

Ventnor City Planning Board  
Meeting  
October 23, 2023, 6:30 pm

Chairman Cooke called the meeting to order at 6:33pm.

1. Flag Salute

2. Roll Call

Present

Commissioner Kriebel

Jay Cooke

Roman Zabihach

Lorraine Sallata

Greer Gaskill

Jessica Stilley

Absent

Mayor Landgraf

Tom Halpin

Mike Wiesen

Peter Tocco

Tim Koob

Wendy Bartlett

Professionals

Roger McLarnon, Board Engineer and Planner

Leo Manos Esq., Board Solicitor

Carmella Malfara, Board Secretary

3. Minutes:

Motion to adopt October 11, 2023 minutes was made by Dan Smith III and Greer Gaskill and unanimously approved.

4. Resolutions:

Motion to approve the following resolutions was made by Lorraine Sallata and seconded by Dan Smith III and were unanimously approved.

P – 42 – 2023 – Jason & Dawn Witte, Stephen Dougherty & Stephen Bradley Dougherty – 5610 Edgewater Ave.

P – 43 – 2023 – Vent 5217 LLC – 5217 Ventnor Ave.

5. Applications:

Dan Smith Recuses himself from the application of 106 S Troy Ave.

**\*\*Elliot & Sharon Atkins – 106 S Troy Ave, block 31, lot 9, located in the R-3 zoning district seeking C variance relief for side yard setback-principal structure left, side yard setback-2<sup>nd</sup> floor deck left rear (removed), rear yard setback-principal structure, rear yard deck (removed), building coverage, lot coverage and possible others to construct an in addition (in progress) above an existing detached garage which will become part of the principal structure. The applicant is being represented by Christopher Baylinson Esq.**

Elliot Atkins, property owner, 106 S Troy Ave, is sworn in.

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

Mr. Baylinson, attorney on behalf of the applicant, explains the plans have been revised so that two variances are eliminated. Mr. Baylinson also explains that the contractor did not apply for the proper permits to start construction.

Mr. Atkins, property owner, gives a brief history of the property. He also states he was unaware that the contractor had not applied for permits.

Mr. Barnhart describes the conditions of the site. He also explains the variances requested as well as the variances that were removed.

Mr. Baylinson asks Mr. Barnhart to confirm the revised plans submitted would not cause any detriment to the neighbor's or Ventnor's zoning ordinance. He also believes that the positive criteria outweighs any negative.

Mr. McLarnon reads his review dated October 23, 2023, which is attached. Mr. McLarnon inquires as to the flat roof.

Mr. Cooke asks Mr. Baylinson to confirm if the garage has been rebuilt.

Commissioner Kriebel would like clarification as to the flat roof and decks.

Mrs. Sallata stated her concerns as to lot coverage. She recommends more green space.

Commissioner Kriebel inquires as to building coverage.

Mr. Baylinson addresses Mr. Cooke's questions regarding the garage being rebuilt and states to his knowledge the garage has not been rebuilt.

Public portion opens.

Jules Freeman, property owner, 105 S Buffalo Ave, is sworn in and states his concerns for parking as well as using the proposed addition as a rental unit.

James Swift Esq., attorney on behalf David Fine, property owner, 108 S Troy Ave, is sworn in and in favor of the application, however Mr. Fine would like a condition that part of the garage is reduced 5ft.

Public portion is closed.

Mr. Baylinson states the applicant will add a governor's strip on Troy Ave, grass strips in driveway and landscape in rear yard.

Mrs. Stilley questions the amount of lot coverage that is being reduced.

Mr. McLarnon would like a drainage plan to be added to the compliance plans.

Mr. Baylinson would like to amend the application whereas the garage shall be reduced to 7.3 feet in the rear and 5 feet on the side and lot coverage will be 81 percent.

Mr. Swift states Mr. Fine is in agreement.

Mr. Manos notes the side yard setback is removed.

Mr. Manos reviews the C variances for rear yard setback, building coverage, lot coverage along with conditions whereas a governor's strip shall be added on Troy Ave, grass strips in driveway and landscape in rear yard, the garage will be reduced to 7.3 feet in the rear and 5 feet on the side.

Motion to approve C variances along with conditions was made by Commissioner Kriebel and seconded by Greer Gaskill. The motion was approved five in the affirmative and zero in the negative. Ayes; Commissioner Kriebel, Jay Cooke, Roman Zabihach, Lorraine Sallata, Greer Gaskill, and Jessica Stilley. Nays; None.

Dan Smith III returns.

\*\*Adam & Arianna Accay – 204 N Melbourne Ave, block 189, lot 9, located in the R-6 zoning district seeking C variance relief for front yard setback- building Melbourne Ave and possibly others to elevate and renovate an existing single-family dwelling. The applicant is being represented by James Swift Esq.

Adam & Arianna Accay, property owners 204 N Melbourne Ave are sworn in.

Chris Halliday, New Jersey Licensed Architect, 728 West Ave suite A, Ocean City N.J, is sworn in and his credentials are accepted.

Mr. McLarnon reads his review dated October 16, 2023, which is attached.

Mr. Swift, attorney for the applicant, presents the application. He explains that the applicant would like enclose the front porch which triggers a variance.

Mr. Cooke inquires as the number of curb cuts.

Mr. Halliday presents the design and discusses the variance requested.

Mr. Swift asks Mr. Halliday to confirm that by granting the variance requested it would not cause any detriment to the neighbor's or Ventnor's zoning ordinance and the positive criteria outweighs any negative.

Arianna Accay, gives a brief history of the property and discusses the reason for enclosing the porch.

Mr. Cooke states that four street trees are required by ordinance and he suggests adding a governor's strip.

Public portion is open.

Public portion is closed.

Mr. Manos reviews the C variance for front yard setback along with conditions whereas four street trees and a governor's strip shall be added, a landscape plan shall be submitted along with any other condition set forth in Mr. McLarnon's report.

Motion to approve C variances was made from Roman Zabihach and seconded by Dan Smith III. The motion was approved seven in the affirmative and zero in the negative. Ayes; Commissioner Kriebel, Jay Cooke, Roman Zabihach, Lorraine Sallata, Dan Smith III, Greer Gaskill and Jessica Stilley. Nays; None.

\*\*Brian Scott Zuckerman – 14 N Washington Ave, block 135, lot 26, located in the R-7 seeking C variance relief for front yard setback-building, front yard setback-porches/decks 1<sup>st</sup> Floor, front yard setback- porches/decks 2<sup>nd</sup> floor, side yard setback-building/deck left, side yard setback-building/deck right, building height and possible other to elevate and add a floor to an existing dwelling. The applicant is being represented by Eric Goldstein Esq.

William McLees, New Jersey Licensed Architect, 5 MacArthur Boulevard, Somers Point, N.J 08244, is sworn in and his credentials are accepted.

Mr. McLarnon reads his review dated October 16, 2023, which is attached.

Eric Goldstein, attorney on behalf of the applicant, presents the application.

Mr. McLees gives a brief history of the property. He describes the conditions of the site and presents the design. Mr. McLees explains the variances requested and states a governor's strip will be added as well as street trees.

Mr. Goldstein asks Mr. McLees to confirm that by granting the variances requested it would not cause any detriment to the neighbor's or Ventnor's zoning ordinance. He also believes the positive criteria outweighs the negative.

Public portion opens.

Public portion is closed.

Mr. Manos reviews C variances for front yard setback-building, front yard setback-porches/decks 1<sup>st</sup> Floor, front yard setback- porches/decks 2<sup>nd</sup> floor, side yard setback-building/deck left, side yard setback-building/deck right, building height, a waiver for a survey older than two years and conditions whereas a governor's strip and street trees shall be added.

Motion to approve C variances with conditions was made by Roman Zabihach and seconded by Commissioner Kriebel. The motion was approved seven in the affirmative and zero in the negative. Ayes; Commissioner Kriebel, Jay Cooke, Roman Zabihach, Lorraine Sallata, Dan Smith III, Greer Gaskill and Jessica Stilley.

\*\*Top Tier Holdings, LLC – 417 N Somerset Ave, block 256, lot 6, located in the R-2 zoning district seeking approval for a minor subdivision along with C variances for lot width, lot area (both lots) and possibly others to subdivide an existing oversized lot into 2 non-conforming lots.

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

Alan Klinger, property owner, 417 N Somerset Ave, is sworn in.

Mr. McLarnon reads his review dated October 22, 2023, which is attached.

Mr. Barnhart describes the conditions of the site and the layout of the lot and explains the variances requested.

Mr. Callaghan enters into record exhibit A-2 tax map analysis.

Mr. Callaghan asks Mr. Barnhart to confirm that by granting the subdivision and variances requested would not have a negative impact on the New Jersey Municipal Land Use Law or Ventnor's zoning ordinance.

Mr. Zabihach inquires as to the existing structure being non-compliant.

Mrs. Sallata inquires as to the date when the home was purchased.

Mr. Zabihach states his concerns as to the subdivision. Mr. Zabihach is not in favor of having two undersized lots.

Public portion opens.

Allen Gaskill, property owner, 415 N Somerset Ave, is sworn in and is not in favor of the application. He has concerns as to drainage onto his property.

Commissioner Kriebel discusses the height of the proposed homes.

Public portion is closed.

Mr. Manos reviews minor subdivision along with C variances for lot width, lot area (both lots) and any other conditions set forth in Mr. McLarnon's report.

Motion to approve minor subdivision and C variances was made by Roman Zabihach and seconded by Lorraine Sallata. The motion was approved four in the affirmative and three in the negative. Ayes; Jay Cooke, Dan Smith III, Greer Gaskill and Jessica Stille. Nays; Commissioner Kriebel, Roman Zabihach and Lorraine Sallata.

\*\*Kelly Newcomber-Saboe – 318 N Cambridge Ave, block 220, lot 11, located in the R-2 zoning district seeking C variances relief for front yard setback, side yard setback, rear yard setback, building coverage, rooftop deck and possibly others to elevate and construct an addition above an existing 1-1/2 story dwelling. The applicant is being represented by Brian Callaghan Esq.

Brian Callaghan, attorney on behalf of the applicant, presents the application.

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

Joseph Courter, New Jersey Licensed Architect, 245 Great Bay Blvd, Tuckerton N.J, is sworn in and his credentials are accepted.

Kelly & Brian Newcomber, property owner, 318 N Cambridge Ave, are sworn in.

Glenn Newcomber, 318 N Cambridge Ave, is sworn in.

Mr. McLarnon reads his review dated October 16, 2023, which is attached. Mr. McLarnon states a waiver is requested for a survey older than two years.

Mr. Cooke inquires as to the 3<sup>rd</sup> floor deck vs roof top deck.

Mr. Barnhart describes the condition of the site. He explains the applicant is proposing a roof top deck due to the lack of outdoor space. Mr. Barnhart also describes the proposed layout and the variances requested.

Glenn Newcomber describes the location of the roof top deck.

Mr. Cooke inquires as to the size of the proposed roof top deck.

Mr. Callaghan 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 the positive criteria outweighs the negative.

Public portion opens.

Public portion is closed.

Mr. Manos reviews C variances for front yard setback, side yard setback, rear yard setback, building coverage, rooftop deck, a waiver for survey older than two years and a condition whereas the applicant shall plant two street trees.

Motion to approve C variances was made by Roman Zabihach and seconded by Lorraine Sallata. The motion was approved seven in the affirmative and zero in the negative. Ayes; Commissioner Kriebel, Jay Cooke, Roman Zabihach, Lorraine Sallata, Dan Smith III, Greer Gaskill and Jessica Stilley. Nays; None.

There being no further business, motion to adjourn was made by Dan Smith III and seconded by Roman Zabihach 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\090923 rdm ventnor planning board engineering report 106 South Troy Avenue revised 102323.pdf](#)

[..\Engineer Report 2023\101623 rdm ventnor planning board engineering report 204 North Melbourne Avenue.pdf](#)

[..\Engineer Report 2023\101623 rdm ventnor planning engineering report 14 North Washington Avenue Zuckerman.pdf](#)

[..\Engineer Report 2023\101623 rdm ventnor planning engineering report 417 North Somerset Avenue Minor subdivision.pdf](#)

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