



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 February 19, 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
Clyde Yost
Stephen Rice

Absent

Bert Sabo

Frank Cavallaro – Alt # 1

Professionals:

Jen Heller, Polistina & Associates
John Rosenberger, Esq.

4. Adoption of Minutes of January 15, 2013 meetings

Motion: __Clyde Yost _____

Second: __Steve Rice _____

Approval: All in favor

5. Adoption of the Following Resolutions

Re-Organization resolution

Z-1 of 2014: Gary & Susan Tavella – 312 N Suffolk – Blk. 212, Lot 21

Requested Various "C" Variances - Approved

Motion: Greg Maiuro

2nd: Steve Rice

Approval: All

6. Applicants

Ventnor Coffee, LLC
108 N Dorset Ave. – Blk. 156, Lot 17
Requesting Multiple Interpretation of Zoning Ordinance
Represented by Brian Callaghan

Sworn in: *Brian Callaghan*

Asking for Interpretation

Live music is not a permitted use by the Building Department

Had a choice of a Use variance or an interpretation

Sworn in:

Ed Hitzel – Food Critic

Lance Landgraft - Planner

Craig Hurless – Board Engineer

Lance Landgraft – Marathon Planning & Engineering

Reviews site and location

Exhibit A1 – Aerial View – in City Commercial Zone

Permits variety of uses – since 1929 to the present

Reviews what is permitted

Current Use is a coffee shop – a retail store

Have worked with various coffee shops – have music

Names various towns

Reviews the traffic and what it does for business

Brian Callaghan – Live music is not exempt in Ventnor

A2 – City Zoning Map

Area where music is allowed – City Commercial Mixed Use

Allows for residential on the 2nd floor

Allowed in this zone & we believe it is allowed in the Commercial Zone

In the CMU Zone – it is allowed

Technically no music is allowed – whether piped in or live

Review of Jimmie Agnesino letter – do not believe it is correct – said it is a place of assembly – this is not is any ordinance.

Definition – Coffee shop – Social interaction – place to congregate – talk – venue for entertainment.

Concept of an accessory use – reasonable or customary to the particular use – want the permitted accessory use

Reviews all options of a coffee house

Commercial Zone is the most restrictive

Believe this is an enhancement to the City
Why push away a business trying to do better
Has spill-over to others

Lorraine Sallata – definition in Wikipedia is a small group in an informal setting – don't believe it is small – that is a concern

Capacity is not a concern – will have to comply
Level of activity – number of bands – a grander scale
From January till now – 684 hours open – 81 hours with music – 12%
Reviews what is happening, how many and how much
It is an accessory – keeps in business

Lorraine Sallata: Board is not trying to stifle – just following the ordinance

Shows difference in CMU and Comm. Zone
Have to deal with zone we are looking at
If permitted within a more restrictive zone
Does it specifically say so?
No

Ed Hitzel – Food critic

Reviews credentials
Reviews Coffee Shops – did some research.
Called or stopped at 10 shops
Reviews locations – all have music
Based on interviews – definition – community gathering place
Place for artists to get start – Ventnor Coffee fits model

BOARD QUESTIONS:

Greg Maiuro: Do any have punk rock bands

Yes – reviews a scenario
Opinion – rather have there where supported – safe haven

Steve Rice: Any one bringing own liquor?

Based on town's ordinances

John Rosenberger –not appropriate to our discussion – focus on music allowed

Exhibit A3 – Ed Hitzel list of visited Coffee houses

Craig Hurless – Addresses issues

Looked at master plan – fairly silent to this issue
Recommend to more specific Zone
Zoning Code – City Commercial District
Agree that Commercial and Commercial Mixed Use are different zones
They are different uses
Board has to look at Commercial Zone only
Reviews purposes and accessory uses

Reviews code
Coffee shop is allowed
 Look to more specifics
 No definition in place
Dealing with accessory use
 Reviews ones allowed
 Board needs to look at that definition
Other definitions reviewed
Jimmie Agnesino referred to “Place of Assembly”
Absent of this in definition
Looked at Cox Book – 2013 – Pg. 279
 A case is reviewed
 How to review consideration

Mike Weissen: Do we determine what an assembly is?

John Rosenberger – Don’t think we decide that – If City decides that – then they
Do things – focused question – live music not permitted
No tools to address “place of assembly” – only deciding if music is allowed

Mike Weissen: Can we go outside the definition of what asking?

Don’t think all know the history – want all to know – know the how’s and why’s

Sworn in: *Christine Pagano*

Gives summary of what has occurred
Thought of an idea
Got together and built the place – complied with all
People came in and said they play, and we said ok
Really a community thing

Mike Weissen – When went for mercantile license – for what

Said a coffee shop

What do you think it means?

What it is now – read code – no definition

Do you think a variance would be better?

Brian Callaghan – would have told them no – hardest to get

Mike Weissen: if came for a variance – would it be specific

Yes

If we vote –it affects the whole City

Yes, but depends on the main use

This is to restaurants and tea houses

Mike Weissen: Should it be a broader definition

Could be a springboard to other issues

Might have to define more

This is the City’s job, not the Board’s job

Is live music an accessory use to a coffee shop

Then City to decide on other actions

Would it be better to define to a specific place and not to a zone?

John Rosenberger – only music to coffee shops

Brian Callaghan – ours is specific to live music in coffee shops

Mike Weissen: does mercantile license readdressing if possible vote

No – but may trigger other things from City.

If City then restricts more would come before Board

Would discuss

Steve Rice: Planning Board issues

Not pertinent

Mike Weissen: Possible to limit bands

No – only interpret what live music is

Do they want to limit – right now no limit

We have authority to put focus and limitations

Brian Callaghan – know noise ordinance is until 10 pm

Already have occupancy load to 49

Mike Weissen: With Sunday bands – seemed like more people

No

Greg Maiuro: Can put limitations tonight or by variance?

Can set tonight – could see use variance later

Mike Weissen: How do we put limits?

Could brain storm or come back in a month

Frank Cavallaro: Definition to accessory and subordinate – modest – when does accessory become principal?

That is why % of time was given

Frank Cavallaro: Concerned principal stays as is, but now secondary to the music

Plan to keep as is – but to enhance

Lorraine Sallata: Concept is positive – concerned not fits into ordinance as written – considerable thought is needed – a timetable

John Rosenberger – Hope Board will weigh it, and possibly allow to stay

Issues at Hand:

Size of bands

Small scale in nature – amplified sound

Limit to inside

Concern of spill over to outside

Hours of music operation

Cover charges

Payment of bands

John Rosenberger: Suggest merits – but concerns to growth – possible return with proposal – fine tune the focus

Frank Cavallaro: Other limitations - # of bands per day

Dan Smith: Like to hear from Mr. Einwechter

Sworn in: *Mike Einwechter*

- Reviews property and how started
- Have had music since day of opening
- No complaints until January
- Reviews bands and kids doing things
- Had to pay bands – not profiting – supporting local people
- Brought a lot of people to shop
- Told can's do art classes and dance classes
- Don't meet or come near capacity

Lorraine Sallata: Appreciate what trying to do

Brian Callaghan: agreeable to come back next month

- Give answers and suggestions
- Like to have recommendation to City to have no more action

John Rosenberger – will discuss with Jimmie Agnesino tomorrow

Review location of next meeting

Application carried over to March Meeting

Applicant:

Kenneth Greenblatt
112 North Sacramento Ave. – Blk. 165, Lot 26
Requesting a CNC
Represented by Brian Callaghan

Sworn in: *Brian Callaghan*

Test Year is 1947

Have the Following:

1961 property cards showing 2 units
1974 property cards showing 2 units
1989 property cards showing 2 units
1992 property cards showing 2 units
Deed abstract 1945 showing 2 units

Would have been here sooner – owner works for State Department – out of country

Attached other various CNC's from others on block

BOARD QUESTIONS:

Lorraine Sallata: a full basement apartment?

Yes – full refurbish

Need 1947, but not getting

Have memo from Russ Smith

Clyde Yost: Do you have 2 meters?

Yes

Greg Maiuro: One gas meter?

Yes, but 2 going in

Clyde Yost: when was it occupied?

Prior to Super Storm Sandy

Frank Cavallaro: 2 water meters

Billed since 978 for 2 units

Steve Rice: Reviews photos

PUBLIC:

None

Motion:

For a CNC

Motion: Dan Smith
2nd: Clyde Yost

VOTE:

Dan Smith: Yes

Proof is here – allowed

Frank Cavallaro: Yes

OK with all

Steve Rice: Yes

Satisfied with all

Greg Maiuro: Yes

All street is a duplex

Mike Weissen: Yes

Russ Smith Certified so I am good

Clyde Yost: Yes

Ok with all

Lorraine Sallata: Yes

Paper work supports

Approved 7 in Favor, 0 opposed

Applicant:

Seascape Villas
114 South Princeton Ave. – Blk. 25, Lot 1
Requesting Multiple “C” Variances
Represented by Brian Callaghan

Sworn in: *Brian Callaghan*

Property was a priest’s vacation home – owners bought last year

Doing a complete reconstruction
Have all CAFRA permits

Property could accommodate 6 single family homes

Requesting to eliminate 2 variances that were requested
Maximum Building Height – 37.4’ vs 35’ – now will conform
Eave Height – 30.3’ vs 23’ – now will conform

Still have the following variances
Swimming pool in front yard – 3’ front yard setback
Front yard for pool accessory
Side yard – 4.9’ vs 5’
Walls – front yard – keeping all – 5’-6.5’
Pool accessory – 5’ vs 3’

Exhibit A1 – Aerial view

Sworn in:

Eileen Berger – owner
Steven Berger – Owner
Debbie Buchalski
Tobey Darpino – Landscape Architect
Arthur Ponzio – Architect and Planner

Arthur Ponzio – Planner

A1 – Aerial Photo

Princeton – Portland – Boardwalk
Goes block to block
One of biggest in City

A2 – Site Plan

- 21,000 sq. ft.
- Could put 6 single family homes on lot
- Maintain characteristics
- Maintain footprint
- House itself only generates a 1/10' variance

Entire site is to be redeveloped

All new finishes
New pool
New sitting area

A7 – rendering

Keep old look but bring up to standards

Variances

1. Pool in front yard – because of 3 frontages – has to go there
 - a. House rear is where pool is best
 - b. Set pool back to meet setbacks
 - c. Asking to allow to put in front yard
 - d. Brick wall all along, and then full of landscaping
 - i. Dual buffering
2. Pool equipment
 - a. Trellis – same size as pool
 - b. Pool equipment – within 10' of line – 12' required
 - c. Could move back but hurts esthetics
3. Return of wall
 - a. For part of the pool accessory
 - b. 5' vs 3'
 - c. Pool equipment enclosure – 5' vs 3'

Will have 20' for parking – a 5' buffer
25' of space to neighbor

4. Existing garage – 2nd level
 - a. Allowed to do
 - b. When attached, becomes part of principal structure
 - c. 4.9' vs 5'
5. Wall height – privacy wall – northerly side
 - a. 20' long – 8' high
 - b. Only 5' high allowed

Benefits

Improve site to today's standards
All new landscaping treatments
View corridors – 90 degrees to waterfront
Preservation of character of neighborhood

Negative:

None
Coverage is far below

Original survey – similar orientation

A6 – Property survey

A4 & A5 – Photos

A3 – Landscaping Plan

Neighbors:

New house on adjoining lot – maintaining landscaping on northerly side – 5'
Additional landscaping on Portland – 10'

BOARD QUESTIONS:

Craig Hurless: Plan shows 4' on northerly side – are you amending to 5'?

Asking to amend to 5' – require variance

Lorraine Sallata: Wonderful plan – pool equipment 12' vs 10' – why?

Geometry of property – way trellis is set
Would have to move all back – too close to home
Many other buffers away to all

Steve Rice: Dimension and type of pool?

40'x20' and masonry

Clyde Yost: Height of the garage?

Eave height – 23' – slope to 35'
Will be under the 35' at peak

What is setback from street?

Excess of 30'

Clyde Yost: want to see where neighbor is – view of the block
Will not impede any views

Tobey Darpino: Landscape Architect
A3 – Landscape plan
Asking waiver for street trees
Both neighbors suggested it – not to block views
Compensating with plenty of trees and shrubs
Trees will be inside property
10' along wall and 5' along northerly side

Lorraine Sallata: Height of the Hollywood Junipers?
5'
Any taller trees?
No

Craig Hurless: Reviews Engineer's report
Agree with Planner on variances
Withdrawing 2 for height
Reviews variances
Reviews garage and attached – becomes principal structure – 4.9' vs 5'
Privacy walls – 5'
Walls in front – 3'
Waivers – set a pattern on beach block to waive street trees
Technical issues for conditions
Update plans based on changes

Greg Maiuro: Will there be a sidewalk?
Yes

PUBLIC:

Lois Engle
Commend them on work on property – pleasantly surprised
No issue with walls
Question of lighting with pool – issue with that
Will have a cover over the pool – no issues

Chris Baylinson – represents 109 S Portland
Jacob Benari
Some of offers – landscaping – supporting plan

Brian Callaghan – other conditions – along Boardwalk – new
Shrubbery will be no higher than 3' over the wall
Reviews what shrubbery will be going in

Frank Cavallaro: with all the concrete – is it within ordinance?
Well below – 30% building – 60% lot

Conclusion – Brian Callaghan – A wonderful project – Unique
Reduced many things – variances have no impact

Motion: 6 Variances

Conditions

- 5' height landscaping on Portland
- 10' height of trees
- 3' above walls for shrubs and trees
- All technical reviews
- Street tree waiver
- Revised landscaping plan

Motion: Mike Weissen

2nd: Greg Maiuro

VOTE:

Clyde Yost: Yes

Great property – keeping a single family home – good neighborhood

Mike Weissen: Yes

Awesome project

Greg Maiuro: Yes

Awesome Project

Steve Rice: Yes

No Negative impact

Frank Cavallaro: Yes

Can't wait to see – a great project

Dan Smith: Yes

A unique project

Lorraine Sallata: Yes

Keeping as it has been – considerate to all

Application Approved 7 in favor, 0 opposed

Applicant: Larry Glantz

6311 Monmouth Ave. – Blk. 168, Lot 1

Requesting multiple “C” variances

Represented by Brian Callaghan

Sworn in: *Brian Callaghan*

In an R7 zone – a house raising – suffered severe flood damage

Permitted to rebuild to raise home

Wanted a bath and deck

Because of these items – all variances come through

Sworn in: Jack Snyder – architect
Reviews plans

Builder contacted by owner for repairs
Could have just repaired
Foundation was insufficient to raise

Possible City ordinance – raise with parking under home

Had to do full foundation repair – added parking under

Plans 1st glance had no issues – final plans – a porch on Princeton Ave along side
Existing masonry garage had no damage
Existing utility room – no damage – couldn't have utilities there

Far more expensive to repair than rebuild

Reviews plans for steps area
New footprint matches old footprint

Will be a new flood proof building – an improvement

Craig Hurless: reviews engineer report
Concur with applicant – but demolishing created variances
Reviews variances
Technical comments
Detail is needed
Street tree waiver is requested
Existing planter encroaches into City right of way
Will have on property

BOARD QUESTIONS:

Mike Weissen: Same consideration here as Beach block
Lorraine Sallata: doesn't mean will lose trees if flooded
Planter in front of house

Mike Weissen: In future – giving in on percentages – need to be more lenient
Agree – gaining parking – a trade off

PUBLIC:

Thomas Scheiders
Recommend be granted – had lots of storm damage
William Advena: Support applicant – have lived in block for years
Lot needed rehab – good for area – City has created unattainable goals

Lorraine Sallata: Street Trees –yes or no
Board discusses – pros and cons

Brian Callaghan – Could get one
Craig Hurless – Could get 2 – will work with applicant
Will do

Motion: Multiple variances
Conditions – engineer report
Motion: Greg Maiuro
2nd: Steve Rice

VOTE:

Dan Smith: Yes

Try to adhere to what can

Frank Cavallaro: Yes

Limitation and conditions work

Steve Rice: Yes

No Negative

Greg Maiuro: Yes

A true hardship

Mike Weissen: Yes

A true hardship

Clyde Yost: Yes

A true hardship – a good improvement

Lorraine Sallata: Yes

Hardship – maximized space

Application Approved 7 in favor, 0 opposed

7. Other Business
 - a. Meeting Date and location changes
 - b. Applications – house raising
 - c. John Rosenberger
 - i. Confidential memo
 - ii. Memos to other Board members
 - iii. Not permitted to deliberate privately
 - d. Financial Disclosure forms
 - i. Will send as soon as I receive them

Motion to adjourn: __Steve Rice _____

Second: _____Greg Maiuro _____

Meeting adjourned at __9:45 _____ PM