



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 16, 2013 – 6:30 PM

1. Call to Order
2. Flag Salute
3. Roll Call

Present

Absent

Lorraine Sallata

Greg Maiuro
Dan Smith
Mike Weissen
Clyde Yost
Stephen Rice
Bert Sabo
Frank Cavallaro

Professionals:

Craig Hurless, Polistina & Associates
John Rosenberger, Esq.

4. Adoption of Minutes of September 18, 2013 meetings

Motion: ___ Clyde Yost _____

Second: ___ Greg Maiuro _____

Approval: All in favor

5. Adoption of the Following Resolutions

Z13 of 2013 – Scott & Sydria Schaffer

103 S Dudley Ave

Block 16, Lot 4

Requested “C” Variances – Approved

Motion: ___ Mike Weissen _____

2nd: ___ Steve Rice _____

Approve: All

6. Applicants

Joyce Diamond & Carol Auerhan

18 S Baton Rouge Ave
Blk. 47, Lot 23
Requesting a CNC
Represented by Brian Callaghan

Sworn in: *Brian Callaghan*

Application is for a CNC for a 2 unit dwelling

Test Year – 1978

Reviews Packet

Purchased in 1965

Tenants since 1959

Permits – for 2nd electric meter

Polk Directories – 1974 – 1978 – 2 units

Exhibit A1 – Letter to Anchor Savings and Loan - June 1965

2 weeks before property was bought

Reads into evidence

BOARD QUESTIONS:

Steve Rice: Are there any pictures of the interior

No

PUBLIC:

None

Motion: __ For a CNC for 2 units

Motion: _Greg Maiuro_____

2nd: _____ Bert Sabo_____

Vote:

Clyde Yost: Yes

Provided Documents

Mike Weissen: Yes

Always a duplex

Greg Maiuro: Yes

Made Test year

Steve Rice: Yes

Made test year

Frank Cavallaro: Yes

Compliments on good application

Bert Sabo: Yes

Plenty of Evidence

Dan Smith: Yes

Well-presented and documented

Application Approved 7 in favor, 0 opposed

7. Applicant:

Jeffrey & Mikki Ashin

7107 Atlantic Ave.

Block 81, Lot 4

Requesting "C" Variance for side yard

Represented by Self

Mitch Zittomer – Brother in Law

Owners not here – live a distance away

John Rosenberger: Cannot act as an attorney for the owners

Cannot proceed with the application

Discusses the situation with the applicant

This is a quasi-judicial case

Must have owner or an attorney

Can be held over until November meeting

Person in audience: Ide Villari –

Voices opposition to the case

There will be no new notices or advertising

8. Applicant:

Rojoten Coats, LLC

4900 Wellington Ave.

Block 303, Lot 2

Requesting Sub-division, Site Plan, "D" Variance, and multiple "C" Variances

Represented by Gibbons, PC for Rojoten Coats, LLC

Jason Toovel for Rojoten Coats, LLC

In a designed Commercial Zone

Back in 1970's – an auto dealership

Storage and maintenance for casinos

Site is in dire need for redevelopment

There is contamination on the site

This area is made to promote commercial and retail space

An overlay was made for this kind of development

Reviews overlay ideas

Owned since May 2013

Was under contract in 2012 – had to hold because of storm

Decided to go ahead with the project

Proposal – Sub-divide through the building
This is for financing – thus it creates some variances

Site will still function as one unit
Can allow for easements for the others
Creates some variances

Also need a use variance
For the secondary structure which is the ATM kiosk
Unclear if a drive-up is permitted

Site Plan approval:
Dollar General – About 10,000 Sq. ft.
Not sure for the other side

3 witnesses: All sworn in
Johnathan Vogel – Principal of the owner
James Henry – Engineer and Planner with Dynamic Engineering
Kurt Pachtinger – Dollar General

Johnathan Vogel
Owner since May 2013
Renovates old buildings
This needs substantial renovation
Roof
Façade
Parking lot

Unsure of how to raise the floor over 3' to comply with new flood levels

Under the floor the ground is eroded – pilings only holding up the floor
Coming up with solutions
Possible foam option
Possible steel option

All entrances to be raised – Also will be ADA compliant
There will be ramp issues
Loading docks in rear will be issues
Many issues and financing issues

Sub-division is for financing
Everything so far has been out of pocket

There is known contamination in the back left portion
Was an oil tank – took out and testing
Right side is OK –no contamination
Is only financeable with the sub-division

Have met with lenders on this
When get financing – will get money back and can do outside work and get all ready

Sub-division will make taxes more appropriate
Met with tax assessor
Will re-assess when ready

Site improvements planned
Seal and stripe lot
New steps and entrance
Freshen up the landscaping

Asking for variances – tremendous risks and expenses
Instead of curbing, will do striping
Doing things to cut down costs

Discusses some of the façade work

With relief, can get construction done within a few months
Dollar General is ready to go

Without the sub-division, it will be hard to move forward

BOARD QUESTIONS:

Craig Hurless: Referring to the left and the right. How wide spread is contamination?
Waiting for plans

Mike Weissen: How much cleanup is on the left side – Is there a cut off amount to stop
Know of contamination – right side is clean for Dollar General – removed oil tank – still unknown

If you get to that cut-off amount – what next
Not sure – based on lots – there is a really good shot to get done

Frank Cavallaro: What is time line – estimate cost of remediation?
Various environmental – don't know – as quick as we can – financing is an issue

Greg Maiuro: Doesn't former owner have some clean-up responsibility?
Had to purchase with cash – sold "as-is" – were not original owners

James Henry – Engineer and Planner
Reviews planning issues
Existing conditions
Exhibits:
A1 – aerial photo
Reviews site and conditions
Did receive County site plan and sub-division approval

A2: Survey
Issues with how to provide ADA compliance
Flooding issues
Elevations

A5: Site plan rendering
Fulton Ave & Un-named paver road on 2 sides
Discusses parking areas
Some are in the roads – not used in plans

A3: Existing photo of building
In a flood hazard zone
Pavement in dis-repair

Contamination – dead restriction
Removed 10,000 gallon diesel tank – in building
Capped existing – exposed area will be impervious material

Craig Hurless: Is that area defined on the plan? – can be condition of approval
Yes
Does not cross over the sub-division line

Frank Cavallaro: If capped – there will be no other remediation needed?
Reviews this
Going through more testing now
As of now, none more needed
Phase 2 will tell

Sub-division – will be made thru middle of the building – wall will be in center – doing this for code
The fire report is acceptable

Lot 2.01 will be the Dollar General – about 1.92 acres – will also have the ATM
Lot 2.02 will be the other retail space – 2.95 acres

There will be cross access and cross parking

Need a use variance for lot 2.01 for the Dollar General and the ATM
Reviews variances and need for setbacks
ATM is a principal structure so it needs variances as well

Describes the ATM – North West corner of property
Will be a drive up ATM – not manned
Stacked for 3 cars

Lot 2.02 – 2.95 acres
Reviews variances

Parking:

- ADA parking proposed
- 9'x19' spaces
- Lot 2.01 – 54 proposed – 58.1 required
- Lot 2.02 – 88 proposed – 66 required
- Combined will 142 proposed – 124 required

Don't want landscape islands

- Will be dump areas
- Expensive
- Will be maintenance issues

Loading and unloading in the rear

- Reviews spacing and deliveries
- Dollar General will have one delivery per week

Trash pickup will be in the rear

- There will be 2 10x20 trash enclosures

Dollar General takes its own cardboard

No proposed storm water area

- No new drainage proposed
- Will keep existing utilities

Landscaping – will make a little more dense area in the front

- Make a nice landscaping strip

Lighting plan – reviews engineer plan

- Work with to propose a lighting plan
- As a condition – will have agreed upon plan

Raising existing building as per flood levels

- Raise floor in retail areas to meet flood plain
- Town ordinance to go 2' above flood is required
- Will have to look at to see how to comply as much as possible

May not have to meet new ordinance as may have beat the date to comply

Attorney and Engineer discuss need for relief

- Because they came to Board, may have to come back for relief
- Code official will determine the need

Concrete/pavement – keeping the maximum amount of pavement

- Fix as needed – dependent on the paving contractor
- In rear – keeping gravel – nothing proposed

Will fully re-stripe

Fencing – reviews existing
Remove gates and boards as needed

Sidewalks – adjacent properties do not have
Does not make sense
Geared towards vehicular traffic

Architecture

A6: Building elevations
Reviews plans
Stucco and façade
Existing loading docks will be closed off
Same façade all around the building

Signage:

Building signs
Lot 2.01 – 5 signs
Reviews sizes

A7: ATM elevation
3 signs – overhang

Reviews signing variances

A9 – Pylon sign – Dollar General
2 free standing signs – one for each lot
10' setback – 120' high
Along Wellington Ave.
10' setback is for traffic flow
Lot 2.02 – 3 signs

John Rosenberger – Is there a sign restriction?

Craig Hurless – believe 1 per tenant

Signage will be very proportional to overall façade

Environmental Issues

CAFRA – no jurisdiction
Floor – will comply
Tidelands – no issue on property
Contamination – already discussed
Soil erosion – if under 5000' – no permits

Planning Issues:

Use Variance – lot 2.01 Dollar General and ATM
Cannot have 2 principal structures
Not sure if ATM is allowed, but banks are

Review master plan ideas

It is a low impact development

Reads from master plan

No issues with positive or negative criteria

Discusses use of ATM & appropriateness on the property

Reviews all "C" variances

Reviews setbacks of ATM – 45.9' from Wellington, 38' from road

Based on Sub-division

- Minimum lot size
 - Lot 2.01 – 1.92 acres – 3 required
 - Lot 2.02 – 2.95 acres – 3 required
 - Tax assessment will enhance and help
 - Both will function as one lot
- Side yard
 - 0' for dividing line of properties
- Front Yard Existing conditions
 - ATM
- Impervious coverage – Existing conditions
 - Lowering overall but still there
- Parking
 - Overall has enough but one lot is under
 - A technical variance
- Landscaping
 - 18 trees exist – propose grasses and other – 50 required
 - Willing to do more in ATM area
- Perimeter Buffering
 - None in place – none proposed
- Island landscaping
 - Too difficult to maintain – better not to do
- Signage variances – good for needs – multiple needed
 - Avoids confusion
 - Not out of character
 - No residential impact

Craig Hurless: Engineers report – October 2, 2013

Applicant agreed to take care of most issues

Understand sub-division so Dollar General not affected by environmental issues

Unsure on all improvements – only doing improvements on one side?

Will stripe whole front

At least the façade on the front will look the same

Won't put in stairs or ramps until have other tenant

No window work or masonry fixes

Will at least paint other side
Rear left side – no substantial fixes
All site improvements will be done prior to a CO

Frank Cavallaro: So windows and ramps will not be done on left side
Correct

Craig Hurless: all front side – not all building done
Correct

Completeness items:

- 1J – Sewer and water plans – can waive
- 1K – soil erosion – not needed
- 1M – Storm water plan needed to fix
Will fix

Reviews the variances
Most technically related to the sub-division

Variances of issue:

- Landscaping – minimum 50 trees – none planned
- Buffer strip – minimum 8' wide
- Internal buffer
- On new site, would want all taken care of
- On existing, what does Board Want?

Free standing sign – why 10' and not 25'?
Site line of traffic – difficult to see otherwise
Other sites have issues due to set back

General topics:

- Flood damage compliance – code will determine
- No building floor plans submitted
- Only one floor planned?
Will remove second floor area
- Un-named road in City right of way – recommended
- Full overlay
Should be condition that City Engineer approves
- Paving and re-paving on lot and un-named road
- Parking in City right of way was an old agreement that long since expired
- Cross access easement – internal connection between sites
Lot shows fence and gate – access to other lot
Applicant has no issue
Cannot do on Plaza side as the City has the right of way
- All striping and landscaping should be done early

Greg Maiuro: A few trees to break up the lot would be good
Can do a shrub package or something

John Rosenberger: Is applicant willing to do a plan with the City Engineer?
Will do something to figure it out

Board discusses the landscaping plan
Condition of approval – front area to be done better

Craig Hurless: No landscaping will be in the parking area – all along Wellington?
Yes

Additional curbing – 20’ extension with 30’ opening
No issue – will do

Driveway – only 24’ wide – can get to 30’ wide?
No issue – based on County approval

Sidewalk – required but none proposed – does have space
Will continue how it is

Drainage and grading – discussed already

Board requires reviewing by plan
Can file by deed but we need signed plans
Drainage patterns – maintain existing drains

Dan Smith: Be careful – with high tides backs up in the front

Craig Hurless: Need to tell what is done with this and why

PUBLIC:
None

BOARD QUESTIONS:

Bert Sabo: Replacing the roof on whole property – will have firewall through?
Yes, whole roof done, but not through roof
Sprinkler system – will plan for?
Because it is existing – falls under rehab code – no new planned

Clyde Yost: Will there be fence around whole lot?
All but south side
Will there be access from plaza?
It is blocked off, but would like to see it go away
Public transportation – there is room?
Enough room to come in- like a bus stop

Dan Smith: Sub-division is based on hardship – if goes away, will remerge?
No, it will devalue the property – tax issues
Lot 2.02 – contamination – until determined, there are no tenants?
Can have with a deed restriction and phase 2 complete
Where do you stand in the process?
Hope known is contained and rest is OK

Dan Smith: Ordinance with 2' above flood plain – may have to deal with
Dollar General will only allow 48" and 9 steps
If have to go above, will create issues
Not sure applicable – if have to, may have to appeal
Are you ok with existing ceiling?
Yes

Steve Rice: Is Dollar General OK with levels and 48"?
Sworn in: *Kurt Pachtinger* – Real Estate Manager
Have stores in flood areas
48" is maximum and no higher
Complying with DEP standards

Frank Cavallaro: 48" – where above BFE is that placed?
Bottom 8'-12'- right at 48"

Mike Weissen: Have you received property tax relief?
Yes, on full property – when sub-divided have an agreement
Will re-assess when both are full to balance out

John Rosenberger: Take 5 minutes recess to verify variances
Multiple votes
Completeness
Use
All else

John Rosenberger: Reviews all motions
1st – Permit an ATM is area not allowed – 2 principle structures
2nd – Use – 5 affirmative votes

1st motion: Bert Sabo
2nd: Greg Maiuro

Vote:

Bert Sabo: Yes
With Bank of America closing – no detriment

Frank Cavallaro: Yes
Operates as a single lot

Steve Rice: Yes
No Negative

Greg Maiuro: Yes
No detriment – large property

Mike Weissen: Yes
No detriment

Clyde Yost: Yes
Positive for commerce – good for all

Dan Smith: Yes
Well presented – a hardship

Motion approved – 7 in favor, 0 opposed

2nd motion: Minor sub-division, Site plan
Conditions as stated by Attorney
Motion: Mike Weissen
2nd: Bert Sabo

Vote:

Clyde Yost: Yes
With all conditions

Mike Weissen: Yes
Wish the best – big help for Ventnor

Greg Maiuro: Yes
Asset to gateway to Ventnor

Steve Rice: Yes
With conditions

Frank Cavallaro: Yes
With conditions

Bert Sabo: Yes
With Conditions

Dan Smith: Yes
With conditions

Motion approved, 7 in favor, 0 opposed

9. Other Business

- i. None

Motion to adjourn: ___ Steve Rice _____

Second: _____ Greg Maiuro _____

Meeting adjourned at ___9:50 _____ PM