

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Regular Meeting, Monday, May 2, 2016 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: A & L, LLC

Property: 4117 Landis Avenue / Block: 41.02 / Lots: 1.01, 4.04, 8.01, 1.02, 2.01 & 4.01

Proposed: Extension Request on Preliminary & Final Site Plan Approval

APPLICANT: REDFERN OCEAN, LLC_ (Variance Application)

Property: 7113 Pleasure Avenue / Block: 71.01 / Lots: 4.01

Proposed: Under construction duplex aggregate side yard setback adjustment

Relief Requested: variance relief on minimum aggregate side yard setback (26-46.5-a)

APPLICANT: GRADIA, LLC (Variances, Waivers, Preliminary & Final Site Plan Application)

Property: 106 West Jersey Avenue / Block: 41.03 / Lots: 10.06 & 11/04

Proposed: Mixed Use Commercial /Residential structure containing 1 commercial unit & 2 residential units

Relief Requested: variance relief on pre-existing lot size and lot depth (26-52.8); rear yard setback (26-52.6); residential unit density (26-52.7-b); proposed mixed use commercial/residential structure consisting of 1 commercial & 2 residential units; architectural design standards; any & all other variances, waivers, preliminary & final site plan approvals deemed necessary

5. Resolutions to be Memorialized

Resolution #2016-03-01 – HOWE (Joseph & Shirley Howe) @ 1400 Landis Avenue
Block 15.03 / Lot 24

Resolution #2016-04-01 – SIC 7801, LLC (c/o John Gravenor) @ 7801 Pleasure Avenue
Block 78.01 / Lots 366.01 & 366.02

Resolution #2016-04-02 – FREDA, Joseph G. @ 6210 Landis Ave, Bldg 2, ACME Complex
Block 61.03 / Lot 20.01

6. Adjourned

Please note - changes are a possible

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT

Minutes of Regular Meeting
Monday, May 2, 2016 @ 7:00 PM

~**Called to Order** - Mr. Pasceri, Chairperson, 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, Mrs. Urbaczewski, Mr. Pasceri. Also in attendance: Mr. Tom Hillegass – Board Solicitor and Mr. Andy Previti – Board Engineer (sworn in for evening).

~**Applicant** - A & L, LLC, 4117 Landis Avenue, Block 41.02, Lots 1.01, 4.02, 8.01, 1.02, 2.01 & 4.01. (Mr. Feola & Mr. McGinn will step down due to conflict and Mrs. Elko will sit in & vote for one of them) James Moore, Esq. of Serber Konschak, LLC, on behalf of applicant, provides a brief summary of the three (3) One Year Extensions being sought on Preliminary & Final Site Plan Approvals previously granted in 2010. Floor was open for public comment and with a show of no hands the public portion was closed. Mr. Hillegass reviews conditions of approval that will be required and explains the motions to the board, therefore

- For a motion to approve three (3) One Year Extensions, a Motion is made by Mrs. Elko and second by Mrs. Urbaczewski, followed by roll call - *aye* all 6 in favor / none opposed (Mr. Brangenberg-y, Mr. Morrissey-y, Mr. Organ-y, Mrs. Elko-y, Mrs. Urbaczewski-y, Mr. Pasceri-y)

*Mentioned on record - Board members Mr. Feola & Mr. McGinn return to the board following this application

~**Applicant** - REDFERN OCEAN, LLC – 7113 Pleasure Avenue, Block 71.01, Lot 4.01, in the R2 zone. Don Wilkinson, Esq., attorney on behalf of the applicant, provides a summary of the actual new duplex project under construction and almost complete, along with a brief history of the property. He continues by explaining the unusual situation with the aggregate side yard relief being requested as he provides a tax map, deed and other documentation marked in as exhibits showing this 8” discrepancy in question, whereas since coming to the attention of the City would also like this corrected and the tax map adjusted accordingly. James Colahan –applicant is sworn in to provide testimony in regards to this mistake, having to pay taxes on it all this time, and just looking to have the situation cleared up now. Mr. Previti reviews his 4/21/16 report which will be satisfied accordingly. Floor is open to public comment.

Carney Tajirian – 7117 Pleasure Avenue North – owns lots 5.01 & 4.02 and being right next to the applicant’s property expresses opposition and does not understand why it took so long and why the building is being done now. Additionally he expresses issues pertaining to the CAFRA permit which is required but not associated with this application.

Daniel Swantek – 7109 Pleasure Avenue South – he expresses thoughts over the board having decided already and in disagreement with this and further feels the builders do what they want around town anyway pushing everything to the limit so it does not matter if anyone understands the applicant will get what is being sought

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

Unfortunately though this mistake was found by a surveyor, there is not an option available of this being bought because no one knows who owns it, however this applicant should not have to continue paying taxes on something he does not own. Mr. Hillegass reviews the motion, therefore

- To approve the aggregate side yard setback where 15' is required and 14.4' is proposed for a variance of 8" being sought, a motion is made by Mr. Morrissey and second by Mr. Organ, followed by roll call - *aye* ALL '7' in favor / none opposed

(Mr. Organ-y, Mr. Morrissey-y, Mr. Feola-y, Mr. Brangenberg-y, Mrs. Urbaczewski-y, Mr. McGinn-y, Mr. Pasceri-y)

~Applicant - GRADIA, LLC – 106 West Jersey Avenue, Block 41.03, Lots 10.06 & 11.04, in the C1 zone. Don Wilkinson, attorney on behalf of applicant, begins with brief introduction and summary in regards to the variance relief sought under the application being proposed to the board and why they are before the Zoning Board in lieu of the Planning Board. Mr. Hillegass swears in Lawrence Curran, Jr. & Grace Curran – applicants, and David Markowski of M3 Architectural & Joe Maffei of Engineering Design Associates –professionals for applicant. Mr. Curran describes flooding and problems behind reason for application to Planning Board, which was modified and now before the Zoning Board. Mr. Markowski offers testimony detailing the structure, layout, architectural features, adjacent properties and structures, in addition to design standards and finish details. Mr. Maffei offers details regarding engineering and design standards, lot size, setbacks, and other options that were considered during modifications. Discussion over concerns of the use of the commercial unit, sizes of the residential units, access to and maintenance of AC units, and non-conformities that were mentioned took place. Mr. Previti reviews his 4/29/16 report with specific attention to several conditions of approval and waivers to consider and mention of the special attention demolition will require. Floor is open to public comment.

Angelo Camano – 116 45th Street –speaks in favor and feels it will be an improvement

Brian Maguire – 114 West Jersey Avenue –speaks in opposition and feels it is much too large and will take away their great view

Don Laricks – 4110 Landis Avenue –question of concern over trash and where it will be kept

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

Comments from the board are heard addressing concerns over the building being far too big but residential can be reduced to one unit and the building still built to the same size. Discussion regarding variances, motions, including Fire Chief's report, rear yard setback, and whether to table and return to the board the following month is held, Mr. Hillegass provides a review of the motions being sought, therefore

- To approve variance #1 for the Residential Density where one unit per 1,250 sf is permitted and two (2) units are proposed, a motion is made by Mr. McGinn and second by Mr. Brangenberg, followed by roll call - *aye* '5' in favor / *nay* '2' opposed / abstain 1 (alternate)

(Mr. Organ-y, Mr. Morrissey-y, Mr. McGinn-y, Mr. Feola-y, Mr. Brangenberg-y, Mrs. Urbaczewski-n, Mr. Pasceri-n)

- To approve variance #2 for the rear yard setback where 5 feet is required and 2 ft. to the eave and 3' to the building is proposed, a motion is made by Mr. McGinn and second by Mr. Morrissey, followed by roll call - *aye* '2' in favor / *nay* '5' opposed / abstain 1 (alternate)

(Mr. Organ-n, Mr. Morrissey-y, Mr. McGinn-y, Mr. Feola-n, Mr. Brangenberg-n, Mrs. Urbaczewski-n, Mr. Pasceri-n)

- To approve the variances #3 and #4 for the minimum lot area where 5,000 sf. is required & 2,445 sf. is proposed and minimum lot depth where 100 ft. is required and 30 ft. is proposed, being pre-existing non conformities which are not exacerbated by this application, a motion is made by Mr. Organ and second by Mr. Brangenberg, followed by roll call - *aye* ALL '7' in favor / none opposed / abstain 1 (alternate)
(Mr. Feola-y, Mr. Brangenberg-y, Mr. McGinn-y, Mr. Morrissey-y, Mr. Organ-y, Mrs. Urbaczewski-y, Mr. Pasceri-y)
- To approve the variance #5 for Landscaping in a commercial district where 2 trees are required and zero are proposed and per agreement of donation to Tree Fund, a motion is made by Mr. Organ and second by Mr. Brangenberg, followed by roll call - *aye* '5' in favor / nay '2' opposed / abstain 1 (alternate)
(Mr. Brangenberg-y, Mr. Feola-y, Mr. McGinn-y, Mr. Morrissey-y, Mr. Organ-y, Mrs. Urbaczewski-n, Mr. Pasceri-n)
- To approve the variance #6 for Parking in the front yard which is prohibited and two spaces are proposed, a motion is made by Mr. Brangenberg and second by Mr. McGinn, followed by roll call - *aye* '6' in favor / nay '1' opposed / abstain 1 (alternate)
(Mr. Morrissey-y, Mr. Organ-y, Mr. Feola-y, Mr. McGinn-y, Mr. Brangenberg-y, Mrs. Urbaczewski-n, Mr. Pasceri-y)
- To approve the variance #7 for Stormwater management system where 2 ft. above high groundwater is required and less than 2 ft is proposed, a motion is made by Mr. Organ and second by Mr. Morrissey, followed by roll call - *aye* '6' in favor / nay '1' opposed / abstain 1 (alternate)
(Mrs. Urbaczewski-n, Mr. Organ-y, Mr. Morrissey-y, Mr. McGinn-y, Mr. Feola-y, Mr. Brangenberg-y, Mr. Pasceri-y)
- To approve the Preliminary and Final Site Plan Approval including compliance with the rear yard setback, by the elimination of the rear yard setback variance, a motion is made by Mr. McGinn and second by Mr. Organ, followed by roll call - *aye* '5' in favor / nay '2' opposed / abstain 1 (alternate)
(Mr. Brangenberg-y, Mr. Feola-y, Mr. Organ-y, Mr. Morrissey-y, Mr. McGinn-y, Mrs. Urbaczewski-n, Mr. Pasceri-n)

Resolutions:

Resolution No. 2016-03-01 - HOWE, Joseph & Shirley @ 1400 Landis Avenue

Review of draft and noted corrections and changes provided by Mr. Previti, therefore

- To memorialize Resolution #2016-03-01, with corrections and conditions. a motion is made by Mr. McGinn and second by Mr. Pasceri, followed by roll call - *aye* 4 in favor / none opposed (1 abstain due to absence @ time of application)
(Roll Call: Mr. Feola-y, Mr. McGinn-y, Mr. Brangenberg-y, Mr. Pasceri-y)

Resolution No. 2016-04-01 - SIC 7801, LLC (c/o John Gravenor) @ 7801 Pleasure Avenue

- To memorialize Resolution #2016-04-01, with corrections and conditions, a motion is made by Mrs. Urbaczewski and second by Mr. McGinn, followed by roll call - *aye* 6 in favor / none opposed (2 abstain due to absence @ time of application)
(Roll Call: Mr. McGinn-y, Mr. Feola-y, Mr. Morrissey-y, Mrs. Elko-y, Mrs. Urbaczewski-y, Mr. Pasceri-y)

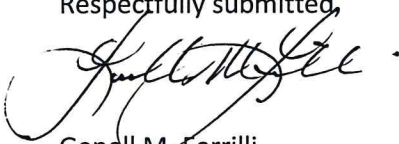
Resolution No. 2016-04-02 - FRED A, Joseph G. @ 6210 Landis Avenue, Bldg 2, ACME Complex

- To memorialize Resolution #2016-04-02 for preliminary minor site plan approval, with corrections and conditions, a motion is made by Mrs. Urbaczewski and second by Mr. McGinn, followed by roll call - *aye* 4 in favor / *none* opposed (3 abstain due to absence @ time of application)
(Roll Call: Mr. McGinn-y, Mr. Morrissey-y, Mrs. Elko-y, Mrs. Urbaczewski-y)

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

Meeting adjourned

Respectfully submitted,



Genell M. Ferrilli
Zoning Board Clerk
City of Sea Isle City Zoning Board