

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Regular Meeting - Tuesday, September 8, 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

- **NEW APPLICANT: KNAUP – W. Craig Knaup**
105 East 49th Street / Block: 48.03 / Lots 11.01 & 12.01 / R-2 Zone
Proposed: to enclose side yard outside patio with 6' high fence on 3 sides facing Landis Ave
Requested Variance Relief: fences (26-26.)

- **NEW APPLICANT: ROBERTS – Michael & Mary Ellen Roberts**
9110 Pleasure Avenue / Block: 92.02 / Lots 44 & 45 / R-2 Zone
Proposed: to demolish existing two family structure and construct a new single family home
Requested Variance Relief: variance on existing conditions for buildable lot/ improvements on lot of less than 3,500 sq. ft./lot frontage/lot area/& lot depth –Section 26-20.1a, 26-20.3, 26-46.7a, Section 26-46.7b; Proposed front yard setback on 92nd St -Section 26-46.4; Proposed rear yard setback –Section 26-46.6 & 26-27.

5. Resolutions to be Memorialized

RESOLUTION No. 2015 – 08 - 01
LIPSCHULTZ, Harry & Catherine @ 119-88th Street (Block 88.02 /Lots 16 & 17)

6. Adoption of Minutes

Minutes of August 3, 2015 Regular Zoning Board Meeting
(Unavailable at this time)

7. Adjourned

**SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT**

**Minutes of Regular Meeting
Tuesday, September 8, 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. Morrissey, Mr. Organ, Mrs. Elko, Mr. Laidlaw, Mrs. Urbaczewski & Mr. Pasceri. Also in attendance: Mr. Tom Hillegass – Board Solicitor and Mr. Andy Previti – Board Engineer.

~**Applicant:** W. Craig KNAUP @ 105 East 49th Street, Block 48.03, Lots 11.01 & 12.01 in R-2 Zone.

Mr. Knaup, representing himself, begins with a brief introduction and explains that he is coming before the board to request variance relief under sections 10-8.3C, 26-26.4A and 26-46.4. Next Mr. Knaup is sworn in along with Mr. Andy Previti – Board Engineer- who will remain sworn in for entire evening. Mr. Knaup then presents his Application to the Board and provides details in regards to the fence and stone patio area that he is proposing as he adds additional comments that he believes support his request. When the issue of the fence height is questioned and the Board expresses concern that 6’ is too high and may be dangerous, Mr. Knaup adds that granting the variance would substantially outweigh the detrimental impact of the municipal land use, does not affect the character or traffic pattern in the area in any way and is for safety and welfare purposes. The patio area is questioned and confirmed to be fenced in and proposed to remain stone so rainwater will pass through, which when looked up is defined as uncovered flat platform of earth with a surface material. Even if it will be stone it will require a variance because it fits the definition just provided.

Mr. Previti reviews his report and points out an issue pertaining to three parking spaces shown on the survey that will necessitate a variance, in addition to the fence, fence height, fence encroachment into the right-of-way of Landis Avenue, patios not being allowed in front yards, proposed fence location being against County standards, and possible landscaping issues if the application is approved, but more importantly a question that he believes a County application may have to be applied for.

Floor is open to the public and with a show of no hands the public portion of this app is closed.

Mr. Hillegass is asked for direction in taking the variances requested, therefore the first request would be for an Appeal of the Zoning Officer’s decision (which is a threshold issue) having to come before the board. Thereafter, if the Board finds the Officers decision to be correct the next request would be the Variance request for the fence where one purpose of zoning has to be met to satisfy the C1 & C2 criteria.

- Affirmative on the Zoning Officer’s decision that the applicant requires variance relief is correct, a Motion is made by Mr. Brangenberg and second by Mr. McGinn
Roll Call: Mr. Brandgenberg-y, Mr. Feola-y, Mr. McGinn-y, Mr. Morrissey-y Mr. Organ-y Mrs. Urbaczewski-y, Mr. Paaceri-y - ‘ All in favor ‘

- To approve a variance where 3' fence is permitted and 6' fence is requested, a Motion is made by Mr. Morrissey and second by Mr. Feola
Roll Call: Mr. Organ-n, Mr. Morrissey-n, Mr. McGinn-n, Mr. Feola-n, Mr. Brangenberg-n, Mrs. Urbaczewski-n, Mr. Pasceri-n - ' All Opposed '

After a brief discussion in regards to the determination of whether or not to grant any approval pertaining to installing a 3' fence to enclose an area within the front yard of his property, the following motion is taken.

- To approve a 3' fence as laid out in the design submitted and per Mr. Andy Previti's notes, a Motion is made by Mr. McGinn and second by Mr. Organ
Roll Call: Mr. Brangenberg-n, Mr. Feola-y, Mr. McGinn-y, Mr. Morrissey-y, Mr. Organ-y, Urbaczewski-y, Mr. Pasceri-y - ' 6 in favor / 1 opposed '

Next Applicant: Michael & Mary Ellen ROBERTS @ 9110 Pleasure Avenue, Block 92.02, Lots 44 & 45 Julius Konschak, Attorney from Serber Konschak in Ocean City, representing Applicants, Michael & Mary Ellen Roberts, along with Mark Gibson of Gibson Associates, and Mark Petrella AIA of SOSH Architectural Firm are all sworn in before testimony begins. Mr. Konschak offers a brief overview of the application, history of the property and structure, what is being proposed, and the reason for coming before the board. He continues with details in regards to how the applicant plans to demolish the existing duplex structure and replace it with a single family to be used as their primary residence in the future. Mr. Roberts offers a few comments. Mr. Gibson offers testimony in regards to the property, square footage, benefits, width, frontage, depth, both front and rear yard setbacks and other areas of non-conformities and hardship that will be greatly improved on this property and truly benefit and enhance surrounding area, in addition to reviewing setbacks, encroachments, codes, zoning, flood requirements, gain in parking, reducing density, and other issues that are being considered and addressed with this project through the variances being sought. Mr. Patrella provides testimony regarding the layout of this 3 story, 4 bedroom, single family he designed to meet bulk and area requirements, with additional comments pertaining to setbacks, stormwater, sewer, utilities, curb cuts, and the driveway. Mr. Previti briefly reviews his report where most of his comments have already been addressed and satisfied, with only minor clarifications to variance #7 actually being a non-conformity and height, as well as setbacks and the steps.

Floor is then open to the public: All within 200' in favor – No Hands; All within 200' opposed –called forward & sworn in prior to taking turns to speak

- Ann Gabriel – 109 92nd Street – not in favor and feels it is an invasion on her privacy
- Francis Loiacono – 123 92nd Street – not in favor due to the setbacks
- Joe Meier – 117 92nd Street (3rd down from applicant) – not in favor and enters exhibits O1, O2 & O3 into record due to opposition of the application, size of building & setbacks, and also feels not in public interest for board to grant any requested variances, especially bulk
- James Corcoran – 123 93rd Street (615 Wilson Lane, Sellersville PA 18960) Registered Engineer in PA. & having just gone through this with another application on 93rd he is opposed
- Barbara Meier – 117 92nd Street – to state that she is in opposition to all variances being requested
- Cornelius Lehane – 9102 Pleasure Avenue South – had questioned answered by Mr. Gibson during a brief break taken prior
- Warren Katona – 128 92nd Street – strongly in opposition to any rear yard setback variance
- Georgina Simpson - 14 90th Street – not in favor of any variances
- Jeff Vogt - 9205 Landis Avenue –supports his neighbors but is not in favor of any variances being requested

With no further show of hands the public portion is now closed

Board Members offer comments followed by Mr. Hillegass providing explanation in detail as to how the motions should be taken in their determinations for this application, since the applicant has requested relief under the C1 (or more commonly known as the hardship variance) and the C2 criteria (or better known as the broad or flexible C), therefore

- To approve a motion for variance relief as per Items #3-minimum lot area, #4-width & frontage, & #5-depth, a Motion is made by Mr. Brangenberg and second by Mr. Morrissey
Roll Call: Brandgenberg Y, Feola Y, McGinn Y, Morrissey Y, Organ Y, Elko N, Laidlaw Y

- To approve a motion for variance relief as per Items #1-buildable lot & #2-building on non-buildable lot, a Motion is made by Mrs. Elko and second by Mr. Morrissey
Roll Call: Organ Y, Morrissey Y, Feola Y, Brangenberg Y, Laidlaw Y, Elko Y, McGinn Y

- To approve a motion for variance relief as per Items #6 – front yard setback – 9’ to stair/9.8’ to the building, a Motion is made by Mr. Brangenberg and second by Mr. Morrissey
Roll Call: Organ N, Morrissey Y, Feola Y, Brandgenberg Y, Elko N, Laidlaw Y, McGinn Y

- To approve a motion for variance relief as per Items #7 – min rear yard setback – where 15’ is required & 9.7 is proposed, a Motion is made by Mr. Morrissey and second by Mr. Brangenberg
Roll Call: Laidlaw Y, Elko N, Organ N, Morrissey Y, Feola Y, Brandgenberg Y, McGinn Y

The Applicant has been granted their approvals and reminded that there are conditions as listed in the Engineer’s letter that are required to be met and/or satisfied as well.

Resolutions:

Resolution No. 2015-08-01 - LIPSCHULTZ, Harry & Catherine @ 119 – 88th Street

- To memorialize Resolution #2015-08-01, a Motion is made by Mr. Brangenberg & second by Mr. McGinn
Roll Call: Mr. Brangenberg-y, Mr. Feola-y, Mr. McGinn-y, Mr. Morrissey-y, Mr. Organ-y, Mrs. Elko-y, Mrs. Urbaczewski-y

Resolution No. 2015-09-01 - Relocation of Zoning Board Meetings for remainder of 2015 to be held in New Municipal Building at 233 JFK Blvd.

- To memorialize Resolution #2015-09-01, Motion is made by Mr. Morrissey & second by Mrs. Urbaczewski
Roll Call: all were in favor

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

Meeting adjourned

Respectfully submitted,



Genell M. Ferrilli
Zoning Board Clerk