



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 March 17, 2010 – 6:30 PM

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

Present

Jim Reynolds

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

Professionals:

John Matthews, Esq.
Wesley Becker, Polistina & Associates

Absent

Lorraine Sallata

4. Adoption of Minutes of February 17, 2010 meetings
Motion: Mike Weissen, Mike Weissen
Second: Greg Maiuro
Approval: All in favor
5. Adoption of the Following Resolutions
Z-5: Santiago – 4 South Nashville - Denied
Z-6: Starer – 500 N. Cambridge - Approved
Z-30 of 2009: Richards – 130 N Richards Ave. – Change in wording of previous resolution
Motion to Approve All: Greg Maiuro
2nd: Clyde Yost
All in Favor

6. Applicants:

Robert & Mary Creedon

15 N. Washington Ave.

Block 134, Lot 8

Represented by John Scott Abbott

Requesting a Interpretation and possible "D" variance for subdivision of

John Scott Abbott, Robert & Mary Creedon, and Robert Catalano sworn in

Scott Abbott discusses the application:

An interpretation was originally requested to the Planning Board. We were asking for a By-Right Sub-Division to divide the property into two lots. During the review, it was seen that the property had a Duplex on it, and a variance may be needed to create the sub-division. One lot would house the duplex and one lot would house a single family home. It was thought that there would be no issues since both lots would exceed the minimum dimensions for each lot.

Until 1999, this property was in a zone that allowed duplexes. After the Zoning changes, a CNC was issued, and then a Certificate of Land use when this property was purchased. The following exhibits were introduced:

A-1: CNC from 1998

A-2: Certificate of Land Use from 2003

A-3: Ventnor Ordinance for R7 Zone pre-1997

A-4: Ventnor Ordinance R7 Zone 1997-2009

A-5: Most recent Ordinance R7 Zone 2009-Present

The amendment in April 2009 took out the clause that stated that existing duplexes of record were allowed. This property exceeds all of the old rules, and should apply to this application. The question is then does this application need a variance.

Jack Matthews's questions: If you take a Non-conforming use and sub-divide, does it make it an expansion of a non-conforming use?

Scott Abbott: It is a protected duplex use – it does not fit into a use criteria

Board Discusses the Application:

Mike Weissen questions on how expansion fits to a conforming use and a non-conforming use

Jack Matthews: 2 lots proposed both conform to current standards, thus creating 2 conforming lots. Thus, does a simple sub-division need a variance? This is the only way the Zoning Board can interpret.

Mary Creedon: Application was made to Planning Board. Were on the roster, and then told by realtor that since it was under contract to be sold, it must be noted as a duplex, and it did not appear on anything as such. Were told by Jimmie Agnesino (nothing noted in writing) that had to go before the Zoning Board.

Mike W: How did the listing read, and was under contract as what?

Donna Hehre sworn in – Realtor – Listing Agent

When filed application with the Planning Board, it said it was a single family lot, but Jimmie Agnesino said the sub-division could be done as a By-right. We told Jimmie it was duplex on the property, and he said there could be issues and would have to go before the Zoning Board. It was under contract as a duplex but was contingent on the sub-division.

Jack M: Asking Board to make an interpretation as to whether more variances would be needed. If the interpretation is yes, then the Board can also approve the sub-division as well as the variances.

Mike W: Can the condition that only a single family home be put on the second lot be added

Yes, could be a stipulation

Dan Smith: There is nothing in writing as to why you are here?

Had a preliminary set of plans from a few years ago

Jack M: questions pictures as to what is on what lots. Primarily the shed

Shed can stay or go

Mike W: Does Seasonal Dwelling apply in this case

No

Robert Catalano – Planner & Land Surveyor

Prepared the plans. Usually only show size and outline of dwellings, not the use. Did the survey when bought and when wanted sub-division. Proposed single family lot conforms to ordinance and is typical with the neighborhood.

Mary Crendon: The single family lot will either be built on or sold

Clyde Yost: any Gas or Water pipeline issues

Not that is known

Public Discussion:

Mark Widmann – 9 N. Washington

How far off the property is my house to theirs

About 6' – cannot build within 10' of adjacent house

Public discussion closed

Scott Abbott – This is their primary asset – the subdivision doesn't harm anything – have a non-conforming duplex – both lots exceed the minimum needed – it is fair and just to allow – does not rise to a use variance.

Jack M: Statute 70b for interpretation requirements

Can a sub-division be granted?

Prior to any change, it was a conforming use, now it is a non-conforming use

Old cases are stated with similar issues

Opinion – Use Variance is needed by theoretically changing the use by changing the size.

Motion to grant the interpretation that a sub-division is allowed but a use variance would be needed: Mike Weissen
2nd: Greg Maiuro

Vote:

Greg Maiuro: Yes
Steve Rice: Yes
Peter Courter: Yes
Dan Smith: Yes
Mike Weissen: Yes
Clyde Yost: Yes
Jim Reynolds: Yes

7 in favor of interpretation, 0 Opposed

All prior evidence of application is put into case

Wesley Becker – Would need driveway and curbing put into plans

Jack M: Discusses engineer’s report:

Shed – demolished and put on plan

Yes, will be demolished

Street Trees: Request a waiver for 0 street trees

Yes

No new plans in place now – From Engineer Report of 3/17/10 - for new plans include:

Can show landscaping and conforming parking issues

On sub-division plan – will note that will conform to ordinances on all items

Removal of shed

Waiver for street trees

Wes Becker: On Proposed plan – Shows non-conforming heights and need to state unit is a duplex.

Board Questions: None

Motion to grant minor sub-division and variance relief: Greg Maiuro

Second: Dan Smith

Vote:

1. Dan Smith: Yes
 - a. Conforms to lot size – hardship is in place
2. Clyde Yost: Yes
 - a. All Conditions were met
3. Mike Weissen: Yes
 - a. All stipulations met

4. Greg Maiuro: Yes
 - a. Square footages meet requirements
5. Steve Rice: Yes
 - a. All within needed limits
6. Peter Courter: Yes
 - a. All minimum requirements have been met
7. Jim Reynolds: Yes
 - a. All Questions answered

Motion Approved >> 7 in favor, 0 opposed

Other Business:

Jack Matthews notes that the Board did a great job on this application with a very confusing set of circumstances

Motion to adjourn: Greg Maiuro

Second: Steve Rice

Meeting adjourned at 8:15 PM