

Ventnor City Planning Board

Minutes

November 28, 2022, 6:30pm

Chairman Cooke called the meeting to order at 6:38pm.

1. Flag Salute

2. Roll Call

Present

Commissioner Landgraf

Commissioner Kriebel

Jay Cooke

Roman Zabihach

Dan Smith III

Peter Tocco

Tim Koob

Absent

Tom Halpin

Lorraine Sallata

Mike Wiesen

Greer Gaskill

Wendy Bartlett

Don Siglin

Professionals

Roger McLarnon, Board Engineer & Professional Planner

Leo Manos, Board Solicitor

Carmella Malfara, Board Administrator

Procedure

Chairman Cooke announced that the meeting was being held in accordance with due public notice thereof and pursuant to the New Jersey State "Sunshine Law", which governs all public meetings. He also advised the Board on the intent of the meeting and the procedures which to follow.

3. Minutes

Motion to adopt November 9, 2022 minutes was made by Roman Zabihach and seconded by Tim Koob and was unanimously approved, with the exception of Commissioner Landgraf who had to abstain.

4. Resolutions

NONE

5. Applications

Chairman Cooke announces a change to the agenda. 6 S Hillside shall be the first application to be heard.

Mr. Manos, Board Solicitor, gives Francis Ballak Esq., attorney for 7318-20 Ventnor Ave, the option to postpone the application or proceed due to the lack of Board members.

Mr. Ballak wishes to proceed with the application.

** Steve & Jamie Promislo – 6 S Hillside Ave, block 52, lot 10, located in the Commercial Mixed Use zone. The applicant is seeking a C variance for front yard setback to allow a 5ft solid fence where as a 4ft open fence is required.

Steve Promislo, property owner, 6 S Hillside Ave, is sworn in.

Mr. McLarnon Board Engineer & Planner is sworn in and reads his review dated November 26, 2022, which is attached.

Michael Learn, attorney for the applicant, presents the application. Mr. Learn enters the tax map as exhibit A-1 into the record. He describes the condition of the site and explains the variance being requested.

Mr. Promislo, gives a brief history of the property and the need for a 5ft fence.

Mr. Learn asks Mr. Promislo to confirm that the trees in the rear of the property will not be removed.

Mr. Learn believes granting the variances requested, will not cause any detriment to the New Jersey Municipal Land Use Law or Ventnor's zoning ordinance and that the positives outweigh the negative.

Public portion is open.

Public portion is closed.

Mr. Manos reviews the C variance to allow a 5ft solid fence whereas a 4ft fence is required.

Motion to approve C variance was made by Roman Zabihach and seconded by Tim Koob. The motion was approved seven in the affirmative and zero in the negative. Ayes: Commissioner Landgraf, Commissioner Kriebel, Jay Cooke, Roman Zabihach, Dan Smith III, Peter Tocco and Tim koob. Nays: None.

Commissioner Landgraf and Commissioner Kriebel recuse themselves from the next two applications.

**Louis Silverman – 110 S Surrey Ave, block 13, lot, 12.01, located in the R-1 zone. The applicant is seeking C variances to construct a third - floor deck. This application is a continuation from the November 9, 2022 agenda.

Joe Slaton, New Jersey Licensed Architect, 20 Barnes Ave, is sworn in and his credentials are accepted.

Mr. Baylinson, attorney for the applicant, gives a recap of the application. He refers to the revised plans clarifying the setback of the building being 21ft.

Mr. Cooke inquires as to the depth of the proposed 3rd floor deck.

Mr. Baylinson states the deck will be 6ft deep.

Mr. Zabihach inquires as to the design being consistent with the other homes on the block. With a setback of 21 feet, the building stick out by 3 feet beyond the sight line of the houses on either which have a setback of 24 feet.

Mr. Slaton explains the variance being requested. He discusses the setbacks and that the deck provides light, air and space. He states the deck would not cause any detriment to the neighbors or Ventnor's zone ordinance and that the positive criteria outweighs the negative.

Mr. McLarnon asks Mr. Baylinson to confirm that the first- floor deck was existing at the time of the zoning approval.

Mr. Zabihach would clarification as to the third floor deck being outside the building envelop.

Mr. Cooke inquires as to the width of the second-floor deck.

Public portion is open.

Mark Silver, property own, 112 S Surrey Ave, is sworn in and would like to be considered as an expert witness.

Mr. Cooke informs Mr. Silver that he can not be considered as an expert witness due to the fact he is not licensed nor a practicing architect.

Mr. Silver states he believes additional variances are required.

Gene Miller, property owner, 5200 Boardwalk, is sworn in and states his concerns as to the oversized dwelling and is not in favor of the application.

Mr. McLarnon suggests removing the tree.

Mr. Baylinson agrees.

Public portion is closed.

Mr. McLarnon would like conformation that lot coverage will comply.

Mr. Manos reviews the C variance to allow a third - floor deck with a condition where as a tree shall be removed and any other conditions set forth in Mr. McLarnon's report.

Motion to approve C variance with conditions was made by Roman Zabihach and seconded by Peter Tocco and was unanimously approved five in the affirmative and one in the negative. Ayes: Jay Cooke, Dan Smith III Peter Tocco and Tim Koob. Nays: Roman Zabihach.

**MM Holdings NJ, LLC – 7318-20 Ventnor Ave, block 86, 17, located in the Commercial Mixed-Use zone. The applicant is seeking a C variance for off-street parking along with a D Use variance for expansion of current use-conversion of a two story single family unit into two one-story single family units. The applicant is being represented by Francis Ballak Esq.

Joann Desimone, property owner, 7318-20 Ventnor Ave is sworn in.

Francis Ballak, attorney for the applicant, presents the application. Mr. Ballak explains the layout of the property and the variances requested. He states there will be no change to the structure and no additions are planned.

Ms. Desimone gives a brief history of the property and explains the need for separating the unit to create two smaller units. She states there is a very large deck off the second story. She wishes to rent both units yearly and to keep the commercial space below.

Mr. Ballak asks Ms. Desimone to confirm the number of apartments above commercial spaces in the neighborhood.

Mr. Cooke inquires as to the unit being rented at the time of purchase.

Mr. Ballak introduces exhibit A-1 construction plan into the record.

Mr. Cooke inquires as to the benefit of separating the unit into two. He feels the two units would increase density in the neighborhood.

Ms. Desimone believes yearly rentals would be more beneficial to the city than to have short term rentals.

Mr. McLarnon reads his review dated November 26, 2022, which is attached.

Mr. Ballak believes there would be no substantial detriment to the public good.

Mr. McLarnon inquires as to how this application relates to the Master Plan.

Public portion is open.

Public portion is closed.

Mr. Manos reviews the D "USE" variance to expand a non-conforming use, along C variance for off street parking.

Motion to approve variances was made by Roman Zabihach and seconded by Tim Koob. The motion was denied five in the negative and zero in the affirmative. Nays; Jay Cooke, Roman Zabihach, Dan Smith III, Peter Tocco and Tim Koob. Ayes; None.

6. Other Business

Robert Rosenblit, property owner, 607 A N Victoria Ave, shares his concerns as to the Wellington Ave application that was previously approved. He is not in favor of the application. He informs the Board that the neighbors were not informed of the previous meeting and did not attend. He and the neighbors would like a chance to hear the application and state their concerns.

Mr. Manos explains that the application was approved and by law the resolution has to be adopted within thirty days. He also informs Mr. Rosenblit that the Board is trying to put together an informal meeting with Mr. Grecco so that the residents can ask questions and state their concerns.

There being no further business, the motion to adjourn was made by Roman Zabihach and seconded by Peter Tocco and was unanimously approved.

Audio of this meeting is on the Ventnor City website.

Respectfully submitted,
Carmella Malfara
Planning Board Secretary/Administrator

