

CITY of SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
MONDAY, JUNE 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 | _____ Caryn Durling | _____ William McGinn |
| _____ Louis Feola, Jr., Vice Chair | _____ Jacqueline Elko | _____ Patrick Curtin Alt I |
| _____ Kenneth Cloud | _____ Lenny Iannelli | _____ Robert Tull, Alt II |

5. NEW BUSINESS

***A* Applicant: UNCLE OOGIES HOUSING, LLC. (Use Variance)**

@ 104 & 106 – 50th Street / Block 50.03 / Lots 22.02, 23.01 & 23.02 / Zone C2

Proposed: to remove existing duplex and replace with a new duplex residence

Requesting: variance relief for continued residential use in a C-2 commercial zone which is not permitted

***A* Applicant: LALLY, Sara & BARTH, Patrick (Use Variance)**

@ 134 – 92nd Street / Block 93.02 / Lots 26.02 & 27 / Zone R2

Proposed: to install an in-ground swimming pool in the rear yard

Requesting: variance relief for distance from Main structure to Accessory structure (pool) and impervious coverage

6. Resolutions

***R* Resolution No. 2024-05-01: GLEMSER, John (Flex 'C' Variances)**

@ 21 – 30th Street North & South / Block 29.02 / Lots 3.02 & 4.02 / Zone R2

7. Meeting Minutes

m Minutes of Monday, May 6th, 2024 Regular Zoning Board Meeting

8. Adjourn

* Please note - changes are possible *

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT
Minutes of Monday, June 3rd, 2024 @ 7:00 PM 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: Mr. Cloud, Mrs. Durling, Ms. Elko, Mr. McGinn, Mr. Tull (Alt #2), Mr. Feola & Mr. Pasceri.

Absent: Mr. Iannelli & Mr. Curtain (Alt #1)

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: UNCLE OOGIES HOUSING, LLC. (Use Variance)

@ 104 & 106 – 50th Street / Block 50.03 / Lots 22.02, 23.01 & 23.02 / Zone C2

Proposed: to remove existing duplex and replace with a new duplex residence

Requesting: variance relief to remain residential in C-2 commercial zone where residential use is not permitted

Professionals: Mr. Donald Wilkinson, Esq. offers introductions whereas Mr. Louis Cerone (Owner), Mr. Paul Kates P.P., Mr. Andrew Shawl P.E. and Board Engineer Mr. Andrew Previti are sworn in. Mr. Wilkinson begins with a summary of what is being proposed by way of demolishing the existing run-down structure and constructing a new two (2) family residential dwelling. He continues explaining how this property is in the C-2 Commercial Zoning District where residential is not permitted and their reason for seeking change of use variance relief. Mr. Shawl testifies to the current conditions and non-conformities like parking and flood standards, pointing out how the proposed will conform with all residential R-2 requirements and how these improvements will be a positive change to the neighborhood. Mr. Kates continues testimony regarding how they designed this project based on the R-2 residential standards and provide a safer compliant structure that is compatible with the surrounding neighborhood.

Witnesses: Mr. Louis Cerone (Applicant/Owner) testifies to what currently exists and their proposed plan to consolidate the lots to construct a new and improved duplex dwelling.

Board Comment: there was some discussion regarding an old driveway easement that is believed abandoned and hopefully cleared up when the deed is re-done, mention of bulk requirements being met,

Public Comment: Michael Minchelli spoke in favor of the project and commended them for keeping it residential; Joseph Garofolo spoke in favor of preserving the residential appeal of the neighborhood.

- Motion taken in the affirmative for a change of use variance based on compliance with the R-2 zone and flood elevation requirements; all as discussed including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 4/15/2024; Motion made by Ms. Elko, second by Mr. Cloud; roll call of eligible votes - *aye* '7' in favor / *nay* '0' opposed and therefore Granted 7-0.

➤ Applicant: Sara E. LALLY & Patrick C. BARTH (Hardship/Flex 'C' Variances)

@ 134 – 92nd Street / Block 93.02 / Lots 26.02 & 27 / Zone R2

Proposed: to construct an accessory pool structure in the rear yard of single family with prior approvals

Requesting: variance relief for existing non-conformities, min. accessory setbacks and impervious coverage

Professionals: Mr. Avery Teitler, Esq. has Mr. Andrew Bechtold, R.A., P.P. sworn in, briefly reviews prior approvals granted to construct the current single-family dwelling in 2018 on an undersized lot that had numerous existing non-conformities in addition to needing setback variance relief, as per memorialized Zoning Board Resolution #2018-03-02, as well as mentioning the AC units that were not supposed to be placed over the outdoor shower where they are currently located. He explains the applicant's desire to construct a 9'6" x 6'11" fiberglass in-ground pool in the rear yard of the property with the 4' green space as required and concrete patio surrounding the pool. Mr. Bechtold offers detailed testimony regarding the placement of the pool being too close to the structure pointing out how this should not really matter since the only way to access the pool is from the side yard since the rear of the structure is wall and windows only. The plan is to place the pool equipment on a raised platform attached to the dwelling right next to the shower and AC units

Board Comment: there is some discussion regarding the 5' minimum setback and the 2' hard surface around the entire pool, the 6' fence with a self-closing & locking gate, followed by a more detailed discussion about the already encroaching outdoor shower and AC units placed above the shower which was done against the prior approvals that were granted in 2018 for this single-family dwelling and how it is believed that the incorrectly placed outdoor shower and AC units will exacerbate any additional relief needed.

Public Comment: Addison Toland expresses his opposition to this application since there was variance relief previously granted because of the extremely small size of the lot and has concerns with overdevelopment

- Motion taken in the affirmative to approve application and include revisions to eliminate the impervious coverage and to relocate the pool equipment to the interior of the structure to avoid the need for any relief; all as discussed including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 5/22/2024; Motion made by Mr. Cloud, second by Mr. Tull; roll call of eligible votes - *aye* '0' in favor / *nay* '7' opposed and therefore FAILED to pass 0-7.

~Resolutions:

R **Resolution No. 2024-05-01: GLEMSER, John** @ 21 –30th Street, N & S / B-29.02 / L-3.02 & 4.02/ Zone R2

- Motion memorializing Resolution #2024-05-01 made by Mr. Feola, second by Mr. Cloud; roll call of those eligible to vote - aye '4' in favor /nay '0' opposed

~Meeting Minutes to Adopt:

M **Minutes of Monday, May 6th, 2024 Regular Scheduled Zoning Board Meeting**

- Motion to adopt the May 6th, 2024 Zoning Board Meeting made by Mrs. Durling, second by Mr. Tull; roll call of those eligible to vote - aye '4' in favor /nay '0' opposed

~With no further business

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

Meeting Adjourned

Respectfully submitted,



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