

Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: November 27, 2024
December 17, 2024

Subject: Thomas M. Schneider & Joan M. Schneider – Variance Application
249 85th Street
Block: 85.04, Lot: 24.02
R-2 Two Family Residential Zoning District
City of Sea Isle City, Cape May County, New Jersey

Project No.: SIZ0259

I. Background

The applicants have submitted an application for Hardship and Flexible “C” variance relief from the various requirements of the R2 District. The property is located in Block 85.04, Lot 24.02 and is located at 249 85th Street. The property is located in the R-2 Zoning District.

The property has 37ft. 5 ¾” inch frontage on 85th Street and an irregular lot depth. The lot has a lot area of three thousand eight hundred seventy four (3,874) square feet. Therefore, the lot is classified as a substandard lot and is governed by the requirements of Code Section 26-20.

The applicants are proposing to demolish an existing single family dwelling and construct a new single family dwelling. Code Section 26-20.2 – Use Limitations, limits the development on a buildable substandard lot of less than five thousand (5,000) square feet in any district to single family detached dwelling. This Code Section require variance relief to construct even a single family dwelling on a lot less than five thousand (5,000) square feet and the code classifies this as a “C” variance relief. This is noted in the Variance Chart. The proposed structure would have four (4) levels and five (5) bedrooms. A garage is being proposed in addition to on-site parking and would provide a total of six (6) parking spaces on-site.

The application has been accompanied by the following documents which have been submitted for **review including revised plans and a Stormwater Management Report to address the November 27, 2024 report.**

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
A1.1	Existing & Proposed Architectural Site Plan	Joseph M. Lombardi, RA	10/23/2024	12/13/2024
A2.0	Floor Plans	Joseph M. Lombardi, RA	10/23/2024	12/13/2024

A2.3	3D Views	Joseph M. Lombardi, RA	10/23/2024	12/13/2024
A3.0	Elevations	Joseph M. Lombardi, RA	10/23/2024	12/13/2024
●	Stormwater Management Report	Nicholas L. Vastardis, PE	12/11/2024	---
●	Letter to Andrew A. Previti, PE from Joseph M. Lombardi, AIA dated December 13, 2024			

The application will require variance relief 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 Limitation	Single Family Dwelling On Lot Than Less Than 5,000 S.F. but Greater than 3,500 S.F	New Single Family Dwelling on Lot Less Than 5,000 S.F. but Greater Than 3,500 S.F.	Building on Lot Less Than 5,000 S.F.	26-20.2
2. Min. Lot Area	5,000 S.F. ENC	3,876 S.F.	1,124 S.F.	26-46.7b
3. Min. Lot Width	50 ft. ENC	37ft. 5 ¾ Inches	12 ft. 6 ¼ inches	26-46.7b
4. Encroachment For Architectural Enhancements	Permitted in Yards 6 ft. 6 inches or Greater	Bump outs Proposed in 5 ft. Side Yard	Bump outs in side Yard Less than 6ft. 6 inches	26-27.6.e.2
5. Min. Rear Yard	20 ft.	15 ft. 6 ¾ inches	4 ft. 5 ¼ inches	26-46.6

ENC = Existing Non-Conforming Conditions

II. Determination for Completeness

This application is technically incomplete in that it does not address Stormwater Management System Requirements of Code Section 26-38, specifically the requirements of Code Section 26-38.2 Standards Applicable to Minor Development. This Code Section requires a stormwater management system that will recharge a portion of the stormwater generated by the project. Additionally, the requirements of Code Section 26-38.2.c.6 which requires a four (4) wide planted

green space along the rear and side property lines within the rear yard to increase infiltration will require additional information as will be noted in the comment section below.

Status: Stormwater Management Plan submitted. The required green space will be addressed in Comment III.4.

III. Comments

1. The variances required for this project are listed in the variance chart. Variances 2 and 3 are existing non-conforming conditions and deal with the size of the lot. The remaining variances are necessary due to the project as it is being proposed.

Status: Comment Continues

2. The architect should explain how the floor area of each of the floors illustrated on the plans have been calculated. Floor Area Ratio should be calculated to the exterior surface of the exterior walls of the structure and also it is to include stair and elevator areas within the exterior building limits. The architect should provide testimony that the floor areas noted on Drawing A1.1 were calculated in this manner.

Status: Comment addressed in December 13, 2024 correspondence. Testimony should be provided.

3. The existing depressed curb at this property is the full width of the lot frontage, 37ft. 5 ¾" inches. The proposed plan is proposing to reduce the driveway size to 21ft. 5 inches which would be acceptable however, this will require modifications to the existing concrete areas in the public right-of-way and any concrete work must conform to the requirements of the City's standards. I will provide the architect with copies of the City's design standards for concrete curb, concrete driveway aprons, and concrete sidewalk. The details for these improvements should be included on the plans.

Status: The original proposal proposed to reduce the existing 37 ft. 5 ¾" driveway, which is the full width of the property, to a new driveway size of 21 ft. 5 inches. This would conform to the Code Requirements of Section 26-23.4.b.1 which permits a 24 ft. driveway on non-conforming lots. However, the revised plans indicate that the full driveway width would remain and this would not comply with code requirements. Therefore, either the original proposal should be maintained or the applicant could have a 24 ft. wide driveway to comply with the code requirements.

4. The plans provide general information relative to landscaping but is not specific. The project will require one (1) street tree, one (1) on-site tree and ten (10) shrubs.

A Landscape Schedule specifying the types of plant material should be provided. Plant material must conform to the requirements of Code Section 26-25.6.

The proposed tree labeled "Street Tree" is actually on the property and not in the right-of-way. This tree could be considered the on-site tree and an additional street tree would then have to be provided. The proposed landscaping for the four (4) foot planted green space would be in addition to the requirements for landscaping as required by Code Section 26-25. Additionally, the plan generally calls for a "Proposed Landscape Area". More detail should be provided to specify what these areas would consist of.

Status: The number of shrubs and on-site trees and street trees is acceptable. However, the green space requires additional landscaping, and the plan shows the ten shrubs within the green space. Therefore, the ten shrubs in the green space could be augmented with additional shrubbery or additional shrubbery could be placed along the easterly property line.

5. A note should be added to the plans that the garage is to be used for parking only and storage is not permitted below the Local Design Flood Elevation of 12.0 at this location.

Status: Satisfied.

6. An existing block planter encroaches beyond the property lines into the public right-of-way and appears to be not on the applicant's property. This is the case for both the block planter and the existing wooden planter. Any encroachments in the right-of-way should be eliminated and the applicant should provide testimony whether these planters are part of their property.

Status: The December 13, 2024 letter from Mr. Lombardi indicates that the existing block and wooden planters are actually located on neighboring properties and they have been removed from the applicants' plan submission. This is acceptable.

7. The proposed building should be equipped with gutters and downspouts and a note to this effect should be added to the plans.

Status: Satisfied.

8. A stormwater management system must be designed, and stormwater calculations must be provided for the stormwater management system. This work must be done by a licensed professional engineer licensed to practice in the State of New Jersey as the law requires.

Status: I have reviewed the Stormwater Management Report prepared for this project by Nicholas Vastardis, PE, dated December 11, 2024. The Flow Rate Calculations are acceptable however, there are two (2) areas which require revision as follows:

- a. A stone void ratio of thirty five (35%) percent should be used.
- b. The UG1: Seepage Bed Detail Design found on page 6 of the report would place the bottom of the bed 4.5 feet below grade. It does not appear that soil borings were performed at this site to support this design. Seasonal High Ground Water

(SHGW) is typically two (2) to two point five (2.5) feet below grade in this area of the City. The designer has the following options in my opinion:

- Perform a soil boring to determine SHGW to support the design or modify the design based on the soil data.
 - Raise the bed to be closer to the surface and enlarge the bed as necessary assuming depth below grade to Seasonal High Water to 2.5 feet.
- c. The downspout at the front of the building on the west side of the property is not connected to the recharge system. This should be addressed on the plan found on sheet 5.

The Stormwater System on the Vastardis plans should also appear on the architectural plans. The architectural plans are the plans which will be utilized for inspection of site improvements including the recharge system and there should be one document which clearly shows what is being proposed.

The necessary revisions to address the above comments should be made in both the report as well as the plans submitted, both the architectural as well as the Vastardis plans.

9. City Ordinance No. 1701 of 2023 establishes the lowest floor elevation. Code Section 14-102.4 requires that the lowest floor including the garage area be established two (2) feet above the top of curb and no higher than elevation 7. The plans indicate that the garage would be set at elevation 7. However, it is not possible to determine if establishing the garage at elevation 7 will have an impact onto adjacent properties since there are no elevations provided on the plans. Therefore, topographic information should be added to determine if there is a need to provide any measures to prevent stormwater from running onto adjacent properties.

A grading plan should be provided with the architectural plans.

Status: The revised plans provide a grading plan. The plan proposes a retaining wall which would extend from the garage entrance to the front property line and be parallel to the driveway entrance to the garage. The plan should indicate top and bottom of wall elevations along its length not just at the garage. A detail of the proposed retaining wall should be provided.

The grading plan should provide more proposed elevations in order to determine the impact on adjacent properties. Stormwater from this property should not flow onto adjacent properties, but should be directed to the street. The runoff from the proposed structure will be diverted to the recharge system. However, the grading of the remainder of the site should not impact adjacent properties.

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

Status: Comment Continues.

11. **If this application is approved and following memorialization of the Board's actions 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 as any conditions imposed by the Board then seven (7) signed and sealed copies of the plans should be provided. Construction permits will not be issued until signed plans are on file with the Construction Official.**

Cost estimates for both On-site and Off-site improvements should also be provided. I will review these estimates, and they will be the basis for the required performance guarantee and inspection fees.

Status: Comment Continues.

III. Recommendations

1. The applicants and their professionals should provide testimony as to why the Board should grant the variance relief applied for.
2. The plan should be revised to reflect the comments contained in this report as well as any additional comments that the Board may have.
3. Since this application is technically incomplete the Board could proceed with reviewing the application subject to the applicants complying with the items which have not been submitted, specifically the stormwater management system design and stormwater calculations.

Status: Application is now technically complete.

4. The Board has the discretion to grant the variance relief as requested or as required by testimony and could decide to grant some of the variances while denying others. The Board Solicitor will advise you relative to this.

Status: Comments 1, 2 & 4 continue.



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

cc: Genell Ferrilli, Board Secretary (via email)
Chris Gillin-Schwartz, Planning Board Solicitor (via email)
Cornelius Byrne, Construction Official (via email)
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Nicholas L. Vastardis, PE (via email)

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