

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
AGENDA

Regular Meeting, Monday, July 6, 2015 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: LIPSCHULTZ (Harry & Catherine Lipschultz)

- Property: 119 – 88th Street / Block 88.02 / Lots 16 & 17 / R-2 Zone
- Development Proposal: Applicant is proposing addition to install an in-ground swimming pool, for new single family home.
- Relief Sought: Applicant is requesting variance relief of side and rear yard setbacks for a pool, per request referenced to Section: 26-46.4 and 5 regarding accessory structure setback.

APPLICANT: FREDA, Joseph G. (a.k.a. Shopping Center)

- Property: 6210 Landis Avenue / Block 61.03 / Lots 20.01 / C-1 Zone
- Development Proposal: Applicant is proposing replacement of four existing commercial buildings with two new commercial buildings.
- Relief Sought: Applicant is requesting variance relief for number of principal buildings – per zoning official correspondence - landscaping (26-25.3), side yard setback (26-52.6), drainage calculations & minimum ground water depth (26-38), maximum commercial front yard setback, curb opening width, percentage of 1st floor non-residential coverage; Design standards: ground level glass –building #1 (26-43.3-d(1)), % of flat roof –building #1, mass spacing –building #1; and other relief deemed necessary.

APPLICANT: McBRIDE (Dennis McBride & Patricia McBride)

- Property: 125 – 90th Street / Block 90.02 / Lots 13.02, 14 & 15.01 / R-2 Zone
- Development Proposal: Applicant is proposing replacing existing with a new single family residence.
- Relief Sought: Applicant is requesting variance relief for buildable lot (26-20.3), front yard setback (26-46.4), rear yard setback (26-46.6), aggregate side yard setbacks (26-46.5), lot area/frontage/depth (existing condition) (26-47.47), drainage calculation & water table depth.

5. Resolutions to be Memorialized

RESOLUTION No. 2015 – 05 – 02

CRAINE, David & Jan Craine @ 355 -45th Pl (Block 45.06 /Lots 21.02, 22, 23 & 24)

RESOLUTION No. 2015 – 06 – 01

SPANGLER, Stephen & Lisa @ 4709 Landis Ave (Block 47.02 /Lots 1.02 & 2.02)

RESOLUTION No. 2015 – 06 – 02

PARKER, William & Mina @ 20 -53rd St (Block 53.02 /Lots 11.03)

6. Adoption of Minutes

Minutes of June 1, 2015 Regular Zoning Board Meeting

7. Adjourned

**SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT**

***Minutes of Regular Meeting
Monday, July 6, 2015 @ 7:00 PM***

~**Called to Order** –Vice Chairperson, Mrs. Urbaczewski, leads in the Pledge of Allegiance, calls meeting to order and begins with open public meetings act announcement.

~**Attendance** - (Roll Call): Mr. McGinn, Mr. Morrissey, Mr. Organ, Mrs. Elko, Mr. Laidlaw, & Mrs. Urbaczewski. Also in attendance: Mr. Tom Hillegass – Board Solicitor and Mr. Andy Previti – Board Engineer.

~**Announcement** – the Lipschultz Application @ 119-88th Street and the McBride Application @ 125-90th Street will not be heard and have been continued to the next Meeting of August 3rd with no further notice necessary to the public.

~**Applicant:** FREDA, Joseph G. (AKA: ACME Shopping Center) @ 6210 Landis Avenue, Block 61.03, Lot 20.01 in a C-1 Zone.

Mr. Hillegass addresses Mr. Wilkinson and all present to explain the intended procedure that will be followed for this application. Whereas first will be for the purpose of a 'D' Variance allowing more than one principal structure on a lot, since it was determined accordingly that only one principal structure was allowed thereby requiring this variance. If 'D' variance approval is granted, a proposed Site Plan Review can be done in advance of the Applicant's Request for Preliminary and Final Site Plan Approval. Furthermore, since plans have not been submitted pertaining to the ACME and proposed information will be provided through Representatives of ACME, this falls more by way of a Site Plan Review whereas following a brief presentation, questions, comments and any other issues that can be discussed informally, could provide the Applicant with enough information to prepare and submit plans for the Preliminary and Final Site Plan Approval within the 10 day period prior to the August 3rd hearing date. Therefore, all Variances and Preliminary and Final Site Plan Approval could be voted on at the next meeting, however right now the 'D' Variance ONLY will be considered, which is a threshold issue with two principal buildings on a lot.

Sworn in are Andy Previti, Board Engineer for entire meeting; Carmen J. LaRosa - Architect for Applicant; Joseph Freda – Applicant; and ACME Representatives: Paul Freehart – Construction Manager for ACME Markets, John Connolly – Construction Manager for ACME Markets, & Bill Crosby – Vice President of Operations for ACME Markets.

Don Wilkinson – Attorney on behalf of the Applicant - begins with a brief summary of the reason for this application by way of the approval sought for a 'D' Variance to be followed by testimony to provide support along with a Site Plan Review, that will all take place in advance of the Preliminary and Final Site Plan Approvals the Applicant is seeking from the Board. In continuing with further explanation of the proposed work, he addresses Mr. LaRosa who first distributes drawings entered into exhibit by Mr. Hillegass and then begins testimony pertaining to what is proposed for the new ACME and the other buildings with some details, as well as proposed changes and improvements for the surrounding area. First was to assure that there is no residential involved in this project. Additional items noted were the drive area and fire access as well as other access areas into and out of the parking lot, the flood

elevation of the existing ACME being used in plans for the new one to be flood compliant and for flood gating to be considered if necessary, parking and driveway as well as the storm water runoff and other drainage issues have all been looked into and will be researched and resolved.

Mr. Hillegass reiterates once again that the Applicant is seeking a 'D' variance to permit two principal buildings on a lot, not mixed use with commercial on the first floor and residential on the top or upper level but in fact two principal commercial buildings only on one which is a 'D' variance for density or known as D-5. Therefore the Board must find that there is sufficient special reason that the proposed project carries out one of the purposes of zoning as noted or that refusal of the project would cause undue hardship, as well as the applicant having to satisfy the negative criteria.

Floor is open to public comment for the main purpose of two commercial buildings on one lot only:

Bill Cook- 144-61st Street- adjacent/engineer with question about demolition and if environmental study has been done, parking, construction lot of equipment will remain and if behind is going to become a roadway to go through

John Kampmeyer- 128-61st Street- question procedure right now for D variance to put two buildings on lot and anything with site plan details will be covered at the next meeting on August 3rd -Tom verifies and reminds that plans will be available for review 10 days prior to the next meeting. He asks about Construction review period and if plans can be reviewed at that time as well due to several issues he has noticed and errors in code uses that he sees that should be addressed.

Len Donnelly- 126 -61st Street -concerns about parking because it shrinks and what will happen with the horrendous parking, deliveries, trash pick-ups, and the situation with what-ever moves into the smaller building.

With no further show of hands this public portion is closed

Mr. Hillegass addresses the Board Members first by way of the Applicant proposing two principal buildings on a Lot and in order to grant this he proceeds in thoroughly explaining what exactly should be considered in this determination - carries out a purpose of the zoning or a refusal of the project would impose an undue hardship. With respect to the special reasons it is only necessary to find one and Mr. Hillegass points out that Mr. LaRosa has sited six (being A,B,H,I,C,& O) and reads them aloud noting that the applicant still must satisfy the negative criteria that relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone plan and Zoning Ordinance. If voted in favor the applicant must still comply with Preliminary and Final Site Plan Approval to be considered at a later date but tonight the applicant will be presenting a review of the proposed plans and intentions. Therefore,

- To approve a 'D' Variance for this Application, a Motion is made by Mr. Organ and second by Mr. Laidlaw

Roll call : Mr. McGinn-y, Mr. Morrissey-y, Mr. Organ-y, Mrs. Elko-y, Mr. Laidlaw-y, Mrs. Urbaczewski-y

As it is noted for the record that this should benefit the community and be an improvement, considering that it could have gone in a different direction and became a very large number of residential units involved in a mixed use project.

Brief break before continuing

Called to order

Applicant will at this time continue with a Site Plan Review where they can at least show and/or present to the Board proposed plans and the Board will provide feedback. There is not a public comment portion for this since it is just an informal site plan review which will not have any public speaking

involvement, however the applicant will be required to submit their revised plans at least ten (10) days prior to the meeting and everyone living within 200' will be notified within the allotted amount of time of the next meeting to provide them with the opportunity of attending to ask questions or speak at that time.

Mr. Wilkinson, Attorney on behalf of the applicant, begins with a brief summary to present and offer a description of the proposed Site Plan, and informally address some of the issues brought up through the Engineer's memo, as well as answer any questions and entertain any views brought up by the Board. Therefore as previously indicated the applicant is proposing to replace the existing ACME market with a new building and another building to north for the restaurants. Mr. LaRosa is addressed to provide further testimony pertaining to basic issues of which Mr. Previti asks to keep with details in regards to the site for the sake of the public. Mr. LaRosa proceeds to present details regarding the layout and setbacks, the new structures, the ACME loading dock areas and specifics, ramp access, outdoor seasonal area that will also be gated, iron fence system along the front and other enhancing improvements. Before proceeding with what is planned for the Interior it is mentioned that this ACME will be almost double in size whereas our current store is around 11-12,000 s.f. in size and the proposed new ACME will be 26,000 s.f. In addition there will be a second building located on the northern side of the property behind the CVS to house two restaurants. Further discussions were of stormwater management system that is proposed to run off through the lot and catch as much water as possible from the parking lot and direct it into the stone trenches that are proposed. There is an Engineer preparing the stormwater calculations so a variance will not be needed and Engineer Drawings will be provided to Andy P for review as soon as they are completed by the Engineer, who will also stay on as an advisor. Landscaping is not much and proposed to enhance the project but there is not a lot of room to work with in regards to the shrubs that were called for so it will have to be reviewed further. Additional items mentioned were drive aisles in parking lot, parking spaces to north of ACME building, and the driveway running behind ACME, as well as details of what the intended use will be and how to avoid improper use leading to easement questions which will require further research and information to be provided if anything is available if entry and parking is considered for this rear roadway area. In continuing additional items addressed were storage trailers, trash removal, the sidewalk and fire lane, walkways and handicap areas, and the utility hook ups for bringing water and sewer into the site. Chief Edward's report of recommendation for a fire hydrant, fire protection in ACME, and suggestion to consider a sprinkler system for building two is read, agreed to, and will be further reviewed and incorporated into this project. Placement of items on the roof is asked about which will have a screening system around it, like the AC units and other items, which is like a sound and buffer system and information provided by ACME is given to Board members for review. It is also noted they are proposing a solid fence and pent roof around anything placed on the roof of the other building two. Mr. Previti briefly reviews his report which reiterates previously discussed items followed by comments from Board Members with specific mention of employees and concerns with parking. The floor is open for any public comments, suggestions or to ask questions at this time

Gentleman asks about the fence along the back of the property -

-Where it is proposed to have a curb installed along the property line and a fence installed on top of that curb

Art Iannone - 146 52nd Street & owner of Sands Dept Store - mentions the previous discussion about the parking as well as the current huts that ACME has in the parking lot holding all their carts and would like to know if nothing is shown where the carts will be held for the new ACME

-They are proposed to be kept along the ramp way and adjacent to the building

So Art asks if the sidewalk will continue freely in front of the stores under the overpass as or if this will block it since it is not shown very well

-It is to remain an open walkway and all outside displays are to be kept out of the way

With last call and no further show of hands the public portion of this meeting is closed.

With a good insight of what to expect for the next meeting there is verification that notice for this application is necessary prior to the August meeting

Brief break for audience to leave

~Resolutions:

Resolution No. 2015-05-02 - CRAINE, David & Jan Craine @ 355-45th Place

- To memorialize Resolution #2015-05-02,
Roll Call:

Resolution No. 2015-06-01 - SPANGLER, Lisa Spangler @ 4709 Landis Avenue

- To memorialize Resolution #2015-06-01,
Roll Call:

Resolution No. 2015-06-02 - PARKER, William J. Parker @ 20-53rd Street (3rd Story/roof level Deck)

With a note that the hearing date will need to be changed to June.

- To memorialize Resolution #2015-06-02,
Roll Call :

~Meeting Minutes to Adopt:

- To approve the minutes of the June 1st, 2015 Regular Zoning Board Meeting, a Motion is made by Mr. Organ and second by Mrs. Elko
Roll call :

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

Meeting adjourned

Respectfully submitted,



Genell M. Ferrilli
Zoning Board Secretary