



OFFICE OF
VENTNOR CITY ZONING BOARD
VENTNOR CITY PLANNING BOARD

CITY HALL
VENTNOR CITY, NEW JERSEY 08406
(609) 823-7987

Ventnor City Zoning Board

Minutes

Wednesday August 15, 2012 – 6:30 PM

1. Call to Order: 6:30 PM
2. Flag Salute
3. Roll Call

Present

Lorraine Sallata
Greg Maiuro
Dan Smith
Mike Weissen
Clyde Yost
Stephen Rice

Absent

Bert Sabo

Mike Einwechter – Alt # 1
Fred Nahas – Alt # 2

Professionals:

Craig Hurless, Polistina & Associates
John Rosenberger, Esq.

4. Adoption of Minutes of July 18, 2012 meetings
Motion: Clyde Yost
Second: Steve Rice
Approval: All in favor

5. Adoption of the Following Resolutions

Z-7 of 2012: Lorraine Pronio

102 N Melbourne Ave – Blk 188, Lot 26

“C” variance for Front Yard & Building Coverage - Approved

Represented by John Moustakas

Z-8 of 2012: Martin & Debra Buchalski

108 S Philadelphia Ave – Blk 37, Lot 7

“C” Variance for Building Coverage – Approved

Represented by Brian Callaghan of Callaghan, Thompson & Thompson

Motion: Steve Rice
Second: Dan Smith
Approve: All

6. Applicants:

Stephen Samost
105 S Oxford Ave.
Block 15, Lot 3
Requesting "C" Variances for Side and Rear Yard Setbacks
Represented by Stephen Samost
Carried over from June 20, 2012 Meeting

Sworn in Stephen Samost

There is possibly an alternative
Attempted to contact Association with a proposal – Association did not want to discuss & did not respond back
Frank Ferry sent a letter opposing – weren't interested in a compromise

Sketch attempts to address major concerns
In regards to the privacy issues – propose to construct a privacy fence along the perimeter and cut back a portion of the deck
Plan to keep the view to the ocean
Working to have the deck off the kitchen for eating – willing to install fence to give some privacy
This will give a visual and audio barrier

One physical change – the property behind ours put up a 6' solid fence along the back

Board Questions:

Craig Hurless sworn in

Craig Hurless – to follow the changes – is roof on deck or roof accessible

All discuss changes & sizes

On the right side is a roof only

Yes

You show a privacy fence & a 36" fence

The 36" fence should be crossed out – should only be the privacy fence

Is a 6' privacy fence or up to that height

The fence then transitions to a lower fence to the kitchen

Yes, to 4' or 6' if Board wants

Variances have not changed?

No

Dan Smith: The privacy fence will be on the Oxford, Atlantic, & NW Corners?

Bulk backup to Somerset

Along the Atlantic Ave side and then back to the house

On the ocean side?

None to maintain the view of the ocean

What is the setback for the garage and property line?

2.9' to the side & 4.47' rear

What is the actual are you plan to use? Is it 12'-8" x 18'-0" – not all the way to ocean side?

Yes, with some barrier to the side

Greg Maiuro: Is the little deck by the kitchen for a grill?

Yes

Mike Weissen: Is the privacy fence solid?

Yes, a 6' solid fence

PUBLIC PORTION:

Frank Ferry – We will present significant info as well as a Power Point Presentation

Pat Gallagher: Shows Power Point presentation to the Board

Depicts what is exist and what it could look like

Look at what exists and around area

Back Yard today and what it may look like

Impact to neighbors – 103 S Oxford, 106,108,110 S Somerset

Shows various views and what it may look like to neighbors

Shows from each house

Believe privacy is severely invaded

Future jeopardy – possibility of tearing down houses and 2 vacant lots – could allow for future work and issues with that

Lorraine Sallata: Mr. Samost, do you want to ask any questions

Stephen Samost: Who came up with the configuration of the proposed deck?

Used the informal drawing used base intent

Did you maintain a 6' fence along the entire rear?

No, you did not propose that – tried to emulate what was shown

Frank Ferry – other neighbors have expressions

Richard Lavine – 108 S Somerset

Reads letter to Board about previous meeting and apologizes for actions

Discusses invasion of privacy issues on properties

There is a mutual respect of neighbors

Discusses neighbors who face deck and will see it

This was withdrawn in 2010 because of issues

Our concerns are on the sea side where there are no accommodations for those who don't want it – so it shouldn't be done
Urge Board to have common sense and not allow it

Rita Kotler: 103 S Oxford

Reads prepared statement

Owned since 1965

All have respect for everyone's space

Did not object to the other work, but objected to this and it was withdrawn

All neighbors feel the garage deck is an invasion of our properties

Discusses reasons for giving variances

Only reason could be for an undue hardship and do not see it here

Does not have legal standard to approve

Discusses other legal issues within the State standard

Presents photo – Labeled O10

Photo of son on mutual property line hands extended to garage

Significant impact to privacy

Presents photo –Labeled O11

Backyard showing where proposed deck is

Privacy fence will impede our view & Privacy

This is a total disregard for Zoning Laws

What will others do?

Please deny request

Steven Ritter – 106 S Somerset

The deck will be on the same eye level as our 2nd floor bedroom

We use back quite a bit

It would be over our heads

Jerome Bogutz – 110 S Somerset

Share privacy issues

Concerned with long term effects

Variance to join property to house

It changes the foot print of the property

It is an unwarranted change

Concerned with the vacant lots

Margaret Eichmann – 103 S Oxford

Lived there for 45 years

Look forward to time at shore

Will not have same feeling if this goes through

Things go one when Mr. Samost is not there

Will have decreased enjoyment

Frank Ferry – All neighbors have spoken

Louis Selgrath – on Preservation Committee

The committee and several neighbors are here to oppose this

Motion to close Public Portion: Greg Maiuro

2nd: Mike Weissen

Mr. Samost: Some of photos of proposed are inaccurate

As per Mr. Lavine – Mr. Agnesino just indicated a variance was needed

Not all objected in 2010 – others have similar decks

Summary of the law is inaccurate

It is true to tie the main building to the deck – intend to make part of house to use from the house

Honesty tried to set forth what people want

Taken steps to reduce activity at house – will continue

Believe satisfy criteria and attempt to accommodate

Mike Weissen: one says 17” and one says 2.9’ – which is it?

It is not a licensed survey – have a surveyor in place

Have a sealed drawing that shows the numbers

John Rosenberger: It is a C2 variance

No special circumstances

Need to further purposes of Zoning

Determine positive & negative criteria

Side & rear yard setback

Motion: Mike Weissen

2nd: Greg Maiuro

Vote:

Greg Maiuro: No

Hardship on neighbors – invades space – 6’ not good

Mike Weissen: No

Doesn’t fit into neighborhood

Dan Smith: No

Different application – tried to accommodate – explained what was needed – don’t think can meet the standards

Clyde Yost: No

Negative impact to neighbors. Hinders the side and rear

Steve Rice: No

Privacy Issues – not in character

Mike Einwechter: No

Don’t believe any hardships – other decks should be ok to use

Lorraine Sallata: No

Mr. Samost worked to accommodate which is appreciated – it is just not a good fit- it is way too close and has privacy issues

Application Denied: 0 in favor, 7 opposed

7. Applicant:

UFM International, Inc
20, 22, 24 Portland Ave
Block 121, Lot 25.02
Requesting a CNC
Represented by John Scott Abbott

Sworn in – Scott Abbott

UFM is a non-profit missionary organization
Requesting a CNC
3 addresses – 20, 22 – duplexes at rear, 24 – home in front
Discusses items in packets

Tax Records:

Old manila property tax cards are missing
Possibly part of a tax case from 1993
Mentions all of the properties
Referenced at having duplexes and a single family

Have potential owners here

Have been requested – additional photos of interiors

Have real Estate Atlases

1921 – Sanborn
1938 – Franklin Surveyor

1921 Map – has a “D” on each showing dwelling

Used to upgrade atlases

1938 clearly shows outline of buildings

There has been some concern over use and parking – have witnesses

It will be for family and personal use

Willing to put parking on site – previously used parking lot

Have 20’ for a driveway – not required but willing to put parking in

Sworn in:

Tom O’Brien – 45 Seaside Ct, EHT
Joseph Drygas -521 Hamilton rd., Harbortown, PA
Frankie Walsh – 16 S Oakland
Ashley Igdalsky – 16 S Oakland
Louis McNally – 163 Al Unser Rd., Longpond, PA

Louis McNally – owner Pocono Raceway – In contract for property

Family member is buying house next door

Willing to place parking

House in back will be for mother, other will be for sons

Will create a family compound – to be close to family

Intend to do renovations on all units

Main House – to a 2 BR – some will be larger

Back Houses – mother & caregiver – already fenced in

2nd home will be for sons

Each unit has 4 bedrooms

Packets of Photos handed out:

24 Portland – Moorings – A1

22 Portland – Anchorage – A2

20 Portland – Richards – A3

Board & Applicant discusses possible parking options

Joe Drygas – Oversees property – Gives description of what Missionary group does

Been with them for 28 years – have had oversight for 20-25 years

Prior owner offered it over in 2005 which was another mission – discusses with Board

Donated it to current mission group

UFM is selling because their main office is now in Kansas City and this location is not used as much

Money from sale will go directly to mission use

It is used as a furlough area

Each unit has separate utilities

Discusses how long units have been duplexes – probably 20's if not earlier

Atlases confirm this

Taxes are about \$10,700 yearly

Parking was behind 12 S Portland – separate lot

Mike Weissen: Did you have to get CO's?

No, they were thought of as guests

Lorraine Sallata: The basement on one shows it is finished?

Possibly one big room with a bath and shower

Tom O'Brien: Realtor for all

Firefighter for 26 years – known properties since a child

Always contained residential units

Took the photos shown and they accurately represent the property

Lorraine Sallata: The Fire Department review said the original Sanborn map had discrepancies

Not sure what map looking at – even if 1921 not used, still have the 1938

Believe home is around 90+ years

BOARD QUESTIONS:

Mike Einwechter: Do you plan to remodel

Yes

How do you propose parking area?

More than enough room – have over 20’

John Rosenberger: It is a CNC – do not have to get into, but as a courtesy, willing to do parking, and plan to do it tastefully.

Had conversation with Jimmie Agnesino on it – plan for 4 parking spaces

Lorraine Sallata: Is there a landscaping plan?

Yes, we plan for it

Public Portion:

Grace Olivo – 28 N Portland

Feel better after testimony – there is a parking problem

Would like parking as a requirement – it is a tight street – residency also an issue

Geraldine Krassner – 11 N Portland

Short block – don’t have parking

Do think this will solve the problem

Peggy Cappucio:

Heard rumors of issues, but happy with plan

Shawn Markovich – behind property

Issue with notices – nothing said about selling to a private individual – misleading

Family seems wonderful – issue with the future – a developer could do things

It is a duplex, but is there any way to condition no reverting?

John Rosenberger: This is not what this is for. It is only a continuation of use. The Board is just agreeing to that.

Kathleen Macabed: Resident caretaker of property

Appealing to the Board for the betterment of Ventnor

Thought it should be continued as a Mission and stay as such

Was told they were selling in March

Believe it is morally wrong

John Rosenberger: This is not the Board’s responsibility

Motion to close Public portion: **Greg Maiuro**

2nd: **Dan Smith**

Scott Abbott: the sale triggered this – not trying to deceive anyone – parking is ok

Mike Weissen: Are there any deed restrictions/

No – turned over to other Missionary’s to do as they will

Motion: CNC plus parking of 4 spaces as a condition
John Rosenberger discusses parking & conditions

Motion: **Greg Maiuro**

2nd: **Clyde Yost**

Vote:

Steve Rice: Yes

Evidence is accurate – Pleased with parking

Mike Einwechter: Yes

Like family compound with parking

Greg Maiuro: Yes

Proved Test year – like parking plan

Mike Weissen: Yes

Good family going in – very happy with all

Dan Smith: Yes

Very good job proving test year – parking a plus

Clyde Yost: Yes

Presented clearly – happy with conditions

Lorraine Sallata: Yes

Proven without question – appreciate parking & landscaping

Application Approved: 7 in favor, 0 opposed

8. Applicant:

4829 Atlantic LLC
4829 Atlantic Ave
Block 46, Lot 3
Requesting “D” Variance for Use
Represented by John Scott Abbott

Scott Abbott sworn in

Bought the Silverman building
Still have a dentist and barber shop
2nd floor – one unit vacant and one just became vacant
Did get an architect
Want to convert one unit to a residential unit

Most buildings in the area have residential on the 2nd, 3rd floors
There is not much demand for commercial on upper floors
Would like to live there
Realize that whatever fire codes are needed will be adhered to
Would like to have a rear apartment for family and son
It is a brick 2 story building
Under the redevelopment plan it was at one-time permitted for 2nd floor residential use

It is zoned as aR7 residential zone
This will be a combined use
Right now, would like the rear unit, but will have to fire rate the entire floor

Would like to get direction from the Board
It shouldn't be commercial on the 2nd floor
Will do landscaping as well
Need guidance as whether we can do this

BOARD QUESTIONS:

Mike Weissen: Is there any split commercial/residential?
Should not be split, one or the other
Agree, but it will be costly

Lorraine Sallata: Concerned with fire safety – 2nd floor egress is an issue
Understand that the law is only for a third floor and it just a recommendation
If there are fire code issues, we will meet
Have to take into account the fire issues and concerns
Good to bring up but not deny based on
Will meet on all code issues

John Rosenberger: If asking for an advisory, Board cannot do that
We are now talking who can be on the 2nd floor and the needs
Will have more detailed designs, but need to have an idea is we can do before this

Scott Abbott: Want to know if this is even possible. Someone who wants to invest, but there is little demand for commercial on a 2nd floor

Lorraine Sallata: Was it planned at sale to move in
No, but economic conditions helped dictate. Bought as is, if have to keep, we will but would like to change to make it more compatible.

Greg Maiuro: If go residential upstairs, what of 2 units
Possible

Scott Abbott: Have heard comments and want to continue. Will probably be 2 units

John Rosenberger: Could take some thoughts and then come back

Board discusses possibility of doing something and coming back

Scott Abbott: just want an idea of whether this is possible. Need to get a read from the Board

Mike Weissen: Are we allowed to take a commercial to a residential
Unsure

Lorraine Sallata: you have a small sense as to what the Board thinks. You can proceed or come back

John Rosenberger: am uncomfortable with any of this

Sworn in: Al Mertkola – 127 N Newport Ave

Speaking on behalf of himself and his brother

3 apartments would cost the most. Liked the building because of brick & metal roof

There is no problem getting in and out

Brother has family, wants to convert and live there

Believe building was built in 1962

Wants to do many things, wants to invest in Ventnor

Just lost one tenant

Hard to do much with half of building empty – want to do more

Brother in law is Bujar Penko

Scott Abbott: Have evidence and knowledge – will submit

Clyde Yost: Is there only one exit on the 2nd floor?

Yes, on the side. There are also no parking spaces

PUBLIC:

NONE

Motion to close public – Greg Maiuro, 2nd – Clyde Yost

Engineer Report: Dated August 8, 2012

Topics – it is an R7 Zone – Need use variance and minor site plan

Has existing office building

Propose a general office – total area is 2826' – will have 1794 for office and rest for a 2 BR apartment.

Need a use variance – no new apartments – only existing allowed

It is a non-conforming use – no new offices allowed – only single family use

There are many existing non-conformities in the area

Have to have a parking variance

Revealed items on the report

Landscaping – grass strip and street trees

Conditions should be on other technical parts

Greg Maiuro: if we grant 1 apartment, what of a 2nd?

Yes, but would need another use variance and site plan

Mike Weissen: If we grant this, can we condition it to one other?

No, each is on its own merit

Clyde Yost: Can we condition the fire concerns?

Only for renovations, but will have to come to code

Steve Rice: Can we go above the recommendations?
Yes, but what do you recommend

Mike Weissen: If asking for one residential and one commercial, can they come back for full residential?
Yes

John Rosenberger: don't think we can bar a new application and it would be a new application

Steve Rice: What is the fire protection rating?
Would have to be 2 hours, but no sprinklers

Motion: Use and Parking variance
Mike Weissen
2nd: Clyde Yost

Vote:

Greg Maiuro: Yes
If all conditions are met – along with everything else needed

Mike Weissen: No
Believe it is a mixed use – not good for 2nd floor

Dan Smith: Yes
OK

Clyde Yost: Yes
With all fire compliance and conditions

Steve Rice: No
Shouldn't mix 2nd floor

Mike Einwechter: Yes
Think will do a good job – need to free up parking

Lorraine Sallata: No
Don't believe a mix on 2nd floor – should stay as is – it is suited for commercial

Application Denied: 4 in favor, 3 opposed

9. Other Business

Lorraine Sallata: Anyone involved in the Planning Board and the re-zoning of duplexes

Steve Rice is on both Boards. A quote said that the Zoning Board is involved
It is just going to Commission
Change in height to 35'
This is for parking underneath
Majority of the lots are below 34'
Can tear down and rebuild if setbacks are met
It is going to be introduced
Ordinance does not allow for repairing of duplexes
Can rebuild as long as all Zoning requirements are met
Steve Rice will update the Board

Monaco: Looking for 28 townhouse units
Also looking to re-zone other R9 areas

Board Discusses Duplex issues

Motion to adjourn: Greg Maiuro

Second: Steve Rice

Meeting adjourned at 9:35 PM