



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 October 21, 2009 – 6:30 PM

1. Call to Order: 6:35 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 September 16, 2009 meeting
Motion: Mike Weissen
Second: Lorraine Sallata
Approval: All in favor
5. Adoption of the Following Resolutions

None

6. Applicants:

- a. Robert O'Neil
5003 Atlantic Ave.
Block 50, Lot 1
Requesting a "C" and "D" Variance for bathroom

Robert O'Neil Sworn is

Bought 6 out of 11 units in July 2009

The studio apartment on roof had renovation done. Went out of original footprint on the renovation to increase size of unit and move bathroom. Permits not originally obtained and had to remove bathroom. Unit does not have bathroom currently and are asking for variance to put bathroom in place. Without bathroom, cannot use unit.

Discussion by owner and board members on the unit, size, and occurrence of this need.

1. Size of Apartment: 22- Sq. Ft.
2. Jack Matthews clarified a C/O could not be issued because of bathroom issue and unit was sold "As-Is"
3. When Building Department inspected unit, noted unit did not have a bathroom (Previous owner had installed bathroom without permits in the extra area, and was told to remove it, as it had not been approved) and could not issue C/O.
4. Clyde inquired if plumbing had been moved to new place: yes, a kitchen is now in place of old bathroom.
5. New size of Bathroom: 48 Sq. Ft.
6. Any changes to size or location of bathroom: only going in L-shaped area as shown on photos, will be 6" from end of building
7. Any obstruction issues to drainage: Roof is flat, and two drains will not be blocked
8. Unit has been rented for last 13 years without a C/O, is there documentation: No
9. Dick Carter questioned why unit was bought "As-Is" without unit being resolved:
 - a. Previous owner did not want any additional investigation – Mr. O'Neil knew consequences of non-approval
10. If approval is not made, will have to put back to original layout: Yes
11. Based on decision, would this unit be sold as a condo: no, it would be rented as an apartment
12. Mike Weissen questioned safety of roof unit without a fence
 - a. Dick Carter stated that he is unsure if the Board can impose anything with that

Public Discussion: None

Motion to accept variance for Non-Conforming Use: Greg Maiuro

Second: Mike Weissen

Vote:

1. Lorraine Sallata: Yes
 - i. No Downside – One way or another will rent – the bigger the better apartment
2. Michael Conte: Yes

- i. No Downside
- 3. Clyde Yost: Yes
 - i. Don't like what previous owner left – new owner taken responsibility
- 4. Greg Maiuro: Yes
 - i. No Big negatives – will not change footprint of unit
- 5. Mike Weissen: Yes
 - i. Would like to see fence on top
- 6. Dan Smith: Yes
 - i. No negative impact – the bigger the better with apartment size – hopefully owner has learned a lesson to get all matters taken care of before entering into a sale
- 7. Jim Reynolds: Yes
 - i. No negative impact

Variance Approved: 7 in favor, 0 opposed

Applicant: Stephan and Barbara Malin
 6201 Marshall Ave.
 Block 386 Lot 16
 Requesting "C" Variance for sun porch

Stephan & Barbara Malin sworn in

Sun porch wanted to enclose existing porch as bugs are a problem in the summer. It is a side lot and need an area on the side to accomplish this task. Area to the side of the property is 6.7'. The deck is above ground. This would add to the habitable area. The variance states 15' and we are asking for 6.7'. If this were not a corner lot, the setback would be the same.

Discussion between Board and owners about the porch, its size, and use:

1. Size of Deck: 25' x 10'
2. Greg Maiuro questions that they are adding a room, not a deck
 - a. Room will not be heated and the only electrical is an outlet on the side of the existing deck
3. Type of windows to be installed
 - a. Anderson double hung
4. Will floors and walls be insulated
 - a. No, an area rug may be put on the floor
5. What will external wall be made of or covered with
 - a. Abaci and siding. There will be no expansion of existing deck
6. Stephen Rice questioned whether a second floor could or will be added to the deck.
 - a. No
7. Dick Carter questions whether a new foundation will be laid or if the existing foundation be considered a light duty light foundation and accepts a condition of the variance that no other foundation be placed.
 - a. Yes, no other foundation and condition acceptable

Public Discussion: None

Motion to accept variance with conditions noted: Greg Maiuro
Second: Dan Smith

Vote:

1. Lorraine Sallata: Yes
 - a. No Negative impact with noted conditions
2. Clyde Yost: Yes
 - a. No Negative impact
3. Greg Maiuro: Yes
 - a. No Negative impact, Enough space with revisions done
4. Mike Weissen: Yes
 - a. Nice property
5. Dan Smith: Yes
 - a. No Negative impact
6. Michael Conte: Yes
 - a. No negative impact
7. Jim Reynolds: Yes
 - a. Nice property

Variance Approved with conditions: 7 in Favor, 0 Opposed

Applicant: Dac Tran
102 North Troy Ave;
Block 176, Lot 29
Requesting "C" Variance for Garage top deck

Dac Tran sworn in

Would like to build deck on top of garage. If cannot build, would have no deck at all

Discussion between board and owner on size of deck, existing conditions, and setbacks

1. Length of ownership: 5 months
2. Looked at deck in any other location: no
3. Was the door shown on plan on 2nd floor existing: yes to a raw deck
4. Do need whole size of garage of deck and would accept a differing size
 - a. Need whole size and don't want to change
5. Distance from neighbor: about 15'
6. Do neighbors have deck and location: 2nd floor deck
7. What material on roof of garage: raw black roof
8. Stephen Rice questions length of time deck has been on roof
 - a. Have already built deck, City saw and told had to do something about it as was not approved
9. Mike Weissen notes that Board should do something about items already built.
10. Board inquires: Willing to amend the size of the deck to approximately 8' x 14' to make a 4' side setback and a 5' rear set back. This is not just moving the fence of the deck, but actually moving the deck and fence back to the size.
 - a. Yes, willing to change

11. Mike Conte notes that Board needs to follow-up on these types of issues so it does not continue, possibly giving a timeframe for compliance.
12. Jack Matthews inquiries as to length of time: 45 days from approval of resolution deemed appropriate.

Public Discussion: None

Motion to approve Variance with amended size of deck and 45 day from resolution approval to complete: Mike Weissen

Second: Greg Maiuro

Vote:

1. Lorraine Sallata: Yes
 - a. With conditions noted
2. Mike Conte: Yes
3. Clyde Yost: Yes
 - a. With size of 8.5' x 14.5' as noted
4. Mike Weissen: Yes
 - a. Suggest getting permits first
5. Dan Smith: Yes
 - a. With conditions noted
6. Jim Reynolds: Yes
 - a. With Conditions Noted

Variance Approved with conditions: 7 in favor, 0 opposed

Applicant: Jerry Cohen

21 South Little Rock Ave

Block 176, Lot 29

Requesting a Certificate of Non-Conformity for housing unit

Jerry Cohen sworn in: owner of 21 S. Little Rock Ave.

Unaware of City Ordinance to change Multi-Family to a single-family in 1998. Would like to change back to a multi-family dwelling. Told to prove property was in place as a multi-family dwelling prior to 1978.

Discussion with Board and owner in regards to unit use:

1. Dick Carter questions current use and proposed plans
 - a. Currently property is vacant.
 - b. In 1995, a resolution was completed for the property to the right of said units to a multi-family. Units are same layout and structure:
 - i. Yes, and no change has ever been made to layout
 - c. Building built at same time: Yes
 - d. Can layouts be provided and were both units built as a single building: Yes
2. Lorraine Sallata noted letter from Swan noting that Cohen family resided in unit
 - a. Family always lived on one floor of the building and as tenants left, they moved to others to work on them and rent out the newer ones.

3. Separate utility bills showed four separate bills, 3 for units and one common for halls
4. Bedrooms for each unit has 1st floor with 1 bedroom and 2 bedroom on 2nd and 3rd floor
5. Dan Smith inquires as to what year test year was: 1947 as noted
 - a. Dick Carter questions correct test year as resolution from adjoining building stated 1978 but Building Department noted 1947.

Public Discussion:

Mike Weissen: 326 N Dorset Ave

Have known area for some time, and it is one big block of buildings, all being there for all the time he has known.

Motion to accept Variance for Certificate of Non-Conformity: Greg Maiuro

Second: Lorraine Sallata

Vote:

1. Lorraine Sallata: Yes
 - a. Test Year proved
2. Mike Conte: Yes
 - a. Has always been a tri-plex unit
3. Clyde Yost: Yes
 - a. Built and design as a multi-Family
4. Greg Maiuro: Yes
 - a. Made original and revised test dates
5. Stephen Rice: Yes
 - a. Been a multi-dwelling always
6. Dan Smith: Yes
 - a. Proof Given
7. Jim Reynolds: Yes
 - a. All items in order

Variance approved: 7 in favor, 0 opposed

Applicant: Joseph Anello

101 North Dorset Ave

Block 155, Lot 1

Requesting a "D" use variance to make office area an apartment

Clyde Yost steps aside from case as he has an office within the area

Joseph Anello sworn in

Bought unit in 2003. 1st floor is commercial, 2nd floor had been used as commercial as an office for an architect. Would like to take unit back to original form of an apartment on the second floor. Unit is 7 rooms with 2 baths

Discussion with Board in regards to unit past, present, and future use

1. Dick Carter notes unit was a 3 bedroom apartment, and was being used as an office. Are there any plans to change anything?

- a. No changes planned, will be a 3 bedroom, 2 bath unit
2. Anything being done to outside of building: No
3. Jimmie Agnesino letter read to Board asking for use Variance and questioning whether we can allow since area does not allow for residential use
 - a. Dick Carter noted he was not sure whether Board has right to deny based on taking unit back to its original use
4. Stephen Rice questions what abandonment meant as discussion brought to light when Architect left the unit, he abandoned it as an office, and applicant wants to take unit back to original use.
 - a. Jack Matthews explains abandonment

Public Discussion: None

Motion to approve Variance: Greg Maiuro

Second: Dan Smith

Vote:

1. Dan Smith: Yes
 - a. Knows area, nothing has changed
2. Stephen Rice: Yes
 - a. Next to other store did similar to
3. Mike Weissen: Yes
4. Greg Maiuro: Yes
 - a. Apartment provided for
5. Lorraine Sallata: Yes
 - a. Original residence is intact
6. Mike Conte: Yes
7. Jim Reynolds: Yes
 - a. No Downside seen

Variance Approved: 7 in favor, 0 opposed

7. Other Business:

- a. Board Secretary asks all members if they still have application from Diane Richards of 130 Richards Avenue from August. If you do, please let me know as this applicant is on the November agenda.
- b. Dick Carter – City has ad for new City Engineer. If board would like to keep as Board Engineer, would like to stay.
 - i. Members asked what they needed to do

Motion to adjourn: Mike Weissen

Second: Greg Maiuro

Meeting adjourned at 8:25 PM