

Memorandum

To: Sea Isle City Zoning Board of Adjustment

From: Andrew A. Previti, P.E.

Date: July 29, 2024

Subject: What's the Catch, LLC – Mixed Use Development
Block: 40.02 Lots: 8.03, 9.03, 9.04 & 10.01
4001 Landis Avenue & 28 -40th Street – C-1 General Business Zoning District
City of Sea Isle City, Cape May County, NJ

Project No.: SIZ0253

I. Background

The applicants have submitted an application for preliminary and final site plan approval along with a request for a Hardship and Flexible “C” variance relieve. The application is also requesting a use variance, a “D5” variance for an increase in permitted density.

The property is located at 4001 Landis Avenue and 28 -40th Street. The property is located on the corner of 40th & Landis Avenue however, lots 9.04 and 10.01 is a separate lot which fronts on 40th Street. Therefore, the parcel has frontage on both Landis Avenue, 48.81 feet and on 40th Street, 110 feet. The overall parcel has an area 6,123.85 square feet and would be a conforming lot in the C-1 Zoning District as a combined lot. The overall parcel supports a retail building formerly known as Shoobies and a 1-story framed dwelling known as 28 -40th Street.

The applicant is proposing to demolish the existing structures on the overall parcel and redevelop the property with a new mixed use building. The first floor would support a restaurant use including a café with seating as well as three (3) vendors with takeout windows which would face 40th Street. The residential component would consist of six (6) units on the second and third floors and the residential units would range in size from 1,413 square feet to 1,461 square feet. The application is proposing 6 parking spaces under the building which would backout onto 40th Street.

The proposed project has three (3) issues which will be discussed in detail in the report. Two (2) of these issues relate to the requested variance relief. The issues are as follows:

- **Increase in permitted density for mixed use development from 4 permitted residential units to 6 proposed residential units.**
- **Proposed 60 foot wide driveway to accommodate 6 on-site parking spaces which would backout on to 40th Street.**

- **Reduction in size and possible elimination of the existing shared “alley” between the project site and the property to the south, Block 40.03, Lot 9.01 which is known as the Steak Out. This alley has historically been used by the former Shoobies and the Steak Out as a route for solid waste and recycling material to be transported to the curblineline of Landis Avenue for pickup by the City.**

These points will require discussion between the Board and the applicant.

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

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
1 of 5	Cover Sheet	Vincent C. Orlando, PE	6/26/2024	---
2 of 5	Existing Conditions & Demolition Plan	Vincent C. Orlando, PE	6/26/2024	---
3 of 5	Site Plan	Vincent C. Orlando, PE	6/26/2024	---
4 of 5	Grading, Drainage & Utility Plan	Vincent C. Orlando, PE	6/26/2024	---
5 of 5	Soil Erosion & Sediment Control Plan	Vincent C. Orlando, PE	6/26/2024	---
●	Stormwater Management Report	Vincent C. Orlando, PE	6/26/2024	---
G0.00	Cover Sheet	William C. McLees, AIA	6/26/2024	---
A1.10	Floor Plan	William C. McLees, AIA	6/26/2024	---
A1.11	Floor Plan – First Floor	William C. McLees, AIA	6/26/2024	---
A1.12	Floor Plan – Second Floor	William C. McLees, AIA	6/26/2024	---
A1.13	Floor Plan – Roof	William C. McLees, AIA	6/26/2024	---
A1.20	Reflected Ceiling Plan Ground Floor	William C. McLees, AIA	6/26/2024	---
A2.01	Elevations	William C. McLees, AIA	6/26/2024	---
A2.02	Elevations	William C. McLees, AIA	6/26/2024	---
Job No. 224026	Plan of Survey Lots 8.03-10.03, Block 40.02 Landis Avenue/40 th St.	Bruce R. McKenna, PLS & PE	03/06/2024	
●	Letter to Genell Ferrilli, Board Secretary, from Lyndsy M. Newcomb, Dated June 27, 2024			

The application requires variance relief from the requirements of the C-1 General Business District, including a “D5” variance for an increase in permitted density. These variances are outlined 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. Increase in permitted Density	1 Residential Unit, per Every 1,250 S.F. of Lot Area 6,123.85 s.f.-/ 1250 sq.ft 4.9 Units, Rounded Down to 4 units	6 Residential Units	2 Residential Units	26-52.7(b)

NOTE: This variance is a D5 Variance.

2. Max Driveway Width	24 feet	60 feet	36 feet	26-23.4
3. Lot Frontage & Width	50 feet ENC	48.81 feet	1.19 feet	26-52.8.b

ENC=Existing Non-Conformity

NOTE: Additional variances will be necessary as noted in this report. The applicant’s professionals should prepare a complete list of necessary variances.

II. Determination for Completeness

This application is technically complete. However, three issues mentioned in Section I relative to density, driveway width, and impact on the adjacent “alley” could have benefitted from a work session prior to submission of a plan for discussion by the full Board. However, since this was not done, I have proceeded to review the application as submitted and it will be necessary to discuss these items at the hearing for this application.

III. Site Plan Review

The following comments are keyed to the attached Site Plan Review Check List:

2. Indicate proposed use or uses of the land and buildings.

The application adequately describes what is being proposed. The application will require a D5 variance for an increase in permitted density. This variance will require five (5) affirmative votes.

3. **Site plans should be presented at a scale no smaller than 1"=50', nor larger than 1"=20'; size of sheets should not exceed 36 inches by 24 inches.**

The application will technically require a waiver. The site plan scale present at 1"=10 feet is larger than the permitted 1"=20 feet. The smaller required scale would make it difficult to review the application and the scale presented is acceptable. Therefore, I would recommend that a waiver be granted for site plan scale.

4. **Scale and graphic scale.**

See Comment 3.

6. **Submit survey of the property prepared by a licensed surveyor of New Jersey, showing boundaries of properties, line of all existing streets and roads, easements, rights-of-way and areas dedicated to public use within 200 feet of the development. Also indicated on this sheet will be the north arrow, scale feet and graphic scale. Name and address and professional license number and seal of the surveyor who prepared the survey.**

A survey has been submitted and I note the following:

- a. Correct General Note 3 to indicate Sea Isle City, not Ocean City.
 - b. General Note 7A indicates that the survey is based on Deed or Record(s) and or Title Documents as obtained by Monarch Survey and Engineering, LLC February 2024. The applicant should indicate if a title report was obtained for the site when purchased. If the title report was obtained a copy of this should be submitted for review.
 - c. The submitted survey includes 10.03 which is not part of the application.
7. **Give names of all owners of record of all adjacent properties with lot and block number, parcel number, tax map number, within 200 feet of the property.**
- a. The owner's list is not included in the documents which I have reviewed.
 - b. The submission letter submitted by Lyndsy Newcomb indicates that the 200' list is included, but it is not in my packet. The Board Secretary should confirm receipt of this list.
8. **Show existing and proposed buildings with dimensions, showing, with first floor elevation, present and finished grade elevations at all corners and entrances. Present buildings and structures to be removed are to be indicated.**
- a. The survey submitted includes a concrete area between the site and the property to the south which measures a total of eight point one (8.1') feet in width, four point three (4.3') feet of this area is located on subject project site and three point eight (3.8') feet is located on the property to the south. This is the "alley" mentioned previously and is used to move solid waste and recycling materials from the rear of both properties out to the curblin of Landis Avenue where it is then picked up by the City. The Orlando engineering plan on Sheet 2 indicates that the four point three (4.3') feet of concrete on the property in question is to be removed as part of the project. The architectural plans by McLees

indicates that the proposed building would be built to the property line thus eliminating a portion of the "alley". This will impact the property to the south.

- b. Dimensions of the proposed building should be shown on the site plan sheet 3.
 - c. The first floor elevation on Sheet 4 is listed as 5.0. Corner elevations proposed are listed as 5.7 and 5.5. Will the proposed building be lower in elevation than the surrounding land?
9. **Submit topographic map to delineate existing contours at well as proposed grading and contours, wooded areas, trees (where six inches or greater in diameter), flood plains, ponds streams and drainage ditches, etc.**

See Comment 8.

10. **Indicate the location of all existing and proposed structures, i.e. walls, fences, culverts, bridges, roadways, etc., with grade elevations for each structure.**

See Comment 8

15. **Indicate locations of all utility structures and lines, existing and proposed storm water drainage on-site and off-site and from buildings and structures, as well as telephone, power and light, water hydrant locations, sewer, gas, etc., whether privately or publicly owned, with manholes, inlets, pipe sizes grades inverts and directions of flow.**

a. Sanitary Sewer System

1. It appears that an existing six (6") inch lateral will be used to service this project and that a building sewer will be run from an existing cleanout into the new building. The design engineer should confirm this.

If the proposed building sewer is to be six (6") inch as noted on the plans, then a new cleanout using a six by six (6x6) tee will be needed. The Sewer Service Detail on Sheet 4 should be revised accordingly.

2. Multiple sewer laterals were extended to this site under City Project No. 7872 in 2000. If only one (1) of these laterals is to be used the others should be abandoned in accordance with the requirements of the City's Department of Public Works. I will provide the design engineer with a copy of Sheet 14 of 32 of the plans for Project No. 7872.

b. Water Distribution System

1. The applicant should meet with the director of the Department of Public works, Don Teefy, to review the proposed water distribution system. The system as noted on the plans will not conform to the City's current requirements. Meter rooms within a building are no longer acceptable and this should be reviewed with Mr. Teefy. A meter vault located within the public right-of-way would be preferred.

2. A revised water distribution system plan should be submitted after reviewing this with Mr. Teefy.
- c. Stormwater Management System
 1. The application is subject to the requirements of Code Section 26-38, Stormwater Management Systems as Amended. The calculations submitted are acceptable however, the proposed recharge trench will be four point one (4.1') feet in the ground to the bottom of the trench (inlet Elevation 5.35 – bottom of stone bed elevation 1.25) at the rear portion of the system. A soil boring should be performed to determine the Seasonal High Ground Water (SHGW) , and to confirm that ground water will not occupy the stone bed. If the SHGW is above elevation 1.25 then the system will need to be redesigned.

17. **Show all proposed easements and public and community areas.**

The applicant should provide testimony relative to any easements or agreements which they are aware of concerning the use of the existing “alley” between the project site and the Steak Out property. This area has been used by both properties for many years to transport solid waste and recycling to the Landis Avenue curb line for pick up by the City.

18. **Vehicular ingress and egress**

19. **Location and design of off-street parking areas.**

I am combining these two (2) items since the proposed parking plan involves a sixty (60') foot wide depressed curb to accommodate six (6) parking spaces on-site and which will back out into 40th Street.

1. Traffic flow on 40th Street is in both directions. Vehicular and pedestrian flow is heavy during the summer season.

Parking on the south side of 40th Street is not permitted as noted in Code Section 7-7.7. This area has historically been used by vendors to deliver to the former Shoobies and what is now known as the Bright Spot, Steak Out, Drifters and to the Ocean Drive when the Ocean Drive driveway is blocked by delivery vehicles.

The proposed parking plan would require the six (6) vehicles to back out onto a busy street with heavy vehicular and pedestrian traffic. The proposed restaurant use with three (3) vendors for take-out service will increase pedestrian traffic.

The traffic plan as proposed should be reconsidered to eliminate the spaces which would back onto 40th Street. A plan using a twenty-four (24') foot wide driveway and drive aisle with on-site parking should be considered. A lesser width of twenty-four (24') feet could be considered.

2. One (1) ADA space is required for this development.
3. One (1) Make-Ready EV space is required if the density variance is granted.

21. **Indicate provisions for refuse and garbage disposal. Insure that such area are not exposed to view, are unpolluting, covered from weather and are secure from vandalism. Incineration of burning of units will be of such design and construction as to be approvable by the State Department of Health and Environmental Protection. Compactor units will ensure completely sealed operation. Open dump areas for garbage or refuse should be prohibited but where they are deemed necessary they must be enclosed and constructed with views to sight, fire protection, sanitation and security.**
 - a. The architect should explain the proposed trash storage area and how solid waste and recycling will be picked up.
 - b. The proposed trash room would have an area of one hundred twenty-one (121) square feet and would measure approximately eighteen point five (18.5) feet by six point five (6.5') feet. This area appears small for the proposed facility and uses. The applicant and his professionals should meet with the Director of the Department of Public Works to review this matter.
 - c. Any approval that the Board may grant should be conditioned on the applicant satisfying the requirements of the Department of Public Works relative to recycling and solid waste storage and pick up. **This should be a condition of approval.**
22. **Show provisions for screening or storage of equipment, attached or separate from buildings.**
 - a. The architect should provide testimony relative to the location and screening for the HVAC equipment.
23. **Indicate all existing or proposed exterior lighting (free- lumens, heights, area and direction of illumination, foot-candles produced, as well as time controls proposed for outdoor lighting and display.**
 - a. The architect should explain the proposed lighting plan and should indicate if any lighting is proposed beyond the property lines, including the proposed string lights.
 - b. Foot candles produced is not noted on the plan and should be addressed.
 - c. Time controls for the lighting should be indicated on the plans.
24. **Note all existing and proposed signs and their sizes; nature of construction and locations, height and orientation, including all identification signs, traffic and directional signs and arrows, freestanding and façade signs and time control for sign lighting.**
 - a. Signs described and located generally on the architectural plans. Details are generally provided by description only. **Sign details should be provided on the plans submitted for building permits.**
 - b. The location of the Hidden Drive signs should be noted on the plans.

25. **Indicate locations, dimensions and construction of off-site sidewalks, on-site exits, walks and sidewalks. Provision should be made for pedestrian safety, access ways and, where necessary, a bicycle system and racking.**
- a. Note 8 on the engineering plans Sheet 1 indicates the following:
- “All concrete curb, sidewalk and pavement disturbed in-kind within road rights of way are to be repaired in-kind”.**
26. **Show proposed screening of green areas and landscaping and fencing, including a planting plan and schedule, and trees, off-site and along road, etc. Provision should be made for maintenance.**
- a. The project the project requires three (3) street trees, three (3) on-site trees and thirty-one (31) shrubs. Only the three (3) street trees are proposed.
- The architectural plans indicate the use of raised planters on the upper floors, but no details are provided.
- Testimony should be provided to address the number of proposed on-site trees and shrubs and should also indicate what variance relief is needed.
- b. The six (6') foot high vinyl fence detail should provide post inserts to protect against wind damage.
27. **Show improvements to adjoining streets and roads, and traffic control devices necessary in streets or highways. Acceleration and deceleration lanes, paving, land dedication or acquisition for road should be considered.**
- a. The architectural plans on Cover Sheet G0.00 show outdoor seating within the public right-of-way of both 40th Street and Landis Avenue. This is not regulated by Chapter 26, Zoning and is regulated by the requirements of Chapter 4, General Licensing, specifically Code Section 4-3, Sidewalk Dining. Any positive action on site plan approval should indicate the required compliance with Chapter 4 and the needed City approval.
29. **A detailed written description, sketch, rendering or picture of any new buildings or structures should be presented.**
- a. The information is noted on the plans although the plans indicate that the proposed colors will be selected by the architect. The architect should present the proposed building at the hearing.
30. **Preliminary architectural floor plans and elevations should be submitted, with the name, address, professional number and seal of the architect.**
- a. The architectural plans dated June 26, 2024, consisting of eight (8) sheets was reviewed for conformance with adopted Architectural Design Standards and Landscape Standards of Chapter 26.

1. **General Comments**

- a. The purpose of the Architectural Design Standards is to “reflect the City’s desire for a Coastal Seashore Village” and “create buildings that are attractive, improve the City’s Commercial Zones image and enliven the streetscape”.
- b. The plans as presented do not meet certain of the architectural design standards under Code Section 26-42. The architect on Sheet A2.02 includes an architectural design standard chart and also indicates where variance relief is necessary. The architect should provide testimony concerning the needed variance relief since this is a standard for the Zoning Code and the Code Section which requires relief should be noted in the testimony.

32. **In fire prevention, consideration must be shown for service lines, hydrants, Siamese connections, automatic sprinkler system, fire zones, “no parking fire zones” and pavement and wall signs.**

- a. A fire suppression system is proposed. The architect should provide testimony concerning the type of system and where controls for this system will be located. The comments of the Director of the Department of Public Works should be incorporated into any fire suppression system plans.
- b. Any comments from the City’s Fire Department should be incorporated into the project plans.

33. **Flood zone and base flood elevation.**

- a. The architect should testify how the building will be constructed to meet elevation and flood proofing requirements.

34. **Final lot grading plan.**

- a. The engineer should address the proposed First Floor Elevation and the proposed Grading at the southeast corner of the lot.

36. **A detailed written list of any additional permits required from the municipality, county, state or federal agencies.**

- a. The applicant should address the status of the additional permits which are listed under Note 10 on Sheet 1 of the engineering plans.

38. **Show all requirements under the Americans with Disabilities Acts of 1990 for parking and pedestrian and vehicular movement.**

- a. The architect should provide testimony relative to accessibility conformance to the requirements of ADA for both pedestrian and vehicular conditions.

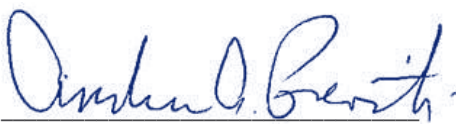
IV. **Additional Comments**

1. Comments from the City’s Police, Fire and Public Works Departments should be considered by the Board.

2. A note should be added to the plans that any required electrical transformer will be located onsite and not in the public right-of-way. **This should be a condition of approval.**
3. If this project is approved a plan of construction should be prepared as part of the Construction Plans. This plan should address construction phases, site security during construction, pedestrian safety, staging areas, material delivery and any other construction related activity. **This should be a condition of approval and should be prepared as part of the construction permit application to the Construction Official. The Construction Plans should be reviewed and approved by the Municipal Engineer.**
4. If this project is approved, a condition of approval should require the applicants to attend a pre-construction meeting along with the City's Police Department and Municipal Engineer before any site activity including foundation for the new building is undertaken. The applicant's builder should be present at any pre-construction meeting.
5. The project if approved will be required to comply with Code Section 26-43.4, Non-Residential Affordable Housing Development fees. This should be discussed with the applicants at the hearing and a condition of approval should require the applicants to conform to the requirements of this code section.

V. Recommendations

1. I would recommend that the Board discuss with the applicant an alternative parking plan to what is being proposed and the elimination of the proposed sixty (60') foot wide depressed curb. This would eliminate the need for the driveway variance.
2. The issue of the partial removal of the "alley" between the property in question and the Steak Out property should be discussed and finalized before any approvals are granted.
3. I would recommend that the Board not take action on Site Plan approval at this time and not until Item Numbers 1 & 2 above have been resolved.



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

AAP/dpm

cc. Planning Board Members (via Board Secretary)
Genell Ferrilli, Planning Board Secretary (via email)
Chris Gillen-Schwartz, Planning Board Solicitor (via email)
Don Teefy, Jr., Director of Public Works (via email)
Chief Anthony Garreffo, Jr. (via email)
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