

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Monday, March 2, 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	_____ Jeffrey April, Alt I
_____ Patricia Urbaczewski, Vice Chair	_____ William McGinn	_____ Nathaniel Deal, Alt II
_____ Jacqueline Elko	_____ Daniel Organ	
_____ Louis Feola, Jr.		

4. New Business **** continued from February Meeting**

♦ ****Applicant: KEENAGHAN, Daniel & Anne** (*Hardship/Bulk & Flex 'C' Variance App*)

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: variance relief of Use (change former real estate office to single family residence fronting 85th Street) and building on a non-buildable lot of less than 3,500 s/f

♦ **Applicant: CAMPBELL, William** (*Hardship/Bulk & Flex 'C' Variance App*)

28 - 59th Street / Block 59.02 / Lot(s) 11 / Zone R-2

Proposed: renovate front unit to reduce current non-conformities & use of property, and make flood compliant and a more traditional two unit structure

Requesting: variance relief for lot size & dimensions, rear yard setback, aggregate side yard and parking

♦ **Applicant: YOUNG, Frank & Terri** (*Hardship/Bulk/Flex 'C' Variance App*)

4408 Park Road / Block 44.05 / Lot(s) 7 & 8.01 / Zone R-2a

Proposed: add deck to recently elevated structure

Requesting: side yard setback relief

PLEASE NOTE: The following application is proposed for continuance to April meeting due to full agenda.

♦ **Applicant: KEARNEY, O'BRIEN & RAUCK** (*Hardship/Bulk/Flex 'C' Variance App*)

8901 Landis Ave / Block 90.02 / Lot(s) 6, 7, 25.01 / Zone R-2

Proposed: replace existing residence with new duplex residence

Requesting: building on non-buildable lot, front yard setback & any other non-conformities

5. Resolutions

¶ **Resolution No. 2020 - 02 - 01 - 42nd PLACE, LLC aka: "THE LUDLAM"**

4000 Landis Avenue / Block 40.03 / Lot(s) 1.04, 4, 12, 2, 21, 22, 23 & 24 / Zone C-5

6. Meeting Minutes

Minutes of January 21st, 2020 Special Meeting and February 3rd, 2020 Regular Meeting

7. Adjourn

* Please note - changes are possible *

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
Minutes of Regular Meeting
Monday, March 2nd, 2020 @ 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. Feola, Mr. McGinn, Mr. Organ, Mr. April (Alt #1), Mr. Deal (Alt #2), & Mr. Pasceri

Absent: Ms. Elko, Mr. Keller, Mrs. Urbaczewski

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

~Announcements:

For anyone present regarding the Keenaghan Application at 13-51st Street it will not be heard and has requested to wait until the April 6, 2020 Zoning Board Meeting and will re-notice accordingly.

~NEW BUSINESS:

- 1) **APPLICANT: SOFRONEY, James W. Jr.** @ 8505 Landis Ave, Block 86.02, Lots 12.02, Zone C-2

PROPOSED: to construct a three (3) story single family home with parking spaces on site and one space in the garage area on site with a driveway to the street, proposed to front 85th Street.

Professionals: Donald Wilkinson, Esq. with associate Cory Gillman, Esq. on behalf of applicant, begins with a brief summary of the project being proposed, offers applicant and professional to provide witness testimony, and proceed in addressing the Board Engineer's comments and zoning as it pertains to the use variance as they detail the structure being proposed and provide visual documentation of what could be built if the commercial zoning is necessary

Professional Witness(s): Carmen LaRosa, R.A. provides detailed testimony on setbacks, specific measurements, design of what is being proposed, detailed layout of each level, parking on site and vehicular access to same, and offers the benefits of proposed residential in lieu of mixed use or commercial. Additional comparison testimony is offered on differences between residential and commercial and the positive and negative criteria of each, as well as specific details in response to Board Engineer's report regarding landscaping, stormwater, hvac units, sanitary sewer and water, grading, FEMA regulations and proposed re-zoning of property based on this project.

Witness(s): James (Jamie) Sofroney, Applicant, offers testimony pertaining to existing structure and summarizes the adjacent properties and how commercial or mixed use is not feasible where in conjunction with the feedback obtained from most surrounding properties who are opposed to any commercial development made for proposing residential instead

Exhibits/Reports: A-1 - drawing w/visual rendering of what was originally proposed and decided against; read into record are DPW Memo of approval dated 1/29/2020; Traffic Maintenance/Code Enforcement Memo dated 1/30/2020 & Police Chiefs' letter of approval dated 1/31/2020.

Board Comment: more detail is requested on parking layout proposed, changing the zone is a major concern to have residential in lieu of commercial but in disagreement one adds how crowded this area is during the summer and more commercial space would make it worse which creates question to exactly what is suitable for this lot.

Public Comment: Leena Ala-kokko @ 212-89th St to note being in favor of this application, Harry Lipschultz @ 119 -88th St to note being in favor of this project as residential, Loretta Giello @ 132-85th St saying yes to this , Bill Downs @ 142-87th St in favor of the residential which should help some with parking, William Ruhl @ 243-85th St who is in favor of this as a single family residential home which he feels is benefit as far as parking is concerned, Amy D'Alonzo @ 13-85th St to note in favor for residential and in agreement with what everyone else said as well.

➤ Therefore, per the applicant's request, this application has been requested to be tabled until the next meeting on April 6, 2020 waving all timing requirements and with no further notice required

Reference: 42nd Place, LLC

Objecting Attorney Doreen Corino requests to address the Board in reiteration to the January 21 and February 3, 2020 Meetings on the proposed 42nd Place, LLC Hotel project, also known as 'The Ludlam' and comment on disagreeing to the variances for this project being changed from 'D' to 'C' which should have changed Boards then, and further asks for the Zoning Board to reconsider prior to proceeding with any memorialization of a resolution for this project because of numerous issues objectors have with this application and the intended actions to appeal with complaint and declaratory judgement for determination by the court on this application, filing against possible joined forces of the City of Sea Isle and Planning Board, since they have no enforcement authority over Zoning Board, including all items of issue previously discussed as well.

Mr. Gillin-Schwartz notes for the record the resolution has to be memorialized and any further actions can proceed thereafter.

2) APPLICANT: CAMPBELL, William @ 28 - 59th Street, Block 59.02, Lot 11, Zone R-2

PROPOSED: to reconstruct one unit of an existing duplex with a new three (3) story structure

Professionals: Rick Andrien, Esq. on behalf of applicant, begins with a brief summary of the project proposed being an undersized lot with noted non-conformities, reviews the square footage of existing structures, and addresses expert for detailed testimony on this project and to further explain the structure and the setbacks, in addition to the changes proposed by one unit coming down and being rebuilt but not the other.

Professional Witness(s): Carmen LaRosa, R.A. provides addresses what has been designed and specific details on the existing structure, how it will be made flood compliant, setbacks and where it will encroach, offers details in conjunction with drawing provided for visual of the project and layout for each level, making it more suitable in today's standards and fitting in better with the surrounding neighborhood

Witness(s): Mr. Campbell (applicant) provides history on the property and existing structure

Exhibits/Reports: A-1 - drawing for visual of what is being explained; submitted for file was DPW Memo of approval dated 2/27/2020.

Board Comment: questions regarding percentage of improvements that will be made with reference to a 50% rule, if a fire wall will be built (which is noted yes for the record), landscaping, water & sewer, gutters and downspouts, the driveway which will remain as is, including note of garage being for storage only and FEMA regulations are also discussed

Public Comment: N/A

- Variance Motion in the affirmative based on proposed C1 and C2 criteria for all variances which include all existing non-conformities of use limitation, min. lot area, min. lot width, aggregate side yard setback, min. rear yard setback, parking spaces, and min. side yard, including everything as discussed and noted in Board Engineer's report; Motion made by Mr. Organ, second by Mr. April; roll call - aye '6' in favor / nay 'none' opposed; therefore PASSED 6-0 in favor

3) APPLICANT: YOUNG, Frank & Terri @ 4408 Park Road, Block 44.05, Lot 7 & 8.01, Zone R-2a

NOTE: Chairman Mr. Pasceri and Board Member Mr. Feola have conflict and step down. Mr. McGinn will be acting chair for this application

PROPOSED: to add exterior decks to structure

Professionals: Andrew Catanese, Esq. on behalf of applicant provides a brief summary of the prior approvals granted by the board to raise their structure due to flooding issues, followed by explanation as to their need for returning before the board since raising the decks with the house was overlooked and the need for exterior stairs, which was the main reason for having to seek relief due to narrowness of lot hardship. He confirms an amendment to the application that will further include necessary variance relief affiliated with ground level deck and providing plans accordingly.

Professional Witness(s): Robert Green, PE, provides testimony regarding the proposed project in conjunction with the visual exhibits as he explains in detail the exterior stairs that will encroach into the side yard and how the decks will be compliant with no need for any relief. He also addresses the inquiry of a spiral staircase which he states would not be sufficient based on being the only egress into the structure, further pointing out that interior stairs

would not be sufficient either due to the narrowness of the lot and structure, and noting that helical piles are being used as the support for what is proposed and not the bulkhead as asked about.

Witness(s): Mr. & Mrs. Young (Applicants) to be available for questions or concerns and testify to helical piles that will be used for supporting the upper level deck which will be connected to lower ground level deck. Nothing will be supported by or on the bulkhead.

Exhibits/Reports: A1-prior approvals granted, A2 thru A7- photographs & renderings of site and structure prior to and after being raised; submitted for file was DPW Memo of approval dated 2/27/2020

Board Comment: there is an inquiry of whether a spiral staircase was considered which is noted would not be sufficient as the only egress to structure, some clarification is made as to additional variances to be considered and the zoning schedule being adjusted accordingly, as well as verification that decking will have its own foundation and not any use of bulkhead.

Public Comment: N/A

- Variance Motion in the affirmative based on C1 and C2 criteria on four (4) variance items for min. side yard, aggregate side yard and both for at grade level deck, including all items as discussed and noted in Board Engineer's report; Motion made by Mr. Deal, second by Mr. April; roll call - *aye '4' in favor/ nay 'none' opposed/ two abstained due to conflict*; therefore PASSED 4-0 in favor

~Resolutions:

Resolution No. 2020 - 02 - 01 - 42nd Place, LLC. aka: 'The Ludlam'

@ 4000 Landis Avenue/ Block 40.03/ Lot(s) 1.04,4,12,20, 21, 22, 23 & 24/ Zone C-5,
including changes/corrections as discussed/amended and based on what took place at meeting, not per voting

- Memorializing Resolution #2020-02-01; Mr. McGinn makes motion, Mr. Deal seconds, roll call of those eligible to vote - all *ayes '2' in favor / none* opposed

~Meeting Minutes to Adopt:

- Minutes of Tuesday, January 21, 2020 'Special' Zoning Board Meeting, including minor change. Mr. McGinn makes motion, Mr. Deal seconds, roll call of those eligible to vote - all *ayes '2' in favor / none* opposed
- Minutes of Monday, February 3, 2020 Regular Zoning Board Meeting Mr. makes motion, Mr. Deal seconds, roll call of those eligible to vote - all *ayes '2' in favor / none* opposed

~With no further business

- Mr. McGinn 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