

# Ventnor City Planning Board

## Minutes

May 22, 2023, 6:30pm

6201 Atlantic Ave, Ventnor N.J 08406

Chairman Zabihach called the meeting to order at 6:30pm.

### 1. Flag Salute

### 2. Roll Call

#### Present

Mayor Landgraf

Commissioner Kriebel

Roman Zabihach

Lorraine Sallata

Dan Smith III

Mike Wiesen

Peter Tocco

Tim Koob

Greer Gaskill

Jessica Stilley

#### Absent

Tom Halpin

Jay Cooke

Wendy Bartlett

#### Professionals

Roger McLarnon, Board Engineer & Planner

Leo Manos Esq., Board Solicitor

Carmella Malfara, Board Administrator

### 3. Minutes

Motion to adoption May 10, 2023 minutes was made by Lorraine Sallata and seconded by Tim Koob and were unanimously approved.

### 4. Resolutions

The motion to approve the following resolution was made by Lorraine Sallata and seconded by Greer Gaskill and were unanimously approved.

P – 19 – 2023 – Calvin Quach – 3 N New Haven Ave.

P – 20 – 2023 – Terrance Mooney – 106 N derby Ave.

## 5. Applications

\*\* Herbert & Marcia Spivak – 105 S Nashville Ave, block 6, lot 4, located in the R-9 zone. The applicant is seeking approval for a Certificate of Non-Conformity. The applicant is being represented by Andrew Miller Esq.

Roger McLarnon, Board Engineer & Planner, is sworn in.

Herbert Spivak, property owner, is sworn in.

Mr. Miller presents the application.

Mr. Zabihach inquires as to rental licenses after the year 2015.

Mrs. Sallata inquires as to a Certificate of Non-Conformity being issued in the year 1970.

Mayor Landgraf inquires as to the test year.

Mr. McLarnon believes the test year is 1978. He also states that the property record card is showing two units and the dwelling has two water meters.

Public Portion is open.

Public portion is closed.

Mayor Landgraf has a brief discussion regarding rental licenses.

Mr. Zabihach inquires as to the time of purchase was the basement unit being utilized.

Mr. McLarnon asks if the dwelling has two separate entrances. He also inquires the type of heat that is being used.

The Board recommends postponing the application until the June 14, 2023 hearing.

Mr. Miller agrees to the postponement.

Mr. Manos states that the applicant will not have to republish or renotice.

\*\*James & Karen Pearlstein – 107 S Pittsburgh Ave, block 38, lot 2, located in the R-3 zone. The applicant is seeking C variance relief for front yard setback (principal structure), rear yard setback (principal structure), rear yard setback (stairs) and possibly others to construct

additions which expand existing non-conforming setbacks. The applicant is being represented Nicholas Talvacchia Esq.

James Pearlstein, property owner, 107 S Pittsburgh Ave, is sworn in.

Jon Barnhart, New Jersey Licensed Engineer, 400 N Dover Ave, Atlantic City N.J, is sworn in and his credentials are accepted.

Mr. Talvacchia, attorney for the applicant presents the application.

Mr. Pearlstein, gives a brief history of the property and the need for the addition. He also presents the proposed design. He also explains the changes that were made from the original design.

Mr. Talvacchio enters into the record, exhibits A-1 -East Elevation, A-2 West Elevation and A-3 South Elevation.

Mrs. Sallata inquires as to the open space shown on exhibit A-1.

Mayor Landgraf gives clarification of the open space.

Mr. Tocco inquires as to the proposed addition adding additional square feet.

Commissioner Kriebel inquires as to the variance needed for the stairs.

Mr. Barnhart explains the variances being requested. He also discusses the proposed layout of the addition. Mr. Talvacchia asks Mr. Barnhart to confirm that the variances being requested would not have a negative impact on the New Jersey Municipal Land Use Law or Ventnor's zoning code and also, that the positives outweigh the negatives.

Mr. McLarnon reads his review dated May 15, 2023, which is attached.

Public portion opens.

Public portion closes.

Mr. Manos reviews C variances for front yard setback (principal structure), rear yard setback (principal structure), rear yard setback (stairs) along with a waiver for landscape and conditions whereas the applicant must maintain existing landscape as well as submitting a floor plan of every level.

Motion to approve C variances was made by Peter Tocco and seconded by Dan Smith III and was unanimously approved nine in the affirmative and zero in the negative. Ayes; Mayor Landgraf, Commissioner Kriebel, Roman Zabihach, Lorraine Sallata, Dan Smith III, Mike Wiesen, Peter Tocco, Tim Koob and Greer Gaskill. Nays; None.

Mayor Landgraf, Commissioner Kriebel and Mike Wiesen recuses themselves from the next application.

\*\* New Heights VC, LLC – 111 N Dorset Ave, block 155, lot 5, located in the Commercial District zone. The applicant is seeking relief for a D “USE” along C variances for lot coverage, building height, off street parking and possibly others to replace an existing non-conforming fire damaged mixed-use structure with a non-conforming use duplex within the Commercial zone. The applicant is being represented by Scott Abbott Esq.

Mr. Abbott, attorney for the applicant, presents the application. Mr. Abbott states that the applicant has a previous application that was denied. He states the applicant had met with the Planning Board subcommittee and had made several changes to the application.

Andrew Bechtold, New Jersey Licensed Architect, 599 Shore Rd, Somers Point N.J, is sworn in and his credentials are accepted.

Ralph Pappas, property owner, 111 N Dorset Ave, is sworn in.

Mr. Bechtold describes the condition of the site as well as the layout and design of the design of the proposed new dwelling. Mr. Bechtold explains the changes that were made to the design from the original application. He also explains the variances being requested.

Mrs. Sallata recommends leaving the existing grass area.

Mr. Abbott asks Mr. Bechtold to confirm that granting the variances requested would not have a negative impact on the New Jersey Municipal Land Use Law or Ventnor’s zoning code and also that the positives outweigh the negatives.

Mr. Smith III inquires as to the Hvac system.

Public portion opens.

Lee Klein, property owner, 126 N Dudley Ave, is sworn in and inquires as to the rear yard setback. He also inquires as to the ventilation system, if one is required. He shares his concerns as to the height of the dwelling.

Beth Kwart, property owner, 125 N Derby Ave, is sworn in and speaks in favor of the application, however she does have some concerns as to the type of tree that will be planted.

Public portion is closed.

Mr. Manos reviews a D "USE" along C variances for lot coverage, building height, off street parking, waiver for landscape, preliminary and final site plan as well as conditions for type of street tree that will be planted.

Motion to approve variances was made by Lorraine Sallata and seconded by Dan Smith III and unanimously approved seven in the affirmative and zero in the negative. Ayes; Roman Zabihach, Lorraine Sallata, Dan Smith III, Peter Tocco, Tim Koob, Greer Gaskill and Jessica Stilley. Nays; None.

Mr. Wiesen returns.

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

Audio of this meeting can be found on the Ventnor City website.

Respectfully submitted  
Carmella Malfara  
Planning Board Administrator/Secretary

[..\Engineer Report 2023\051523 rdm ventnor planning board engineering report 107 South Pittsburgh Avenue.pdf](#)

[..\Engineer Report 2023\051523 rdm ventnor planning engineering report 111 North Dorset Avenue - New Heights VC LLC.pdf](#)

