

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Regular Meeting, Monday, August 3, 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: 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.

APPLICANT: FREDA, Joseph G. (a.k.a. Shopping Center)

- Property: 6210 Landis Avenue / Block 61.03 / Lots 20.01 / C-1 Zone
- Development Proposal: Applicant is seeking Preliminary & Final Site Plan Approvals on proposed replacement of 4 existing commercial buildings with Two New Commercial Buildings
- Relief Sought: Applicant is requesting variance relief for number of principal buildings – per zoning official correspondence- landscaping (26-25.3), side yard setback (26-52.6), drainage calculations & minimum ground water depth (26-38), maximum commercial front yard setback, curb opening width, percentage of 1st floor non-residential coverage; Design standards: ground level glass –building #1 (26-43.3-d(1)), % of flat roof –building #1, mass spacing –building #1; and other relief deemed necessary.

5. Resolutions to be Memorialized To Be Announced

6. Adoption of Minutes Minutes of July 6, 2015 Regular Zoning Board Meeting

7. Adjourned

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT

*Minutes of Regular Meeting
Monday, August 3, 2015 @ 7:00 PM*

~Called to Order –Vice Chairperson, Mrs. Urbaczewski, 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. Morrissey, Mr. Organ, Mrs. Elko, Mr. Laidlaw, & Mrs. Urbaczewski. Also in attendance: Mr. Tom Hillegass – Board Solicitor and Mr. Andy Previti – Board Engineer.

~New Business:

First Applicant: LIPSCHULTZ, Harry & Catherine Lipschultz @ 119 88th Street, Block 88.02, Lots 16 & 17. Chris Baylison – attorney on behalf of applicant – begins with summary of variances being sought as they relate to the installation of an inground pool which was designed with the new home under construction on the Applicant's property. Chris Carr of McLaughlin Construction (Builder) and Blane Steinman - Architect are sworn in, along with Andy Previti of Maser Consulting (Board Engineer) who is sworn in for entire meeting. Mr. Carr provides testimony to applying for permit to do the house only, and how site work, driving of pilings and actual construction were all done based on the site plan and design that included the pool. When ready to proceed with pool and apply for permit, setbacks and accessory structure came into question and would require variances. Mr. Steinman provides detailed testimony in regards to accessory structure setbacks, and after some discussion has the applicant request for some modifications to be made. He adds a note regarding the setbacks around the pool and patio area based on the modifications suggested with added comments on the paver walkway, patio and pilings. Andy Previti reviews his report and notes for the record a fence variance is not necessary. Floor is open for public comment and with a show of no hands the public portion of this application is closed. Mr. Hillegass makes brief mention of addressing a letter to council suggesting for the Planning Board review at the ordinance pertaining to swimming pools for reasons such as this one.

- To approve the minimum side yard where 5' is required and 3'4" is proposed, minimum rear yard setback where 5' is required and 2' is proposed, and setback from accessory structure to main building where 10' is required and 7'1" is proposed, a Motion is made by Mr. McGinn and second by Mr. Morrissey.

Roll Call: Mr. Brangenberg-yes, Mr. Feola-yes, Mr. McGinn-yes, Mr. Morrissey-yes, Mr. Organ-yes, Mrs. Elko-yes, Mrs. Urbaczewski-yes

- For a Pre-Existing Non Conformity of Minimum lot area where 5000 s.f. is required and 4000 s.f. is existing, a Motion made by Mr. McGinn and second by Mrs. Elko

Roll Call: Mr. Organ-yes, Mr. Morrissey-yes, Mr. McGinn-yes, Mr. Feola-yes, Mr. Brangenberg-yes, Mrs. Elko-yes, Mrs. Urbaczewski-yes

(Due to conflict Mr. Brangenberg and Mr. Feola will be stepping down and Alternate Board Members Mrs. Elko and Mr. Laidlaw will be taking & voting in their place for this next application.)

Next Applicant: FRED A, Joseph G. Freda (AKA: ACME Shopping Center) @ 6210 Landis Avenue, Block 61.03, Lot 20.01 in a C-1 Zone. Don Wilkinson – Attorney on behalf of Applicant – begins by way of a brief summary of the Preliminary and Final Site Plan Approvals being sought for the redevelopment of what is known as the ACME Shopping Complex, which he states for the record is based on Commercial Development not residential in accordance with the Use Variance granted at the previous month's meeting. Therefore, sworn in are Carmen J. LaRosa -Architect for Applicant, Paul Freehart -Construction Manager representing ACME, Bill Crosby –Vice President of Operations for ACME, and Joseph Freda (5405 Pleasure) –Applicant. Mr. LaRosa opens with exhibits and briefly comments on site details and the various bulk variance relief being sought that is considered appropriate as hardship or benefit for this 17,612 square foot or 2.7 acre commercial & developed Shopping Center site. He provides testimony in regards to parking lot, driveway width, sidewalks, setbacks, percentage of glass, building coverage, roofing, elevations, exterior look and architectural design. Further testimony is given in regards to curbing, fencing, streetscape and landscaping, including landscape buffers and the issue with landscape islands in the parking lot. Items mentioned that raised discussion were the trash enclosures, storm water drainage and past puddle problems, the parking lot layout, improvements proposed for CVS, site and parking lot lighting, roof top units and how they will be screened and the hidden buffering system ACME uses. In continuing details pertaining to both buildings are explained regarding the proposed flood elevations, handicapped parking and ramped access, fire suppression systems, and clarification on the Fire Chief's recommendation of adding a fire hydrant. Mr. Previti requests testimony relative to the Coastal Seashore Village Design variance details regarding the exterior coastal seashore village type look and the tie in with Sands Department Store and CVS to keep that village type style. There are Board Member inquiries regarding color scheme, roofing material, parking behind the ACME building and employee parking.

Mr. Andy Previti reviews his report, makes note to a correction in the variance chart that should be changed, and requests brief testimony from Samuel Renauro of SR3 Engineers regarding the sanitary sewer, utility lines, and portions of stormwater management. Additional reference to the fire hydrant and water main in the rear of ACME raise issue of a deed of record to the property being a condition of approval required to be satisfied in order to proceed. Next the Dept of Public Works issue regarding the size of the trash enclosures needing to be enlarged is addressed. Other items discussed are fixtures, signs, bike racks, hedges, shrubs, irrigation, flood gates, Covenants and Deed Restrictions.

The floor will now be open to the public for those who are within 200' - in favor or opposed:

John Kampmeyer – 128- 61st Street – (engineer by trade) to express concerns regarding the stone trench, trees and screening of roof turbines.

Thomas Denno – 111- 63rd Street – to express concern with traffic flow, delivery trucks size of street and ingress/egress to site.

Theresa Ward – 6203 Central Ave – to express extreme concern with material strength being used for fencing behind ACME.

Patricia O'Kane – 6201 Central Ave – to express concerns over the increase in noise, trash, trucks making deliveries, screening of HVAC units, employee parking, impact on the city and residents, debris, animal infestation and any negative impact it may have on Sands Department Store.

Tom Hoerst – 148- 61st St west – to express concern with stone trench, and question the fencing, proposed sidewalk and if ACME was going to have trailers parked anywhere.

Roy Cook – 144 61st St - to express his concern with the impact of the project on the entire neighborhood adjacent to the shopping center.

Tom Lindsay – 6103 Central Ave – to make a point that the fence should extend across the easement area to keep it closed off completely as a thoroughfare to anyone.

P. Scott Boyer – 5301 Central Ave – to express concern with landscaping especially along Landis Avenue, parking and the drainage issues within the parking lot, and the impact a proposed Beach Shop Sign on ACME would have on Sands Department Store since they specialize in that type of stuff.

Len Donnelly – 126 61st St – to note concerns with the construction area behind ACME building and to make sure there will be no storage trailers placed anywhere and his big issue with the future of the Arcade.

Judy Jordan – 7309 Landis Avenue – to voice her concern with the displacement of small businesses and the future of Sands Department Store.

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

Don Wilkinson thereby addresses the Board Solicitor and Board Members to ask if approval is granted that they may request for the resolution to be read onto record tonight to help expedite some of the process.

THEREFORE, the Applicant is requesting Preliminary and Final Site Plan Approval and several Variances including:

- Front yard setback where 5' max is permitted and 338' to ACME & 190' to retail bldg is requested
- Max. aggregate side yard where 15' is permitted and 50' to ACME & 7' to stairs of retail bldg for max 57' total is requested
- Min. bldg coverage non-residential first floor where 30% is permitted and 27.7% for both buildings is requested
- Percentage of ground level glass where 33% is required and 14.6% for ACME is requested
- Driveway width of 15' (pre-existing non-conforming condition) and 40' is proposed
- Commercial trees where 59 trees are required and 26 are proposed
- Commercial Shrubs where 588 are required and 98 were proposed however agreed to increase the number of commercial shrubs at the discretion of board engineer with hedge buffer along Landis Avenue
- Parking lot shade tree where 13 are required and 0 (none) are proposed
- Street trees where 1 per 40' of frontage are required and 0 (none) are being proposed
- Storm-water management system retention structure 2' above seasonal high groundwater is required and less than 2' is being proposed
- Landscaped, curbed island width where 6' is required and 3'3" is proposed
- Surface parking landscape buffer width where 5' is required and 3' is proposed
- Screening & landscaping of loading areas is required and none is being proposed
- Sign area- Buildings (signs) 80 sf is permitted and ACME is requesting 150.85 sf of which neither will say beach shop (and has agreed to consult with Sands Dept Store so as to not impact their business either)
- Coastal Seashore Village Design is required and ACME is partially incorporating into their design –pursuant to the engineer's review letter
- Wall offsets where vertical offsets every 33' street facing wall are required and none are provided for bldg 2
- Architectural consistency on all sides of the building and all sides are consistent for style, materials, colors, details and 3 sides of ACME bldg are not consistent with the façade
- Entrances required to be at grade and elevated entrances are being proposed on both buildings
- Flat roof line no more than 50% flat and proposed is greater than 50% on both buildings 1&2
- Entrance fronting on street is required and proposed is for building 2 not to have street frontage
- Adequate Street Lighting is required and Applicant asked for suitable lighting to be installed at the discretion of the board engineer
- Additionally Applicant is requesting a Waiver from design standards of Chapter 30.2.9.1.2 of the 5' buffer along the westerly property line
- Additionally in terms of the Preliminary & Final Site Plan – Applicant is proposing to continue the fencing westerly along the northerly property line in the back across the easement area
- Applicant asked for variance relief pursuant to the C1 (hardship) and C2 (flexible 'C' variance where the benefits outweigh the detriments & satisfy the negative) criteria
- In addition, as a condition of approval per engineers review letter, Applicant will also provide a Deed of Record for the property to permit for storm-water management maintenance plan, which will be approved by Board Solicitor and Board Engineer. If parking is not permitted along westerly property boundary, parking bollards will be installed every 16' in a location to be agreed upon by board engineer, and applicant agrees to give consideration to changing from vinyl to another stronger type of fencing material.

It is stated for the record that variances and waivers are required due to this being such an unusual site, and with everything involved need to be taken into consideration and will benefit the town, and per the Board Solicitor's instruction will be taken beginning with variances first as follows.

- To approve first motion of all Variances as Mr. Hillegass has outlined, a Motion is made by Mrs. Elko and second by Mr. Laidlaw
Roll Call: Mr. McGinn-yes, Mr. Morrissey-yes, Mr. Organ-yes, Mrs. Elko-yes, Mr. Laidlaw-yes, Mrs. Urbaczewski-yes 'all were in favor'
- To approve next motion of all Waivers as Mr. Hillegass has outlined, a Motion is made by Mr. Organ and second by Mrs. Eilko
Roll Call: Mr. Organ-yes, Mr. Morrissey-yes, Mr. McGinn-yes, Mr. Laidlaw-yes, Mrs. Elko-yes, Mrs. Urbaczewski-yes 'all were in favor'
- To approve motion for Preliminary Site Plan Approval, a Motion is made by Mr. Morrissey and second by Mr. Laidlaw
Roll Call: Mr. McGinn-yes, Mr. Morrissey-yes, Mr. Organ-yes, Mrs. Elko-yes, Mr. Laidlaw-yes, Mrs. Urbaczewski-yes 'all were in favor'
- To approve motion for Final Site Plan Approval, including conditions of Engineer's report and letter and conditions as discussed, a Motion is made by Mr. Laidlaw and second by Mrs. Eilko
Roll Call: Mr. Laidlaw-yes, Mrs. Elko-yes, Mr. Organ-yes, Mr. Morrissey-yes, Mr. McGinn-yes, Mrs. Urbaczewski-yes 'all were in favor'

~Resolution No. 2015-07-01 - FREDA, Joseph G. @ 6210 Landis Avenue, Block 61.03, Lot 20.01
(which was for 'D' Variance approval of two principal structures on one lot)

- To memorialize Resolution #2015-07-01, a Motion is made by Mr. McGinn & second by Mr. Laidlaw
Roll Call: Mr. McGinn-y, Mr. Morrissey-y, Mr. Organ-y, Mrs. Elko-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y

~Resolution No. 2015-08-02 - FREDA, Joseph G. @ 6210 Landis Avenue, Block 61.03, Lot 20.01.

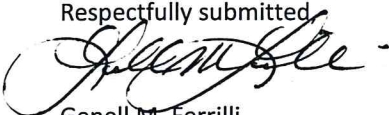
For Preliminary and Final Site Plan Approvals so granted and read into record as Resolution No. 2015-08-02 to be approved and thereby Memorialized now in lieu of waiting until the next meeting, in order for both Resolutions to be published in the Atlantic City Press at first available publication issued, so 45 appeal period will begin to run from that date of publication. Whereas Mr. Hillegass reads said resolution into record for the board members to hear, verify everything is correct and in order as discussed, agreed to and as approved.

- To thereby approve and memorialize Resolution #2015-08-02 as read into record, a Motion is made by Mrs. Elko & second by Mr. Laidlaw
Roll Call: Mr. McGinn-y, Mr. Morrissey-y, Mr. Organ-y, Mrs. Elko-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y

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

Meeting adjourned

Respectfully submitted,



Genell M. Ferrilli
Zoning Board Clerk