

Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: June 24, 2024
July 29, 2024 - Update

Subject: 329 -43rd Place, LLC - "D" Variance Application
329 43rd Place
Block: 42.05 Lots: 9 & 10
C-3 Marine Commercial District/Industrial District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0249
Use Variance for Two-Family Dwelling

I. Background

The applicant has submitted an application for a use variance for a structure not permitted in the C-3 Zoning District. The applicant is proposing to construct a two-family residential dwelling in this district, and this is not a permitted use.

The site is located on 43rd Place in the City's C-3 Marine Commercial/Industrial District. The property address is 329 43rd Place and the parcel has fifty (50) foot of frontage on 43rd place and a depth of ninety-five (95) feet, ten (10) feet of which extends into Rio Del Affare. Therefore, the parcel has a lot area of four thousand seven hundred fifty (4,750) square feet which would be a conforming lot in this zoning district.

The application has been accompanied by the following documents which have been submitted for review:

| <u>Drwg.</u> | <u>Title</u> | <u>Prepared By</u> | <u>Date</u> | <u>Revision</u> |
|---------------|---|-------------------------------|------------------|------------------|
| 1 of 1 | Variance Plan Block 42.05, Lots 9 & 10 | Vincent C. Orlando, PE | 2/26/2024 | 7/18/2024 |
| 2 of 2 | Engineering Details | Vincent C. Orlando, PE | 7/18/2024 | --- |
| A1 | Variance Plan Block 42.05, Lots 9 & 10 | Joseph P. Horan, R.A. | 5/13/2024 | 7/19/2024 |
| 12090 | Plan of Survey | Stephen C. Martinelli | 9/30/2009 | 5/08/2013 |

The application will require variance relief as noted in the Variance Chart below.

The proposed use of a two-family residence is not a permitted use in the C-3 District. Therefore, there are no specific bulk regulations for this proposed use. The Board has

previously determined that in these circumstances the bulk regulations of the C-3 District would not be applicable and that the Board would apply appropriate bulk requirements for the proposed structure if the Board were to grant the use variance. I will address proposed bulk requirements in Section III of this report.

Status: Comments Continue

There are significant differences in the architectural plans and the engineering plans as it relates to the proposed building. I will address these in Section III of this report and these differences will impact the discussion of the proposed parking requirements and the Floor Area Ratio (FAR).

Status: Plans have been reconciled and are consistent.

The application will require a use variance as noted in the Variance Chart below:

VARIANCE CHART

| <u>Parameter</u> | <u>Required or Permitted</u> | <u>Proposed</u> | <u>Variance</u> | <u>Code Section</u> |
|-------------------------|---|--|--|----------------------------|
| 1. Use | Various Commercial Per Section 26-54.1 | Two (2) Family Residential Dwelling | Two (2) Family Residential Dwelling | 26-54.1 |

Note: This variance is a D1 Variance

Status: Comment Continues.

II. Determination for Completeness

The submitted survey is eleven (11) years old but a site visit indicates that little has changed. The elevations on the survey reflect that the Datum used is NGVD 1929 Datum and I will address this in Section III.

The application can proceed to a hearing if the applicant chooses to do so. However, the differences between the engineering plans and the architectural plans must be resolved and the design will need to conform to the City's new flood elevation requirements which are based on the 1988 NAVD Datum.

Status: Survey comment continues. The plans have been reconciled. Building design reflects new flood data, but exceeds permitted building height by six (6') feet.

III. Comments

1. The engineering plans prepared by Mr. Orlando include Zoning Schedules for both the C-3 Marine Commercial / Industrial District and the R-2A Two-Family Residential District – Bay Area. These have been presented to compare the proposed two-family duplex with the bulk

requirements of both the C-3 and the R-2A Residential Zoning District / Bay Area. I will comment on the proposed bulk issues as illustrated on Mr. Orlando's plans as follows:

- a. The proposal would meet the front, rear and side yard requirements of the R2A District. I would point out that the required rear yard setback in the R2A District is fifteen (15) feet not the twenty (20) feet noted in the Zoning Schedule. I would, therefore, advise the Board that the proposed yard setbacks would be appropriate if the Board were to grant the use variance for this project.

Status: Comments Continue

- b. The building height information for the R-2A District is not correct and does not reflect the new height requirements for all Zoning Districts which were implemented and became effective January 1, 2024. The maximum permitted building height in the R-2A District is thirty one (31) feet as measured from the new Local Design Flood Elevation (LDFE). This property is located in an AE flood zone with a base flood elevation of nine point zero (9.0) NAVD 1988. The LDFE elevation requires a three (3) foot free board added to the elevation nine (9). The Zoning Conformance Schedule should be revised accordingly.

The plans are proposing a building height of thirty-two (32) feet above Base Flood Elevation 9+1 which is not accurate. This does not accurately reflect the new flood requirements as noted above and I cannot advise you whether the proposed height is appropriate at this time since the plans will require revision to reflect conformity to the new regulations.

Status: The plans have been revised to reflect the new flood elevation requirements for the LDFE which would be Elevation 12. The plans also indicate that the proposed building would have a permitted building height of thirty-one (31') feet above Elevation 12, however, the plans are proposing a building height of thirty-seven (37') feet above the permitted height for a residential use in this district. Therefore, I would advise you that in my opinion this is not a building height which would be consistent with a residential use in this area.

- c. Code Section 26-23.4 addresses driveways. This code section permits one (1) twenty-four (24) foot wide driveway for interior lots for residential construction.

The applicant is proposing one (1) twenty-four (24) foot wide driveway. I would, therefore, advise the Board that the proposed driveway would be appropriate if the Board were to grant the use variance.

Status: Comments Continue

- d. The engineering plan proposes eight (8) on-site parking spaces with four (4) being located within the garage area. However, this conflicts with the architects plans which only provide for two (2) garage spaces, one (1) for each of the proposed units. Therefore, the engineering plan proposes of eight (8) parking spaces while the architects plan only provides for six (6) parking spaces. This must be reconciled.

This will also effect comments concerning FAR which is noted below.

Status: The engineering plans have been revised to reflect eight (8) parking spaces on site. This will effect the permitted Floor Area Ratio that will be addressed in the next comment.

- e. The engineering plans indicates a proposed FAR of zero point nine six (0.96). This would exceed both the FAR of zero point eight (0.8) if three (3) parking spaces per unit were provided and the FAR of zero point eight five (0.85) if four (4) parking spaces are being provided. The proposed Floor Area Ratio is excessive, and the Board should discuss the appropriateness of this Floor Area Ratio for this project. The issue of the number of parking spaces should also be reconciled. Therefore, I cannot advise the Board at this time as to the appropriateness of the proposed Floor Area Ratio other than it is excessive in my opinion.

Status: The project is proposing three (3) parking spaces for each unit for a total of six (6) spaces. Therefore, the allowable Floor Area Ratio for this condition would be zero point eight (0.8). The plan is proposing a Floor Area Ratio of zero point nine six (0.96). This FAR is substantially above the permitted floor area for a residential use in this district. The Board should discuss this with the applicant.

- f. The proposed building coverage is forty point five two (40.52%) percent as noted on the engineering plans. This would exceed the allowable thirty five (35%) percent in the R-2A District. I would suggest that the Board discuss this with the applicant, and I would not advise you at this time whether this is an appropriate lot coverage in this area.

Status: The engineering plans have been revised to reflect a building coverage of thirty-three point four eight (33.48%) percent. The original calculation included the deck areas and it is not necessary to calculate decks in building coverage. Therefore, I would advise the Board that the proposed building coverage would be appropriate if the Board were to approve the use variance.

2. The R-2A Zoning Chart should be revised to reflect the R-2A requirements under the "Required" column not the C-3 and should also add the requirements for impervious coverage, which in an R-2A Zone would be seventy percent (70%). It appears from the zoning chart that the proposed impervious coverage is seventy one point six eight (71.68) percent, however, before I can advise you as to whether this is appropriate or not, the engineer should provide testimony as to whether the seventy one point six eight (71.68%) percent noted in the chart for "Lot Coverage" is actually impervious coverage.

Status: The R-2 Zoning Chart has been revised to reflect the R-2A requirements. The percent of impervious coverage which is noted as Lot Coverage in the Zoning Chart has been reduced to sixty-nine point seven one (69.71%) percent. This is consistent with what is required or permitted for residential use which is seventy (70%) percent. Therefore, I would advise the Board that the proposed impervious coverage would be appropriate if the Board were to grant the use variance.

3. The engineering plans indicate that downspouts would be used and would channel run off from the building into a stormwater recharge system. **A note should be added to both the architectural and the engineering plans that gutters and downspouts will be provided, and this should be a condition of approval.**

Status: Comments Continue. Engineering plans are acceptable. The architectural plans should add the appropriate note.

4. The engineering plans do not address sanitary sewer and water service connections. This should be addressed on the plans and should be coordinated with the Department of Public Works.

Status: Satisfied. Existing services to be used.

5. The plans do not accurately address the new requirements of Chapter 14, specifically Code Section 14-102.4 Establish Lowest Floor Elevation as amended by Ordinance 1707. This section requires the following:

The lowest floor of an unfinished or flood resistant enclosure useable solely for the parking of vehicles, building access and crawl for residential structures shall be established two point zero (2.0) feet above top of curb and no higher than elevation seven point zero (7.0) feet unless the street is higher than elevation seven point zero (7.0) feet, in which case the top of the floor shall be no more than two (2%) percent slope to the street.

The elevations noted on the engineering plan are based on the 1929 NGVD. I have converted the elevations to the NAVD Datum, and the depressed curb elevation would be approximately four point six five (4.65). The proposed garage floor elevation noted on the engineering plans is six point six five (6.65). However, this elevation is based on the 1929 Datum and when converted to the NAVD 1988 Datum that elevation would actually be five point three five (5.35). This would not conform to the requirements of Chapter 14 and in order to satisfy Chapter 14 requirements the actual elevation should be two (2) feet above the estimated depressed curb elevation of four point six five (4.65), which would require the garage to be elevated to elevation six point six five (6.65) **based on the 1988 Datum.**

The engineer should confer with the Flood Plain Administrator, Neil Byrne, and confirm that the corrected proposed garage floor elevation would meet the requirements of Chapter 14. **This should be made a condition of approval and a response from Mr. Byrne should be in writing or an email.**

Status: Satisfied.

6. The engineering plans should provide the detail for the proposed depressed curb and driveway conforming to the City standards. I have provided that detail to the engineer's office previously.

Status: Satisfied.

7. I have reviewed the Stormwater Calculations and the plans as prepared by Engineering Design Associates and I have the following comments:

A. Stormwater Calculations

- a. The Volume Calculation only utilizes zero point five (0.5) of the proposed runoff. This is not acceptable given that the fact that only thirty (30) percent of the runoff is to be recharged. One hundred (100) percent of the calculated runoff whatever it may be, should be considered in the Required Storage Calculations.

Status: Satisfied.

- b. A runoff coefficient of zero point nine nine (0.99) should be used, not zero point nine zero (0.90).

Status: Runoff coefficient of zero point nine nine (0.99) has been used for impervious surfaces which is acceptable. The calculations use a weighted "c" value which is not acceptable. However, the difference is negligible and the post development runoff calculation showing a volume of six hundred sixty four (664 c.f.) cubic feet is acceptable.

- c. The calculations only include a portion of the site for each drainage area, and this would be nine hundred sixty two point five (962.5) square feet. The entire area of four thousand seven hundred fifty (4,750) square feet must be included in the calculations.

Status: Satisfied.

- d. Revised calculations should be prepared to address the above.

Status: The revised calculations are acceptable.

B. Stormwater Plans

- a. The Stone Trench detail should indicate that the top, sides, and bottom of the recharge trench will be wrapped in the geotextile material.

Status: Satisfied.

- b. The plan view indicates a one point two five (1.25) feet deep by one point two five (1.25) feet width Stone Trench (1.25 D x 1.25 W). The Stone Trench Detail indicates a one foot six inch (1'-6") by one foot six inch (1'-6") trench. This should be reconciled.

Status: Satisfied. Detail and plans are reconciled.

- c. The engineering plans should indicate the points of connection between the building gutter and downspout system and the recharge trench.

Status: Satisfied.

8. Note 7 on the engineering plan refers to permit applications for the docks. Has a CAFRA permit application for the proposed duplex been submitted?

Status: Comments Continues.

9. A note should be added to both the engineering and architect's plans that storage below the LDFE of twelve point zero (12.0) (NAVD 1988) is not permitted.

Status: Satisfied.

10. Landscape Plan – the project would require twenty (20) on-site shrubs, two (2) onsite trees and one (1) street tree). The proposed Landscape Plan provides the two (2) on-site trees but does not propose a street tree and only the ten (10) proposed hydrangea would qualify as shrubs. The proposed grasses and daylilies would not qualify as a shrub. None of the proposed plantings are on the City's recommended list of Plant Materials.

The engineer should indicate if the selected plant material will survive in the Coastal Environment.

I would recommend that if additional shrubs were added the landscape plan it would be acceptable.

Status: The plans have been revised to address this comment and a sufficient number of shrubs have been added to the plan. No street tree is being proposed, and *technically this would require a variance.*

The engineer should provide testimony if the selected plant material will survive in a coastal environment.

11. The engineer should provide testimony on the condition of the existing bulkhead at this property.

Status: Continues.

12. Any action taken by the Board should be conditioned on the improvements being constructed in accordance with requirements of Chapter 14 – Flood Damage Prevention Ordinance and all other FEMA regulations required by the City.

Status: Continues

13. **If this application is approved and following memorialization on the Board's action in a resolution the professionals should revise the plans and provide me with an electronic copy for review. If the plans have been revised to satisfy the comments contained in this memorandum as well imposed by the in Conditions imposed by the Board, then seven (7) signed and sealed engineering plans should be sent to my office**

for signature along with cost estimates for on and off-site improvements. Three (3) copies of the revised architectural plans should be submitted.

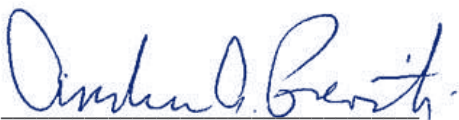
A performance guarantee will be required for off-site improvements and inspection fees will be calculated based on the total of both on-site and off-site improvements. A construction permit will not be issued until plans signed by the Board Chairperson, Secretary and engineer are on file with the Construction Official and the necessary performance guarantee and inspection fee are posted. It will be the responsibility of the owner to contact the municipal engineer when inspections are necessary, and these inspections should take place during the actual construction of the improvements.

Status: Comment Continues.

IV. Recommendations

1. The applicants and their professionals should provide testimony as to why the Board should grant the use variance relief applied for.
2. Conformance to the requirements of Chapter 14 will depend on whether the proposed garage floor elevation is acceptable to the Flood Plain Administrator. Confirmation from the Flood Plain Administrator will be necessary.
3. The plans should be revised to reflect the comments contained in this report as well as any additional comments that the Board may have.
4. If the Board grants the use variance requested, then this application should be conditioned on the applicants submitting revised plans to address the items addressed in this report and any other items required by the Board.
5. Any approval should also be conditioned on the applicant obtaining all other governmental approvals including approvals from the NJDEP and the Department of Public Works relative to the City's utilities as necessary as well as to the conformance to the requirements of Chapter 14 as determined by Flood Plain Administrator.

**Status: Plans have been reconciled and some comments have been addressed.
Recommendations continue.**



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

cc: Genell Ferrilli, Board Secretary (via email)
Chris Gillen-Schwartz, Planning Board Solicitor (via email)
Cornelius Byrne, Construction Official(via email)
Mariah Rodia, Construction Office (via email)
Corey J. Gillman, Esq (via email)
Vincent C. Orlando, PE (via email)
Joseph E. Horan, RA
329 43rd Place, LLC, 144 Stagecoach Road, Cape May Court House, NJ 08210 (attn Michael DiPalantion)

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