

**SEA ISLE CITY**  
***ZONING BOARD OF ADJUSTMENT***  
***"SPECIAL MEETING AGENDA"***

***Tuesday, January 21, 2020 - 7:00 pm 'Special 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**

<u>Conflict</u>	Patrick Pasceri, Chairperson	<u>x</u>	William J. Keller
<u>x</u>	Patricia Urbaczewski, Vice Chair	<u>x</u>	William McGinn
<u>x</u>	Jacqueline Elko	<u>Conflict</u>	Daniel Organ
<u>x</u>	Louis Feola, Jr.	<u>Conflict</u>	Jeffrey April, Alt I
		<u>x</u>	Nathaniel Deal, Alt II

**4. New Business**

**♦ 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

**5. Adjourn**

\* Please note - changes are possible \*

**SEA ISLE CITY**  
**ZONING BOARD OF ADJUSTMENT**  
**Minutes of Regular Meeting**  
**Tuesday, January 21<sup>st</sup>, 2020 @ 7:00 PM**

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

**~Board Roll Call:**

*Present:* Ms. Elko, Mr. Feola, Mr. Keller, Mr. Deal (Alt #2), Mrs. Urbaczewski,

*Absent:* Mr. McGinn, Mr. Organ, Mr. April (Alt #1), Mr. Pasceri

*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:**

**1) APPLICANT: 42nd Place, LLC.'s "THE LUDLAM"**

@ 4000 Landis Ave, Block 40.03, Lots 1.04, 4, 12, & 20-24, Zone C-5 Motel Business District

*PROPOSED: new four (4) story hotel consisting of 46 hotel suites where 20 are proposed with kitchens, in addition to proposing hotel amenities consisting of a restaurant, bar facility with outside bar, retail shop and outdoor pool.*

**Professionals:** Michael Malinsky, Esq. of Fox Rothschild, LLP begins with an overall summary of the project, followed by explaining the Preliminary and Final Major Site Plan, waiver and variance approval the applicant is seeking for the proposed four (4) story hotel facility that would contain 46 hotel suites ranging in size from 1 to 3 bedrooms and twenty (20) of these suites proposed to having kitchens, and further proposing hotel amenities to include a ground floor restaurant, bar facility that will also contain an outside bar area, a retail shop and an outdoor pool. Mr. Malinsky breaks down the project in further detail beginning with the 86 'Bookable' rooms proposed, consisting of 46 hotel suites ranging from 1 to 3 bedrooms, with associated hotel amenities including a restaurant, bar, retail shop and outdoor pool in the C-5 Motel. Mr. Malinsky further notes two waivers being sought for the site plan scale to be 1" equals 15 ft. and a signed and sealed survey be considered a condition of approval and submitted thereafter, and continues with descriptions and reasoning for variances being sought beginning with the Height Variance, and four sign variances consisting of total sign area, number of free standing signs on JFK Blvd, max. area of free standing signs for 3 separate signs and the setback of same, in addition to stacked parking, cooking facilities in 20 of the 3 bedroom hotel suites, front yard setback, transparency % glass and window sills higher above grade than allowed. Mr. Malinsky takes the opportunity to address public comment as they speak to respond to items of disagreement or provide answers to questions or issues brought up, in addition to addressing the entire room as far as taking all comments into consideration and stating on the record that the applicant will eliminate the off-site loading zone relief and meet requirements necessary for trucks to back in from 40th St, which requires further adjustments like relocation of laundry and storage to provide proper loading zone space. He takes an opportunity to question objector Mr. Orlando regarding height, parking, codes and ordinances, this project in comparison to other projects he has done in town, and specifics on this project in conjunction with the Master Plan. In closing he notes for the record that revisions are proposed and the applicant would request to return with revisions, recommendations and other items addressed, for the Zoning Board to review and consider as a whole for a vote. Mr. Christopher Gillin-Schwartz, Zoning Board Solicitor, provides overall summary of everything discussed based on questions, concerns, recommendations, comments and revisions as noted, whereas the Board has asked for Applicant to return for completion of application hearing at the next scheduled meeting further based on submission of revised documentation in a timely manner for review.

Professional Witness(s): Andrew Bechtold, RA provides educational background and experience before proceeding with testimony detailing the existing site and providing more in-depth information as to what exactly is being proposed by the applicant by way of the site, the hotel and amenities, curb cuts and site access, storm water recharge system, trash and recycling, site size in conjunction with proposed project size, location and accessibility to down town, in addition to differences between what currently exists as far as night club hours and loud music vs. what will be offered through the amenities proposed. He addresses the fire suppression system intentions, screening of vents and mechanical equipment so they are out of sight, parking surfaces and stacked parking, including a proposed bike rack, followed by street trees (per County & City feedback), on site trees and landscaping, including irrigation where needed. The variance requests are reviewed and comments offered on the positives of each variance from aesthetically pleasing to how beneficial it will be to visitors and the community, as well as enhancing the surrounding area. Mr. Bechtold also comments on the benefit of pedestrian safety since the entrances are easily accessible to park and enter the ground floor area where the restaurant, bar and check-in are without the worries of walking along a pedestrian sidewalk area behind cars that need to back out to the street to exit.

At Meeting Chairperson's request Mr. Bechtold proceeds with a detailed layout of the entire project beginning with how the structure will sit on the property, north side parking at grade, south side elevated parking which will lead to the hotel amenities consisting of the restaurant & bar and shop including supporting spaces like the kitchen, stairway & elevator entry, check in area, etc.; circulating up to next level is the first level of hotel suites consisting of three (3) bedroom suites where the north side will have ten (10) three bedroom lockout suites, an outdoor swimming pool area and a courtyard area between the north and south towers including a mezzanine on south side, adding that hotel amenities stop at this level; the next level contains three (3) bedroom non-lockout suites on the north side and lockout suits on the south side having 10 on one and 9 on the front; and continuing to next level are the remaining suites which are laid out the same way as well. Restaurant/Bar/Outdoor Bar is laid out where the outdoor bar area off of Landis Avenue is for more casual coming off the beach drinks and appetizers, whereas area on JFK Boulevard side is for a more appropriate respectable dinner and drinks attire, in addition to the entire project being designed to enhance and for the betterment of a 'WOW' factor to the downtown area. Continuing testimony addresses the positive criteria of the project and the signage that is associated with the project, not only as directional but for advertisement as well.

Accordingly, Mr. Bechtold clarifies details regarding the loading zone relocation, trash and storage area, elimination of stacked parking and parking changes, ADA requirements, street trees, HVAC system screening, lighting/fixture details & photo cell operations to lights, plan for accommodations use and hours of operation, what is proposed for street trees and all project plantings and landscaping, fire protection, CAFRA permit which is pending, transformer location, ADA requirements and what is proposed.

George Wray Thomas, professional Architect, Planner & Engineer on behalf of the applicant, adds testimony supporting the stack parking and the proposed number of parking spaces being sufficient, as well as commenting on the sought variances in his opinion being more than appropriate for the proposed project and how the height variance is an aesthetic benefit to the structure and neighborhood, but not necessary.

David Shorten, as a Certified Floodplain Manager (but not an expert witness) provides testimony on more pervious coverage and the decrease in water flow which will be re-directed away from the City storm-water run-off system, in addition to explaining the proposed re-charge system in detail that is proposed for this project (with no cross examination from objectors).

Mr. Christopher Glancey, representing applicants, offers testimony in regards to the taxes, deed restriction, setbacks, prior projects within the community that were meant to benefit the city as he further provides some examples, and how his main goal for this project has been with the full intention to benefit and improve the city.

Objecting Professionals Witness(s): Ms. Doreen Corino, Esq., representing application 'Objectors' (Mr. & Mrs. Procaccino), questions the size of the structure as far height and why it cannot be made lower like the existing and brought within code requirements. Further concern is stressed in regards to a 'D' variance being necessary for height, and should definitely be a requirement for the cooking/kitchenette units that have been proposed. In response she is offered a list of higher structures around the town that are also higher in height, which is followed by major discussion in regards to cooking facilities not being permitted by code and how this will be taken along with the other variances being presented. Board Engineer Mr. Previti notes for the record cooking is stated as prohibited



which should require a 'D' variance, however in disagreement Board Solicitor Mr. Gillin-Schwartz notes that due to hotel/motel section not addressing or defining efficiency kitchen units this could be considered as a 'C' variance, therefore explaining the decision should be considered and determined by the Zoning Board then. Ms. Corino stresses again that cooking provisions are prohibited and requests testimony from Mr. Orlando on this as well. She continues with concerns over the loading zone and trash removal areas being insufficient and unacceptable to surrounding properties, which is followed with questions about occupancy totals for the hotel rooms individually and as a total, in addition to the restaurant and bar, including any seating for outside restaurant/bar areas too. Further questioning raises discussion pertaining to the Deed submitted into Exhibit and what it contains as far as the reason behind it and the parking it pertains too.

Mr. Vincent Orlando, PE, as professional expert for 'Objectors', gives testimony as matter of opinion on Hotel definition, cooking facilities requiring a 'D' variance even though not entirely prohibited and need to limit them to efficiency size kitchenette units. Mr. Orlando continues with addressing Ms. Corino's other concerns regarding the loading and unloading zone, location of trash enclosure, intensity of uses that he believes will need more parking than proposed and the stacked parking proposed will not work as intended further creating additional parking and congestion problems. He comments on cupolas and other adds-on being what increases the height and since these items are unnecessary this project could actually be built without a height variance needed. Additionally he offers an opinion on this project being a negative impact on the neighborhood given the burden proof behind the sought relief not being met, and believes it is a nice project that does not have to be so big and could be developed without any variances needed.

Exhibits/Reports: A1-four (4) photographs of existing site; A2-3D architectural rendering of the proposed project; A3-plan showing existing site & conditions; A4-Deed/agreement between City and previous party reserving parking area on site, as filed with Cape May County Clerk. Provided to the Board and read into record are DPW Memo with a note that depressed curb needs to be directly in line with front of trash recycling area, dated 1/30/2020; Traffic Maintenance/Code Enforcement Memo of approval, dated 1/30/2020, & Police Chiefs' letter that notes agreement with Traffic & Code Enforcement and further approval, dated 1/31/2020; Fire Department's Safety memo with request for new fire hydrant to be added at the N.W. corner of JFK Blvd & Landis Ave, dated 1/4/19 remains as is. Exhibit O1 -objector provided photos taken from next door.

Board Comment: Mr. Andy Previti, PE, Board Engineer, requests clarification on specific variances and noted waivers for site plan scale and providing a signed and sealed survey, and comments on several conditions of approval such as working with DPW regarding the meter room detail, grading along 40th Street and guiding water to street and inlet with concrete gutters, distinguishing parking spaces assignment on street and under building and those involving valet parking as proposed and shown, vehicular ingress and egress as far directional traffic and bollards, clarification as to loading and unloading area is being proposed on the street which will need a variance and require an ordinance amendment and approval from the City where if not approved will have to return before the Board, repair of any streetscape damages along JFK Boulevard, bicycle rack placement, minor discrepancy between tree requirements and what the County will allow in order to beautify the area in addition to other landscaping proposed and variances associated with same, an irrigation system layout, inquiry about CAFRA permit which as noted is pending, transformer location must be reviewed and made a condition of approval to avoid anything similar to unacceptable placement of same on other projects, all in addition to his recommendations and scheduling of pre-construction and progress meetings in the planning and through the duration of the project. Board questions and comments address loading and unloading of patrons and if there are designated spots for this and what the plan is to prevent outsiders who do not belong from entering and parking in addition to asking for the deed to be added on record as Exhibit A5, in addition there is an inquiry on the height in comparison to the new A & L building which did not need a height variance, and last to ask that loading zone information be provided visually and to consider returning at the Feb. 3rd, 2020 regular meeting as 1st on agenda with revisions in order for a complete and fully understood consideration to be taken in making any determinations for motions.

Public Comment: 1/21/2020 Special Meeting public comment: Tom Corrigan @ 4009 Landis unit C9 (across street condos) to address being in favor of project as an improvement to area and for safety reasons (per photos provided); Bill Baker @ 130-39th to express concern with development causing congestion and parking issues; Frank Speziali @ 123-40th (Four Winds Condos) to say he is not for or against the project and voice concern regarding loading area taking up space off-site, trucks creating congestion, and questions the re-charge system and demolition and piling driving and the impact it will have on surrounding structures; Greg O'Brien @ 3900 Pleasure (Seaview Condos) to note concern with runoff and flooding in addition to driving patrons to other bar establishments which will just create major issues in other areas per conversations he says he had with police further causing need for more police as well; Debbie Brown @ 119-40th (Four Winds Condos) to stress concern with proposed parking and loading zone; Michael Carr @ 210-40th to note issues with number of variances being requested; Amy Procaccino @ 120-40th expressing concern with proposed parking issues and loading zone causing further congestion and submits exhibit O-1 through representing attorney Ms. Corino of photos taken from their property showing current conditions and structure (followed with questioned from Applicant's Attorney) & Dan Procaccino @ 120-40th to reiterate his wife's comments and add further concern about stacked parking and why they have to be so excessive and cannot build according to code; John Fee @ 220-43rd to note being in favor of the project and how the city could use short-term rentals; John Divney @ 10-69th speaks in favor and feels it will enhance and bring a 'wow' factor to the city; Rick Houseworth @ 137-40th to speak in favor of the project and what an improvement it will be; Andy Ferrilli @ 344-38th not for or opposed to the project but to question the parking on site and the actual height of the structure from the true Landis Avenue elevation; Beth Mog @ 304-40th to object to entire project because of the height and parking issues that already exist and objection to any cooking facilities being used and the applicant being completely unfair; John Simoncini @ 7212 Landis to stress opposition to entire project.

- THEREFORE, IT IS AGREED BY ALL PARTIES THAT THE APPLICANT WILL MAKE REVISIONS ACCORDINGLY AND RETURN BEFORE THE ZONING BOARD AT THE FEBRUARY 3RD, 2020 REGULAR MEETING AS FIRST ON AGENDA TO PRESENT SAID REVISIONS FOR A FINAL DETERMINATION TO BE MADE AND VOTED ON, WITH NO FURTHER NOTICE REQUIRED

~Resolutions: N / A

~Meeting Minutes to Adopt: N / A

~With no further business

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

**Meeting Adjourned**

Respectfully submitted,



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