



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 November 18, 2009 – 6:30 PM

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

Present

Jim Reynolds
Lorraine Sallata
Greg Maiuro
Dan Smith
Michael Conte
Mike Weissen
Clyde Yoste
Stephen Rice

Absent

Ken Cutugno

Professionals:

John Matthews, Esq.
Dick Carter, Engineer

4. Adoption of Minutes of October 21, 2009 meeting
Motion: Greg Maiuro
Second: Mike Weissen
Approval: All in favor
5. Adoption of the Following Resolutions
 - Z-24: Robert O'Neil
 - 5003 Atlantic Ave.
 - Block 50, Lot 1

- “C” and “D” Variance for bathroom
- Z-25: Stephan and Barbara Malin
 - 6201 Marshall Ave.
 - Block 386 Lot 16
 - “C” Variance for sun porch
- Z-26: Dac Tran
 - 102 North Troy Ave;
 - Block 176, Lot 29
 - “C” Variance for Garage top deck
- Z-27: Jerry Cohen
 - 21 South Little Rock Ave
 - Block 176, Lot 29
 - Certificate of Non-Conformity for housing unit
- Z-28: Joseph Anello
 - 101 North Dorset Ave
 - Block 155, Lot 1
 - “D” use variance to make office area an apartment

Motion to Approve All: Lorraine Sallata

2nd: Greg Maiuro

All in Favor

6. Applicants:

Angelico Perez

107 North Troy Ave.

Block 175, Lot 4

Represented by Brian Callaghan of Callaghan, Thompson & Thompson

Requesting “C” Variance for Front and Side Yard

Brian Callaghan sworn in

Unit is currently a duplex. Would like to enclose the front porch with windows.

This is due to excess water damage. Will replace windows and doors. There will be no heat and it will not be another living space. Would like to make it look like other homes in the area.

Angelico Perez sworn in.

Has lived at location for 6-7 years. Water damage to porch has gone into basement and living room through the walls. Would like to enclose like neighbors. Will replace windows, doors, and floor. There will be additional changes or expansion. Have spoken with neighbors and there are no issues.

Discussion with the Board about layout and use:

Dick Carter recommends area not to be used as a bedroom and would like more detailed drawings submitted to Building department.

Lorraine Sollata questions windows and the type of windows that will replace the openings and would like the openings to be roughly the same size as current. Owner states they will be double or triple hung windows that will encompass the existing space.

Mike Weissen questions the safety concerns of windows being as low as the current opening. Owner states he will raise the windows to a more safe condition.

Stephen Rice inquires about the existing windows and doors that are part of the main house. Owner states they will remain.

Dick Carter recommends double hung windows, 2 on each side and raised up as is dictated by the City Building Codes.

Public Discussion: None

Public Discussion: None

Motion to accept "C" variance for Porch with conditions that area will not be a bedroom, more detailed plans will be submitted, minimum window size will be 24"x4', windows will be raised to comply with code: Mike Weissen

Second: Dan Smith

Vote:

1. Lorraine Sallata: Yes
 - i. With conditions stated
2. Stephen Rice: Yes
 - a. No Negative impact
3. Clyde Yost: Yes
 - i. With conditions stated
4. Greg Maiuro: Yes
 - i. Not hampering any areas
5. Mike Weissen: Yes
 - i. No negative impact
6. Dan Smith: Yes
 - i. With Conditions stated
7. Jim Reynolds: Yes
 - i. With Conditions stated

Variance Approved: 7 in favor, 0 opposed

Applicant: Diane Richards

130 North Richards Ave.

Block 386 Lot 16

Block 177, Lot 9

Requesting: Minor Site "C" Variance for fence replacement

Diane Richards and John Delgaisl sworn in

Looking to replace an existing 4' chain link fence with a 6' board on board fence. It would make the area more attractive and give more privacy as the yard is used all summer. This would not intrude upon any neighbors.

John Delgaisl states that he supports the fence. The existing fence is in need of repair and others in the area are also 6'

Discussion between Board and owner about the fence:

Lorraine questions whether the variance is just for the Monmouth side.

Dick Carter notes that even the back side must be at 4' based on code or a variance is needed. All of chain link is being replaced. Refer to survey for common property location.

Mike Conte questions whether this is a front yard

Dick Carter notes that this is a corner lot, therefore both sides are considered front. He also notes that in the Heights district, 6' fences are allotted with shrubbery to step up the height. He would recommend no more than 36" here.

Lorraine requests a clarification of the white picket fence shown and offers concern about line of site leaving adjacent driveway.

Dick Carter notes the facts that the fence is 6' offset from the property line and 13.7' from the street offering sufficient sight. Mike Conte concurs with Dick's assessment of sight.

Public Discussion: None

Motion to accept variance: Greg Maiuro

Second: Clyde Yost

Vote:

1. Lorraine Sallata: Yes
 - a. No issues
2. Clyde Yost: Yes
 - a. No Negative impact
3. Greg Maiuro: Yes
 - a. Asset to property
4. Mike Weissen: Yes
 - a. Comfortable with fence
5. Dan Smith: Yes
 - a. A natural fence vs. a chain link; no negative impact
6. Michael Conte: Yes
 - a. No negative impact
7. Jim Reynolds: Yes
 - a. Well thought out, neighbors like it

Variance Approved: 7 in Favor, 0 Opposed

Applicant: Clementine Camp
18 North Cambridge Ave.
Block 119, Lot 24
Requesting a "Certificate of Non-Conformity"
Represented by John Scott Abbott

John Scott Abbott, Barbara Festoff, and Clementine Camp sworn in
The Camps have owned property since 1945, and unit has been a duplex since 1945. Documents showing such are provided.

Clementine Camp:
Purchased unit in October 1945. Has been a duplex the entire time, with various tenants during the time. Became aware of need for Non-Conformity from neighbor having same issue.

Discussion between board and owner on unit and use

Dick Carter questions whether Building Department has clear set of plans.

If not, owner will supply

Barbara festoff has known the Camps and the property for many years, and has lived in one unit since 1998. Always has been a duplex.

Jim Reynolds notes that he has known the property for years, and the unit has always been a duplex

Stephen Rice questions utility bills showing separate units.

Yes, provided

Public Discussion: None

Motion to approve Certificate of Non-Conformity: Mike Weissen

Second: Greg Maiuro

Vote:

1. Lorraine Sallata: Yes
 - a. Testaments and documents in order
2. Mike Conte: Yes
 - a. Documents in order
3. Clyde Yost: Yes
 - a. Duplex in place
4. Mike Weissen: Yes
 - a. Documented well
5. Dan Smith: Yes
 - a. Test Year was 1947, purchased prior to, and well documented
6. Jim Reynolds: Yes
 - a. Always a duplex
7. Greg Maiuro: Yes
 - a. Same structure and time as a previous applicant

Variance Approved with conditions: 7 in favor, 0 opposed

Applicant: Ian & Sharon Modelevsky, Marc & Lorie Modelevsky
5 South Cambridge Ave.
Block 64, Lot 8
Requesting "D" Use variance to place a Bathroom in Carriage House
Represented by John Scott Abbott

John Scott Abbott already sworn in:

This is a 2 part application; an interpretation and a possible Use Variance. The owners have done extensive work on the main house and now want to renovate the Carriage House with the 1st floor being a recreation room with a wet bar, and the second being a bedroom with facilities.

Todd Miller, Ian Modelevsky, Sharon Modelevsky, and Marc Modelevsky sworn in:

Todd Miller: Plans Submitted

1st floor is a garage with concrete floors& columns, slate roof; there used to be a steam furnace; radiators are still in place; L-shaped stairway to 2nd floor with 2 bedrooms and hardwood floors. This was and is a furnished area. There is no plumbing noted.

Would like to rework entire inside & fix outside; French doors where garage doors were; wet bar with about 5' counter and sink, small fridge, and microwave. The second floor will become a 1 bedroom suite with closet, bathroom, and laundry.

Unit will remain within the existing shell of the building except to raise the dormer about 2' to allow access to upper deck.

Went to other properties, with about 14 photos of 12 other carriage houses in the neighborhood, 9 on the block and 3 across the street. This is not intended to be a separate living unit.

Discussion with Board and owner in regards to unit use:

Dick Carter: By eliminating parking that was set aside in the garage, would still have to prove that there is the correct parking still available, and based on photos, most houses shown with 2 floors still have the first floor as used as a garage.

Miller states that they would still comply with the 4 parking spaces based on the driveway and is unsure what the other houses use the first floor as since he did not go in them.

Interpretation: R1 Zone is all exclusive use to residence. What was the pre-existing use of 1st floor? Any protection would fall to the second floor, and the expansion portion is not clearly designed for anything but a garage.

Scott Abbott: If the Government interest is not to have a second residence, the owners will stipulate as much.

Dick Carter: Agrees that many other Carriage Houses have similar uses. To that, the second floor pre-existing use is all right, but by changing the 1st, it becomes a use variance.

Scott Abbott disagrees, and states they were told could do everything in the plans but the shower.

Jack Matthews: Were owners told could do Kitchen and Bath as a matter of use, and was there anything in writing.

Were told only shower was issue, with nothing in writing, and then got Scott Abbott involved as were told to go before the Zoning Board.

Dick Carter: This is simply a "D" Variance. What defines a habitable unit, and what defines a Kitchen. A Stove is noted by Todd Miller. What prohibition is there for someone adding a stove later, and this then becomes a habitable unit all year round, and how to we then stop others from doing the same with other Carriage houses.

Mike Weissen: Was Building Dept involved before or after plans were created. Will utilities be part of main house or a separate system? Was the lower floor ever used as a garage?

Discussed with Building department both before and after plans. Shower was the only issue. Goal is to tie utilities to main house, probably from basement, and lower floor had never been used as a garage.

Jack Matthews: Carriage built at same time as main House (About 1915); any renovations done to house (All looks original); Originally a Garage with servant quarters (Yes); any bathrooms at that time (Not that could be seen); Was this typical setup of the area (Yes)

Mike Weissen: What is definition of Carriage House and Garage? With nothing like this in place, will others start challenging what the difference is:

Jack Matthews: Anyone can come before the Board but may not get approved. All must be judged on own merits. Previous cases do not come into place.

Lorraine Sallata: Board has tried for years to get rid of Illegal living places, and with this we are creating one, a small one, but a living unit.

Mike Conte: What is negative impact of this applicant?

In future, cannot know what will be used for

Dick Carter: Applicant has right to ask for what it wants, it is Boards obligation to protect the Zoning of the City. What is in best interest of the City?

Scott Abbott: Possibly a Deed restriction to not allow use of additional living space. It could be a legally created one.

Dick Carter: Taking garage door away is a clear expansion of the living space. From Zoning aspect it is a clear issue. Would need to tie everything –plumbing, utilities, etc. – to main house

Clyde Yost: St. Leonard's tract already has deed restrictions in place.

A new deed restriction would have merits. Applicants would have to get City approval to modify deeds. They have been seen to be enforceable.

Mike Weissen: Is there a drain on the floor: Yes, in center of floor – therefore probably a sewer line

Sharon Modolevsky: Background of houses: their original home built on 1700's. Bought over 30 years ago and rebuilt home. Was a carriage house on primary residence also? Carriage house housed horses and carriages. This was probably basis for drain. When bought second house, primarily looked at St. Leonard's tract. Wanted to keep family style in place. Home was in great disrepair and wanted to restore, and do all legally.

Mike Weissen: Is there a plan B?

Building department told to come before Board.

Jack Matthews: Possibly modifications to plans needed. 2nd floor does not seem to be an issue. 1st floor is the issue. Possibility, while not planned, could be to rent out area as the plans show. Someone else may not see this as anything but a 2nd living unit.

Jim Reynolds notes a Summer rental possibility

Scott Abbott: removal of Washer and dryer possible, but were told only the shower was an issue

Dan Smith: There is no problem with this circumstance, but the future of converting the unit to a living space exists. Holding the integrity of Zoning going forward and the controls is an issue.

Jack Matthews: Bringing copies of deed restrictions is a start

Jack Matthews: Think Board needs to see new plans and other options

Scott Abbott: asks for postponement until December Meeting to bring new plans

Dick Carter requests a dye test of the sewer lines to see where the drain goes

Case Postponed until December 2009 meeting

7. Other Business:

None

Motion to adjourn: Mike Weissen

Second: Clyde Yost

Meeting adjourned at 9:25 PM