



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 December 21, 2011 – 6:30 PM

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

Present

Absent

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

Professionals:

John Matthews, Esq.
Craig Hurless, Polistina & Associates

4. Adoption of Minutes of November 30, 2011 meetings
Motion: Clyde Yost
Second: Steve Rice
Approval: All in favor
5. Adoption of the Following Resolutions
None

6. Applicants:

- a. Joanne Bergman
104 S New Haven Ave.
Blk 29, Lot 11
Requesting a CNC for a 2 unit property
Represented by Brian Callaghan of Callaghan, Thompson & Thompson

Sworn in – Brian Callaghan

Carried over from November 30, 2011 Meeting
Have Mrs. Bergman and Stanley Swan, Plumber also in attendance
Photos of property given to Board members – 13 Photos noted A1-A13 in evidence

Test year is 1947
Past History shows City records not definitive
In 1973 it was 2 units, there are various permits showing 2 units
Mrs. Bergman bought property in 1975

City files – from Lionel Prince – 1978 and 1982
Neighbor brought action for a group rental
Bergman prevailed
Group rental issues – City was involved
If the property was illegal, the City could have said No, but they didn't
Had an opportunity then, but did nothing
Issue of a single family property was not brought up

Sworn in – Joanne Bergman
Had a mini stroke – hard of hearing
Owner of 104 S New Haven since 1975
Has always been 2 units
2 electric, gas, and water/sewer meters
There is no connection from the first floor to the 2nd floor
Lawsuit in 1978 – prevailed – Did not tell of an illegal apartment
Have rented the basement apartment all seasons
Have always gotten CO from the City – always been 2 apartments
Has always looked like 2 separate units

Board Questions:

Lorraine Sallata: Looks at permits – has Bergman name for 1971 – unsure what it means –
several documents have questionable dates
Do not think was bought until 1975
Shows work done – seems like a contradiction

Sworn in: Stanley Swan – Plumber
Took photos that were given to the Board
Building Dept. stopped work being done and told had to get CNC
Piping is original – upstairs there is 2 full baths

Could not see any way to get from upstairs to downstairs from the inside
Upstairs is nice and new – downstairs is in shambles
Someone started work but left it
Photos are discussed with Board

Lorraine Sallata: When was last time downstairs was occupied
2 years ago – piping froze up last year

Brian Callaghan – According to 1938 atlas, house was existing.
Piping was from that period or before
Atlas is shown to the Board – all houses on block now existed then

Steve Rice: Is that a toilet flange on the slab?
Yes, no renovations done
Swan discusses photos with Steve Rice
Could there have been a coal chute?
Possibly

Greg Maiuro: Lived next door – there could have been a coal chute
Father used to cook in the downstairs unit. Has always had a kitchen – piping is original

Lorraine Sallata: Did a lot of work in 1971
Asks Greg Maiuro is he could pre-date the property from 1971
Greg stated he was there in the 60's and knew of possibly the 50's
Remembers a kitchen and people staying there
Remembers the top and bottom units were rented all the time

Lorraine Sallata: was the garage taken to be part of the living area
Mrs. Bergman stated that some of that information was for 115 New Haven and that was where
the work was done. It was work done for another property that was owned.
Info given was not accurate to the applicant.

Brian Callaghan: Mr. Maiuro pre-dates 1971 with information, the plumber states original plumbing,
Mrs. Bergman says it has always been a 2 unit, and the suit from 1982 had nothing done. Everything
shows a 2 unit property.

Jack Matthews: Looking at the Zoning Maps – also the letter from Jimmie Agnesino of 1997 – why was
the date picked
From 1947-1978 it was an R3 zone
From 1928-1947 it was an apartment district

Dan Smith: What was the apartment district?
1st Zoning Map – 1927 – had a district for apartments
1947 map – it became zoned for single family
Did research – contacted Tax assessor and Building Department
1998 – Sent paperwork to City and thought approved for CNC
City had no letter denying it

Checked Polk directory and stated a seasonal unit
Contacted several people as able to

Clyde Yost: what was the date the house was built?
At least 1938 or earlier

Public Portion:

Steven Rosenfeld – Attorney living at a nearby residence – asked to respond for others
Worried for precedents to be set
Hearing this info for the first time
Character of the beach block is Family Residential
Mrs. Leibowich wanted to express her displeasure
Take some serious approach to this case and keep the character of the area

Mike Weissen: Based on just hearing the info, does it sway your judgment?
Possibly not give the benefit of the doubt and have it revert back
It could be an abandonment of use since it has not been used in some time

Lorraine Sallata: Asks the definition of abandonment
Jack Matthews: In actual abandonment of use, the owner removes the physical items for that
use. Has to be an intent to abandon. Can ask the applicant more questions about it, but it does
not look like abandonment.

Peter Courter: Has Mrs. Leibowich had any relations with the property?
No, just looking at the neighborhood and other locations. There is a fear others will move in this
direction.

Board discusses other rentals in the area

Clyde Yost: The letter from Jimmie Agnesino in 1998 – was it denied?
The letter was sent – the ordinance was changed – could have done an administrative CNC

Closing: Evidence was met –all utilities show 2 units – the construction of the house shows it – the
plumbing and the testimony of Greg Maiuro. It has always been 2 units.

Motion:
Greg Maiuro
2nd: Dan Smith

Vote:
Greg Maiuro: Yes
Always remembered it being 2 units

Mike Weissen: Yes
Would love to see a single family, but the evidence does not show it

Clyde Yost: Yes
Evidence and testimony shows multi-unit

Steve Rice: Yes

In light of Swan and Maiuro testimony, 2 units is justified

Peter Courter: Yes

More than enough documentation to show 2 units

Dan Smith: Yes

History of area pre-1947 shows house existed as a 2 family. Layout of building also justifies it.

Lorraine Sallata: Yes

With testimony shows a 2 unit

Motion approved 7 in favor, 0 opposed

- b. Applicant 5311 Atlantic Ave LLC
5309-5315 Atlantic Ave.
Block 56, Lot 2

Represented by Chris Baylinson

Sworn in: Chris Baylinson

It is a mixed unit building – it sits in the City Commercial District
Requesting a Site Plan, a “D” Use variance, a “D” Variance for height, and multiple “C” Variances

This will be a dramatic renovation to make a modern building – a full renovation

This will decrease the number of units from 14 to 11. It will add an owner unit on the new 4th floor

This is not a permitted use in the Commercial District, thus the variances

Sworn in:

Tom Sidrane: Architect

John Barnhardt: Planner

Mr. Sidrane: Discusses current conditions

The 1st floor has 4 commercial units and 2 residential units

The 2nd and 3rd floors are identical and have:

6 residential rental units

4 have 2 bedrooms and 2 have 1 bedroom

Access is by a common stairway and hall – there is no elevator

Proposed plan:

1st floor: 4 commercial units, and 2 1 bedroom apartments

Enclose the open courtyard to make a foyer

Add an elevator

Sides will have new fire stairs

Configuration will stay the same as current

2nd floor: go from 6 units to 4 units

2 2 bedroom units and 2 1 bedroom units

3rd floor: same as the 2nd floor but will keep the balconies

4th floor: Additional floor as an owner unit with 4 bedrooms and an open balcony

Height of the existing building will only increase by 3' because of a flat roof versus a pitched
Going from 41-8' to 44-8'. The requirement is 35'. Additional rainwater collection takes
up 1'-1.5' of the roof height addition.

Fire safety and access out of the building is discussed

Proposed external renovation:

- Gutting the building to the studs
- Total renovation to all current codes
- Clad exterior with a marble street façade
- Exterior of building is discussed – signing and canopies are discussed
- All other sides will have a stucco look

Clyde Yost: Will the elevator add any additional height?

No – it will be a hoist way. It will serve all floors

Trash collection is discussed

John Barnhardt: Planner

- Discusses site plan
- Aerial Photo: A5
- Center of site – flanked by 3 story units on each side
- There is a mixture of land uses in the area

Building is consistent with other buildings in the area
Not adding any residential units but actually reducing the number
Keeping the same intensity but reducing the units

Discusses “C” Variances

Front Yard: Existing unit is on the property line. The average in the area is 1' but this is 0'

Overhang about 2' but will be reducing with a canopy

Lot Coverage: currently at 78% and requirement is 60%. Proposed is 78%

Willing to take 3'-5' of concrete on the side to grass. Will reduce from 78% to 74.5%

Taking away shed and fire escape coverage

Side Yard: In the original plans, showed the same fire escapes but decided to do a more enclosed unit which is to the new codes.

The 1st floor will remain the same. The 2nd-4th floors from 1.4' to 1.1'

This gives proper egress on the upper floors

Basically there will be a 3' corridor on the ground

Height: Explained previously

Usually much more is needed. Going from 41.4' to 44.4'

In context with the rest of the block, in line with others

Parking will decrease

There is no parking on the property and there never will be

Required are 39 and proposed is 34. An actual deviation to go down

Positive criteria:

- Total building renovation – dedicated to do the work
- No increase in building intensity
- Building being brought fully to code
- New materials – New and modern look
- Reducing density of units from 14-11; number of bedrooms stays the same.

Negative Criteria:

- Minimal change to structure
- Parking not affected
- Unit count decreasing

Board Questions:

Clyde Yost: When will work begin and how long should it take?

Right away and plan for 6+ months to complete

Peter Courter: Any issues with poles and electrical?

Atlantic Ave. has wide sidewalks so there should be adequate separation

Greg Maiuro: Basically you are asking for 3' that you can control?

Yes

Lorraine Sallata: Parking – area is tight in the summer – have you thought of buying a property for parking? The retail stores are tiny – have you thought of making the stores larger? There are also no back doors to the stores.

There are no code requirements for back doors with units this size

Mike Weissen: Trees in the front – have you thought about – are there any issues?

Street trees are subjective

Might not want trees here – not groomed right

Electrical poles – any thoughts of moving them to the side?

How old is the building? What if you find issues?

Possibly the 20's-30's – have done some investigation – will make any repairs needed

Sworn in: Mr. Papadopoulos

Looking at professional not retail units

Jack Matthews: Where do people currently park?

On the street

Lorraine Sallata: any thoughts of acquiring property for parking?

If something is reasonable, would look at

Board and owner discuss parking options

We see parking as a major issue

Will look into right away. Cannot promise anything, but will look

Mike Weissen: On the left side, trash has always been an issue. Will it be enclosed?

Will have a fully enclosed area in place

The building next to it uses a uniform trash can

Will look into it

Craig Hurless: Can you provide a detail of the trash plan?

Yes

What is the use of the framed shed?

The revised plans have removed the shed

The roof plans depict a new water collection and discharge

Will have that as a condition

Public Portion:

Norman Weiss – for Victoria Views – Most questions have been answered

Water runoff is currently to the side and then to the ground. What is plan?

Will be piped to the street – condition of approval

The alley is a common area –during construction, there will be equipment – can there be a declaration in the insurance to cover our building of any damage?

Will accept any responsibility – will look into additional insurance during construction

On the 1st floor, there will be just a door to get in?

Yes

The 1st floor will just have professional offices?

No looking for retail, but will see

Will construction be done on the weekends during the summer?

Hope to be done before then, but whatever the ordinance says

Steve Sinderbrand – Here for daughter who owns a retail unit nearby

Excited about any work done in the area

If you allow the development, the parking will come

Fresh new development is good

Lorraine Sallata: questions street trees

They will be trimmed as needed

Craig Hurless: Asked the Board about the proposal for the strip along the side that was offered

Board discusses it

Decided it was useless to do

Leave as concrete as was planned

Motion: “D” and “C” variances as well as Site Plan

Conditions: Comments on Engineers report 6-8, Shed, Trees, and water run-off

Motion: Mike Weissen

2nd: Clyde Yost

Vote:

Dan Smith: Yes

Overwhelmed by positive plans – Reduction in density good, Parking is what it is, and it will become a centerpiece of the neighborhood.

Peter Courter: Yes

Amount of attention and investigation will help spur growth – Concerned with professional side being kept as is

Steve Rice: Yes

With conditions noted

Greg Maiuro: Yes

Great project – 100% improvement

Mike Weissen: Yes

Thanks to those coming in to spur growth – Great job

Clyde Yost: Yes

Great improvement – positive impact – good with conditions noted

Lorraine Sallata: Yes

Excited about what will be done – excellent plans – will energize the area- Parking is an issue

Motion approved 7 in favor, 0 opposed

7. Other Business

- a. Farewell to Jack Matthews
 - i. Plaque read and presented to Jack for years of service
 - ii. The Board thanks Jack for all his hard work and dedication over the years
 - iii. Jack: Thanks Board
 1. Always well run
 2. An enjoyable experience
 3. Will all well
 4. This is a very good Board
 - iv. Discuss John Rosenberger as choice
- b. John Rosenberger – Board discusses him as choice to replace Jack
- c. Calendar for 2012 is discussed
 - i. Email will be sent out with dates
 - ii. Please respond if any issues
- d. Discuss Year-end report
 - i. Will be sending out to all
- e. Discuss option of combined Boards
 - i. Mayor is against it and will not be looking at
- f. Discuss Liaison to Planning Board
 - i. Steve Rice to do
- g. Steve Rice: Existing Floor Plans should be included with packages
 - i. Will insure going forward
- h. Board Discusses new work done and parking issues

Motion to adjourn: Greg Maiuro

Second: Mike Weissen

Meeting adjourned at 8:45 PM