

SEA ISLE CITY  
**ZONING BOARD OF ADJUSTMENT**  
**AGENDA**

*Monday, June 3, 2019 - 7:00 pm 'Regular Meeting'*

**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	_____ Louis Feola, Jr.
_____ Patricia Urbaczewski, Vice Chair	_____ William McGinn
_____ Gerard Brangenberg	_____ Daniel Organ
_____ Jacqueline Elko	_____ William J. Keller, Alt I
	_____ Patrick Roberts, Alt II

**4. New Business**

- ◆ **APPLICANT: KLING, Shirley A. & CROWLEY, Terrance L.** *(Use or 'D' Variance)*  
229 and 233 81st Street / Block 80.04 / Lot(s) 273, 275 / Zone R-2 & P-2  
*Proposed:* to construct a new single family dwelling  
*Requesting:* variance relief to build single family partially in R-2 residential district which is permitted & partially in P-2 wetland conservation district which is not permitted
- ◆ **APPLICANT: 42nd PLACE, LLC aka: "THE LUDLAM"** *(Site Plan Review, Use/'D' & Flex 'C' Variances)*  
4000 Landis Avenue / Block 40.03 / Lot(s) 1.04, 4, 12, 2, 21, 22, 23 & 24 / Zone C-5  
*Proposed:* to construct new four (4) story facility containing 46 hotel suites ranging from 1 to 3 bedrooms & 20 with kitchens, as well as ground floor hotel amenities that include restaurant/bar with outdoor bar, retail shop, outdoor pool, parking, etc.  
*Requesting:* variance relief for Use/ 'D' variance to exceed height, Flex 'C', freestanding sign, stacked parking, cooking facilities in individual rooms, max. front yard setback, transparency % glass, window sills above grade, preliminary & final site plan review and other relief necessary
- ◆ **APPLICANT: DUNFEE- Joseph, Gennard, Peggy R & William H Dunfee** *(Hardship/Bulk & Flex 'C')*  
5104 Pleasure Avenue / Block 51.02 / Lot(s) 11.01 / Zone R-2  
*Proposed:* replace existing structure with a new single family residence  
*Requesting:* variance relief of front, aggregate side & rear yard setbacks, lot coverage, floor area ratio and non-buildable building on undersized lot

**5. Resolutions**

**Resolution #2019-05-01** - MARKLE, Edwin & Catherine, 212 - 92nd St, B: 93.03, L: 252 & 53, Z: R-2

**6. Meeting Minutes**

Minutes of May 6, 2019 Regular Meeting

**7. Adjourn**

\* Please note - changes are possible \*

**SEA ISLE CITY**  
**ZONING BOARD OF ADJUSTMENT**  
**Minutes of Regular Meeting**  
**Monday, June 3rd, 2019 @ 7:00 PM**

**~Meeting called to order:** by Chairperson Mr. Pasceri. All rise for Pledge of Allegiance. Opening comments begin with Open Public Meetings Act statement.

**~Board Roll Call:**

*Present:* Mr. Brangenberg, Mrs. Elko, Mr. Feola, Mr. McGinn, Mr. Keller (Alt #1), Mr. Roberts (Alt #2), Mrs. Urbaczewski, Mr. Pasceri

*Absent:* Mr. Organ

*Professionals of Board:* Mr. Christopher Gillin-Schwartz, Esq., Zoning Board Solicitor and Mr. Andrew A. Previti, P.E. of Maser Consulting, Board Engineer.

**~NEW BUSINESS:**

**ANNOUNCEMENTS:**

- 1) Applicant Announcement: Dunfee - Joseph, Gennard, Peggy & William Dunfee @ 5104 Pleasure Avenue Block 51.02; Lot(s) 11.01; Zone(s) R-2; as represented by Donald Wilkinson, Esq. of Josephson, Wilkinson & Gilman, P.A. has requested a continuance to the next meeting with no further notice required due to length of matters ahead of them.
- 2) Applicant Announcement: 42nd Place, LLC aka: 'The Ludlam' @ 4000 Landis Avenue Block 40.03; Lot(s) 1.04, 4, 12, & 20-24; Zone C-5; Representative Michael Malinsky, Esq. of Fox Rothschild, LLP requesting that a continuance to the next meeting with no further notice required would be recommended due to first application running long and not leaving time for another application to begin

**APPLICATIONS:**

- 1) **APPLICANT: Shirley A. KLING & Terrance L CROWLEY** @ 229 & 233 - 81st Street, Block 80.04, Lot(s) 273 & 275, Zones R-2 (Two Family Residential) & P-2 (Wetlands Conservation District).

*PROPOSED: New Single Family dwelling*

**Professionals:** Richard M. Hluchlan, Esq., of Hyland Levin Shapiro LLP, provides an overall summary of the application being presented on a proposed single family to be located at the end of 81st Street on a parcel ½ on land and ½ in wetlands where the applicant is therefore seeking a Use Variance. He continues with a brief history of property, the prior NJ Dept of Environmental Protection and Army Corps of Engineers permitting processes that were done and all necessary approvals that have been obtained, and introduces professionals that will testify on the applicant's behalf, along with additional details and exhibits that will be provided throughout testimony.

**Witness(s):** Chris Crowley (Applicant) provides testimony on the history of how they inherited the property and their long process with NJDEP for approvals including an appeal during the process; Shirley Kling (Applicant) to testify on how important this is to them; Junette Dix (Environmental Consultant) offers credentials and provides testimony regarding the Army Corps of Engineer Application which was found to be unnecessary since the structure was going to be elevated on pilings in lieu of the property of being filled in; Gary Thomas (Land Surveyor) offers experience and provides testimony regarding the lot in question as marked on the aerial photo in conjunction with specific details shown in exhibit A9 ground level photos of surrounding area of property, sewer lateral, surrounding structures and properties, looking to the end of the street and overall area at the end of the street; as well as added testimony to meeting all zoning, codes, ordinances and any other requirements deemed necessary other than relief sought.

**Exhibits/Reports:** Entered into exhibit during testimony were: A1-Deeds; A2-NJDEP Permit; A3-Grant of Conservation Restriction/Easement; A4-NJDEP Preliminary Analysis Reconsideration of App of Substantive Standards; A5-NJDEP Order Denying Request for Adjudicatory Hearing; A6- Dept of the Army 'No Permit Required' letter; A7-Schematic Carport Deck Structure Plan and Section; A8-aerial photograph; A9-seven ground level photographs of property from several directions; A-10 Affidavit of Mailing, proof and letter sent. Also read into record: DPW Memo of approval dated 3/5/19; & Fire Dept. Memo of approval dated 3/5/19; Traffic



Maintenance/Code Enforcement Memo dated 3/7/19 & Police Chiefs' letter of approval dated 3/7/19. Opposition Exhibit Packet O1 thru O6

**Board Comment:** engineer notes lots are both duplex size and applicant is only proposing one single family in addition to verifying the applicant will comply with landscaping, gutters and downspouts and the retaining wall will be withdrawn since not required; connecting to city system is conditioned upon receiving approvals; architectural plans are asked to view which are not available yet; question is raised as to ownership of several surrounding lots. Discussion takes place over why split zone properties were never reviewed before to avoid situations like this as done along the dune line.

**Public Comment:** Ray Went of Nehmad Perillo Davis & Goldstein, PC representative on behalf of Richard Blaha @ 238 West 80th Street and several other properties, with questions directed to applicant and witnesses in conjunction with his Opposition Exhibit Packet labeled O1 thru O6 beginning with letter issued to neighbors about purchasing property at fair market value; questions Mr. Thomas regarding credentials & if he keeps up-to-date on information; he questions Mr. Crowley in regards to flooding; Ms. Dix is questioned regarding soil borings. For Sea Isle City, the Flood Ordinance, the Master Plan and parking, along with all the other flooding and drainage issues, he cannot believe DEP approved this, let alone the view be taken from residences who already live here. He calls his own professionals to challenge testimony already provided beginning with Barbara Allen Woolley-Dillon who offers lengthy summary of credentials and expresses issues with mean high water level, parking, questionable setbacks, claims that purposes for approval have not been satisfied and feels this will affect the city's CRS, adding that density and master plan were not considered before and should not be now, so in closing notes the City has a program in place and as a community is only one with a stake in this and with local jurisdiction, not the DEP who has nothing loose now. Richard Blaha testifies to amount of flooding that takes place when it rains whether a little or a lot and the already existing parking problems this project will only add to and make worse. Floor open to public: (line of speakers all in opposition) Susan Hoffer @ 238 80th St West speaks of tides, wetlands, & storms as she provides and discusses several photos; Chrissy & Michael Shertz @ 225-81st St South speak of the wetlands destruction, care and protection of wildlife & animals who can't defend themselves that live there, tidal flooding, floodplain changes, (per photos provided) storm water repair costs, in addition to how it affects property values, pressure on the aging sewer system, noise, traffic and parking; Jim & Joan McIntyre @ 238-80th St East to stress opposition of this development and ask for clarification on a proposed dock and if this is deed restricted or not and have seen enough flooding and do not want it made worse; Buffy & Joe Casey @ 218-81st St West to express issues with flooding that happens from the littlest amount of rain that creates parking problems and to request that the board oppose the project; Raymond Littleford @ 221-81st St West (owns with his 2 sisters) to comment with emphasis on not being allowed to build in the wetlands and being in agreement with the other concerns that have been raised as he urges the Zoning Board to deny this variance; George Donnelly @ 221-81st St East to stress the issues of flooding when there are storms, no matter what size, and has even caught fish in his garage, and had to note his thanks for hearing this application after so many had driven so far before and had it canceled at the last minute at the prior months' meeting; Ed & Joanne Phillips @ 234-80th St West to speak against this & are in agreement with everything said thus far since sitting on their deck they have slowly watched the water level grow deeper over time; Ann Marie & Philip Moyer @ 225-81st St North to stress that she does not accept this project at all because they have major issues with flooding continuously and would be directly impacted by any development in of their house; Lou & Adele Ruskey @ 222-81st St West to speak in opposition to the project and point out that it is not just an 81st or 80th Street issue but a Sea Isle issue, and then plead to deny it so they do not lose their beautiful view; Richard Dominick @ 214-81st St West to oppose the project after the storms he has seen and believing it would definitely impact flooding on their street; Michael & Dolores Ebner @ 5010 Central Ave North notes their house backs up to the wetlands and being against development on the wetlands foresees a precedent to other builders if this goes through; AnnaMarie Germanio @ 25-37th St West & Real Estate Broker in Sea Isle to express opposition to note agreement with everything said and strongly agrees that building should not be allowed in the wetlands; Pat Sheenan @ 4800 Boardwalk to stress the importance of preventing a big mistake and to oppose this in order to keep development out of the wetlands.

Applicant's attorney provides closing statement in response to all comments and issues made, which are followed by several comments from opposing counsel.

- Motion in the affirmative for a Use Variance to construct a Single Family Dwelling on split zone R-2 and P-2 lot, conditional on meeting comments and conditions per Engineer's report; Mr. Keller makes motion, Mr. Brangenberg seconds; roll call - *aye* '1' in favor / *nay* '5' opposed ('no' vote reasons to be on record)

Brangenberg -nay in order to protect virgin land & zoning that applicant has had more than enough time to do something with before now.

Elko -nay in agreement with Mr. Brangenberg and it being a flood zone that will create more of a problem.

McGinn -nay does not believe they established criteria to prove case, feels P2 zone needs to be protected, is confused by DEP's approvals and believes anyone would see this is clearly wetlands and should be let alone.

Roberts -nay thinks it's setting a precedent that can't be undone and by approving this would open up a pandora's box for future lots.

Pasceri -nay due to the negative impact on neighborhood and wetlands, does not think the lot is suited for development, would be a detriment to the public good and feels the DEP is not really looking into what is going on here.

### **~Meeting Minutes to Adopt:**

- Minutes of Monday, May 6<sup>th</sup>, 2019 Zoning Board Meeting: Ms. Elko makes motion, Mrs. Urbaczewski seconds, roll call of those eligible to vote - all ayes 6 in favor / none opposed

### **~Resolutions:**

Resolution #2019-05-01 - MARKLE, Edwin & Catherine @ 212 - 92nd Street, Block 93.03, Lot(s) 52 & 53

- Memorialize Resolution #2019-05-01; Mr. McGinn makes motion, Mrs. Urbaczewski seconds, roll call of those eligible to vote - all ayes 6 in favor / none opposed

~With no further business

- Mr. McGinn makes motion, second by Mr. Keller, with all in favor to adjourn

### **Meeting Adjourned**

Respectfully submitted,



Genell M. Ferrilli

Board Secretary

City of Sea Isle City Zoning Board