

CITY of SEA ISLE CITY
ZONING BOARD OF ADJUSTMENT
MONDAY, AUGUST 5th, 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: 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

- A Applicant: McCONNELL, Stephen J. & Heather G.** (Appeal of Notice of Zoning Violation)
@ 220 44th Street, West Unit / Block 44.04 / Lot 21 / Zone R-2

Proposed: appeal from decision of Zoning Official

Requesting: variance relief for temporary structure built without applicable permits in rear yard that encroaches into the setbacks, found not be temporary and should be removed

- A Applicant: SLM SHORE TRUST c/o Pasquale & Susan Mascaro** (Hardship / Bulk Variances)
@ 7105 Pleasure Avenue N & S / Block 71.01 / Lot 2 / Zone R-2

Proposed: to remove 13-foot section of curbing between North & South units

Requesting: variance relief to remove an existing curb between driveways to create an extended 39-foot curb cut

- A 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 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

6. Resolutions N / A

7. Meeting Minutes

m Minutes of Monday, July 1st, 2024 Regular Zoning Board Meeting

8. Adjourn

* Please note - changes are possible *

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT
Minutes of Monday, August 5th, 2024 @ 7:00 PM Meeting

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

~Board Roll Call:

Present: Mr. Cloud, Mr. McGinn, Mr. Tull (Alt #2) & Mr. Feola

Absent: Mrs. Durling, Ms. Elko, Mr. Iannelli, Mr. Curtain (Alt #1) & Mr. Pasceri

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:** Mr. Gillin-Schwartz addresses anyone present for 329-43rd Place, LLC. & DiPalantino Application at 329-43rd Place, the McConnell Appeal Application @ 220-44th Street West Unit, and What's the Catch, LLC. Mixed Use Development @ 4001 Landis Avenue that these applications have requested an adjournment to the Wednesday, September 4th, 2024, Meeting waiving any timing issues and with no further notice required.

~NEW BUSINESS:

➤ Applicant: **SLM SHORE TRUST c/o Pasquale & Susan Mascaro** (*Hardship / Bulk Variances*)

@ 7105 Pleasure Avenue N & S / Block 71.01 / Lot 2 / Zone R-2

Proposed: to remove 13-foot section of curbing between North & South units

Requesting: variance relief to remove an existing curb between driveways to create an extended 39-foot curb cut

Professionals: Mr. Jason Sabol, Esq., on behalf of the applicant, provides introductions and a summary of the hardship variance relief they are seeking on the driveway codes, as he references a few codes for the record and how this is an acceptable hardship the Board can and should grant. He offers property details and explains how there is a nuisance curb creating a hardship for them because when other people park there it blocks access into and out of their driveway. He addresses Mr. Mascaro to provide testimony to their hardship situation. Mr. Sabol emphasizes once again the need for this relief to be granted, adding how repeatedly calling the police and the time it takes to address and/or resolve these types of situations, from finding the vehicle owner to having it towed and so on that it could be considered just as much of a hardship. He continues with how Mr. Previti's report did not provide a diagram, engineered drawing or anything else that shows a turning radius for access via the side driveways of this property, adding that they are asking for a non-conforming use that is permitted and without a complete analysis of the driveway width, length, access, street parking, vehicle sizes or otherwise would not be able to fully understand this hardship.

Witnesses: Pasquale Mascaro (Owner/Applicant) & Mother, Susan Mascaro, are introduced, followed by Mr. Mascaro being sworn in before he offers testimony pertaining to a 13-foot section of curb between their two driveway aprons where others will park their oversized vehicles which encroaches into their driveway apron creating a tight area for them to squeeze through and making it very difficult for them to park on their own property. Therefore, they are proposing to remove the 13-foot section of curbing and fill it in with stone to create a 39-foot driveway, especially since this issue was not done or caused by them. Mr. Stern @ 7107 Pleasure Avenue and owner of adjacent property offers testimony that he has seen the issues the applicant has dealt with due to the public parking in front of this small section of curb and expressed his support for this application. Mr. DiStefano @ 7109 Pleasure Avenue directly south of applicant expresses his concern with these parking issues and notes his support for this application.

Exhibits/Reports: A-1 -series of photographs that show cars parked along this small section of curb in front of the applicants property that encroach into their driveway apron narrowing the ingress/egress, as testified too.

Board Comment: there was some discussion as to why they need 39 feet when the city code permits 24 feet which would be more than sufficient to meet the needs of this property; how the proposed expanded driveway will exacerbate an already non-conforming issue of two (2) 13-foot driveways where 12-foot is permitted, even though the existing non-conforming driveways and section of curb were created when the current structure was built; the benefits of a 24 foot driveway are noted because it would open up the space for better visibility and create additional on street parking. It was strongly recommended for them to reconsider the 24-foot driveway curb cut because the proposed is against city code and should not be granted.

Public Comment: Julie Stackhouse – Mr. Mascaro's fiancé comments on this nuisance curbing which she has seen in other areas and asked if making the curb section shorter would keep cars from parking there as maybe another option.

- Motion taken in the affirmative for variance relief to remove a 13-foot section of curb that currently separates two (2) non-conforming 13- foot driveway cuts to create one (1) single 39-foot driveway; all as discussed including comments and conditions as outlined in Mr. Previti's engineer memorandum dated 7/24/2024; Motion made by Mr. McGinn, second by Mr. Cloud; roll call of eligible votes - aye '0' in favor / nay '4' opposed and therefore DENIED 0-4.

~**Resolutions:** n / a

~**Meeting Minutes to Adopt:**

III Minutes of Monday, July 1st, 2024 Regular Scheduled Zoning Board Meeting

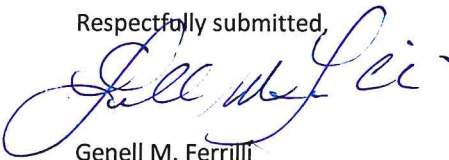
- Motion to adopt the July 1st, 2024 Zoning Board Meeting made by Mr. Cloud, second by Mrs. Durling; roll call of those eligible to vote - aye '5' in favor /nay '0' opposed

~With no further business

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

Meeting Adjourned

Respectfully submitted,



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