

CITY of SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
WEDNESDAY, JANUARY 3rd, 2024 @ 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 |
| _____ _____, Vice Chair | _____ Louis Feola, Jr | _____ Kenneth Cloud Alt I |
| _____ Caryn Durling | _____ Lenny Iannelli | _____ Patrick Curtin, Alt II |

5. NEW BUSINESS

6.

 ZONING BOARD RE-ORGANIZATION FOR '2024' CALENDAR YEAR

Zoning Board Re-organization for Calendar Year 2024: new appointments/re-appointments, Professional Services, Publication of choice, & adopted regular meeting dates, including any work sessions for calendar year 2024

- A* Applicant: DRAGONE, Javier & Maureen (*Hardship/Bulk, Flex 'C' & 'D' Variances*) **Continued from December**
@ 216 -92nd Street / Block 93.03 / Lots 49 & 50.01 / Zone R2
Proposed: to construct a third-story addition to the existing two-story single-family dwelling
Requesting: variance relief for floor area ratio, making improvements to a substandard non-buildable lot, 4' wide green space within the side and rear yards; and variance relief on pre-existing nonconformities for front yard setback, rear yard setback, lot area, lot width, lot depth and building coverage
- A* Applicant: 9 - 42nd Street, LLC. (*Hardship/Bulk/Flex 'C' & Use 'D' Variances*) **Continued from December**
@ 9 -42nd 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
- A* Applicant: CAMPAGNA, Vincent & Beth (*Hardship 'C' Variances*)
@ 25 - 63rd Street, West / Block 62.02 / Lots 2 / Zone R2
Proposed: to construct an in-ground swimming pool in the rear yard of the west unit
Requesting: variance relief for distance from accessory structure (pool) to main structure and any other relief deemed necessary
- A* Applicant: CATERINA, James (*Hardship/Bulk/Flex 'C' Variances*)
@ 134 - 87th Street, West / Block 88.02 / Lots 28.02, 29, 30 & 31.01 / Zone R2
Proposed: to construct rear yard addition to second and third floor of unit
Requesting: variance relief for lot coverage and any other relief deemed necessary

7. Resolutions

- R* Resolution No. 2023-12-01: WOLF, Peter & Clarie & Minella, Louis & Megan (etals) (*Flex 'C' Variances*)
@ 8501 & 03 Pleasure Avenue / Block 86.01 / Lots 7.02, 8, 9, 10 / Zone R2
- R* Resolution No. 2023-12-02: LANE, Joseph & Rita (*Hardship/Bulk/Flex 'C' Variances*)
@ 10 -55th Street / Block 55.01 / Lots 1507.02 & 1509.02 / Zone R2

8. Meeting Minutes

m Minutes of Monday, December 4th, 2023 Regular Zoning Board Meeting

9. Adjourn

* Please note - changes are possible *

SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
Minutes of Regular Meeting
Wednesday, January 3rd, 2024 @ 7:00 PM

~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: Mrs. Durling, Ms. Elko, Mr. Feola, Mr. Iannelli, Mr. McGinn, Mr. Cloud (Alt #1), & Mr. Pasceri.

Absent: Mr. Curtain (Alt #2).

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.

~Announcement:

Announcement for anyone present that due to illness the Caterina Application at 134 – 87th Street has requested a continuance to the February Meeting having waived any timing issues and with no further notice required.

~NEW BUSINESS:

➤ **Applicant:** DRAGONE, Javier & Maureen (*Hardship/Bulk, Flex 'C' & 'D' Variances*)

@ 216 -92nd Street / Block 93.03 / Lot(s) 49 & 50.01 / Zone R-2

Proposed: to construct a third-story addition to the existing two-story single-family dwelling

Requesting: variance relief for floor area ratio, making improvements to a substandard non-buildable lot, 4' wide green space within the side and rear yards; and relief of pre-existing nonconformities for front yard setback, rear yard setback, lot area, lot width, lot depth & building coverage.

Professionals: Jeffrey Barnes, Esq. summarizes what is being proposed then goes into more detail about the project and Hardship, Flex 'C' and D4 variance relief they are seeking. Mr. Barnes introduces the Applicant and Architect to be sworn in as he reviews the property's history, characteristics and the relief being sought. He points out how it is currently an existing substandard non-buildable lot containing a single-family dwelling that will need floor area ratio, bulk, and relief for existing non-conformities which they are seeking relief on, so they can add a third-floor addition approximately 400 square feet in size, as well as adding one more bedroom, one more bathroom and a utility closet. Craig Dothe RA, PP, offers credentials, is sworn in, and reviews the plans explaining in detail the layout, design, and dimensions of each level, reviews setbacks and pre-existing non-conformities, along with on-site parking and FAR. Some alternate options were considered and explored such as reconfiguring the interior layout of the structure or purchasing additional property abutting this one, but all unfortunately with no success, and reviews the positive and negative criteria for this project, and notes for the record they would revise the plans to reduce the FAR as well.

Witnesses: Javier Dragone (Owner/Applicant) offers some history about when they bought this place and with their growing family, how they need more space now and just want to create the additional space they need without impacting the surrounding properties.

Board Comment: there is further clarification discussed regarding on-site parking and the number of spaces.

Public Comment: Ben Popleik, James Lynn, Edwin Markle, Kathie Markle, and Karen Popleik all spoke in favor of the project.

- Motion taken in the affirmative to approve a D (4) FAR variance relief for an addition to a single family dwelling on an undersized non-buildable substandard lot; all as discussed including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 10/9/2023; Motion made by Mr. Cloud, second by Ms. Elko; roll call of eligible votes - *aye* '5' in favor / *nay* '2' opposed and therefore Granted 5-2.
- Motion taken in the affirmative for existing non-conformities consisting of min. lot area, min. lot width, min. lot depth, front yard setback, and rear yard setback, in addition on-site parking and improvements on a lot less than 3,500 S.F.; all as discussed including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 10/9/2023; Motion made by Mr. Feola, second by Mr. McGinn; roll call of eligible votes - *aye* '7' in favor / *nay* '0' opposed and therefore Granted 7-0

➤ **Applicant:** 9- 42nd Street, LLC. (*Hardship/Bulk, Flex 'C' & 'D' Variances*)

@ 9- 42nd Street / Block 41.01 / Lot(s) 7.01 / Zone C-4

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

Requesting: variance relief for proposed change of use

Professionals: Substituting for Lyndsy Newcomb, Esq. is James Moore, Esq., who on behalf of the Applicant reviews the original request for an interpretation from the Board to see if their proposed project for the conversion of three units from commercial to residential and the other two units to continue as commercial, was heard and the interpretation made that a 'D' Variance would be required for this application and remain before the Zoning Board accordingly. The application was then withdrawn and resubmitted without revisions to seek the same relief and thereafter heard before the Zoning Board at the 1/3/2024 meeting, where Mr. Moore reviews the property's conforming use of five commercial units at Promenade with parking beneath and a miniature golf course on the roof, in addition to Promenade access that was built into the right of way, further explaining how the existing commercial is

elevated above the promenade accessible by steps or a ramp, to which the Applicant is proposing to change the use of three units to residential, have two commercial units remain along with the rooftop golf. William McClees, AIA provides details regarding layout, square footage, proposed fire suppression, the intended use of the units with specific note to the units proposed for residential use by family, pointing out how difficult it was to find a design they could work with for this project due to the dimensions of the existing lot, issues with CAFRA, and step like design preference.

Witnesses: Matthew Bateman (Member/Principal of Applicant) was acknowledged since he attended the last meeting but unsuccessful with attempts to attend this meeting.

Exhibits/Reports:

Board Comment: there is some discussion regarding prior application and the Planning Board's determination in 2008 and the 2011 application under a DeCredico Living Trust which is now located across 42nd Street from this property, and pursuant to P.B. Resolution 2008-06-03 found the promenade to be considered at grade and applied to projects for years, therefore pointing out that the promenade has been consistently interpreted as at 'grade' promoting mixed use development and for commercial to enhance foot traffic on the promenade, all in accordance with the purposes of the Master Plan and the City Code. Previously there was a motion taken in the affirmative in favor of interpreting 'Grade' as level of Promenade and requiring 'D' variance relief and approved 4-0.

Public Comment: Mr. DeCredico notes that when his project was done his application included a determination addressing the issue of the grade to be established for the C-4 district, where it was found the promenade is considered at grade, so his project complied with commercial use requirements and developed.

- Motion taken in the affirmative failed variance relief requested and from the requirements of the City Codes; all as discussed including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 5/16/2023, updated 7/18/2023 and 8/2/ 2023 Supplemental Report; Motion made by Ms. Elko, second by Mrs. Durling; roll call of eligible votes - *aye* '1' in favor / *nay* '4' opposed and therefore Denied 4-1

➤ Applicant: CAMPAGNA, Vincent & Beth (Hardship/Bulk, Flex 'C' Variances)

@ 25 – 63rd Street, West / Block 62.02 / Lot(s) 2 / Zone R-2

Proposed: to construct an in-ground swimming pool in the rear yard of the west unit

Requesting: variance relief for floor area ratio, making improvements to a substandard non-buildable lot, 4' wide green space within the side and rear yards; and relief of pre-existing nonconformities for front yard setback, rear yard setback, lot area, lot width, lot depth & building coverage.

Professionals: Donald Wilkinson, Esq. on behalf of the applicants briefly summarizes the project being proposed to install an in-ground swimming pool in the rear yard and the relief being sought. He points out that this is currently a second home for the applicants who will be retiring and plan to move here year-round within the next year or so. Paul Gates PE, PP (Engineer & Planner) provides testimony to the irregular shaped pool they are proposing in the rear yard and per the Board Engineer will be reducing the relief by increasing the setback, fully comply with green space requirements as he reviews a marked plan confirming the revised setback to the main building and the side and rear yard setbacks,

Witnesses: Mr. Campagna (Owner/Applicant) talks about their plan to retire and move to Sea Isle year-round which led to the desire to install a pool in their rear yard.

Exhibits/Reports: n / a

Board Comment: n / a

Public Comment: n / a

- Motion taken in the affirmative for variance relief on the setback from the main building to the accessory (pool) structure and reduced at time of hearing from 7 to 5 ft.; all as discussed including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 12/20/2023; Motion made by Ms. Elko, second by Mr. McGinn; roll call of eligible votes - *aye* '7' in favor / *nay* '0' opposed and therefore Granted 7-0

~ Re-Organization of Zoning Board:

- To approve Zoning Board 2024 Calendar Year Meeting Schedule; Motion made by Ms. Elko, second by Mr. McGinn; all eligible votes - *aye* '7' in favor / *nay* '0' opposed and therefore Granted 7-0
- To re-appoint Board Solicitor-Christopher Gillin-Schwartz of Gillin-Schwartz Law, P.C. & Andrew Previti of Colliers Engineering Design (aka: Maser Consulting); Motion made by Ms. Elko, second by Mr. McGinn; all eligible votes - *aye* '7' in favor / *nay* '0' opposed & therefore Granted 7-0
- To appoint/re-appoint Chairperson-Mr. Pasceri; Vice Chairperson-Mr. Feola, and Board Secretary-Genell Ferrilli; Motion made by Mr. Cloud, second by Mr. Mrs. Durling; all eligible votes- *aye* '7' in favor / *nay* '0' opposed & therefore Granted 7-0

~ Resolutions:

➤ Resolution No. 2023-12-01: WOLF, Peter & Claire/ Minella, Louis & Megan (etals) @ 8501 & 03 Pleasure Ave/B-86.01/L-7.02, 8, 9 & 10/Z-R-2

- Motion memorializing Resolution #2023-01-01 made by Mr. McGinn, second by Ms. Elko; roll call of those eligible to vote - *aye* '4' in favor / *nay* '0' opposed

➤ Resolution No. 2023-12-02: LANE, Joseph & Rita @ 10- 55th St/B-55.01/L-1507.02 & 1509.02/Z-R2

➤ Motion memorializing Resolution #2023-01-01 made by Mr. McGinn, second by Ms. Elko; roll call of those eligible to vote - aye '4' in favor /nay '0' opposed

R Resolution No. 2023-01-03: Zoning Board of Adjustment 2023 Re-Organization

➤ Motion memorializing Resolution #2023-01-01 made by Mr. McGinn, second by Ms. Elko; roll call of those eligible to vote - aye '4' in favor /nay '0' opposed

~ Meeting Minutes to Adopt:

M Minutes of Monday, December 4th, 2023 Regular Scheduled Zoning Board Meeting

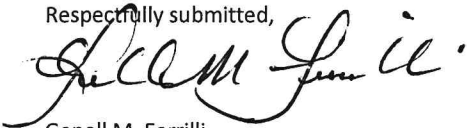
➤ Motion to adopt the December 4th, 2023 Zoning Board Meeting made by Mr. McGinn, second by Mr. Feola; roll call of those eligible to vote - aye '4' in favor /nay '0' opposed

~ With no further business

➤ Motion to adjourn by Mr. McGinn, 'aye' all were in favor

Meeting Adjourned

Respectfully submitted,



Genell M. Ferrilli
Board Secretary
City of Sea Isle City Zoning Board