



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 16, 2011 – 6:30 PM

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

Present

Lorraine Sallata

Dan Smith
Mike Weissen
Clyde Yost
Stephen Rice
Peter Courter
Mike Advena

Professionals:

John Matthews, Esq.
Vince Pollistina, Polistina & Associates

4. Adoption of Minutes of February 16, 2011 meetings

Motion: Clyde Yost
Second: Mike Advena
Approval: All in favor

5. Adoption of the Following Resolutions

Z-5: Mark J Krum
105 S Derby Ave.
Block 18, Lot 4
Requested "C" Variance for Lot Coverage - Approved

Motion: Mike Weissen
Second: Steve Rice
Approve: All

Absent

Greg Maiuro

6. Request for Clarification

108 South Little Rock Ave.
Brian Callaghan Sworn in

Discussed issue with Jimmie Agnesino, Code Enforcement
There are different C/O requirements and Fire Code Standards
Applicant thought it didn't matter – 12 units is 12 units
Mr. Batista's intention was to run the property as a Bed & Breakfast
We came back to the Board for clarification
All information that was put forward had the intent to run a Bed & Breakfast

Board Questions

Lorraine Sallata:

Is there a difference as far as approvals?

As per Jimmie Agnesino, there is no difference in Building but Fire has differences

Jack Matthews: Only difference would be the inspection process. If it stayed as a 12 unit, the City would be required to get a C/O for every stay.

The criteria for a hotel are different than that of a bed & Breakfast.

Inspections are on 6 month intervals

The intention was for a Bed & Breakfast?

Yes

Would the parking requirements change?

This application was for a CNC, so there would be no change

Vince Pollistina:

Testimony was given that this was to be a Hotel/ Bed & Breakfast?

Yes, by people and paperwork

Mike Advena:

Do we have a classification for this on file or do we have to create one?

Based on testimony, this is how it was to be used

There was probably nothing in place until 1997

What is the benefit of different designations?

None really

Lorraine Sallata: May the Board needs to ask how each is defined

The City has no designation

John Batista: Don't know if the designation makes a difference

My intention is to run both buildings together

My prime concern is the legal issues

The only issue is the C/O issue

Lorraine Sallata: since there is no classification for a Hotel, can we keep as a Bed & Breakfast

Mike Weissen: What is the Property on Surrey classified as?
A hotel which received a CNC

Vince Pollistina: The Board needs to be comfortable that the unit has been a hotel since 1968 to designate as a hotel.

The Board did not want long term residents and Jimmie Agnesino wants it specific

Jack Matthews: We should call it a Hotel. A Bed & Breakfast is just a different name

Lorraine Sallata: The difference is residency length

Mr. Batista: The requirements are the same for both

Dan Smith: If they want to run the unit as a Bed & Breakfast, would they have to come back to the Board?

Jack Matthews: No, it is just an advertising issue

Vince Pollistina: The ordinance only allows for 8 units for a Bed & Breakfast – Would need as a hotel

Mike Advena: But would we be creating a new designation?

Public Portion: None

Jack Matthews: This application is to amend Resolution Z-19 of 2010 to add the wording “/Hotel” on pages 1 & 2

Motion: Mike Weissen

2nd: Clyde Yost

Vote:

Mike Weissen: Yes

Exactly the same

Dan Smith: Yes

The intent was shown prior

Clyde Yost: Yes

All the same

Steve Rice: Yes

The reasons stated are proper

Mike Advena: Yes

Adding the term hotel

Peter Courter: Yes

Lorraine Sallata: Yes

We learned a bit

Motion Carries 7 in favor, 0 Opposed

7. Applicants:

- a. Anthony & Meghan Faiola
211 North Derby Ave
Block 204, Lot 4
Requesting a "C" Variance for Side and Rear Yard Setbacks
Carried over from February Meeting

Jack Matthews: The Board was informed that the applicant modified the application. They were given permits to demolish the deck and build stairs.

No further action by the Board is necessary

- b. Robert Elias
105 South Newport Ave.
Block 27, Lot 6.01
Requesting a "C" Variance for Front & Side Yard, and Lot Coverage
Represented by Brian Callaghan

Brian Callaghan Sworn in
Exhibits

- A1 – Variance Plan
- A2 – Photo of existing house

Mr. Elias hired a contractor to put an awning on the 1st and 2nd floors. They did not get permits, and the Building Department told them to stop. The ordinance required variances.

The variances that are needed:

- Lot Coverage: the awning is considered as part of the coverage since it covers the lot from overhead.
- Side Yard setback: Awning wraps around the side of the house
- Front Yard setback: On the 1st floor, the setback would go from 4.6' to 1.9'
 - The second floor would go from 4.6' to the same 4.6'

Discusses the definition deck, porch, and retractable awning and the projections

John Barnhardt – sworn in – Licensed Planner

This property is about 6 units from the Ocean
It has been recently renovated
It has great views of the Ocean

The awnings to be put up are to give a little more shade than the front porch gives and it will give a covered awning look

On the 2nd level is an existing framed deck. The proposal is to cover the deck with an awning
A lot of work has already been done – all framing is complete

Lot Coverage: Viewed from above, it would be covered, but not really as nothing is being removed.

The front yard setback – 2nd Floor – the awning changes the classification to a porch and would be covered; therefore a variance is needed.

The 1st floor juts out more than is current does and the variance is needed

The side yard setback – the awning wraps around the side. The requirement is 5' and are requesting 1.4'

Justifications: What are the negatives?

What is permitted? – 2nd floor decks are allowed. Per City Ordinance, retractable awnings with no poles are permitted

This proposal is a better alternative – it is better for all, appeal, and the design of the house

The real issue is whose view is being blocked. We did a survey on this. The next door neighbor has a 2nd floor deck that sits lower than this deck. There is no view towards the house; it is away from the house.

The 1st floor canopy has minimal impact.

Brian Callaghan: the 2nd floor railing is open glass that can be looked through.

Board Questions:

Steve Rice: the contractor had no permits?

That is correct – the Building Department saw the work and told them to stop for variances

Will the canopy come down yearly?

The canopy will come down but the frame will remain

Will there be any issues with light blocking or sunlight?

The house is doing that now

Why is the canopy on the side sticking out?

For esthetics and to flow around and finish

The 2nd floor awning – what is the overhang?

It follows the line of the deck

If you cut off the side portion of the awning – would a variance be needed?

No

Peter Courter: Has there been rain water run-off consideration?

It now hits the deck and runs off. There will probably be little change. Haven't entirely looked at it.

Jack Matthews: Are you changing the direction of the water?

Yes, some to the front and some to the side. Can make accommodations

Clyde Yost: Are there any intentions for the side on the upper level?

No

Dan Smith: Is the awning on the 1st floor permanent or will it come down?
Whatever the Board dictates – Plan was to removal seasonally

Sworn in: Robert Elias

Dan Smith: The structural aspect of this looks more commercial and permanent. It detracts from the property.

Looked at lots of other photos. Part of this is new requirements for Safety & wind

Board reviews photos of different awnings

Brian Callaghan: This is one of the smaller houses on the block – more like a 1 ½ story house

Mike Advena: Was the 2nd floor deck existing?

Yes – came before Board previously for it.

Clyde Yost: The slope will affect more water

This can be addressed

Steve Rice: Would you consider cutting the side back on the 1st floor?

Yes

Vince Pollistina: The overall height looks conforming. Does the awning project above it?

It is identical to the peak of the structure

Peter Courter: Do you have the manufacturer's requirements for stress and wind?

Don't know

How does the awning come off?

It is attached and wrapped around with ties to the poles

Dan Smith: What is shown on the photos is permanent?

Yes

Public Portion:

Florence Topiol – I live closer to the Ocean – does not directly affect us, but am concerned about the wind

It will be addressed

Mike Advena: is there an option for 12 month coverage?

Plan is for seasonal, but the Board can decide

Have you considered a permanent roof?

No

David Jerud – 103 S Newport

Originally did not care, but this project became much more. The major issue is what this project will do to me. The awning impairs my view and the sunshine.

Brian Callaghan: Is most of your view across Newport and to the Beach?

Some and it is also both ways

The deck is lower than the applicant – they look through the glass and opening in the deck
It was not as I expected
Your house is up for sale?
Yes, but this will impact the sale

Board Questions:

Mike Weissen: Why were there no permits; it make no sense?
It was a reputable company and we are addressing with them

Dan Smith: Do you have a rendering with the canvas on?
No
It may be better with a permanent roof – it is too much for the area

Mike Weissen: Because of the permit issues, would it be a hardship to take down for a better look
Not sure

Jack Matthews: is there a way to show the Board alternatives – permanent vs. awning?

Dan Smith: this is too much – too commercial

Brian Callaghan: A permanent roof would require the same variance relief

Steve Rice: Why not a retractable awning?
Height and coverage would be different

Lorraine Sallata: Does the applicant want to amend their application?
Brian Callaghan: If there is a concern with the 1st floor and coverage
There are concerns with all

Dan Smith: Need to see what it looks like with awning up – tough to imagine

Mike Advena: I have no issue with the 1st floor as long as it stays covered all year

Peter Courter: How is 2nd floor anchored to the house?
Anchored into frame of house and to deck

Brian Callaghan: depending on the 1st, we can come back with renderings for the 2nd floor

Lorraine Sallata: If the awning is retractable, what is the lot impact?
There is no variance need as long as there are no poles. You can do up to a 12' awning without poles. It would not impact coverage at all for a retractable awning.

Jack Matthews: Request to amend the application – Front Yard Setback of 1.9' and a lot coverage of 98%. Side Yard setback is removed. This is only for the first floor.
The proposed conditions are to remove the 5' piece on the side of the 1st floor and that the awning must remain up 12 months out of the year. Also, all conditions noted on the

Engineer's report are to be in effect. The 2nd floor awning will be adjourned until the April meeting when it will be revisited.

Motion: Mike Weissen
2nd: Clyde Yost

Vote:

Steve Rice: Yes

With conditions noted

Mike Advena: Yes

With removal of the side and 12 month coverage

Peter Courter: Yes

With changes noted

Mike Weissen: Yes

Comment on redesign

Dan Smith: Yes

12 month awning coverage needed

Clyde Yost: Yes

With changes noted

Lorraine Sallata: Yes

Nice Work with Board

Motion approved: 7 in favor

0 opposed

Brian Callaghan: To clarify: Plan to move 2nd floor to next month – if unable, will go to May meeting and will have to re-notice.

Options for 2nd floor: rendering of awning, permanent roof (will look at neighbors deck), and retractable awning.

Will also talk with Jimmie Agnesino on any issues

8. Other Business

a. Date Change of April meeting due to calls of Passover

i. Will keep meeting on original date

Motion to adjourn: Mike Weissen

Second: Steve Rice

Meeting adjourned at 8:25 PM