

Ventnor City Planning Board

Minutes

July 7, 2021, 6:30pm

Chairman Cooke called the meeting to order at 6:31pm.

1. Flag Salute

2. Roll Call

Present

Commissioner Landgraf

Jay Cooke

Roman Zabihach

Lorraine Sallata

Dan Smith III

Mike Wiesen

Peter Tocco

Tim Koob

Greer Gaskill

Absent

Commissioner Kriebel

Tom Halpin

Wendy Bartlett

Professionals

Leo Manos Esq., Board Solicitor

Roger McLarnon, Board Engineer & Professional Planner

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 procedures which to follow.

3. Minutes

Motion to adopt June 9, 2021 minutes was made by Roman Zabihach and seconded by Peter Tocco and were unanimously approved, with the exception of Commissioner Landgraf who had to abstain.

Mr. Manos informs the Board of a correction made to Resolution P – 22 – 2021. He also states that the resolution will have to be readopted.

4. Resolutions

Motion to approve the following resolutions was made by Tim Koob and seconded Lorraine Sallata and were unanimously approved, with the exception of Commissioner Landgraf who had to abstain.

P – 37 – 2021 – Renee & Allen Flehinger – 17 N Lafayette Ave.

P – 38 – 2021 – Dennis & Petrina DePasquale – 20 S New Haven Ave.

P – 39 – 2021 – BTOL, LLC – 7 N Baton Rouge Ave.

P – 22 – 2021 – Paul & James Muskett – 5602 Edgewater Ave (corrected).

5. Applications

Mr. Manos makes an announcement that 152 N Derby Ave requested a postponement until the July 26, 2021 Planning Board meeting. Renotification will not be necessary.

** Joseph Nicosia – 6404 Monmouth Ave, block 169, lot 43, located in the R-4 zone. The applicant is requesting a Certificate of Non-Conformity and is being represented by Scott Abbott.

Mr. Abbott, attorney for the applicant, presents the application. He states when Mr. Nicosia purchased the home in 1998 a Certificate of Landuse Compliance was issued noting a two-family dwelling.

Mr. Cooke inquires as to the test year.

Mr. Abbott replies the test is 1998.

Public portion opens.

Public portion closes.

Mr. McLarnon, Board Engineer & Professional Planner, is sworn in. He states prior to 1998 the property appears to have been a two-family dwelling.

Mr. Manos reviews the application for a Certificate of Non-Conformity.

Motion to grant the Certificate of Non-Conformity was made by Roman Zabihach and seconded by Greer Gaskill. The motion was approved six in the affirmative and zero in the negative. Ayes; Commissioner Landgraf, Jay Cooke, Roman Zabihach, Lorraine Sallata, Dan Smith III and Mike Wiesen. Nays; None.

**Kenneth Gross & Frances Vavloukis – 101 S Harvard Ave & 104 S Cambridge Ave, block 22, lot 5 & 7, located in the R-3 zone. The applicant is seeking C variances for fence height and possibly other to construct a masonry wall with a raised planter around a proposed pool and cabana. The applicant is being represented by Eric Goldstein Esq.

Donald Zacker, New Jersey Licensed Architect, 101 N Washington Ave, Margate N.J is sworn in and his credentials are accepted.

Kenneth Gross, property owner, 101 S Harvard Ave & 104 S Cambridge Ave, is sworn in.

Mr. McLarnon states the fence/wall in the front yard is not permitted unless it is 50% open. Mr. McLarnon inquires as to the face of the wall being on the property line.

Mr. Zacker states that it is on the property line.

Mr. McLarnon inquires as to the proposed fence/wall included as lot coverage. He also states that the proposed fence encroaches into the public right of way about 5 inches.

Mr. Zacker states the fence/wall is counted as lot coverage. He states that concrete can be removed to allow for drainage.

Mr. McLarnon does not recommend removing or any changes to the footings.

Commissioner Landgraf agrees the footings should not be changed.

Mr. Goldstein would like to amend the application to include a lot coverage variance.

Mr. Cooke inquires as to the percentage of lot coverage.

Mr. Goldstein, attorney for the applicant describes the layout of the site. He also explains the variances being requested.

Mr. Gross, gives a brief history of the property as well the need for the height of the fence/wall being 7ft.

Mr. Cooke inquires as to adding an irrigation system with the wall.

Mr. McLarnon states a wall in the front yard is permitted to be 3ft high solid or 4ft high slatted.

Mr. Goldstein states the fence / wall will not exceed 30 inches, the flow of water will not drain into the public right of way and that the height will remain at 4ft high.

Ms. Sallata inquires as to the location of the proposed planters.

Mr. Gross replies that the planters will be placed within the fence/wall.

Commissioner Landgraf states his concerns for the height of the fence/wall with raised planters. He also states the sidewalk is in need of repair.

Mr. Goldstein suggests keeping the height of the fence/wall at 4ft, raised planters at 2ft and the width will remain at 30 inches.

Mr. Tocco inquires as to maintenance of the side wall if in need of repair.

Mr. Zabihach would like as a condition of approval that the sidewalk shall be repaired as well as the curb cut and the applicant shall add a governor strip.

Public portion opens.

Public portion closes.

Mr. Manos reviews C variances for wall width, wall height, a waiver for street trees as well as conditions whereas the applicant shall direct drainage on site, the wall shall not extend beyond the property line, the applicant shall comply with lot coverage requirement, vegetation shall not exceed 6ft, replace sidewalk, curb cut and install an irrigation system.

Motion to approve C variances 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, Jay Cooke, Roman Zabihach, Lorraine Sallata, Dan Smith III, Mike Wiesen and Peter Tocco.

**JJCC Longport, LLC – 510 N Harvard Ave, block 221, lot 14.03, located in the R-2 zone. The applicant is seeking C variance relief for lot area, lot depth, front yard setback (building), rear yard setback (building) rear yard setback (pool), rear yard deck height (2nd floor), curb cut and possibly others to construct a new single-family dwelling. The applicant is being represented by Eric Goldstein Esq.

Jon Barnhart, New Jersey Licensed Engineer & Professional Planner, 400 N Dover Ave, Atlantic City, N.J 08401, is sworn in and his credentials are accepted.

Karl Senseman, property owner, 510 N Harvard Ave, is sworn in.

Mr. McLarnon reads his review dated July 6, 2021, which is attached.

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

Mr. Barnhart describes the conditions of the site and also explains how the application meets the criteria for the variances being requested. He also states that a landscape plan will be submitted.

Mr. Weiss describes the design of the proposed dwelling as well as the materials being used.

Mr. Goldstein asks Mr. Weiss to confirm that the plans submitted would not cause any detriment to the neighbors or Ventnor City's zoning ordinance and that positive criteria outweighs the negative criteria.

Commissioner Landgraf is in favor of the design. He also suggests adding a barrier as a buffer around the HVAC equipment.

Public portion opens.

Public portion closed.

Mr. Cooke inquires as to the number of streets that will be added.

Mr. Manos reviews the C variances for lot area, lot depth, front yard setback (building), rear yard setback (building) rear yard setback (pool), rear yard deck height (2nd floor) and curb cut as well as conditions whereas the supplicant shall add a governor's strip, two street trees and a barrier around the HVAC equipment.

Motion to grant the C variances was made by Dan Smith III and seconded by Roman Zabihach. The motion was approved seven in the affirmative and zero in the negative. Ayes; Commissioner Landgraf, Jay Cooke, Roman Zabihach, Lorraine Sallata, Dan Smith III, Peter Tocco and Tim Koob. Nays; None

**111 S Cornwall, LLC – 111 S Cornwall Ave, block 19, lot 1, located in the R-1 zone. The applicant is seeking approval for a minor subdivision. The applicant is proposing to re-subdivide an existing approved by-right minor subdivision into 3 lots, with variances for lot width (lot b), lot width (lot C) and lot width (lot B Cornwall Ave). The applicant is being represented by Eric Goldstein Esq.

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

Mr. Goldstein reviews the prior subdivision and presents the application.

Mr. Barnhart describes the conditions of the site and the need for the re-subdivision. He also explains the variances being requested,

Mr. Goldstein asks Mr. Barnhart to confirm that the plans being submitted would not cause any detriment to the Ventnor City's zoning ordinance and that the positive criteria outweighs the negative.

Mr. McLarnon reads his review dated July 1, 2021, which is attached. He states a waiver for a landscape plan was submitted but the applicant will need to comply with the Landscape Ordinance when the lots are developed.

Mr. Gaskill inquires as to emergency personnel being able to access the proposed three lots.

Mrs. Sallata states her concerns as to the reconfiguration of the lots. She also has concerns as to the size of the proposed lots.

Mr. Goldstein gives clarification as to the reconfiguration and lot size.

Mr. Smith III inquires as to Cafra permits.

Mr. Landgraf also states his concerns with the lot facing the oceanfront.

Mr. Goldstein states that there is 30feet between the proposed homes.

Mr. Zabihach speaks in favor of the reconfiguration.

Mr. Smith III suggests adding an easement between the properties.

Commissioner Landgraf agrees and would recommend a five-foot easement.

Public portion opens.

Public portion closes.

Mr. Goldstein, on behalf of the applicant agrees to the easement.

Mr. Manos reviews the minor subdivision with C variances to reconfigure a prior by-right subdivision with conditions whereas a five-foot easement shall be added, landscaping shall comply when lots are developed and any other conditions set forth in Mr. McLarnon's report.

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

Commissioner Landgraf recuses himself.

Mr. Manos informs the Board that the July 14, 2021 meeting has been cancelled. The next meeting will be held on July 26, 2021. The meeting will be held in person only.

** Nikole LaRussa, Crecenzo Ciliberto, Edwin & Marie Matias – 215 N Suffolk Ave, Block 199, lot 4, located in the R-4zone. The applicant is seeking a D "USE" variance along with C variances for building coverage, curb cut and possibly other to construct a new two-family dwelling. The applicant is being represented by Eric Goldstein Esq.

Mr. McLarnon reads his review dated July 7, 2021, which is attached. He informs the Board that the C variances for building coverage and curb cut are being eliminated.

Mr. Goldstein confirms that C variances are being eliminated and the Applicant seeking a D"Use" variance only.

Bob Lolio, New Jersey Licensed Architect, 299 White Horse Pike, Atco, is sworn in and his credentials are accepted.

Nikole LaRussa, property owner, is sworn in.

Mr. Goldstein presents the application. He informs the Board of a three-family dwelling that is located next Mrs. LaRussa's property.

Mr. Lolio reviews the plans and presents the design. He discusses the layout of the two-family dwelling. He also would like clarification on building coverage.

Mr. Goldstein asks Mr. Lolio to confirm that this project is well suited for the neighborhood and will not cause any detriment to the neighborhood.

Mrs. LaRussa gives a brief history of the neighborhood. She gives testimony as to the property and who will reside in the home.

Mr. Goldstein asks Mrs. LaRussa to confirm that she has spoken to her neighbors in regards to the two-family dwelling.

Ms. Sallata inquires as to street trees and how many will be added.

Mr. Tocco inquires as to the number of two-family dwellings on the street.

Public portion opens.

Public portion closes.

Mr. Manos reviews the D "USE" variance to allow a two-family dwelling in a single-family zone with the condition whereas that applicant shall add two street trees.

Motion to approve the D "Use" variance was made Roman Zabihach and seconded by Lorraine Sallata. The motion was approved six in the affirmative and one in the negative. Ayes; Jay Cooke, Roman Zabihach, Lorraine Sallata, Dan Smith III, Mike Wiesen, Peter Tocco. Nays; Tim Koob.

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

Respectfully submitted
Carmella Malfara
Planning Board Administrator

[070621 rdm ventnor revised planning engineering report 510 North Harvard Avenue.pdf](#)

[070721 rdm ventnor planning Board engineering report 101 South Harvard Avenue.pdf](#)

[070721 rdm ventnor planning board engineering report 215 North Suffolk Avenue.pdf](#)

[070121 rdm ventnor minor subdivision planning board engineering report 111 South Cornwall Avenue Minor subdivision revised.pdf](#)

