

# Ventnor City Planning Board

## Minutes

December 12, 2018, 6:30 pm

6201 Atlantic Ave, Ventnor N.J 08406

Chairman Cooke called the meeting to order at 6:32pm.

1. Flag Salute
2. Roll Call

### Present

Commissioner Landgraf

Mike Wiesen

Jay Cooke

Tom McAdam

Roman Zabihach

Lorraine Sallata

Dan Smith III

Leonard Mordell

Tim Koob

Greer Gaskill

Wendy Bartlett

### Absent

Tom Halpin

Peter Tocco

### Professionals

Leo Manos Esq., Board Solicitor

Roger McLarnon; Board Engineer, Professional Planner

Carmella Malfara, Board Administer

### Procedure

Chairman Cooke announced that the meeting is being held in accordance with due public notice thereof and pursuant to the New Jersey State "Sunshine Law", which governs all public meetings. He also advised the Board on intent of the meeting and procedures which to follow.

### 3. Minutes

Motion was made to adopt November 26, 2018 minutes by Tom McAdam and seconded by Roman Zabihach and were unanimously approved.

### 4. Resolutions

Motion to approve the following resolutions was made by Tim Koob and seconded by Tom McAdam and were unanimously approved.

P – 53 – 2018 – Edward & Linda Pine – 9 N Surrey Ave.

P – 54 – 2018 – Ventnor Worldwide LLC -6413 -17 Ventnor Ave.

### 5. Other Business

Jim Rutala discusses with the Board, The Preliminary Investigation Report for Designation of Area in need for Redevelopment, Wellington Avenue Study Area.

Public portion opens.

Jonathan Egoel, property owner, 4829 Wellington Ave, Dollar General, is sworn in and speaks in favor of the Redevelopment of Wellington Avenue.

Public portion closes.

After discussion the Board agrees, the Wellington Avenue study Area is in need of Redevelopment and will adopt Resolution P – 55 – 2018 – A RESOLUTION RECOMMENDING TO THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR THAT THEY DETERMINE THE DELINEATED WELLINGTON AVENUE STUDY AREA TO BE AN AREA IN NEED OF REDEVELOPMENT. The motion was made by Tim Koob and seconded by Tom McAdam and was approved nine in the affirmative and zero in the negative. Ayes; Mike Wiesen, Jay Cooke, Tom McAdam, Roman Zabihach, Lorraine Sallata, Dan Smith III, Leonard Mordell, Tim Koob and Greer Gaskill. Nays; None.

### 6. Applications

\*\* ECAC Properties LLC – 101 N Dorset Ave – Block155, Lot 1, located in a Commercial zone. The applicant is seeking preliminary and final minor site plan, C variances and D “USE” variance and is being represented by Michael Learn Esq.

Michael Learn, attorney for the applicant, presents the request for a postponement.

Mr. Manos recommends that the postponement be granted. He also makes a formal announcement and the applicant will not have to re-notice and will be adjourned until

the January 9, 2018 Planning Board Meeting.

Dan Smith III recuses himself as a Board member.

\*\* Jerry Cooper – 4 N Richards Ave – Block 125, Lot 23, located in an R – 4 zone. The applicant is seeking a Certificate of Non Conformity and is being represented by Michael Learn Esq.

Michael Learn, Attorney for the applicant, presents the application.

Mr. Cooke inquires as to the test year.

Dan Smith III, property owner, 9 N Richards Ave, is sworn in.

Jerry Cooper, property owner 4 N Richards Ave, is sworn in.

Michael Baker, 109 N Harvard Ave, is sworn in.

Mr. Cooper gives his testimony. He gives a brief history on the property and discusses the need for the Certificate of Non Conformity.

Mr. Learn inquires as to how the property is being used and if the property had previous renovations.

Mr. Smith III, Licensed Realtor in the State of New Jersey, speaks on the history of the property and has represented the home owner for several years.

Mr. Cooke inquires as to the date of the first rental.

Mr. Cooke inquires as to the property card and rental license.

Mrs. Sallata inquires as to the size of the lot.

Open to the public.  
Public portion closes.

Mr. McAdam inquires as to the original electric being knob and tube.

Commissioner Landgraf inquires as to the elevation of the first floor.

Mr. Manos gives clarification as to the definition of abandonment.

Mr. Manos reviews the Certificate of Non Conformity.

Motion to approve the Certificate of Non Conformity was made by Tom McAdam and second by Leonard Mordell. The motion was unanimously approved, seven in the affirmative and zero in the negative. Ayes; Commissioner Landgraf, Mike Wiesen, Jay Cooke, Tom McAdam, Roman Zabihach, Lorraine Sallata and Leonard Mordell. Nays; None.

Planning Board member Dan Smith III returns.

\*\*Kyle and Chihi – 5115 Winchester Ave – Block 100, Lot 7.01, located in an R – 7 zone. The applicant is seeking C variances for side yard setback (deck left), side yard setback (deck right), rear yard setback (deck), accessory structure shower (location) and accessory structure shower. The applicant proposes to extend a waterfront deck outward towards the proposed bulkhead and to the side property line on the right side of the property. The applicant is being represented by Eric Goldstein Esq.

Mr. McLarnon, Board Engineer and Planner, is sworn in, and reads his report dated December 10, 2018, which is attached.

Mr. Cooke inquires as to the distance to the new bulkhead.

Mr. Cooke inquires as to the number of variances for the proposed shower.

Mr. McLarnon, gives clarification on the number of variances for the shower.

Eric Goldstein, Attorney for the applicant, presents the application.

Robert Lolio, Licensed Architect, in the State of New Jersey, 299 White Horse Pike, Atco N.J 08004, is sworn in and explains the design.

Mr. Cooke inquires as to the height of the neighboring deck.

Mr. Cooke inquires as to the maintenance of the deck.

Mr. Lolio, gives clarification on deck maintenance.

Mr. Zabihach inquires as to the need for the deck to extend to the property line.

Jeff Nelson, property owner, 5117 Winchester Ave is sworn in and gives a brief history on the property and the need to extend the deck.

Mr. McLarnon inquires as to the proposed deck extending beyond the neighbors.  
Mr. Zabihach inquires as to the type fencing that will be placed around the deck.

Commissioner Landgraf speaks in favor of extending the deck.

Mr. Zabihach would like clarification on the bulkhead.

Mr. Goldstein, submits ariel photos as Exhibit A-1.

Open to the public.  
Public portion closes.

Mr. Cooke inquires as to the location of the shower.

Mr. Cooke inquires as to the height of the bulkhead.

Mr. McLarnon, proposes a condition whereas the applicant must produce the details of the railings on the four sets of compliance plans.

Mr. Manos reviews the C variances for side yard setback (deck left), side yard setback (deck right), rear yard setback (deck), accessory structure shower (location) and accessory structure shower with conditions set forth in Mr. McLarnon's report.

Motion to approve the C variances for side yard setback (deck left), side yard setback (deck right), rear yard setback (deck), accessory structure shower (location) and accessory structure shower with conditions set forth in Mr. McLarnon's report was made by Roman Zabihach and second by Tom McAdam. The motion was unanimously approved seven in the affirmative and zero in the negative. Ayes; Commissioner Landgraf, Mike Wiesen, Jay Cooke, Tom McAdam, Roman Zabihach, Lorraine Sallata and Dan Smith III. Nays; None.

Commissioner Landgraf and Mike Wiesen recuse themselves.

\*\*TBV1 LLC – Michael Busler – 123 N Portland Ave – Block 167, Lot 11, located in an R – 7 zone. The applicant is seeking D (Use), minor subdivision and C variances for lot width, lot area, side yard setback (building) and side yard setback (decks). The applicant proposes to subdivide a conforming lot into 2 slightly undersized lots with a shared common line of 0 feet which is permitted in the R-7 zone provided that certain conditions are met. Represented by Adam Busler Esq.

Thomas Dase, Licensed Engineer in the State of New Jersey, 400 N Dover Ave Atlantic Ave, is sworn in.

Michael Busler, property owner, 123 N Portland Ave, is sworn in.

Mr. McLarnon, reads his review dated November 11, 2018, which is attached.

Adam Busler, Attorney for the applicant, presents the application.

Mr. Dase, presents the design.

Mr. Cooke requests clarification of the design.

Mr. McLarnon inquires as to the homes being modular.

Mr. Busler, property owner, gives testimony on the design and the need for the narrow lots.

Mr. Cooke is not in favor of the narrow lots.

Adam Busler, states that if the applicant has to change lot size, he would propose to build 2 single family homes.

Mr. Cooke is in favor of 2 single family homes.

Adam Busler, on behalf of the applicant, would like to amend the application. He would like to request a minor subdivision with the C variances. The applicant will agree to build two single family homes. The D (Use) variance and side yard setbacks shall be removed.

The D (Use) variance and side yard setbacks are removed.

Mr. Cooke inquires as to the number of variances that are now being requested.

Mr. Koob inquires as to what shall be placed between the dwellings.

Mr. Busler informs the Board green space will be added.

Open to the public.

Brian Monteith, property owner, 114 N Princeton Ave, is sworn in and is not in favor of the application.

Public portion closes.

Mr. McLarnon informs the applicant, he is required to submit new minor subdivision plans.

The applicant agrees.

Mr. Manos reviews the amended application for a minor subdivision and C variance for lot area with conditions set forth in Mr. McLarnon s report.

Motion to approve the minor subdivision and C variance for lot area with conditions set forth in Mr. McLarnon s report was made by Tom McAdam and second by Leonard Mordell. The motion was unanimously approved seven in the affirmative and zero in the negative. Ayes; Jay Cooke, Tom McAdam, Roman Zabihach, Lorraine Sallata, Dan Smith III, Leonard Mordell and Tim Koob. Nays; None.

\*\*Ventnor Theater, LLC – 5207 Ventnor Ave – Block, 101, Lots 1,2,9 – located in an Commercial Mixed Use District. The applicant is seeking C variances for lot coverage, signs (area), signs (number of), signs (max height of signs), signs (max width of signs), and street trees with a preliminary and final site plan. The applicant proposes to rehabilitate the Ventnor Theater from 2 screens to 3 screens, add a restaurant / bar and commercial retail space with parking. The applicant is being represented by John Ridgeway Esq.

Clint Bunting, property owner, 5207 Ventnor Ave, is sworn in.

Daniel Mascione, Licensed Architect, in the State of New Jersey, 1409 New Road, Northfield, N.J is sworn in.

Robert Green, Licensed Engineer, in the State of New Jersey, 1512 Atkinson Road, Somers Point, N.J, is sworn in.

Mr. McLarnon, reads his review dated December 9<sup>th</sup>, 2018, which is attached.

John Ridgeway, Attorney for the applicant, presents the application.

Mr. McLarnon inquires as to the traffic patterns existing and proposed.

Mr. Bunting, gives a brief history on the property and discuss the need to rehabilitate the Ventnor Theater from 2 screens to 3 screens, add a restaurant and retail space with parking.

Robert Green, licensed Engineer, presents the design.

Mr. McLarnon, proposes a conditions whereas the applicant must submit an encroachment license and revised plans may be needed.

Mr. Green will provide a lighting plan and landscaping plan.

Mr. McLarnon recommends that the planters on Winchester Ave be eliminated as a conditional of approval.

Mr. Ridgeway, agrees.

Mr. Green gives testimony as to the trash dumpsters and loading zones.

Mr. Cooke needs clarification on the loading zone.

Mr. EJ Dougherty, 129 E Portland Ave, Cape May County, is sworn in and gives testimony as to the delivery truck patterns.

Mr. Cooke inquires as to the size of the delivery trucks.

Commissioner Landgraf inquires as to the type of delivery trucks that will be used.

Mr. McLarnon suggests removing a parking spot on the proposed parking lot and make it handicap accessible.

Mr. Mascione, explains the Architectural design.

Mr. Cooke inquires as to the sign variances.

Mr. McLarnon suggests that the Marquee sign be eliminated.

Mr. Mascione discuss the street trees not being a feasible idea.

Mr. Mordell would like to see more consideration for handicap parking spaces.

Ms. Sallata inquires as to the traffic pattern being redirected.



Open to the public.

Scott Bluth, property owner, 19 N Little Rock Ave, is sworn in and has concerns for the lack of parking.

Dan Potts – property owner, 5251 Winchester Ave, is sworn in, he states his concerns for the traffic pattern but is speaks in favor of the Movie Theater.

Carol Bluth, property owner, 19 n Little Rock Ave, is sworn in, has concerns for parking and the traffic patterns and security.

Mr. Bunting insures Mrs. Bluth they will have security cameras on premises.

Joe Schaffer, property owner, 410 N Dorset Ave, is sworn in, and speakes in favor of the application.

Public portion closes.

Mr. Ridgeway addresses the parking concerns.

Mr. McAdam would like clarification on trash collection and food deliveries.

Mr. Manos reviews the C variances for lot coverage, signs (area), signs (number of), signs (max height of signs), signs (max width of signs), and street trees with a preliminary and final site plan approval with all conditions set forth in Mr. McLarnon' s report.

Motion to approve C variances for lot coverage, signs (area), signs (number of), signs (max height of signs), signs (max width of signs), and street trees with a preliminary and final site plan approval with all conditions set forth in Mr. McLarnon' s report, was made by Roman Zabihach and second by Tom McAdam. The motion was approved nine in the affirmative and zero in the negative. Ayes; Commissioner Landgraf, Jay Cooke, Tom McAdam, Roman Zabihach, Lorraine Sallata, Dan Smith III, Leonard Mordell, Tim Koob and Greer Gaskill. Nays; None.

There being no further business, the motion to adjourn was made by Commissioner Landgraf and seconded by Tom McAdam and unanimously approved.

Full meeting is available on tape.

Respectfully submitted

Carmella Malfara/ Planning Board Administrator

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[..\111018 rdm ventnor planning board engineering report 123 North Portland Avenue subdivision.pdf](#)

[..\120918 rdm ventnor planning engineering report 5207 Ventnor Avenue Theater Site Plan.pdf](#)

