

CITY of SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
MONDAY, DECEMBER 2nd, 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**
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|------------------------------------|-----------------------|--------------------------------|
| _____ Patrick Pasceri, Chairperson | _____ Caryn Durling | _____ Robert Tull |
| _____ Louis Feola, Jr., Vice Chair | _____ Jacqueline Elko | _____ Donna Fitzpatrick, Alt I |
| _____ Kenneth Cloud | _____ William McGinn | _____ Richard Browne, Alt II |

5. NEW BUSINESS

*** THESE APPLICATIONS WERE CONTINUED FROM THE NOVEMBER 4th, 2024 ZONING BOARD MEETING !**

✈ *Applicant: HAUSS, Maryann & Harris, Robert (extension of previously granted approvals)

(Hardship/Bulk, Flex 'C' & Use 'D' Variances) @ 148 - 85th Street / Block 86.02 / Lots 13.01 / Zones C-2

Proposed: to demolish existing structure and construct a new single-family dwelling

Requesting: variance relief for pre-existing non-conformities on residential use, front & total side yard setbacks, lot area, lot width.

Also, for parking and street trees and for any other relief deemed necessary

✈ *Applicant: 329 43rd PLACE, LLC c/o Michael DiPalantino & Karen DiPalantino (Use Variance)

@ 329 -43rd Place / Block 42.05 / Lots 9 & 10 / Zone C-3

Proposed: to remove all current improvements and build a new two-family duplex structure with docks and a pool for each unit

Requesting: variance relief to build a two-family dwelling on an undersized lot in a commercial/mixed use zone with front yard setback relief

✈ *Applicant: WHAT'S THE CATCH, LLC. Mixed-Use Development (Hardship/Bulk, Flex 'C' & 'D' (density) Variances)

@ 4001 Landis Avenue & 28 - 40th Street / Block 40.02 / Lots 8.03, 9.03, 9.04 & 10.01 / Zone C-1

Proposed: to construct a new mixed-use building with restaurants, consisting of a café with indoor/outdoor seating and three (3) walk up 'Takeout window' style vendors on 1st Floor and 6 residential dwelling units on the 2nd & 3rd Floors

Requesting: variance relief for residential density permitted, maximum driveway width, and pre-existing non-conforming lot frontage and width

✈ *Applicant: MASSI, Richard & Michelle (Hardship/Bulk, Flex 'C' Variances)

@ 121 - 91st Street / Block 91.02 / Lots 17.02 & 18 / Zones R-2

Proposed: to remove existing structure and construct a new single-family dwelling

Requesting: variance relief for existing non-conforming lot area/width/depth; side yard setbacks, rear yard setbacks & building coverage

✈ Applicant: SCHNEIDER, Thomas & Joan (Hardship/Bulk, Flex 'C' Variances)

@ 249 - 85th Street / Block 85.04 / Lots 24.02 / Zones R-2

Proposed: to replace existing 110+ year old single family with a new single-family residence

Requesting: variance relief for rear yard setback and any other relief deemed necessary

6. Resolutions

℞ Resolution No. 2024-11-01: SCULL, Thomas (Hardship/Bulk, Flex 'C' Variances)

@ 207 - 86th Street / Block 86.03 / Lots 15.01 / Zones R-2

7. Meeting Minutes

ℳ Minutes of Monday, November 4th, 2024 Regular Zoning Board Meeting

8. Adjourn

** Please note - changes are possible **

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT
Minutes of Monday, December 2nd, 2024 @ 7:00 PM Meeting

~Meeting called to order: by Acting Chairperson Mr. Pasceri. All join for Pledge of Allegiance and the meeting begins with the Open Public Meetings Act statement.

~Board Roll Call:

Present: Mr. Cloud, Mrs. Durling, Ms. Elko, Mr. McGinn, Mr. Tull, Mrs. Fitzpatrick (Alt #1), Mr. Browne (Alt #2), Mr. Feola (V.C.) & Mr. Pasceri

Absent:

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.

****ANNOUNCEMENTS:**

There is an announcement made that the Thomas & Joan Schneider Application @ 249 -85th Street has requested a continuation to the Monday, January 6th, 2025 Zoning Board meeting, along with the Massi Application @ 121-91st Street being announced later in the meeting due to the time, with both applications waiving timing issues and with no further notice required.

~NEW BUSINESS:

A *Applicant: HAUSS, Maryann & Harris, Robert (extension of previously granted approvals)

(Hardship/Bulk, Flex 'C' & Use 'D' Variances) @ 148 - 85th Street / Block 86.02 / Lots 13.01 / Zones C-2

Proposed: to demolish existing structure and construct a new single-family dwelling

Requesting: variance relief for pre-existing non-conformities on residential use, front & total side yard setbacks, lot area, lot width, as well as for parking and street trees and for any other relief deemed necessary

Professionals: Lyndsy Newcomb, Esq. on behalf of the applicant reviews the application and approvals that were previously granted and briefly explains the delays they have run into which led to the need for requesting a two (2) year extension on the approvals to allot more time to work through everything so they can move forward.

- Motion taken in the affirmative granting a good cause extension to the variance relief granted, adding an additional two (2) years onto the approvals now through December of 2026; Motion made by Mr. McGinn, second by Mrs. Durling; roll call of eligible votes - *aye* '7' in favor / *nay* '0' opposed and therefore GRANTED 7-0

A *Applicant: 329 43rd PLACE, LLC c/o Michael DiPalantino & Karen DiPalantino (Use Variance)

@ 329 -43rd Place / Block 42.05 / Lots 9 & 10 / Zone C-3

Proposed: to remove all current improvements and build a new two-family duplex structure with docks and a pool for each unit

Requesting: variance relief to build a two-family dwelling on an undersized lot in a commercial/mixed use zone with front yard setback relief

Professionals: Cory Gilman, Esq. presenting reviews the property and explains how this project was approved before, and with no real changes since then is similar and could be granted again. He has Joseph Horan, RA (Architect), Vincent Orlando, PE (Engineer), Mr. DiPalantino (Applicant) and Mr. Andrew Previti PE, City Board Engineer are sworn in. Mr. Gilman points out how this exact project on this same property was approved by the board in the past for both mixed use in 2009 and again for residential use in 2011, gathering some of the ideas for this project from surrounding properties to create a project that would fit in with the neighborhood. He notes how the project they are proposing is less intense for this area and may help alleviate some of the parking issues, because off-street parking is not required for commercial use, so this project being based on residential will help create off-street parking. He reviews property details, the differences between C-3 Marine Commercial/Industrial and R-2A Residential Districts, and how the residential use they are proposing will be more than suitable for this project and the neighborhood around it. Mr. Horan offers credentials and architectural testimony starting with the layout, dimensions, some of the finishes that are proposed, how the rear garage is proposed for storing water sports equipment and outdoor items only. He reviews the details of each proposed unit at approximately 2,000 S.F. each and explains the modifications to add slope to what is currently a flat roof, which will add to roof height and enhance the structure. Mr. Orlando offers his credentials and proceeds to explain the seven photographs submitted into exhibit, followed by detailed testimony regarding the purposes and layout starting with the ground level garage area and layout of the upper three floors.

Witnesses: Mr. DiPalantino (Applicant/Owner) offers testimony regarding the commercial water-sports business operations, how long they have owned here, and explains why they never pursued the previous project as approved and would like to move forward on what is pretty much the same project as before. He noted what a struggle it has been trying to keep any business going strong with the lack of parking in this area, so he is looking to do something more suitable to the neighborhood, with an added benefit of giving their next-door neighbor an actual view and not just of a wall.

Exhibits/Reports: A1 thru A7 Google Photographs, A8 neighboring property floor plans of 2019 approved project, A9 neighboring property 2019 approvals Resolution 2019-03-01

Board Comment: there were questions regarding the prior approvals and associated resolutions outlining the approvals that were granted along with some discussion regarding the ground level use, meeting the bulk requirements according to residential R-2A zoning district, reduction of FAR and compliance with parking to meet the 4 spaces per unit required, and if any other permits or approvals would be necessary. There was mention that CAFRA approval is permit by rule for a duplex structure.

Public Comment: Mr. Briguglio speaks in favor of the project especially since he has neighbored this property and structure for years with a limited access alley less than one foot wide between the two buildings, which was originally built that way for fishing relating businesses that were never successful enough to last, stressing once again his support for a residential based project; Mr. Burcaw to speak in favor the project with the hope of improvements to both street and water traffic; Mr. Conti to speak in favor adding that it will eliminate traffic and be an aesthetic improvement to the neighborhood.

- Motion taken in the affirmative proposing a new improved two-family residential dwelling that will be in compliance with FAR, off street parking, R-2A requirements and meet flood requirements all as discussed and agreed, including comments and conditions as outlined in Mr. Previti's engineer memorandum dated and updated 11/26/2024; Motion made by Mr. MGinn, second by Mr. Feola; roll call of eligible votes - *aye* '7' in favor / *nay* '0' opposed and therefore GRANTED 7-0

➤ *Applicant: WHAT'S THE CATCH, LLC. Mixed-Use Development (Hardship/Bulk, Flex 'C' & 'D' (density) Variances)

@ 4001 Landis Avenue & 28 – 40th Street / Block 40.02 / Lots 8.03, 9.03, 9.04 & 10.01 / Zone C-1

Proposed: to construct a new mixed-use building with restaurants, consisting of a café with indoor/outdoor seating and three (3) walk up 'Takeout window' style vendors on 1st Floor and 6 residential dwelling units on the 2nd & 3rd Floors

Requesting: variance relief for residential density permitted, maximum driveway width, and pre-existing non-conforming lot frontage and width

Professionals: Lyndsy Newcomb, Esq. on behalf of the Applicant Thomas Brower introduces the application professionals William McLees, R.A. and Vincent Orlando, PE, PP, CME to be sworn in and offers a brief description of the project proposing to demolish the existing structures, consolidate the lots and seeking the necessary Preliminary and Final Site Plan Approval including /Bulk and Flexible 'C' and 'D-5' Use (increased density) variance relief for Mixed-Use Development consisting of a restaurant and kitchen to support three different vendor take-out windows that will face 40th Street and a café area with seating accessible from Landis Avenue, along with six (6) residential units on the second and third floors ranging in size from 1,413 to 1,461 square feet with proposed parking under the building and modified to exit forward onto 40th Street instead of backing out. Ms. Newcomb and Mr. Brower explain the Deed (marked exhibit A1) as recorded in the book with the Cape May County Clerk's office in 1961 that references an 8-foot alley way serving as a public right of way providing a pedestrian traffic area that benefits both this property and the neighboring property to the South, also known as 'Steak Out", adding that with plan revisions to be incorporate the easement will need to be reviewed accordingly and further believes that both properties were under common ownership at some point which put this deed in place to reserve the easement, since the property line runs right down the middle of this easement area, further proposing that it will be gated and as noted for pedestrian traffic only. Mr. McLees offers testimony starting with the layout of the ground floor vendor windows, café space and shared kitchen area, parking area underneath as proposed for each unit, the structure and access to the upper-level residential units, size and layout of the units, with specific mention that the commercial will be ADA compliant and residential designed with easy adaptability for ADA compliance if necessary. His continued testimony outlines several things from lighting and fixtures to the number of colors proposed and Use/Density relief for this project, in addition to the fire separation walls and sprinkler system throughout the structure and underneath in the parking area. Mr. Orlando offers testimony pertaining to Zoning, the relief based on six residential units, setbacks, ingress/egress and points of access, location of meters, code compliance and landscape street tree species that would be suitable for the environment and irrigation for the same. He reviews density relief and variance relief proposed for parking and landscaping, meeting with DPW, trash removal to be a private hauler, HVAC screening, roofing and stormwater, and then reviews the positive and negative criteria with the belief that this project is more than suitable and will enhance the neighborhood and the area.

Witnesses: Thomas Brower (Principal of Applicant) offers testimony regarding a Family Food Court type style that they are proposing, with three different walk-up windows to order from and a sit-down café area with seating for eating, with the intentions of operating from 7 AM to around 2 or 3 AM to continue serving those late evening and early morning crowds. In agreement with a member of the public he notes that planting and landscaping for beautification purposes is important to him so there will be plantings.

Exhibits/Reports: A1 – 1961 Deed of easement for 8' pedestrian right of way.

Board Comment: there was some additional information sought on the commercial portion of the project with specific attention to the walk-up vendor windows, details and height of the overhang that will encroach into the easement area, a more detailed discussion takes place regarding the plantings most suitable for this environment, and regarding some of the other site items like fencing, possible signage, parking area and access, traffic flow on and off site, the fire suppression and irrigation systems proposed, and to address the issues of a possible transformer in the public sidewalk right of way and with the number of residential units that ends up being reduced by one for a total five (5) units; Therefore revisions will need to be done and submitted for further review.

Public Comment: Daniel McCann, Esq. on behalf of 'Steak Out' located to the south of this property on the other side of the easement area offers a Memorandum of Understanding and describes the reasons and uses of this alley-way area; Mr. Ferrilli – resident of Sea Isle asks where the hardship is that supports their need for an additional residential unit, and questions the landscaping that never seems to survive due to lack of maintenance.

- Motion considered for 'D-5' density variance relief for individual residential units limited to 1,250 S.F. of lot area per unit, out of approx. 6,123 S.F., resulted in not quite 5 units and after further review was found to technically be two units, all as discussed; Motion made by Mr. Tull, second by Mr. Browne; roll call of eligible votes - *aye* '4' in favor / *nay* '2' opposed and without 5 affirmative votes therefore FAILED.
- Motion is made in the affirmative per applicant request to amend and reduce the number of units to five (5) residential units rather than six as originally proposed, and meeting the current design limitations, City Code and any other conditions as discussed and agreed, including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 7/29/2024 and updated 9/25/2024 and 11/27/2024; Motion made by Mr. McGinn, second by Mr. Tull; roll call of eligible votes - *aye* '6' in favor / *nay* '0' opposed and therefore GRANTED reducing residential units from 6 to 5.
- Motion is made in the affirmative to approve variances 2 thru 9 of the variance chart, including any other conditions as discussed and agreed, comments and conditions as outlined in Mr. Previti's engineer memorandum dated 7/29/2024 and updated 9/25/2024 and 11/27/2024; Motion made by Mr. Feola, second by Mrs. Durling; roll call of eligible votes - *aye* '6' in favor / *nay* '0' opposed and therefore GRANTED.
- Motion is made in the affirmative to approve Preliminary and Final Site Plan Review and Approval and any other conditions as discussed and agreed, including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 7/29/2024 and updated 9/25/2024 and 11/27/2024; Motion made by Mrs. Durling, second by Mr. McGinn; roll call of eligible votes - *aye* '6' in favor / *nay* '0' opposed and therefore GRANTED.

~Resolutions:

➤ **Resolution No. 2024-11-01: SCULL, Thomas J.** (*Flex 'C' Variance*)

@ 207 – 86th Street / Block 86.03 / Lot 15.01 / Zone R-2

- Motion memorializing Resolution #2024-11-01 made by Mr. McGinn, second by Mrs. Durling; roll call of those eligible to vote - *aye* '7' in favor / *nay* '0' opposed

~Meeting Minutes to Adopt:

Minutes of Monday, November 4th, 2024 Regular Scheduled Zoning Board Meeting

- Motion to adopt November 4th, 2024 Zoning Board meeting minutes made by Mr. McGinn, second by Ms. Elko; roll call of those eligible to vote - *aye* '7' in favor / *nay* '0' opposed

~With no further business

- Motion to adjourn by Mr. Pasceri, and all were in favor.

Meeting Adjourned

Respectfully submitted,



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