

**SEA ISLE CITY ZONING BOARD OF ADJUSTMENT  
APPLICATION / APPEAL FORM**

Date of Application / Appeal: \_\_\_\_\_

**1. Location of premises that are the subject of this matter:**

Street address: 329 43rd Place  
 Tax Block: 42.05 Lot(s): 9, 10  
 Zoning District in which premises are located: C-3

**2. Name, address, phone nos. for Applicant(s):** [see Notes page]

329 43rd Place, L.L.C., Michael DiPalantino (50%) and Karen DiPalantino (50%) Members  
114 Stagecoach Road, Cape May Court House, NJ 08210  
609-465-9102

Designate a **contact person:**

Name: Cory J. Gilman, Esquire  
 Best method(s) to reach the contact person: 609-368-4086  
 Telephone Cell Fax **e-mail** regular mail  
cory.gilman@lawjwg.com

**3. Applicant is (check one):**  property owner  contract purchaser

If contract purchaser, you must attach a copy of the contract to the application.

**4.  Check here if the Applicant is a corporation or partnership.**

[If so, you must attach a separate sheet to this Application listing names and addresses for all stockholders, members, shareholders, partners or similar persons or entities owning 10% or more of the corporation or partnership, and indicate the percentage ownership interest of each person or entity] SEE ABOVE FOR OWNERSHIP

**5. Are you represented by an attorney OR assisted by a land use professional in connection with this application? If so, please provide that person's name and contact information here:**

[Note: Corporations and partnerships must be represented by an attorney. All others may represent themselves.]

Name: Cory J. Gilman, Esquire  
 Address: 2699 Dune Drive, Avalon, NJ 08202  
 Telephone: 609-368-4086 Fax: 609-368-4096

Did an attorney or other land use professional assist you in the preparation of this application? Yes  No

6. **Type of application presented** (check all that apply):

- Appeal from decision of Zoning Official NJSA 40:55D-70a
- Interpretation of Zoning Ordinance or Map NJSA 40:55D-70b
- Hardship variance, "c" or "bulk" variance NJSA 40:55D-70c(1)
- Flexible "c" variance NJSA 40:55D-70c(2)
- Use variance or "D" variance NJSA 40:55D-70d
  - (1) Use or principal structure not permitted in zoning district
  - (2) Expansion of non-conforming use
  - (3) Deviation from conditional use standard
  - (4) Increase in permitted floor area ratio
  - (5) Increase in permitted density
  - (6) Height of principal structure to exceed maximum permitted height by greater than 10 feet or 10%
- Permit to build in street bed NJSA 40:55D-34
- Permit to build where lot does not abut street NJSA 40:55D-36
- Site plans NJSA 40:55D-76
  - Major site plan review
    - Preliminary site plan approval
    - Final site plan approval
  - Minor site plan review
  - Waiver of site plan
- Subdivision NJSA 40:55D-76
  - Minor subdivision
  - Major subdivision
    - Preliminary approval
    - Final approval
  - Waivers from subdivision and/or site plan standards
- Other

7. **Existing conditions at the property.**

Structures. At the present time, the property is (check all that apply):

- vacant lot
- developed with the following Principal Structure(s):
  - single family dwelling
  - two family dwelling
  - triplex
  - commercial building: W/ RESIDENTIAL ABOVE
  - public building: \_\_\_\_\_
  - other: \_\_\_\_\_
- other multi-unit residential structure [number of units: \_\_\_\_\_]

The Principal Structure was originally built (date) CIRCA 1974.

The most recent structural changes were made (date) none by applicant and consisted of none.

Accessory structures. At present, the following are on the property:

- detached garage
- storage shed
- dock(s)
- swimming pool
- other: \_\_\_\_\_

Lot area and dimensions. At present, the lot is:

- Less than 3,500 square feet (substandard non-buildable)
- Between 3,500 square feet and minimum lot area permitted in zoning district (substandard buildable).
- Equal to or greater than minimum lot area.

Parking. At present, parking for this property consists of:

- No on-site parking is available.
- Number of on-site parking spaces: 0 CURRENTLY 6 PROPOSED
- How many are stacked parking? 4 PROPOSED STACKED SPACES IN GARAGE AND DRIVEWAY
- Number and location of driveways: 1 CENTERED DRIVEWAY PROPOSED

Elevation level.

Flood elevation of the property is: 6.5'  
 Elevation at top of curb, street frontage is: 5.88'  
 This property is  is not  on the FEMA list.

Use of the Property. The property is currently used as (check all that apply):

- single family dwelling
- restaurant
- two family dwelling
- store
- three family dwelling
- public building
- other multi-family dwelling
- office
- other (describe) WAVE RUNNER RENTAL FACILITY WITH UPSTAIRS RESIDENTIAL APARTMENT.

The property has been used in this manner since OWNERSHIP BY APPLICANT.  
 Before that time, the property was used as COMMERCIAL

8. **Proposed structure or use.** Applicant wishes to (check all that apply):
- change the **size, bulk or location** of existing structure.

- change the **use** of the property or existing structure.
- remove existing structures and build new structure.
- other:

Describe your proposed changes:

APPLICANT INTENDS TO REMOVE ALL CURRENT IMPROVEMENTS AND TO BUILD A TWO FAMILY DUPLEX STRUCTURE WITH DOCKS AND POOLS FOR EACH UNIT.

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9. **Variance Relief Requested.** The changes Applicant wishes to make will require variances from the following Sections of the Sea Isle City Zoning Ordinance:  
SEE ATTACHED NARRATIVE
- 
- 
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If you are proposing to change the **use** of the structure, please describe the proposed use and note whether it is listed as a permitted use in the zoning district.

MULTI USE STRUCTURE TO BE REPLACED WITH A TWO FAMILY DUPLEX STRUCTURE WHICH IS NOT A PERMITTED USE IN THE ZONE.

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The Applicant also seeks relief from the following Sea Isle City Ordinances (indicate specific part of ordinance):

- Land Use Procedures, Sec. XXIX \_\_\_\_\_
- Site Plan Review, Sec. XXX \_\_\_\_\_
- Land Subdivision, Sec. XXXII \_\_\_\_\_
- Signs, Sec. XXXIII \_\_\_\_\_

10. **Existing and Proposed Conditions.** Supply the following information.

Note: All pertinent information requested must be supplied here. It is not sufficient to simply reference an attached plan. If any requested information is not applicable to the property, insert "N/A".

	<u>EXISTING CONDITIONS</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
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Zoning District: C-3 / R2A

**LOT AREA/DIMENSIONS:**

Lot Frontage	<u>50' / 50'</u>	<u>50' / 50'</u>	<u>50' / 50'</u>	<u>No / No</u>
Lot Depth	<u>95' / 95'</u>	<u>95' / 95'</u>	<u>95' / 95'</u>	<u>No / No</u>
Lot Area (s.f.)	<u>4,750sf / 4,750 sf</u>	<u>4,750sf / 4,750 sf</u>	<u>4,750sf / 4,750 sf</u>	<u>No / No</u>

**PRINCIPAL STRUCTURE**

*For the principal structure on the property, indicate the following: setback*

Note: "SB" =

Front Yard SB	<u>0.9' / 0.9'</u>	<u>0' min. 5' max / 5' min. 15' max</u>	<u>18.33' / 18.33'</u>	<u>Yes / No</u>
Side yard SB #1	<u>0.9'/22.9' / 0.9'/22.9'</u>	<u>0' min/15' max / 5' min/15' total</u>	<u>7.5' / 7.5'</u>	<u>No / No</u>
Side yard SB #2	_____	_____	_____	_____
Total SYSB	_____	_____	_____	_____
Rear Yard SB	<u>25.3' / 25.3'</u>	<u>5' / 25.3'</u>	<u>21.67' / 22'</u>	<u>No / No</u>
Building Height	<u>&lt;40'</u>	<u>&lt;40'</u>	<u>&lt;40'</u>	<u>No</u>

**ACCESSORY STRUCTURES**

*For all accessory structures on the property, indicate the following:*

N/A

Front Yard SB	_____	_____	_____	_____
Side Yard SB #1	_____	_____	_____	_____
Side Yard SB #2	_____	_____	_____	_____
Rear Yard SB	_____	_____	_____	_____
Distance to other buildings	_____	_____	_____	_____
Building Height	_____	_____	_____	_____

EXISTING CONDITIONS

REQUIRED BY ORDINANCE

PROPOSED

VARIANCE REQUIRED YES/NO

**LOT COVERAGE**

Principal building (%)	<u>35.3%</u>	<u>95%</u>	<u>40.52%</u>	<u>No</u>
Accessory building (%)	<u>N/A</u>	<u></u>	<u></u>	<u></u>

**FLOOR AREA RATIO**

Principal bldg	<u>N/A</u>	<u>.8 IN R2A</u>	<u>.96</u>	<u>Yes</u>
Accessory bldg	<u>N/A</u>	<u></u>	<u></u>	<u></u>

**PARKING**

Location	<u>0</u>	<u>6</u>	<u>6</u>	<u>No</u>
No. spaces on-site	<u>0</u>	<u>6</u>	<u>6</u>	<u>No</u>
Driveway	<u>1</u>	<u>1</u>	<u>1</u>	<u>No</u>

**SIGNS**

Dimensions	<u>N/A</u>	<u></u>	<u></u>	<u></u>
Number	<u></u>	<u></u>	<u></u>	<u></u>
Location	<u></u>	<u></u>	<u></u>	<u></u>
Type (Freestanding or Building Mounted)	<u></u>	<u></u>	<u></u>	<u></u>

11. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of the application, date of application, date of hearing and result received from Board.  
YES, APPLICANT RECEIVED PRIOR SITE PLAN APPROVAL FOR MIXED USE DEVELOPMENT ON THE LOT IN 2011 AND LATER APPLIED FOR DUPLEX DEVELOPMENT ON THE LOT IN 2017.

12. **For all applications:** Attach to this application a statement of facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Sea Isle City Master Plan and Zoning Ordinance. State why variance relief can be granted

without substantial harm to the neighborhood and without significant overturning of the Master Plan.

13. **For "c(1)" Variances:** Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved that justify the granting of a variance pursuant to N.J.S.A. 40:55D-70c. State what is unique about your specific piece of property, noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; or the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you. Please note that monetary hardship is considered a personal hardship, and is NOT A REASON for this type of variance relief.
14. **For "c(2)" Variance:** Attach to this application a statement setting forth the facts supporting your position that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question, and that the benefits of that deviation would substantially outweigh any detriment to the zoning ordinance or master plan, pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are the following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.
15. **For Use and other "d" Variances:** Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special reasons" exist where a proposed project carries out a purpose of zoning (such as those noted in Section 14 above), or where the refusal to allow the project would impose an undue hardship on you (note that a personal hardship, such as monetary hardship or a hardship you create, cannot form the basis for granting a variance). If you are seeking a use variance, you should also state why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.
16. **For all applications, if an application was first submitted to and denied by the Zoning Official:** Set forth specifically the determination of the Zoning

Official from which an appeal has been filed and the basis for the appeal (N.J.S.A. 40: 55D-70a), or attach a copy of the Zoning Official's letter to you.  
 N/A

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17. **For Interpretation Requests:** Set forth specifically the Zoning Ordinance section and provisions and/or the portion of the Zoning Map for which an interpretation is sought. Explain what interpretation you are seeking. (N.J.S.A. 40:55D-70b).

18. List all professionals employed by the applicant in completing the application to the Zoning Board of Adjustment and/or intended to be called as witnesses at the hearing on the application.

Name	Address	Phone	Fax
Cory J. Gilman, Esquire	2699 Dune Drive Avalon, NJ 08202	609-368-4086	609-368-4096
Vince Orlando, PE - Engineering Design Associates, PA	5 Cambridge Drive Ocean View, NJ 08230	609-390-0332	
Joseph P. Horan Kimmel Bogrette Architecture & Site	482 Norristown Road, Ste 200 Blue Bell, PA 19422	610-834-7805	610-934-7815

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**VERIFICATION OF APPLICATION**

329 43rd Place, L.L.C., Michael DiPalantino and Karen DiPalantino, Members  
I, \_\_\_\_\_, do hereby certify to the following:

1. I am the applicant whose name appears in the attached application to the Sea Isle City Zoning Board of Adjustment.
2. I am over the age of 18.
3. I have personal knowledge of the facts stated herein and in the application.
4. I am the (circle one) owner contract purchaser of the subject property.
5. I have reviewed the application, and I verify to the Sea Isle City Zoning Board of Adjustment that all of the information presented in this application is true and accurate to the best of my knowledge.
6. I am aware that I am subject to punishment under New Jersey law if any of the statements made by me in this application are willfully false.

12/5/23  
(date)

Michael DiPalantino  
(Signature of Applicant; print name beneath)

329 43rd Place, L.L.C., Michael DiPalantino, Member

\_\_\_\_\_  
(date)

Karen DiPalantino  
(Signature of Applicant; print name beneath) Karen DiPalantino  
329 43rd Place, L.L.C., Karen DiPalantino, Member

Note: a separate Verification must be submitted for each owner of the property. For condominiums, you must submit a signed verification from each member of the condominium association, or, if more than four units in the condominium, a resolution from the condominium Board of Directors indicating its consent to the application.

SEA ISLE CITY ZONING/PLANNING BOARD NARRATIVE and APPLICATION  
SUPPLEMENT

#8 The subject property is a 50'x 95', 4,750 sf compliant sized lot on 43<sup>rd</sup> Place along Rio Del Affare and is currently operated as wave runner rental facility with residential upstairs. The property is located in the C-3 Marine Commercial Zoning District. The Applicant plans to remove the current improvements from the lot and to construct thereon a new two family duplex with new docks and pools for each unit, with compliant off street parking.

#9 Variance relief is requested from the following ordinance requirements:  
Section 26-54.1. - Use Variance pursuant to NJSA 40:55D-70d(1) for two-family use where such use is not permitted in the C-3 Zone.  
Section 26-54.4.a.2. - Bulk Variance pursuant to NJSA 40:55D-70c(2) for front yard setback of 18.33' where a maximum of 5' is permitted.

#12 Variance relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and ordinance because there will be no detrimental effect on surrounding properties or the neighborhood as the lot size is compliant in both the C-3 and R2A zones, residential uses are already permitted in the zone above commercial and first floor uses also already exist elsewhere in the zone. In addition, the proposed plan will provide for much improved fire and safety access than the current building as the side yard setback to the east is currently only at approximately 8 inches and the new construction will be compliant with current flood elevation requirements and building codes, for which the existing structure does not comply. The plan will also reduce the density of the use of the property and in the neighborhood, while providing for substantial off-street parking.

#14. Variance relief can also be granted because the benefits as stated below outweigh any detriments of the plan. In fact, those benefits enumerated below promote the purposes of zoning and the general welfare. As a result, variance approval may be granted per NJSA 40:55-70c(2).

#15 Several purposes of zoning are promoted by the planned development of the property including: a. promotion of public safety and the general welfare, as well as b. securing safety from fire and other disasters by reducing density of use of the lot and increasing the now almost non-existent side yard setback; c. providing adequate light, air and open space by including pools in the rear yard rather than elevated structures and by providing larger than required setbacks; g. providing sufficient space in appropriate locations for a variety of residential uses by interspersing an additional type of residential use within an area already containing residential and other uses; and i. promotion of a desirable visual environment as a result of the newly constructed and designed building in place of the much older mixed use structure. In addition, the site, already containing a partial residential use, located in a zone that already contains other residential uses and structures, is particularly suited to the proposed use. Therefore a use variance may be granted per NJS 40:55D-70d(1).

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT  
SURVEY/PLAN/PLAT AFFIDAVIT

State of NEW JERSEY :  
: ss.

County of CAPE MAY :

Name of Appellant/Applicant: 329 43rd Place, L.L.C., Michael DiPalantino and Karen DiPalantino, Members

Address of Subject Property: 329 43rd Place

Tax Block: 42.05 Lot(s): 9, 10

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329 43rd Place, L.L.C., Michael DiPalantino and Karen DiPalantino, Members

\_\_\_\_\_, being duly sworn according to law, upon his/her oath, deposes and says:

1. I am the owner of the property identified above, located in the City of Sea Isle City, New Jersey. I am the appellant/applicant for development in this matter.
2. I verify that the attached sealed survey/plan/plat prepared by VINCENT ORLANDO and dated 12/5/23 <sup>REVISED</sup> 2/26/24 accurately reflects the physical condition of the property as of the date of this affidavit, and there have been no changes or alterations to the property since the date of the signed survey/plan/plat.
3. I make this affidavit in support of an appeal / application for development before the Sea Isle City Zoning Board of Adjustment and understand that said Board shall rely on this Affidavit and the current accuracy of the said survey/plan/plat in considering the appeal/application for development of the property.

[Signature]  
Signature of Owner/Appellant/Applicant  
329 43rd Place, L.L.C., Michael DiPalantino, Member

Sworn and subscribed to before me  
this 5<sup>TH</sup> day of DECEMBER, 2023.

[Signature]  
Signature of Owner/Appellant/Applicant  
329 43rd Place, L.L.C., Karen DiPalantino, Member

[Signature]  
Notary Public

CORY J. GILMAN  
ATTORNEY - AT - LAW  
STATE OF NEW JERSEY

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT  
CERTIFICATION OF SERVICE

Applicant's Name: 329 43<sup>RD</sup> PLACE, LLC  
 Applicant's Address: 114 STAGECOACH ROAD, CMCH, NJ 08210

Subject Property: 329 43<sup>RD</sup> PLACE, SEA ISLE CITY, NJ 08243  
 Tax Block 42.05 Tax Lot(s): 9 & 10

I/We CORY J. GILMAN, ESQUIRE, of full age, being duly sworn according to law, on his/her oath, certifies as follows:

- (1) that I/we reside at or conduct business at 2699 DUNE DRIVE, AVALON, NJ 08202
- (2) that I / we am / are the appellant, applicant or applicant's attorney in this matter [circle the title that pertains to you];
- (3) that on \_\_\_\_\_, being at least ten (10) days prior to the hearing date on the application, I/we gave notice to all property owners within 200 feet of the subject property and all other persons whose names appeared on the certified list obtained from the Sea Isle City Tax Assessor and as listed on the Sea Isle City Zoning Board of Adjustment Application Instructions (where applicable);
- (4) that notice was given either by personal service of a notice on the property owner or by sending the notice by Certified Mail, Return Receipt Requested, as noted on the attached list of persons to be served. Certified mail receipts showing the mailing of notice to the interested persons are attached; all return receipts received from served persons are attached hereto and/or shall be forwarded to the Zoning Board Administrator prior to the hearing;
- (5) that a copy of the notice served is attached hereto and made a part hereof;
- (6) that the notice was also published in \_\_\_\_\_, the official newspaper of the municipality, on \_\_\_\_\_. Attached hereto and made part hereof is a Proof of Publication received from the official newspaper.
- (7) that also attached hereto and made a part hereof is the certified list of all property owners and other parties to whom notice was required to be sent, showing the names and addresses of the persons served and the lot and block numbers of each person's property as same appear on the Sea Isle City Tax Assessment List.
- (8) I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to punishment.

Date: \_\_\_\_\_ CORY J. GILMAN, ESQUIRE, Attorney for Applicants

**SEA ISLE CITY ZONING BOARD OF ADJUSTMENT  
NOTICE OF APPLICATION FOR DEVELOPMENT**

Applicant's Name & Address:	329 43 <sup>RD</sup> PLACE, LLC
	114 STAGECOACH ROAD, CMCH, NJ 08210
Owner's Name & Address:	SAME
Subject Property, Street Address:	329 43 <sup>RD</sup> PLACE, SEA ISLE CITY, NJ 08243
Subject Property, Block & Lot No.:	BLOCK 42.05, LOTS 9 & 10
Zoning District	C-3

TAKE NOTICE that a hearing will be held before the Sea Isle City Zoning Board of Adjustment on Monday, July 1, 2024 at 7:00 p.m., in the City of Sea Isle City Municipal Building at 233 John F. Kennedy Boulevard, Sea Isle City, NJ to consider an Application for Development regarding the above described property. The property is/will be developed with a two-family duplex. Applicant seeks variance relief to do the following: remove all improvements and construct a new two-family duplex on the lot with new docks and pools for each unit with off-street parking.

In order to do this, the Applicant is seeking the following variances from the Sea Isle City Zoning Ordinance:

Section 26-54.1. - Use Variance pursuant to NJSA 40:55D-70d(1) for two-family use where such use is not permitted in the C-3 Zone.

Section 26-54.4.a.2. - Bulk Variance pursuant to NJSA 40:55D-70c(2) for front yard setback of 18.33' where a maximum of 5' is permitted.

Applicant requests any and all other variances, approvals and/or waivers deemed necessary by the Board.

Maps and documents relating to this matter will be available for public inspection ten (10) days prior to the hearing date, during normal business hours, through the Clerk of the Zoning Board of Adjustment, within the Construction Office of Sea Isle City's Municipal Services - 2<sup>nd</sup> Floor, 233 John F. Kennedy Blvd., Sea Isle City, NJ.

If you wish to make a statement or offer evidence concerning this application, you must appear in person at the hearing or through an attorney or agent. The Zoning Board cannot accept petitions or letters, and must rely on live testimony.

This notice is given pursuant to N.J.S.A. 40:55D-11, et seq.

CORY J. GILMAN, ESQUIRE  
JOSEPHSON, WILKINSON & GILMAN, PA  
266 DUNE DRIVE  
AVALON, NJ 08202

JOSEPHSON  
WILKINSON &  
GILMAN, P.A.  
ATTORNEYS AT LAW

2699 DUNE DRIVE  
AVALON, NJ 08202  
(609) 368-4086  
FAX: (609) 368-4096  
E-MAIL: cory.gilman@lawjwg.com

FLORENCE E. JOSEPHSON (1943-79)  
DONALD A. WILKINSON  
CORY J. GILMAN

June 11, 2024

Re: **Sea Isle City Zoning/Planning Board**  
Notice of Hearing on Use and Bulk Variance Application of 329 43<sup>rd</sup> Place, LLC  
Property: 329 43<sup>rd</sup> Place, Block 42.05, Lot(s) 9 & 10, Sea Isle City, NJ

Dear Property Owner:

**PLEASE TAKE NOTICE**

This office represents the owners of the above noted property. We have filed an application with the Sea Isle City Zoning/Planning Board for use and bulk variance approval from certain provisions of the Sea Isle City Zoning Ordinance. The property is currently developed with a mixed-use commercial/residential building. The applicant is seeking to demolish same to construct a two-family duplex with new docks and a pool for each unit. In order to accomplish this, the applicant requires use and bulk variances from the following Sea Isle City Zoning Ordinance Sections:

Section 26-54.1. - Use Variance pursuant to NJSA 40:55D-70d(1) for two-family use where such use is not permitted in the C-3 Zone.

Section 26-54.4.a.2. – Bulk Variance pursuant to NJSA 40:55D-70c(2) for front yard setback of 18.33' where a maximum of 5' is permitted. Applicant requests any and all other variances, approvals, waivers and further relief as may be deemed necessary by the Board.

This notice is being sent to you as an owner of property within 200 feet of this property. A public hearing has been scheduled before the Sea Isle City Planning Board for 7:00 p.m. on Monday, July 1, 2024, in the City of Sea Isle City Municipal Building at 233 John F. Kennedy Boulevard, Sea Isle City, NJ. If you wish to make any comment on the application, when the case is called you may appear either in person or by agent or attorney and present any comments or objections which you may have regarding the relief requested in the application. The Board cannot accept letters or petitions commenting on the application, unless you are present in person to give testify about such documents.

The following maps and documents submitted with this application are on file in the with the Zoning Board Clerk, within the Construction Office of Sea Isle City's Municipal Services – 2nd Floor, 233 John F. Kennedy Blvd., Sea Isle City, NJ, and are available for your inspection during normal business hours:  
Variance Plan prepared by Vincent Orlando dated 2/26/2024

This notice is sent to you by the applicant, as required by the Sea Isle City Zoning Ordinance and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-12.

Very truly yours,  
JOSEPHSON, WILKINSON & GILMAN, P.A.

  
CORY J. GILMAN



# City of Sea Isle City

MUNICIPAL SERVICES - 2ND FLOOR

233 JOHN F. KENNEDY BLVD.

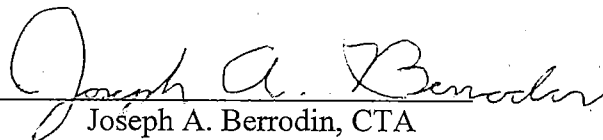
SEA ISLE CITY, NJ 08243

609-263-4461

I, Joseph A. Berrodin, Jr., CTA, Tax Assessor of the City of Sea Isle City, New Jersey, hereby certify that the attached is a list of owners within two hundred (200) feet of Block 42.05 - Lot 9 & 10, as determined by the official Tax Map and Tax Duplicate of the City of Sea Isle City, New Jersey.

Note: If this is an application for subdivision or site-plan approval, the applicant must notify the corporate secretary of all public utilities and the general manager of all cable television companies that own land or any facilities that possess a right-of-way or easement within two hundred (200) feet of the applicant's property.

Dated 11/28/23



Joseph A. Berrodin, CTA  
Tax Assessor

## Sea Isle City Zoning Board of Adjustment

ALL APPLICANTS TO THE SEA ISLE CITY ZONING BOARD OF ADJUSTMENTS MUST SEND NOTICE OF THEIR APPLICATION OR APPEAL TO THE FOLLOWING PUBLIC UTILITY COMPANIES, IN ADDITION TO THE NOTICE PROVIDED TO ALL PROPERTY OWNERS WITHIN 200 FEET:

SOUTH JERSEY GAS COMPANY  
CORPORATE HEADQUARTERS  
#1 SOUTH JERSEY PLAZA,  
FOLSOM, NJ 08037

VERIZON ENGINEERING DEPT.  
10 TANSBORO ROAD, FLR 2  
BERLIN, NJ 08009

CAPE MAY CO. MUNICIPAL UTILITIES AUTHORITY  
1523 ROUTE 9 NORTH  
CAPE MAY COURT HOUSE, NJ 08210

COMCAST CABLE SERVICES  
ATTN: GREGORY SMITH, PROJECT MANAGER  
901 WEST LEEDS AVE.  
ABSECON, NJ 08201

ATLANTIC CITY ELECTRIC COMPANY  
5100 HARDING HIGHWAY, SUITE 399  
MAYS LANDING, NJ 08330-9902

SEA ISLE CITY MUNICIPAL WATER & SEWER  
ATTN: CITY CLERK  
4501 PARK ROAD  
SEA ISLE CITY, NJ 08243

TO ALL APPLICANTS:

PLEASE BE ADVISED THAT IT IS THE APPLICANT'S BURDEN TO DETERMINE WHETHER THE CAPE MAY COUNTY PLANNING AND/OR THE COMMISSIONER OF THE NJ DEPARTMENT OF TRANSPORTATION MUST BE PROVIDED NOTICE IN ACCORDANCE WITH NJSA 40:55D-12.



PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
41.05 14	314-318 42ND PL 15.01,15.02,16,	4A	BEN DAL SEA ISLE INC 4000 LANDIS AVENUE SEA ISLE CITY, NJ	08243
41.05 18	314 42ND PL 19,20,21	4A	R&B TIKI DOCKS LLC 430 WOODBINE RD WOODBINE, NJ	08270
41.05 22	330-340 42ND PL 23-27	4A	C B DOCKS INC 10 CRESTVIEW DR SEAVILLE, NJ	08230
41.05 28	346 42ND PL 29-62	15C	CITY OF SEA ISLE CITY 233 JFK BLVD SEA ISLE CITY, NJ	08243
42.05 1	317 43RD PL 2.01	4A	CS 43 LLC 213 43RD ST SEA ISLE CITY, NJ	08243
42.05 2.02 C-1	319 43RD PL UNIT 1 3,4.01	4A	COSTELLO, JOHN & GRESS, SUSAN E 1092 EDGE HILL RD ABINGTON, PA	19001
42.05 2.02 C319E	319 43RD PL EAST 3,4.01	2	COSTELLO, JOHN & GRESS SUSAN E 1092 EDGE HILL RD ABINGTON, PA	19001
42.05 2.02 C319W	319 43RD PL WEST 3,4.01	2	RUCK, KEITH R & MARYELLEN 113 ERLINGTON DR CINNAMINSON, NJ	08077
42.05 4.02 C-1	323 43RD PL UNIT 1 5,6	4A	BINGHAM REALTY LLC 2212 CLOVER DR BROOMALL, PA	19008
42.05 4.02 C323E	323 43RD PL EAST 5,6	2	GRAY, RAYMOND S & DENISE P 18 NEW OAK RD MICKLETON, NJ	08056
42.05 4.02 C323W	323 43RD PL WEST 5,6	2	WINISTORFER, GLENN C & BARBARA A 4 WINTERBERRY PL CLAYTON, NJ	08312
42.05 7	327 43RD PL 8	2	BRIGUGLIO, JOHN C & ANTHONY J 227 E MOSHOLU PKWY N 2L BRONX, NY	10467
42.05 9	329-331 43RD PL 10	4A	329 43RD PLACE LLC 114 STAGECOACH RD CAPE MAY CT HSE, NJ	08210
42.05 11 C-E	333 43RD PL EAST 12	2	PROCACCINO, AMY M 1406 BRIDGETOWN PIKE UPPER HOLLAND, PA	19053

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS
42.05 11 C-W	333 43RD PL WEST 12	2	PROCACCINO, AMY M 1406 BRIDGETOWN PIKE UPPER HOLLAND, PA 19053
42.05 13 C-E	337 43RD PL EAST 14	2	ADELI, JEFFREY & LORI C 745 STONEHOUSE RD MOORESTOWN, NJ 08057
42.05 13 C-W	337 43RD PL WEST 14	2	SEVENING, GREGORY 42 E CENTENNIAL DR MEDFORD, NJ 08055
42.05 15 C-E	339 43RD PL EAST 16	2	MISCICHOWSKI, RICHARD P & ELIZABETH 263 GLEN MILLS RD GLEN MILLS, PA 19342
42.05 15 C-W	339 43RD PL WEST 16	2	SCHUMACHER, EDWARD & REGAN 704 PARK RD LANSDALE, PA 19446
42.05 17 C-E	345 43RD PL EAST 18	2	PETROZIELLO, BARRY 12327 ACADEMY RD PHILADELPHIA, PA 19154
42.05 17 C-W	345 43RD PL WEST 18	2	DOWNEY, JOSEPH J JR 3071 KERPER RD LAFAYETTE HILL, PA 19444
42.05 19	349 43RD PL 20	1	THE CONTI FAMILY LLC 216 43RD ST SEA ISLE CITY, NJ 08243
42.06 1 C-A	318 43RD PL UNIT A 2,3.01	2	BUCHINSKY, RICHARD & KIMBERLY ETAL 707 HUNTER DR LANGHORNE, PA 19053
42.06 1 C-B	318 43RD PL UNIT B 2,3.01	2	SALVATORE, ROBERT R 610 BEACON AVE PAULSBORO, NJ 08066
42.06 1 C-C	318 43RD PL UNIT C 2,3.01	2	MILANO, CARMEN & JOAN L 318 43RD PLACE UNIT C SEA ISLE CITY, NJ 08243
42.06 4	320 43RD PL 3.02,5.01	2	MARINI, FEDERICO J 320 43RD PL SEA ISLE CITY, NJ 08243
42.06 5.02 C-A	324 43RD PL 1ST FLR 6,7.01	2	MENZONI, STEVE & PAUL 1651 HANCE BRIDGE RD MILLVILLE, NJ 08332
42.06 5.02 C-B	324 43RD PL 2ND FLR 6,7.01	2	KOLO, JULES & PATRICIA J REV TRUST 324 43RD PLACE SEA ISLE CITY, NJ 08243

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
42.06 7.02 C-E	326 43RD PL EAST 8,9	2	AGOVINO, PAMELA K 12 HASTINGS LN HAINESPORT, NJ	08036
42.06 7.02 C-W	326 43RD PL WEST 8,9	2	LAROSA, PHILIP A & JOSEPH P 605 8TH AVE PROSPECT PARK, PA	19076
42.06 10	330 43RD PL 11.01	2	MENZONI, BLAISE 49 DEERPATH DR MILLVILLE, NJ	08332
42.06 11.02 C-E	336 43RD PL EAST 12	2	HARDING, MICHAEL & LAURIE 210 ANDRIEN RD GLEN MILLS, PA	19342
42.06 11.02 C-W	336 43RD PL WEST 12	2	BEWLEY, RAYMOND C III & ELIZABETH 248 BROCK RD SPRINGFIELD, PA	19064
42.06 13 C-E	338 43RD PL EAST 15	15F	LLOYD, MARK C & PATRICIA 338 43RD PL E SEA ISLE CITY, NJ	08243
42.06 13 C-W	338 43RD PL WEST 15	2	CIEMNY, STEVEN & KIMBERLY 15 PEACH RIDGE DR MULLICA HILL, NJ	08062
42.06 16	340 43RD PL 17.01	2	4336 LLC 1146 BETHEL RD GARNET VALLEY, PA	19060
42.06 17.02 C-E	344 43RD PL EAST 18,19.01	2	OLSZEWSKI, ROBERT & DANA 214 MONSIGNOR DR CONSHOCKEN, PA	19428
42.06 17.02 C-W	344 43RD PL WEST 18,19.01	2	WILKIN, CHRISTOPHER & KATHRYN 344 43RD PL EAST SEA ISLE CITY, NJ	08243

UTILITY COMPANIES LISTED BELOW MUST ALSO BE NOTIFIED:

SOUTH JERSEY GAS COMPANY  
CORPORATE HEADQUARTERS  
1 SOUTH JERSEY PLAZA  
FOLSOM, NJ 08037

VERIZON ENGINEERING DEPT.  
10 TANSBORO ROAD FLR 2  
BERLIN, NJ 08009

CAPE MAY CO. MUNICIPAL UTILITIES AUTHORITY  
ATTN: CORPORATE SECRETARY  
P.O. BOX 610  
CAPE MAY COURT-HOUSE, NJ 08210

COMCAST CABLE  
ATTN: GREGORY SMITH, PROJECT MANAGER  
901 WEST LEEDS AVE  
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ATLANTIC CITY ELECTRIC COMPANY  
5100 HARDING HIGHWAY SUITE 399  
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Consulting, Municipal & Environmental Engineers  
Planners • Surveyors • Landscape Architects

156 Stagecoach Road  
Marmora, NJ 08223  
Tel: 609.390.1927 • Fax: 609.390.0040

## MEMORANDUM

**To:** Sea Isle City Zoning Board of Adjustment

**From:** Andrew A. Previti, P.E., Municipal and Board Engineer

**Date:** September 28, 2011

**Re:** 329 43<sup>rd</sup> Place, LLC  
Block 42.05, Lots 9 & 10  
C-3 Marine Commercial District/Industrial District  
City of Sea Isle City, Cape May County, NJ  
MC Project No. SIZ009  
Use Variance for Duplex Construction

### **I. Background**

The site is located on 43<sup>rd</sup> Place in the City's C-3 Marine Commercial/Industrial District. The property address is 329 43<sup>rd</sup> Place and the parcel has 50' frontage on 43<sup>rd</sup> Place and a depth of 95', 5' of which extends into Rio Del Affare.

The existing property supports a two-story masonry/frame building known as "Sea Isle Water Sports". The applicant previously appeared before the Zoning Board and received site plan approval and variance relief to construct a mixed-use building in a three-story structure which would house a 1,200 square foot commercial unit on the first floor and four residential units on the second and third levels. The applicant appears not to be pursuing the construction of the approved application and I would recommend that testimony be provided to advise the Board why the previously approved project will not be constructed. I would also recommend that the Board discuss what action, if any, is necessary on the Board's part or the applicant's part relative to the prior approvals.

The current application before the Board involves hardship and flexible "C" variances as well as a use variance for a principal structure not permitted in the district. The proposed principal structure would be a duplex structure and this use is not permitted in the C-3 District.

The application is accompanied by the following Plans which have been submitted for review:



<u>Drwg. Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1 of 1 Topographic Survey	Stephen C. Martinelli	9/30/11	7/20/11
1 of 1 Variance Plan	Engineering Design Assoc.	5/23/11	----

I have discussed the issue of bulk variances with the Board Solicitor relative to this application. Since this proposed use is not a permitted use in the C-3 District there are not specific bulk regulations for the use. The Solicitor has advised that the use variance itself, if granted, would address the bulk requirements, which in this case will require discussion between the Board and the applicant as I will address in Section III of this report.

## II. Determination of Completeness

I would advise the Board that this application is complete in my opinion. The Board may seek additional information from the applicant based on the testimony presented at the hearing.

## III. Comments

The Variance Plan prepared by Engineering Design Associates contains a Zoning Information Schedule based on the requirements of the C-3 District. That Schedule indicates what variances from the C-3 District requirements would be necessary relative to the proposed application. However, as noted previously, and based on discussions with the Board Solicitor, these requirements would not be applicable to the use itself since the use is not a permitted use in the C-3 District. Therefore, I will comment on certain aspects of the proposed structure which the Board should discuss with the applicant as part of its consideration relative to the requested use variance:

1. The Plans indicate a 15 foot front yard setback from the second level overhang. The Zoning Schedule found on the EDA Plan indicates that a variance is necessary for this since the maximum front yard setback in the C-3 District is 5 feet. I would recommend to the Board that this variance would not be necessary and that the 15 foot setback would be appropriate if the Board were to grant the use variance.
2. The Variance Plan indicates two proposed 5 foot side yard setbacks, although the Zoning Information Schedule indicates proposed 4 foot side yard setbacks. The applicant should provide testimony as to what is actually proposed and the Plans should be revised accordingly.



Single family and two family residential development in the City requires a 5 foot minimum setback and an aggregate total setback of 15 feet. The applicant is meeting the proposed minimum, however the aggregate setback would only be 10 feet which would not be consistent with residential development. Therefore, the Board must consider what would be an appropriate setback for this particular project and the applicant should provide testimony relative to what is being proposed. I would point out to the board that the adjacent dwelling to the east known as 327 43<sup>rd</sup> Place is very close to the common property line as shown on the Martinelli Survey.

3. Existing Lots 9 & 10 comprises a parcel which is conforming in the C-3 District and which also is conforming in the R-2A Two Family Residential District-Bay Area. Both the C-3 District and R-2A District requires a minimum lot area of 4,750 square feet and a lot width of 50 feet at the street line or 95 foot in depth. This parcel conforms to the requirements of both Districts.
4. The permitted building height in residential districts is 32 feet above the FEMA Designated Base Flood Elevation plus the Sea Isle City Designated One (1') Foot Freeboard where there is a pitched roof. The Zoning Information Schedule indicates that the applicant is proposing a building height of less than 40 feet. The applicant should provide testimony relative to the actual building height of this structure and I would recommend that the Board set a limitation as to the height of any structure as part of its consideration relative to the granting of the use variance.
5. Maximum lot coverage for the principal structure should be discussed with the applicant. The normal permitted coverage for a principal residential structure in the residential district is 35%. The proposed duplex structure, having measurements of 47' x 40' would cover 39.58% of this lot. I would recommend that the Board discuss this issue with the applicant as part of its deliberation on the requested use variance. The 39.58% coverage is exclusive of the two Covered cantilevered decks in the rear and the upper level overhang in the front of the building.
6. The maximum permitted impervious lot coverage in a residential district is 70%. The applicant should provide testimony concerning impervious coverage proposed as part of this project.
7. Floor area ratio requirements has been eliminated from the City Code and would not be applicable to this project.



8. Code Section 26-23.4 addresses driveways and has been recently revised. This Code Section requires that on conforming lots one (1) 24 foot wide driveway is permitted for new residential buildings. The applicant's plan indicates a 27 foot depressed curb at the 43<sup>rd</sup> Place street frontage and the driveway on site scales at 25 feet. I would recommend that the driveway width be reduced to 24 feet to be consistent and conforming to the requirements of Code Section 26-23.4.
9. The Engineer should provide testimony relative to the condition of existing bulkhead. The Engineer's testimony should address the impact of the proposed duplex construction on the existing bulkhead and any anchor system which the bulkhead may have. If the bulkhead is to be reconstructed it must be reconstructed to elevation 7.5 NGVD.
10. The plan does not address any landscaping issues. The applicant should provide testimony relative to whether they propose to conform to the landscape requirements of the City Code.
11. The application as submitted does not contain any grading information. Therefore, any approval which the Board may grant should reflect this and the necessary Grading Plan will be required by the Construction Official during the time of submission of an application for a building permit if the use variance is granted.

#### IV. Recommendations

1. The applicant and their witnesses must provide testimony as to why the Board should grant the use variance requested.
2. The Variance Plan should be revised to reflect comments contained in this report, as well as comments by the Board.





Sea Isle City Zoning Board of Adjustment  
329 43<sup>rd</sup> Place, LLC  
MC Project No. SIZ009

September 28, 2011  
Page 5 of 5

Andrew A. Previti, P.E.  
Municipal and Board Engineer

AAP/jmca

- C: Theresa Innes, Board Secretary (via email)  
F. Thomas Hillegass, Esquire (via email)  
Cornelius Byrne, Construction Official (via email)  
Gail Snyder, Construction Office (via email)  
329 43<sup>rd</sup> Place, LLC c/o Michael DiPalandino  
114 Stagecoach Rd., Cape May Court House, NJ 08210  
Louis C. Dwyer, Jr., Esquire (via fax)  
Matthew Hender, EDA (via fax)

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