structure and add curb cut  
*Requested Variance Relief:* Alteration of non-conforming use two principal structures – existing (26-17.4), three units –existing (26-46.4), front yard setback (26-46.4), rear yard setback –existing (26-46.6), and any and all other variances or relief deemed necessary.

**5. Resolutions to be Memorialized**

RESOLUTION No. 2015-10-01 - Douglas W. CLARK @ 207 – 91<sup>st</sup> Street  
B: 91.03 / Lots 30 & 31

**6. Adjourned**

**SEA ISLE CITY  
ZONING BOARD OF ADJUSTMENT**

**Minutes of Regular Meeting  
Monday, November 2, 2015 @ 7:00 PM**

~**Called to Order** –Chairperson, Mr. Pasceri, leads in the Pledge of Allegiance, calls meeting to order and begins with open public meetings act announcement.

~**Attendance** - (Roll Call): Mr. Brangenberg, Mr. McGinn, Mrs. Elko, Mr. Laidlaw, & Mr. Pasceri. Also in attendance: Mr. Tom Hillegass – Board Solicitor and Mr. Christopher Eaton of Maser Consulting Representative – Interim Board Engineer.

~**Announcement** – Mr. Pasceri announces on record 1<sup>st</sup> Alternate Mrs. Elko will be voting in the place of Vice Chairperson, Mrs. Urbaczewski, who is not present tonight.

~**Applicant:** GILLAN, Patrick & Mary @ 225 – 59<sup>th</sup> Street, Block 58.04, Lot 1325

Don Wilkinson, attorney on behalf of applicant, offers a brief summary of the reason for this Application. Mr. Patrick Gillan-Applicant and Mr. Carmen LaRosa- Architect are sworn in, along with Mr. Christopher Eaton of Maser Consulting who is sworn in for entire meeting. Mr. Wilkinson provides details regarding this request for an interpretation from a decision by the Construction Official/Zoning Officer, and how this application came about following denial of a permit application to install a swimming pool in the applicant's rear yard due to an over percentage of impervious coverage. Upon reapplication, the Zoning Officer noted the previous approval granted in 2012 to raise the house which led to the pool permit being denied again, hence believing these are separate matters bringing them before the board seeking relief for a pool. Mr. LaRosa provides testimony in regards to modifications that were made following the 2012 approvals granted that met the requirements for variances to be unnecessary, however per Solicitor after appearing before the board in 2012 it is only appropriate to return to the board for this as well. Therefore an adjustment for 35.98 % lot coverage should be approved and a variance granted with no relief necessary for the pool, whereas all board members have no issue with this and all agree the applicant should be able to receive a pool permit. Mr. Eaton reviews Andy Previti's report with an added note to landscaping and the trellis. The floor is open to the public and with a show of no hands the public portion is closed. Board Solicitor explains this is an administrative issue regarding lot coverage for granting a variance when based on C2 benefits outweighing the detriment, based on testimony after just raising the house and modifications made. The determination is to consider instructing the Zoning Officer to issue the zoning permit and construction permit because no relief is necessary, as granted per condition of approval to provide updated plans or updated survey and condition of approval for fence & gate notation to be included.

- Therefore where max bldg coverage requires 35%, and pre-existing as building was raised to grant a variance max building coverage of 35.98 %, in addition to instructing Zoning Officer to issue Zoning and Construction Permits to Applicant since Board does not see any relief being requested or necessary, a motion is made by Mr. Brangenberg and second by Mrs. Elko.

Roll Call: Mr. Brangenberg-y, Mr. McGinn-y, Mrs. Elko-y, Mr. Pasceri-y, Mr. Laidlaw-y



**~Applicant:** Gregory & Terry McMahon @ 111- 87<sup>th</sup> Street, B- 87.02, L- 24.02 & 25 in R2 zone

Don Wilkinson –Attorney on behalf of applicant - opens with a brief summary of the reason for this application and what is being proposed. He introduces Mr. McMahon –Applicant and Mr. LaRosa – Architect for the Applicant who are sworn in, and continues in detail regarding the McMahon’s being contract purchasers of what is a classic Townsend Inlet 30 x 100 size lot deemed non-buildable having other pre-existing non-conformities that they plan to have meet flood and other code requirements with the construction of a new single family dwelling which will be testified to. Mr. McMahon offers a brief history and why he would like to proceed now. Mr. LaRosa provides testimony in regards to the existing conditions and describe the proposed replacement single family project detailing the new structure, window seat bump outs, setback clarifications and a note for the record of eliminating the existing non-conformity in the front yard setback, to note on record it was decided to eliminate the third floor deck, and that all requirements from flood elevation to fire and building codes will be met in accordance with the Municipal Land Use. There is an inquiry regarding the elimination of the garage, a future shed, actual variances being sought, and the hardship being questioned when referenced to square footage and FAR leading to a bit of heated discussion. Mr. Hillegass explains the hardship being referred to since it is not in regards to actual development and it being eliminated, but that the applicant can build a house and the question being how big of a house. So they are asking if it’s a 6 bedroom house, is that the hardship, or is it a hardship because he can still build a smaller house, however square footage should not be considered in making a decision. The board reviews the existing non-conformities and other items to take into consideration in their determination followed by Mr. Eaton’s review of Mr. Previti’s 10/21/15 report. The only items noted remaining to be addressed were the existing utilities, compliance of the proposed future shed, and clarification of inconsistency between detail and plan on piping for drainage, and correction made to item 5 in variance chart.

The floor is open to the public

Mr. Patrick Phillip Lynch – 8604 Pleasure Ave – (rear corners abut) inquires about the setbacks

With no further show of hands the public portion of this application is closed.

Chairman Pasceri reviews all of the pre-existing non-conformities the applicant cannot do anything about as listed in the variance chart, followed by a brief discussion regarding the bump outs of which it is noted that they were to add to the look of the structure but could be eliminated if necessary. Mr. Wilkinson takes a few moments to confer with applicant and returns and asks Mr. LaRosa to review the proposed changes being offered. Therefore the motions are taken by the board as follows with conditions and changes as required:

- Variances listed as existing non-conforming: 1)buildable lot where 3,500 sf is required and 3,000 sf is proposed; 2)building on a non-buildable lot where no improvements are permitted on less than 3500 sf and they have 3000 sf; 3)minimum lot area where 5000 sf is required and 3000 sf is proposed; & 4)minimum lot width and frontage where 50 ft is required and 30 ft is proposed; for a motion is made by Mr. McGinn and second by Mr. Laidlaw  
Roll Call: Mr. Brangenberg-y, Mr. McGinn-y, Mrs. Elko-y, Mr. Laidlaw-y, Mr. Pasceri -y - all in favor
- Variance for aggregate side yard where 15’ is required and 10’ is proposed to structure @ 5’ on each side; for a motion made by Mr. McGinn and second by Mr. Laidlaw  
Roll Call: Mr. McGinn-y, Mrs. Elko-y, Mr. Laidlaw-y, Mr. Brangenberg-n, Mr. Pasceri-y - 4 in favor/1 opposed
- Variance for side yard setback where 5’ is required as a minimum and 4’ to bump out is proposed as shown on plan (on the 2<sup>nd</sup> & 3<sup>rd</sup> floors); for a motion made by Mr. McGinn and second by Mr. Laidlaw  
Roll Call: Mr. Laidlaw-y, Mrs. Elko-y, Mr. McGinn-y, Mr. Brangenberg-n, Mr. Pasceri-y - 4 in favor/1 opposed

**~Applicant:** Robert & Elizabeth VALLASTER @ 4302 Central Avenue, Block 43.04, Lots 29.02, 30.02, 31.02 & 32.02, in an R2 zone.

Mr. Hillegass addresses Mr. Wilkinson as to whether a 'D' variance is being sought whereas it is the intent to request whatever the interpretation of raising a pre-existing non-conforming structure is. Therefore, 5 affirmative votes would be required and having only 5 members present could be a problem and verification this property is a non-conforming use having three principal structures on it confirms it is in fact a 'D' Variance and questionable for applicant if one vote should go the other way with limited members present. Mr. Wilkinson requests a recess to discuss this with his client and returns to thank the board for their time and respectfully request for a continuance of this application to the next meeting with the hopes of a larger board presence and no further notice to the public required.

**~Resolutions:**

Resolution No. 2015-10-01 - CLARK, Douglas @ 207 – 91<sup>st</sup> Street

With a note into record of one change necessary to demolish 'existing single family dwelling' is actually to read 'existing duplex dwelling' and construct new single family dwelling.

- To memorialize Resolution #2015-10-01, a motion is made by Mr. Brangenberg and second by Mr. Laidlaw

Roll Call: Mr. Brangenberg-y, Mr. McGinn-y, Mr. Laidlaw-y, Mr. Pasceri-y

~With no further business a Motion to adjourn is made by Mr. Brangenberg and second by Mrs. Elko & Mr. Laidlaw

**Meeting adjourned**

Respectfully submitted,



Genell M. Ferrilli  
Zoning Board Clerk