

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Regular Meeting, Monday, May 4, 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 & Continued Business

RETURNING BUSINESS

APPLICANT: KELLY (Michael J. Kelly & Deborah R. Kelly)

ADJOURNED TILL NEXT MONTH WITH NO FURTHER NOTICE REQUIRED

- Property: 121 - 93rd Street
Block 93.02 / Lots 17.02 & 18 / R-2 Zone
- Development Proposal: Applicant is proposing to replace an existing 90+ year old single family dwelling with a new single family dwelling on a lot that is too small
- Relief Sought: Applicant is requesting Variances for total side yards setback (26-46.5), front yard setback (26-46.4), rear yard setback (26-46.6), pre-existing lot area/frontage/depth (26-47.7), buildable lot (26-20.3), and any and all other variances deemed necessary

**** NEW BUSINESS ****

APPLICANT: CRAINE (David & Jan Craine)

- Property: 355 - 45th Place
Block 45.06 / Lots 21.02, 22, 23 & 24 / R-2 Zone
- Development Proposal: Applicant is proposing to construct a new single family home
- Relief Sought: Applicant is requesting Variance relief for lot width (26-45.7b), and any other relief deemed necessary

APPLICANT: LAVAN (Rosemary Lavan)

- **Property:** 9001 - 90th Street
Block 91.02 / Lots 6 & 7 / R-2 Zone
- **Development Proposal:** Applicant is proposing to construct a front deck and pergola on 90th Street, a shower on the side of the dwelling, and relocate a pre-existing fence
- **Relief Sought:** Applicant is requesting Variances for front yard setback on 90th Street (26-46.4), side yard setback for proposed shower (26-46.5a), fence height for relocating existing fence (26-26.4a), existing conditions variances for lot area (26-46.7a), frontage /depth (26-46-7b), side (26-46-5a) and rear yard setbacks (26-46.6 & 26-27.3), and any and all other variances deemed necessary

APPLICANT: SPANGLER (Stephen & Lisa Spangler)

REQUEST BY OWNER FOR CONTINUANCE TO JUNE

- **Property:** 4709 Landis Avenue
Block 47.02 / Lots 1.02 & 2.02 / R-2 Zone
- **Development Proposal:** Applicant is proposing to maintain an existing utility shed in its current location
- **Relief Sought:** Applicant is requesting Variances for side yard setback (26-45.5) and rear yard setback (26-45.6)

5. Resolutions to be Memorialized

Resolution No. 2015 – 01 - 01

Professional Services Contract Award of Zoning Board Solicitor

Resolution No. 2015 – 01 - 02

2015 Re-Organization of Zoning Board/Board Officers & Professional Services

RESOLUTION No. 2015 – 04 – 01

6001 Central Avenue, LLC @ 6001 Central Avenue, Block 61.03, Lot 15

6. Adoption of Minutes

Minutes of April 6, 2015 Zoning Board Meeting

7. Adjourned

**SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT**

**Minutes of Regular Meeting
Monday, May 4, 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. Organ, Mr. Laidlaw, Mrs. Urbaczewski & Mr. Pasceri. Also in attendance: Mr. Tom Hillegass – Board Solicitor and Mr. Andy Previti – Board Engineer.

~**Announcement** – for anyone present to hear the Michael & Deborah Kelly application @ 121 -93rd Street or the Stephen & Lisa Spangler application @ 4709 Landis Avenue they have been continued to the next Zoning Board Meeting with no further notice required.

~**Applicant:** CRAINE – David & Jan Craine @ 355 - 45th Place, Block 45.06, Lots 21.02, 22, 23 & 24, Zone R-2. Chris Baylinson, attorney representing applicant, begins with brief summary of the existing property and single family structure, what construction is being proposed, and how the variance being sought is in fact pre-existing and will not be changed. Blane Steinman, Architect, is sworn in to give testimony about property location and meeting all zoning ordinances but lot width due to odd pie shape of lot followed by details regarding design, storage, parking, depressed curb and sidewalk. When stated for the record that a CAFRA permit had been issued for the bulkhead to be replaced and a copy would be required to be provided to the Board Engineer, the applicant Jan Craine is sworn in to provide testimony addressing questions regarding a time frame for bulkhead work planned for August so they can use the place this summer. Mr. Previti states for record that coordinating bulkhead design with house design and coordinating construction of same, so anchor piles are not under the house, is highly recommended. Mr. Previti then reviews his 4/24/15 report and addresses the geosurvey and CAFRA plan, which are then entered as exhibits A1 & A2. Reference to an easement and several other issues are also discussed as conditions of approval before the floor is open to public comment.

Keith Larson – 333 45th Place – speaks in favor

With no show of hands, public portion is closed.

Therefore, to approve the applicant's request under the C1 criteria due to the odd shape of the lot with the conditions of approval to review the second garage and entry way, utility easement for the city, providing of a CAFRA Plan, Plan of Bulkhead design concurrent with the construction plans, and necessary to prevent being landlocked which is illegal, it is a clean and non-complicated request being proposed.

- To approve a variance for minimum lot frontage where 50' is required and 45' is proposed, a Motion is made by Mr. Brangenberg and second by Mr. Organ.

Roll call : Mr. Brangenberg-y, Mr. Organ-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y, Mr. Pasceri-y

~ **Applicant:** - LAVAN – Rosemary Lavan @ 9001 – Landis Avenue – Block 91.02, Lots 6 & 7, R2 Zone.

First is verification that 9001 Landis Avenue is correct address, not 90th Street, per Julius Konschak, attorney on behalf of applicant, followed by Rosemary Lavan, Applicant, and Mark Gibson, Land Surveyor, being sworn in. Mr. Konschak begins with a brief summary of the history and what currently exists, followed by the intentions of what is being proposed. Issues of lot size, shape, having two front yards as a corner lot which will require two setbacks and the outside shower enclosure are addressed. Mr. Gibson begins testimony addressing additional information regarding the setbacks; the shower enclosure; extension of the deck and steps in comparison to adjacent properties; fencing that is to be relocated, along with photos of same; as well as parking and few other items. Ms. Lavan offers brief testimony on a more personal note to express her love for her home and intentions are only for improvements to enhance what is there and allow for more enjoyment out of time spent on the wrap-around porch. Mr. Previti reviews his report dated 4/24/15 with quick reference to the fence, followed by the Floor being open to public comment.

Joe Meier – 117- 92nd Street - needed to comment on front yard setbacks becoming an issue
(Not to speak for this application but adds that it will be nice)

With no show of hands, public portion is closed.

Therefore, in review of the variances being requested as explained by Mr. Hillegass under the C1 criteria (un-do hardship, shape, narrowness, size, etc or other situation) and C2 criteria where the benefits outweigh detriment, as per the variance chart listed in Mr. Previti's report

- To approve buildable lot where 3,500 S.F. is permitted and 3,030 S.F. is proposed, building on a non-buildable lot, minimum lot area, minimum lot width and frontage, minimum lot depth and minimum rear yard setback on east side, under C1 Bulk Variance, a Motion is made by Mr. Organ and second by Mrs. Urbaczewski
Roll call: Mr. Brangenberg-y, Mr. Organ-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y, Mr. Pasceri-y
- To approve minimum front yard setback where 15' is required and 4.9' is proposed on the North 90th Street side, and minimum side yard setback where 5' is required and 2' is proposed on the South side, a Motion is made by Mrs. Urbaczewski and second by Mr. Brangenberg
Roll call: Mr. Laidlaw-y, Mr. Brangenberg-y, Mrs. Urbaczewski-y, Mr. Organ-y, Mr. Pasceri-y
- To approve fence height and relocating the fence to the property line, a Motion is made by Mr. Organ and second by Mrs. Urbaczewski
Roll call: Mr. Brangenberg-y, Mr. Organ-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y, Mr. Pasceri-y

~ **Business to be address:**

Bell Application – Walter & Silvana Bell @ 209 -93rd Street, B: 93.03/L: 29&30. Applicant will be required to notice and return for final approval to be sought and granted. Technically for final approval there is no change so no notice would be necessary, however the applicant came before the board for variance relief but not for the site plan, so in essence by virtue of the board's request the application was modified to include a site plan review and though it does not apply to a single family residence and the applicant's willingness to comply, adding language to the resolution to include how the application was changed to add the site plan approval, and the board having granted preliminary approval consistent with the site plan, the applicant will come back before the board for final approval.

Mr. Hillegass then addresses the board and states for the record, from this point forward that when an applicant appears before the board and it is realized there is a lack of preparedness, a lack of accuracy with the plans, mistakes, and other inconsistencies, the board should immediately tell the applicant to continue it, revise the plans, and come back, or it will not be heard. Therefore, the board is stating that they will not hear it and the applicant should amend plans and come back the following month and if the applicant does not then the board is to deny it!

~Resolutions:

Resolution No. 2015-01-01 - Professional Service Contract (to appoint Tom Hillegass as Zoning Board Solicitor)

- To memorialize Resolution #2015-01-01, a motion is made by Mr. Organ & second by Mrs. Urbaczewski
Roll Call: Mr. Organ-y, Mrs. Urbaczewski-y, Mr. Pasceri-y

Resolution No. 2015-01-02 - 2015 Zoning Board Re-Organization (Appointing & re-appointing Mr. Pasceri as Chairperson, Mrs. Urbaczewski as Vice Chairperson, Andrew Previti as Board Engineer, Genell Ferrilli as Board Secretary, official publication and the setting of Meeting Dates)

- To memorialize Resolution #2015-01-02, a motion is made by Mrs. Urbaczewski & second by Mr. Organ
Roll Call: Mr. Organ-y, Mrs. Urbaczewski-y, Mr. Pasceri-y

Resolution No. 2015-04-01 - 6001 CENTRAL AVENUE, LLC @ 6001 Central Avenue (3rd Story/roof level Deck)
With a note that the hearing date will need to be changed.

- To memorialize Resolution #2015-04-01, a motion is made by Mrs. Urbaczewski & second by Mr. Laidlaw
Roll Call: Mrs. Urbaczewski & Mr. Laidlaw – so approved with change on page 4

~Meeting Minutes to Adopt:

- To approve the minutes of the April 6th, 2015 Regular Zoning Board Meeting, a Motion is made by Mrs. Urbaczewski and second by Mr. Laidlaw
Roll call : both in favor and only ones present at meeting as well

~Request from Council:

City Council has requested for the Zoning Board to look at and provide any input on Ordinance No. 1580 – with regards to allowing attached enclosed shower structures to encroach within required rear setbacks, and after discussing it in length the Zoning Board is NOT in favor of encroachment of any kind, especially when it comes to new construction. Board Solicitor, Mr. Hillegass, will forward a letter to City Council with the Zoning Board's response.

~With no further business Motion to adjourn made by Mr. Brangenberg & second by Mrs. Urbaczewski.
All in favor 'aye'

Meeting adjourned

Respectfully submitted,



Genell M. Ferrilli
Zoning Board Secretary