

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Monday, February 3, 2020 - 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	_____ William J. Keller
_____ Patricia Urbaczewski, Vice Chair	_____ William McGinn
_____ Jacqueline Elko	_____ Daniel Organ
_____ Louis Feola, Jr.	_____ Jeffrey April, Alt I
	_____ Nathaniel Deal, Alt II

4. New Business

◆ **APPLICANT: 42nd PLACE, LLC aka: "THE LUDLAM" - CONTINUED FROM 1/21/2020 SPECIAL MTG**

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 rooms & suites ranging from 1 to 3 bedrooms (20 w/ 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: KEENAGHAN, Daniel & Anne**

(Hardship/Bulk & Flex 'C' Variance Application)

13 - 51st Street / Block 50.01 / Lot(s) 6.02 / Zone R-2

Proposed: install 12' curb cut & relocate existing front stairs to provide on-site parking spaces

Requesting: variance relief of alterations to non-conforming structure, undersized parking spaces, and all pre-existing non-conforming

◆ **Applicant: SOFRONEY, James W., Jr. (Use / 'D' Variance)**

8505 Landis Avenue / Block 86.02 / Lot 12.02 / Zone C-2

Proposed: to construct a single family residence fronting on 85th Street

Requesting: use variance relief to change former real estate office use for single family residence to front on 85th Street

5. Resolutions

◆ **Resolution No. 2020 - 01 - 01 - ZONING BOARD RE-ORGANIZATION**

Appoint/Re-appoint Board Members, Professionals, & approval of 2020 Zoning Board Meeting Schedule

◆ **Resolution No. 2020 - 01 - 02 - Zoning Board Solicitor Resolution**

Resolution of Contract for Professional Services

◆ **Resolution No. 2020 - 01 - 03 - Lou & Doris PETKA**

5212 Landis Avenue / Block 52.03 / Lot(s) 11.02 & 12 / Zone R-2

◆ **Resolution No. 2020 - 01 - 04 - DUNFEE: Joseph, Gennard, Peggy R & William H**

5104 Pleasure Avenue / Block 51.02 / Lot(s) 11.01 / Zone R-2

6. Meeting Minutes

Minutes of January 6, 2020 Regular Meeting

7. Adjourn

* Please note - changes are possible *

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
Minutes of Regular Meeting
Monday, February 3rd, 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. Keller, Mr. McGinn, Mr. Organ, Mr. Deal (Alt #2), Mrs. Urbaczewski

Absent: Mr. Feola, 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.

~Announcements:

A note for the record that Mr. McGinn as not present for prior meeting and has provided an Affidavit to confirm he has listened to the January 21, 2020 Special Meeting recording and acceptable to sit on the 42nd Place, LLC application, and due to conflict Mr. Organ will step down.

Anyone present for the Keenaghan Application at 13-51st Street and the Sofronev Application @ 8505 Landis Avenue have requested for a continuance to the March 2, 2020 Zoning Board Meeting with no further notice required, due to the agenda and estimated time for first application being lengthy.

~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 a rebuttal statement, to Ms. Corino's jurisdictional issues, pointing out the plans were amended in response to prior professional, board member and audience comments in order to provide a more acceptable and pleasing project, along with confirming the date revisions were delivered meeting the time requirement deadline for submission and stressing that they had provided more than sufficient testimony supporting their requests and believe they are continuing before the appropriate board, especially since a large part of the application has already taken place in front of the Zoning Board. He further notes that if they had to start all over in front of another board now it would be like being penalized for doing the right thing. In continuing. Mr. Gillin-Schwartz explains that the Board is more than capable of taking into consideration everything presented thus far and making a determination on the necessary variance to follow and whether to keep the application before them or so-called pass the torch. Mr. Malinsky then proceeds with overall summary of revisions that were made in association with the Preliminary and Final Major Site Plan, waivers and variances approvals being sought, once again pointing out that all revisions were in response to previous professional, board member and audience comments or recommendations made. Next he breaks down the revisions starting with reduction of bookable rooms from 86 to 74, reduction of hotel height from 47.3 feet to 43.11 feet above base flood elevation (BFE) which comes to 3'-4.6", elimination of stacked parking & associated variance, removal of 1,350 s/f of commercial area to provide off street loading area and improve on site traffic circulation, therefore bringing compliant and eliminating several 'issue' variances. Mr. Malinsky clarifies that absolutely no stacked parking is proposed anywhere on site even though he still requests a poll of the board members in regards to whether stacking for added parking should be considered to alleviate any parking problems, and continues with trash removal per the DPW report, bike rack placement and offers further clarification pertaining to street trees and other landscaping relief and an inquiry pertaining to ridge height and before proceeding to Mr. Bechtold regarding the adjacent property and fencing.

Professional Witness(s): Andrew Bechtold, RA provides supporting details regarding the changes made beginning with the loading area by creating drive isle from JFK thru to 40th Street to help alleviate traffic, eliminated stacked parking to comply with required 74 parking spaces to accommodate 74 bookable rooms, drive isle being along west side of lot as created from reduction in commercial space by 1,350 s/f, further creating a loading area and parallel parking spaces as well. He briefly explains how the traffic pattern is proposed to work and how they reduced the height by eliminating one foot from each level of the structure going from 9' to 8' and flattening several taller pitched roof areas. Mr. Bechtold is asked to provide testimony regarding restaurant changes, the entrance area that comes in from both Landis Avenue and JFK and the location of check-in, ADA requirements associated with the elevator and parking, in addition to the entrance and mezzanine layouts and open area where patrons enter to a smaller area that accesses stairs leading to the mezzanine level where check-in is located. He provides additional details in regards to how patrons will drive in, park, and go to check, which leads to questions about patrons crossing a drive isle to access the building entrance and questions regarding ingress and egress and proposed vehicle directions. In response to Mr. Previti regarding prevention of non-hotel patrons it is noted for the record that placards will be issued to hotel guests only that are authorized to utilize the parking. Mention of a solid wall shown is discussed and addressed as something that could be remove to allow more sidewalk space if necessary, and final clarification they still awaiting the CAFRA permit which was noted could very well change everything. Mr. Glancey quotes for the record in reiteration to testimony from Mr. Bechtold that this project is a better zoning alternative than the alternative, in addition to the project and improvements proposed being as beneficial and enhancing as possible to the neighborhood and community.

Professional Objection Witness(s): Ms. Doreen Corino, Esq., representing application 'Objectors' (Mr. & Mrs. Procaccino) asked to speak in regards to jurisdictional and land use issues that she would like on the record before the applicant proceeds beginning with the plans submitted which contained revisions changing more than originally thought, claiming that timing of when plans were submitted did not allow enough time for other parties to review them, in addition to how the Zoning Board should consider with the revisions made this application should be going before the Planning Board now when actual variance is determined not to be a 'D' variance needed. Therefore it is further noted that a number of the revisions have changed jurisdiction of this application and can be argued accordingly, depending on the determination of a 'C' or 'D' variance. Additional questions regarding the revisions made and claims of reducing the number of and sizes of the parking spaces and how this was obtained, since it is believed the number of rooms was not reduced accordingly. Ms. Corino notes there has not been testimony provided to support the variance relief being sought in addition to the revisions not being as grand as they were made out to be and further believes it to be a self-made hardship for profit purposes.

Mr. Vincent Orlando, PE, as professional expert for 'Objectors', provides additional testimony on the differences of 'C' and 'D' variances in conjunction with what is proposed for this project, also taken note of city code and ordinance required. He briefly notes his concern for the record with regards to the parking spaces in question along with a few other spaces, the number of rooms, mention of the height concerns, and the cooking facilities raising the intensity of this development

Exhibits/Reports: "Previously submitted into record" were A1-4 existing site photos; A2-3D architectural project rendering; A3-existing site & conditions plan; A4-Deed/agreement between City & previous party for reserved parking area filed thru County; City DPW Memo referencing depressed curb for trash recycling area, dated 1/30/2020; City Traffic Maintenance/Code Enforcement Memo of approval, dated 1/30/2020, & Police Chiefs' letter of approval & agreement w/Code Enforcement, dated 1/31/2020; Fire Department's Safety memo requesting new fire hydrant be added at N.W. corner of JFK Blvd & Landis Ave, dated 1/4/19.; Exhibit O1 -objector photos from property next door.

Board Comment: comments begin with addressing whether the Zoning Board should consider this application under a 'C' or 'D' variance, whether based on Mr. Previti's opinion regarding the cooking facilities needing to be per Code or Mr. Gillin-Schwartz's difference of opinion that what was proposed is acceptable. Further comment notes the extent of the changes made were unfair leaving the variances questionable either way. It is then agreed variance determination needs to be considered before the Zoning Board proceeds and if it should remain before them or change boards and start over. The actual number of bookable rooms is questioned as far as what was changed to

reduce the number of rooms, in addition to explaining the end room layout due to what looks like a solid wall which leaves to question to what is actually proposed. There is mention of what really looks to be stacked parking and if not addressed accordingly will delay other approvals, unless possibly affiliated with valet parking, whereas Board members are polled regarding any stacked parking of which none are in favor and ask that the spaces in question possibly be utilized for added bike racks which will be looked into. Closing board comments add what an improvement and benefit the project will be, how the public and everyone else got involved with input and information, notes how the applicant took public comment and modified things accordingly, the benefits for elderly and families with children having use of kitchenette units, comments on how we have enough housing and how this is something needed and will add to the community, and even with overall construction and ordinances in general it will be an improvement needed in town.

Public Comment: 2/3/2020 Regular Meeting public comment: Bill Baker @ 130-39th in regards to not seeing any hardship behind the proposed height of this building and disagrees with the greediness; John Fee @ 220-43rd believes in this project and says it is needed especially for quality short term rentals; Steven Decredico @ 4200 Boardwalk unit C-A as a business owner is in favor of the project which will bring in quality rentals and move the town forward; John Divney @ 10-69th repeats his previous comments about this bringing a 'wow' factor that will benefit to the city; Angel Dalrymple @ 4112 Pleasure says no matter how you look at it there are an excessive amount of rooms and foreseen parking issues; Henry Walton @ 2713 Landis to note the stacked parking is a bad idea and asks about trucks being able to pass through the drive aisle; Walter Zakorchemny @ 222-40th offers a petition from 40th Street properties (which cannot be accepted) and add that he is still greatly concerned with the height and the impact on parking it will have; John Simoncini @ 7212 Landis is opposed and has concern over the lot sitting vacant if development stalls due to the size of the project being too big or a sudden lack of funds; Michael Carr @ 210-40th questions the design and location of the loading dock and trash area (City Eng. notes DPW had been consulted with about this already) and how an undue hardship was not demonstrated; Dan Procaccino @ 120-40th questions the impact trucks and parking will have in the surrounding neighborhood; Joe Roberts @ 9010 Pleasure expresses concern over trash and delivery truck noise and the location of the curb cut.

MOTIONS are taken in the affirmative with a note that four (4) board members stepped down due to conflict.

- First consideration, in order to continue, is Motion in the affirmative to handle cooking facilities as a 'D' variance; Motion made by Mr. McGinn, second by Ms. Elko; roll call - *aye '2' in favor / nay '3' opposed*; therefore FAILED 3-2 opposed
- Next consideration, a Motion in the affirmative to handle the cooking facilities as a 'C' variance and the Zoning Board continue jurisdiction of application; Motion made by Mr. Keller, second by Ms. Elko; roll call - *aye '5' in favor / non opposed*; therefore unanimously PASSED 5-0 in favor
- Variance Motion in the affirmative for Building Height; Motion made by Mr. Keller, second by Ms. Elko; roll call - *aye '3' in favor / nay '2' opposed*; therefore PASSED 3-2 in favor
- Variance Motion in the affirmative for Efficiency Cooking Facilities in 20 hotel suites; Motion made by Mr. Keller, second by Ms. Elko; roll call - *aye '4' in favor / nay '1' opposed*; therefore PASSED 4-1 in favor
- Variance Motions in the affirmative for remaining variances and waivers based on the number and location and size of signs, front yard setback, transparency % of glass facade, windowsill height above grade, and 6 street trees proposed and request to county for 2 more, and on-site trees being less than required; all in accordance with and subject to Board Engineer's January 29, 2020 report; Motion made by Mr. McGinn, second by Mr. Deal; roll call - *aye '5' in favor / nay '0' opposed*; therefore PASSED 5-0 in favor
- Motion in the affirmative for Preliminary and Final Site Plan Approval including all conditions as discussed in addition to the variances for speed bump, all parking spaces and dimensions to be shown, detailed definition of hotel rooms vs. suites, compliance with affordable housing code, and conditional upon receipt of CAFRA approval forthcoming; as well as the elimination of the variances for stacked parking and off-site loading area; also all in accordance with Board Engineer's 1/29/2020 report; Motion made by Mr. McGinn, second by Mr. Keller; roll call - *aye '5' in favor / nay '0' opposed*; therefore PASSED 5-0 in favor

~Resolutions:

Resolution No. 2020 - 01 - 01 - ZONING BOARD RE-ORGANIZATION

To Appoint/Re-appoint Board Members, Professionals, & approval of 2020 Zoning Board Meeting Schedule

- Memorialize Resolution #2020-01-01; Mr. Keller makes motion, Mr. McGinn seconds, roll call of those eligible to vote - all ayes 5 in favor / none opposed

Resolution No. 2020 - 01 - 02 - Zoning Board Solicitor Resolution

For Contract for Professional Services

- Memorialize Resolution #2020-01-02; Mr. Keller makes motion, Mr. McGinn seconds, roll call of those eligible to vote - all ayes 5 in favor / none opposed

Resolution No. 2020 - 01 - 03 - Lou & Doris PETKA

@ 5212 Landis Avenue / Block 52.03 / Lot(s) 11.02 & 12 / Zone R-2

- Memorialize Resolution #2020-01-03; Mr. Keller makes motion, Mrs. Urbaczewski seconds, roll call of those eligible to vote - all ayes 2 in favor / none opposed

Resolution No. 2020 - 01 - 04 - DUNFEE: Joseph, Gennard, Peggy R & William H

@ 5104 Pleasure Avenue / Block 51.02 / Lot(s) 11.01 / Zone R-2

- Memorialize Resolution #2019-12-01; Mr. Keller makes motion, Mr. Deal seconds, roll call of those eligible to vote - all ayes 3 in favor / none opposed

~Meeting Minutes to Adopt:

- Minutes of Monday, January 6, 2020 Zoning Board Meeting: Mr. Keller makes motion, Mr. Deal seconds, roll call of those eligible to vote - all ayes 3 in favor / none opposed

~With no further business

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

Meeting Adjourned

Respectfully submitted,



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