

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Regular Meeting, Monday, June 1, 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: SPANGLER (Stephen & Lisa Spangler)

- **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)

APPLICANT: PARKER (William & Mina Parker)

- **Property:** 20 – 53rd Street / Block 53.02 / Lots 11.03 / R-2 Zone
- **Development Proposal:** Applicant is proposing improvements that include Minor Additions and Major Alterations to existing single family dwelling
- **Relief Sought:** Applicant is requesting variance relief for Addition to single family dwelling on undersized lot of record (26-46.1), minimum required lot size (26-20.1, 20.3 & 46.7a), minimum required lot width (26-20.1 & 26-47b), minimum required lot depth (26-47b), minimum required front yard setback (26-46.4), individual and total side yard setbacks (25-46.5), minimum required rear yard setback (26-46.6), maximum permitted impervious coverage (26-36)

APPLICANT: LIPSCHULTZ (Harry & Catherine Lipschultz)

- **Property:** 119 – 88th Street / Block 88.02 / Lots 16 & 17 / R-2 Zone
- **Development Proposal:** Applicant is proposing addition to install an in-ground swimming pool, for new single family home.
- **Relief Sought:** Applicant is requesting variance relief of side and rear yard setbacks for a pool, per request referenced to Section: 26-46.4 and 5 regarding accessory structure setback.

5. Resolutions to be Memorialized

RESOLUTION No. 2015 – 05 - 01

CRAINE, David & Jan Craine @ 355 -45th Place (Block 45.06 /Lots 21.02, 22, 23 & 24)

RESOLUTION No. 2015 – 05 - 02

LAVAN, Rosemary Lavan @ 9001 - 90th Street (Block 91.02 /Lots 6 & 7)

6. Adoption of Minutes

Minutes of May 4, 2015 Regular Zoning Board Meeting

7. Adjourned

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT

Minutes of Regular Meeting Monday, June 1, 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. Feola, Mr. McGinn, Mr. Organ, Mrs. Elko, Mr. Laidlaw, Mrs. Urbaczewski & Mr. Pasceri. Also in attendance: Mr. Tom Hillegass – Board Solicitor and Mr. Andy Previti – Board Engineer (always sworn in for duration of meetings)

~ **Applicant:** SPANGLER – Stephen & Lisa Spangler @ 4709 Landis Avenue, B-47.02, L-1.02 & 2.02, R-2 zone. Sworn in and representing themselves they begin with presenting photos to be entered into exhibit and marked as Applicant's supplement packet of photos to be identified as A-1. Mrs. Spangler then proceeds with a brief summary of the items she would like to address regarding the Shed, reasons for requesting this variance, history behind the property and structures, and summarizing how things got to this point with the shed following Super-storm Sandy even though as agreed to be use it for storage during construction . However now they are requesting to approval to leave it where it is on the concrete pad that it sits on. Mr. Previti reviews his report, followed by Board Member comments. Floor is open for public comment:

Richard Hermann –4712 Landis Ave (across street) would like to see it stay where it is. Show of no further hands closes public portion.

Before making a determination Mr. Hillegass addresses both the C1 and C2 criteria, pertaining to the variances to consider on this application, with particular attention it being necessary to determine whether this will be considered an existing non-conformity of which had been made clear between the applicant and the construction official upon completion of building their house that the shed was required to be moved. Thereby, taking into consideration the Board Members comments in regards to one point being the shed could be moved and conform to setbacks, and another point being that a storm created this problem so it could in fact be considered a hardship as well. Therefore,

- To approve pre-existing condition of minimum lot area where 5,000 s.f. is required and 4,500 s.f. is proposed, a Motion is made by Mr. McGinn and second by Mr. Organ
Roll call : Mr. Brangenberg-y, Mr. Feola-y, Mr. McGinn-y, Mr. Organ-y, Mrs. Elko-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y, Mr. Pasceri-y

- To approve minimum side yard setback where 5' is require and 2' is proposed, and minimum rear yard setback where 5' is required and 1.5' if proposed, a Motion is made by Mrs. Urbaczewski and second by Mr. Organ
Roll call: Mr. Organ-y, Mr. McGinn-y, Mr. Feola-n, Mr. Brangenberg-n, Mrs. Elko-n, ~~Mr. Laidlaw-n*~~, Mrs. Urbaczewski-y, Mr. Pasceri-y
(*Mr. Laidlaw cannot be counted, being an alternate not voting in place of a member, therefore only 7 votes count and with 4 in favor and 3 opposed it is thereby 'Approved')

~**Applicant:** PARKER – William & Nina Parker @ 20- 53rd Street, B: 53.02, L: 11.03, R-2 Zone.

(For the record Mr. Feola has conflict and will step down for this application and Alternate Mr. Laidlaw will vote in his place and this application will begin with a brief break to look over a prior resolution just provided from a past variance on this property.)

Sworn in are William Parker- Applicant, Vincent Orlando –Engineer for applicant, and Blane Steinman – Architect for applicant. Jeff Barnes, Attorney on behalf of applicant, begins with a summary of the property, structure, current conditions and what is proposed, followed by the applicant's added testimony regarding family and reasons for coming before the board. Mr. Barnes enters exhibits A-1 thru A-7 into exhibit as follows: A-1 google image of surrounding area; A-2 google image of front of structure from 53rd Street; A-3 google image of corner of 53rd St & Pleasure Ave; A-4 google image of side of structure facing Pleasure Ave; A-5 google image of rear of structure along Pleasure Ave; A-6 google image of rear and side of structure along Pleasure Avenue; A-7 google image of Pleasure Ave. Exhibit A-8 is a Tax Map; A-9 is an arial view of the property. Mr. Steinman gives testimony detailing exterior design, structure, interior design, decks, interior structure layout, property layout and parking. Mr. Orlando concludes with the positive and negative C1 and C2 criteria and closes with why the board should grant the requested variance relief to the applicant. Mr. Previti's reviews his report with specific attention to conditions of approval that will be necessary.

Floor is open to the public.

Jerry Judge – 26 East 53rd St – questioning 2 car off street parking without losing a space on the street, how the neighboring property will be affected along the property line, the issue of the tree, the affect on the view of surrounding properties and the decks that appeared after being previously being denied by the board

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

Mr. Hillegass is asked to address the C1 and C2 criteria as it pertains to this application and break down how it should be taken into consideration in making any determinations, with particular notation of the fact that these are pre-existing non-conforming conditions where the only way of relief is by way of C1 and to satisfy the negative criteria. Based on the outcome of the C2 Criteria and default by turnout. Approving 2 does not mean 6, 7, 8, & 9 are going to be approved which will be taken on their own merit, however 2 is a threshold issue and if not approved then there is no reason to vote on the remaining items.

- To approve the C1 Criteria taking #1 –Buildable Lot, #3 –Minimum Lot Area, #4 –Minimum Lot Width & Frontage, & #5 –Minimum Lot Depth, a Motion is made by Mrs. Urbaczewski and second by Mr. McGinn
Roll call: Mr. Brangenberg-y, Mr. McGinn-y, Mr. Organ-y, Mrs. Elko-n, Mr. Laidlaw-y, Mrs. Urbaczewski-y, Mr. Pasceri-y

- To approve the C2 Criteria taking #2 –Building on a Non-Buildable Lot and approval proposed addition, a Motion is made by Mr. Organ and second by Mr. McGinn
Roll call: Mr. Organ-y, Mr. McGinn-y, Mr. Brangenberg-n, Mrs. Elko-n, Mr. Laidlaw-n, Mrs. Urbaczewski-n, Mr. Pasceri-y
Based on this outcome there is no reason to continue and C2 Criteria -#2 is therefore DENIED.

Five Minute Break

~Applicant: LIPSCHULTZ - Harry & Catherine Lipschultz @ 119 – 88th Street, Block 88.02, Lots 16 & 17. Mr. Baylinson, attorney on behalf of the applicant, notes that the applicant was unable to attend due to scheduling conflict with house being under construction. Therefore, following a brief discussion and five minute recess Mr. Hillegass informs Mr. Baylinson that in the best interest of the applicant, to continue the Lipschultz Application to the July Zoning Board Meeting without further notice to the public, which is announced by the Board Chairperson to have on record.

~Resolutions:

Resolution No. 2015-05-01 - LAVAN, Rosemary @ 9001 Landis Avenue
Block 91.02, Lots 6 & 7, where approvals were granted

- To memorialize Resolution #2015-05-01, a motion is made by Mr. Organ & second by Mr. Brangenberg
Roll Call: Mr. Brangenberg-y, Mr. Organ-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y, Mr. Pasceri-y

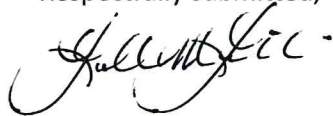
~Meeting Minutes to Adopt:

- To approve the minutes of the May 4, 2015 Regular Zoning Board Meeting, a Motion is made by Mrs. Urbaczewski and second by Mr. Brangenberg
Roll call : All in favor & none opposed
(Present-Mr. Brangenberg, Mr. Organ, Mr. Laidlaw, Mrs. Urbaczewski, Mr. Pasceri)

~With no further business a Motion to adjourn is made by Mr. Laidlaw
All in favor 'aye' and so adjourned

Meeting adjourned

Respectfully submitted,



Genell M. Ferrilli
Zoning Board Secretary