

**CITY of SEA ISLE CITY**  
**ZONING BOARD OF ADJUSTMENT**  
**MONDAY, OCTOBER 2<sup>ND</sup>, 2023 @ 7:00 pm 'Regular Meeting'**  
**AGENDA**

**1. Called to Order**

**2. Pledge of Allegiance**

**3. Open Public Meetings Acts Statement**

*In accordance with the provisions of the New Jersey Open Public Meetings Act, Chapter 231 of the Public Laws of 1975, the Sea Isle City Zoning Board caused notice of the date, time and place of this meeting to be posted on the City Clerk's Bulletin Board at City Hall, Sea Isle City Web Site and published in the Atlantic City Press and/or Ocean City Sentinel.*

- 4. Roll Call**
- |  |                       |                              |
|--|-----------------------|------------------------------|
| _____ Patrick Pasceri, Chairperson     | _____ Jacqueline Elko | _____ William McGinn         |
| _____ Patricia Urbaczewski, Vice Chair | _____ Louis Feola, Jr | _____ Kenneth Cloud Alt I    |
| _____ Caryn Durling                    | _____ Lenny Iannelli  | _____ Patrick Curtin, Alt II |

**5. NEW BUSINESS**

***A* Applicant: PENDERGAST, Patrick & Marie (Hardship/Bulk & Flex 'C' Variances)**

@ 138 – 87<sup>th</sup> Street, West Unit / Block 88.02 / Lots 26, 27 & 28.01 / Zone R2

*Proposed:* to construct a 12' x 20' in-ground swimming pool in the rear yard of the West Unit

*Requesting:* variance relief for setback from main structure (Building) to accessory structure (Pool) and a portion of the green space that is required

***A* Applicant: 9 - 42<sup>nd</sup> Street, LLC. (Hardship/Bulk/Flex 'C' & Use 'D' Variances) **(( Continued to the next meeting ))****

@ 9 – 42<sup>nd</sup> Street / Block 41.01 / Lots 7.01 / Zones C-4

*Proposed:* change of use from commercial to mixed use commercial & residential development with accompanying upgrades

*Requesting:* variance relief for proposed change of use

**6. Resolutions**

***R* Resolution No. 2023-09-02: FERNS, Richard & Kristen (Hardship/Bulk/Flex 'C' Variances)**

@ 6 – 79<sup>th</sup> Street / Block 79.01 / Lots 285.02 / Zones R-2

***R* Resolution No. 2023-09-03: ANDALORO, Michael (Hardship/Bulk/Flex 'C' Variances)**

@ 23 – 34<sup>th</sup> Street, South Unit / Block 33.02 / Lot 4 / Zone R-2

***R* Resolution No. 2023-09-04: CURRAN, Eugene & Mary Claire (Hardship/Bulk/Flex 'C' & 'D'5 Variances)**

@ 5612 Sounds Avenue, North Unit / Block 58.05 / Lot 14.02, 15.01 / Zone R-2

**7. Meeting Minutes**

*m* Minutes of Wednesday, September 6<sup>th</sup>, 2023 Regular Zoning Board Meeting

**8. Adjourn**

\* Please note - changes are possible \*

# **SEA ISLE CITY 'ZONING BOARD OF ADJUSTMENT'**

## **Minutes of Monday, October 2<sup>nd</sup>, 2023 @ 7:00 PM Regular Meeting**

**\*Meeting called to order:** by Chairperson Mr. Pasceri. All join for Pledge of Allegiance. Opening comments begin with the Open Public Meetings Act statement.

**\*Board Roll Call:**

*Present:* Ms. Elko, Mr. Feola, Mr. Iannelli, Mr. Cloud (Alt #1) & Mr. Pasceri.

*Absent:* Mrs. Durling, Mr. McGinn, Mr. Curtain (Alt #2) & Mrs. Urbaczewski.

*Board Professionals:* Mr. Christopher Gillin-Schwartz, Esq., of Gillin-Schwartz Law, Zoning Board Solicitor and Mr. Andrew Previti, P.E. of Collier's Engineering & Design, Board Engineer.

**~NEW BUSINESS:**

📁 **Applicant:** PENDERGAST, Patrick & Marie (*Hardship/Bulk/Flex 'C' Variances*)

@ 138 - 87<sup>th</sup> Street, West Unit / Block 88.02 / Lot 26, 27 & 28.01 / Zone R-2

Proposed: to construct a 12' x 20' in-ground swimming pool in the rear yard of the west unit

Requesting: variance relief for setback from main building structure to accessory pool structure and portion of green space required

**Professionals:** Donald Wilkinson, Esq. begins with a summary of what is being proposed by way of another pool application in the rear yard of the applicant's West Unit and seeking variance relief for the distance from the swimming pool accessory structure to the main structure and green space. Mr. Wilkinson reviews the Board Engineer's report with Paul Kates, PE, PP (Engineer/Professional Planner) who provides credentials and then explains some of the changes that have been incorporated into this project like reducing the size of the pool, increasing the distance between the pool and structure by 2', adding a two-foot walkway around the pool for safety and ease of access, how relocating and complying with the recharge systems requirements eliminated the need for the green space variance, and responds to the engineer's report. Mr. Kates and Mr. Wilkinson review the positive and negative criteria pertaining to this project.

**Witness(es):** Mr. Pendergast (Owner/Applicant) offers a bit of history about acquiring their place in February of 2018 and how they and their family have always used it, so they have never rented.

**Board Comment:** there was some discussion about the elimination of the green space variance, stormwater, and how a Sub-Committee of the Planning Board has been working on addressing the issues of all the pools to come up with new guidelines and requirements to be proposed to City Council to act on.

**Public Comment:** Brian Marshall of 234-55<sup>th</sup> Street West Unit notes that he has been corresponding with Mr. Savastano in regards to all of the pools being installed around town and the major issues with the water, as he explains all the issues that have been created because of the pools and the poorly designed recharge system that does not seem to be working from what he sees, in addition to the trenches that are supposed to direct water drainage to the street that is not working due to the excess water from gutters and downspouts that are not being taken into consideration when researching and designing these systems that are being put in place.

- Motion taken in the affirmative for the setback from main building to accessory pool structure where 10 ft. is required and 5 ft. is proposed for 5 ft. variance relief and elimination of green space; all as discussed and agreed, including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 9/5/2023; Motion made by Ms. Elko, second by Mr. Feola; roll call of eligible votes - *aye* '5' in favor / *nay* '0' opposed and therefore Granted 5-0

**\*Resolutions:**

📄 **Resolution No. 2023-09-02:** Richard & Kristen FERNS @ 6-79<sup>th</sup> St/B:79.01/L:285.02/Z:R2

- Motion memorializing Resolution #2023-09-02 made by Mr. Cloud, second by Mr. Iannelli; roll call of those eligible to vote - *aye* '3' in favor / *nay* '0' opposed

📄 **Resolution No. 2023-09-03:** Michael ANDALORO @ 23 -34<sup>th</sup> St. South/B:33.02/L:4/Z:R2

- Motion memorializing Resolution #2023-09-03 made by Mr. Iannelli, second by Mr. Feola; roll call of those eligible to vote - *aye* '3' in favor / *nay* '0' opposed

📄 **Resolution No. 2023-09-04:** Eugene & Mary Claire CURRAN @ 5612 Sounds Ave, North/B:58.05/L:14.02, 15.01/Z:R2

- Motion memorializing Resolution #2023-09-04 made by Mr. Iannelli, second by Mr. Cloud; roll call of those eligible to vote - *aye* '3' in favor / *nay* '0' opposed

**\*Meeting Minutes to Adopt:**

📄 **Minutes of Wednesday, September 6<sup>th</sup>, 2023 Regular Zoning Board Meeting**

- Motion to adopt the September 6<sup>th</sup>, 2023, Zoning Board Meeting made by Mr. Cloud, second by Mr. Iannelli; roll call of those eligible to vote - *aye* '3' in favor / *nay* '0' opposed

**\*Comments:** there's some discussion regarding the status of the application submitted by 9-42<sup>nd</sup> Street, LLC. since the plan is for them to be heard in December since Mr. Previti will be away in November, whether a revised application will be submitted and if noticing again will be required after the confusion over whether the application would move forward and when it should be scheduled to be heard.

~With no further business

- Motion to adjourn by Ms. Elko, and all were in favor.

**Meeting Adjourned**

Respectfully submitted,

  
Genell M. Ferrilli

Board Secretary

City of Sea Isle City Zoning Board