



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

Monday December 17, 2014 – 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

Absent

Clyde Yost
Stephen Rice

Bert Sabo
Marie McQueen – Alt # 2

Professionals:

Craig Hurless, Polistina & Associates
John Rosenberger, Esq.

4. Adoption of Minutes of November 19, 2014 meetings
Motion: Bert Sabo
Second: Mike Weissen
Approval: All in favor
5. Adoption of the Following Resolutions
 - a. **Z-22 of 2014: Nancy Morgan**
18 S Newark Ave, Blk. 78, Lot 18
Requesting "C" Variances- Approved
 - b. **Z-23 of 2014: Kathleen Young**
18 N Melbourne Ave, Blk. 132, Lot 15
Requesting CNC - Approved
 - c. **Z-24 of 2014: Barry Green**
28 N Buffalo Ave, Blk. 126, Lot 13
Requesting "C" variances - Approved

a. Z-25 of 2014: Seascape Villas, LLC

114 S Princeton Ave, Blk. 25, Lot 1

Requesting "C" variances- Approved

Motion: __Mike Weissen _____

2nd: _____Dan Smith _____

Approval: All by roll call vote

6. Applicants

a. Jay & Anne Sinclair

5400 Balfour Ave, Blk. 211, Lot 10

Requesting "C" Variances

Represented by Chris Baylinson

Sworn in: *Chris Baylinson*

Variance needed – front yard setback on both Balfour and Surrey Ave. – For Deck
From House raising

Current deck in rear corner
Small front porch – Enclosed sun room

Elevation – 14'

Plan to raise the rear deck – open sun room to make an open porch – roof will stay

Plan to have decks meet – about 140 sq. ft. total

Corner property – front yard on both sides – 20' required

Surrey side – 7.3'

Balfour side – 6.5'

Maintaining both

There is some right of way beyond the property line

Sworn in: *Anne Sinclair*

Owner of property

Raise home from storm

Plan to raise both decks and connect

Only new portion is connected and opening of sun room

Increase of lot coverage by 3.4%

Include in variance for new section of deck

No privacy or noise issues

Sworn in: **Craig Hurless**

Reviews Engineer review dated 10/28/14

Plans not totally consistent with testimony

There are some building modifications

Not encroaching any further – not grandfathered in

Lots of variances – all from going higher

Front Yard

Balfour – 20' Required – 6.4' existing – 6.4' proposed

Surrey – 15' vs 6.75' vs 6.75'

1st story deck – 15' vs 6.4' vs 2.4'

Includes stairs and porch

Side yard – 8' vs 3' vs 4'

New deck and stairs

Lot coverage – 65% vs 72.3% vs 76.1%

Existing wood deck not there – now grass

Comments 1 & 2 – clarifications of plans

Condition – new modification

3 – landscaping – more generalized

Condition is more street trees – ask on plan

Chris Baylinson – ask for waiver as there is concrete there now – can't do trees and curb grass

Can do additional planting on lot

No vegetative curb strip

BOARD QUESTIONS:

Lorraine Sallata – need to see landscaping plan – more specific – street trees – still believe relevant – want to see

Marie McQueen – don't see any reason to cut concrete

Mike Weissen – probably a reason why no trees there

Dan Smith – probably can enhance with some vegetation

Bert Sabo – can soften look

Lorraine Sallata – Will submit plan?

Yes

PUBLIC:

None

Motion: Variances as noted by Engineer

Conditions from Engineer's report

Modified plans

Landscaping plan

Street Tree waiver

Motion – Greg Maiuro
2nd Bert Sabo

Vote:

Dan Smith – Yes

Hardship for raising – expenses high – help where we can

Mike Weissen – Yes

Same

Greg Maiuro – Yes

Welcome to see the enhancements

Bert Sabo – Yes

Always an issue with 2 front yards – well thought-out

Marie McQueen – Yes

Wish luck – landscaping – want to see

Lorraine Sallata – Yes

Like plans – like deck – enhance landscaping

Motion approved 6 in favor, 0 opposed

7. Applicant

Appeal of Construction Permit
102 S Troy Ave – Block 31, Lot 8

John Rosenberger –

Eric Goldstein is attorney for applicant
Amy Weintrob – City Solicitor
Jimmie Agnesino – City Zoning Official

Here to hear an appeal of Jimmie Agnesino’s revocation of permit – believe was improper
Burden on the City that revocation was proper

All in context to pending litigation

Eric Goldstein – attorney for applicant

Procedure from Judge Mendez – had to have hearing from Zoning Board
Will decide if go further against City

Have been some initial changes

Scott Abbott initially filed suit to issue stop work order – when done was a moot point

Scott Abbott not here currently

Amy Weintrob – Board has all the info

Sworn in: *Jimmie Agnesino*

Construction Official/Zoning Official – 25 years
Issues and reviews plans

July 2013 – issued permits

August 2014 – Issued stop work order

Exhibit 1 – August 15th letter

Reason – brought attention – being built non-conforming – in review submitted plans – 2nd floor
addition to existing dwelling
Mr. Borda complaint – lost his view – then looked into
Reviewed plans vs actual built – misrepresented

A2 – reviews plans – reviewed as Zoning Official – reviewed for addition

Did not know 1st floor was being demolished
If kept – grandfathered to old Zoning

If demolished, all new Zoning regulations are in place

Says area over existing dwelling – did not say demolished

A5 – Reviewed as Zoning

Shows elevation – stated existing dwelling
Believed existing 1st floor would remain

S3 – Framing plan 2nd & 3rd floor

Does not show 1st floor
If demolished would show 1st floor

Did not believe 1st floor would be demolished – site plan shows existing 1st floor with addition

If not demolished, do not have to conform – if demolished, would have to conform

Issued stop work order when found out of demolish – no updates to plan done

No other plans prior to appeal was approved – recently new plans were approved

Eric Goldstein – Questions Jimmie Agnesino

When were plans 1st submitted and approved

March 31

Mr. Borda then complained – letters went back and forth

Don't recall

Issued stop work order on 8/15 – until then plans remained valid?

Under review until stop work order issued

What changed?

Review of plans

Plans submitted did not meet work done

What changed between times?

Site plan showed addition

Plans did not reflect work done

Total structure demolished

Did anything remain?

Not to my knowledge

To your knowledge it was a totally new structure?

A new structure

Eric Goldstein Summary:

Submitted statement – relied on valid permits – it was a good faith error

Stop work order made them change

John Rosenberger – Board – decision is whether decision should be upheld

Amy Rosenberger – Summary

Evidenced by plans – not what happened

When do more above and beyond – have to have new plans

Look at S3 – no framing on 1st floor

When told – all looked at – was the proper thing to do

John Rosenberger – whether to uphold or reverse – the Board frames the motion

Discusses motion options

BOARD QUESTIONS:

Dan Smith – Supposed to be an addition – but actually demolished – not conforming – believe it should be upheld

Lorraine Sallata – Don't believe

Marie McQueen – Wonder if a section was left

Dan Smith – All was demolished

Lorraine Sallata – need at least 75% of existing to remain – if only a small amount – believe did right

John Rosenberger – never had to review 1st floor framing

Mike Weissen – Testifying as Code or Zoning – what does that mean?

Jimmie Agnesino – As Zoning – enforce regulations – as building – just the structure

Mike Weissen – no updates to plans?

None until recently

So there is a new application for a conforming house

Yes

Mike Weissen – Motion to uphold the decision

2nd – **Bert Sabo**

VOTE:

Dan Smith – Yes

Mike Weissen – Yes

Greg Maiuro – Yes

Bert Sabo – Yes

Marie McQueen – Yes

Lorraine Sallata – Yes

Acted Properly

Appeal has been denied 6 in favor of upholding Stop Work order, 0 opposed

Will receive letter from Attorney – no resolution will be drafted

8. Other Business

- a. Look at 2015 calendar – send any issues
- b. Dan Smith – issues from Appeal
 - i. Board discusses

Motion to adjourn: __Greg Maiuro _____

Second: _____Marie McQueen _____

Meeting adjourned at __7:30 _____ PM