

CITY OF MARGATE PLANNING BOARD

MINUTES

Thursday, August 31, 2023

Richard Patterson called the meeting to order 6:32 pm.

A. Flag Salute

B. Roll Call:

Members Present:

Tom Collins

Richard Patterson

Michael Cristaldi

Jim Galantino

Margaret Guber-Nulty

Craig Palmisano

Michael Richmond

Steven Jasiocki

Michael Ruffu

Andrew Campbell

Members Absent:

Remy Pelosi

Staff Present:

Roger D McLarnon, Zoning Officer

Leo Manos., Board Solicitor

Carmella Malfara, Acting Board Administrator

C. Statement of Compliance:

Richard Patterson announces that the meeting is being held in accordance with due public notice thereof and pursuant to the N.J State Sunshine Law, which governs all public meetings.

D. Approval of Minutes:

Jim Galantino make a motion to approve the minutes of July 27, 2023, which is seconded by Michael Richmond, and unanimously approved.

E. Approval of Decision and Resolutions:

Jim Galantino makes a motion to approve the Decisions and Resolutions of # 31-2023: William & Gael Levering, #32-2023: Johnathan & Dawn Klein, #33-2023: Arun & Chitra Mandi.

#### F. Applications:

- 1) Neal & Carol Cohen: 107 N Monroe Avenue, Block 330, Lot 399, located in the MF zoning district seeking C variance relief for minimum front yard setback (principal structure), minimum side yard setback (right & Left), minimum rear yard setback ( 1<sup>st</sup> & 2<sup>nd</sup> floor deck) building height, swimming pool clearance, and exterior shower enclosure and possibly others to construct a new single-family dwelling and new swimming pool.

Mr. McLarnon, is sworn in and reads his review of the application. He states the plans submitted for staff committee are substantially different from the plans submitted for the planning board. The plans will be revised.

Eric Goldstein, attorney for the applicant, presents the application. Mr. Goldstein discusses the changes made to the application. Mr. Goldstein explains that several variances are being removed such as the exterior shower enclosure, swimming pool, building height variance as well as several setbacks.

Jon Barnhart, New Jersey Licensed Architect, is sworn in and his credentials are accepted.

Mr. Patterson suggest a postponement. Mr. Patterson states he is not comfortable voting on the application without seeing the revised plans.

Mr. McLarnon states a new site plan and a grading plan needs to be submitted.

Postponement is granted. Mr. Manos states the application will be adjourned to the September 28<sup>th</sup> Planning Board meeting. He also states the applicant will not have to re-notice or advertise.

- 2) Robert & Cheryl Jacobs: 226 N Belmont Drive, Block 502.01, Lot 50, located in the S-30 zoning district seeking C variance relief for side yard setback (principal structure right), side yard setback (principal structure combined) and possibly others to raise an existing single-family dwelling.

Mr. McLarnon reads his report of the application.

Mr. Patterson recommends a condition of approval whereas the applicant shall add a governor's strip as well as street trees.

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

Anthony DeAngelo, New Jersey Licensed Architect, 2123 Dune Drive, Avalon N.J, is sworn in and his credentials are accepted. Mr. DeAngelo describes the condition of the site as well as the shape of the lot. He also explains the variances being requested.

Mr. Patterson states the driveway requirement is 18ft wide.

Mr. Goldstein asks Mr. DeAngelo to confirm that by granting the variances requested, would not cause any detriment to the neighbor's or Margate City zoning ordinance. Mr. DeAngelo believes that the positive criteria outweigh any negatives.

Mr. Collins inquires as to the elevation of the finished first floor. He would like to see photos of what is proposed.

Mr. McLarnon inquires as to the roof pitch and the number of stories.

Mr. Richmond inquires as to parking underneath.

Public portion is open.

Public portion is closed.

Mr. Manos provides a summary of the application, representations made during the course of the hearing and conditions stated in Mr. McLarnon's report.

Jim Galantino makes a motion to grant C variance relief, which is seconded by Mike Cristaldi.

Those in favor: (9) Nine – Tom Collins, Richard Patterson, Michael Cristaldi, Jim Galantino, Margaret Guber-Nulty, Craig Palmisano, Steven Jasiecki, Michael Ruffu and Michael Richmond.

Those opposed (0) Zero.

3) Todd Perry: 109A S Sumner Ave, Block 19, Lot 5.02, located in S-40 zoning district seeking C variance relief for minimum side yard setback (principal structure right), building coverage, building height, curb cuts and possible others to elevate and

renovate an existing non-flood compliant single-family dwelling high enough to provide parking underneath.

Mr. McLarnon reads his report of the application.

Eric Goldstein, attorney for the applicant, presents the application and explains that the plan was revised in regards to the number of parking spaces.

Bob Lolio, New Jersey Licensed Architect, 219 Bellevue Avenue, Hammonton N.J, is sworn in and his credentials are accepted. Mr. Lolio describes the condition of the site and gives a brief history of the existing house. He also explains the variances being requested.

Mr. Patterson inquires as to the garage being relocated.

Mr. Galantino would like to have on record that an as built survey, height certification, and top of block are needed at the end of the project.

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

Mr. Collins states he is not in favor of the number of parking spaces.

Public portion is open.

Public portion is closed.

Mr. Manos provides a summary of the application, representations made during the course of the hearing, and conditions stated in Mr. McLarnon's report.

Jim Galantino makes a motion to grant C variance relief, which is seconded by Margaret Guber-Nulty.

Those in Favor: (9) Nine – Tom Collins, Richard Patterson, Michael Cristaldi, Jim Galantino, Margaret Guber- Nulty, Craig Palmisano, Steven Jasecki, Michael Ruffu and Michael Richmond.

Those opposed: (0) Zero

4) Charlie Cannuli & Nikki Luciano: 108-110 N Madison Avenue, Block 330, Lot 408, located in the MF zoning district seeking C variances for minimum side yard setback (right), minimum side yard setback (left) and possible others to construct a new single-family dwelling. The site currently contains a two unit structure that is non-flood compliant.

Mr. McLarnon reads his report of the application.

Mr. Patterson inquires as to the number of parking spaces required for a five bedroom dwelling.

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

James Whittaker, New Jersey Licensed Architect, 90 Crest Lane, Virginia, is sworn in and his credentials are accepted. Mr. Whittaker describes the layout of the design. He also describes the condition of the site as well as the location of the garage.

Mr. McLarnon suggests moving the garage door back to create four parking spaces.

Mr. Patterson inquires as to the variances needed.

Mr. Collins is not in favor of the request for the side yard setback.

Mr. Cristaldi suggests reducing the side yard setback on both the right and left sides.

Mr. Goldstein agrees and will amend the application.

Public portion is open.

Public portion is closed.

Mr. Manos provides a summary of the application, representations made during the course of the hearing and conditions stated in Mr. McLarnon's report.

Jim Galantino makes a motion to grant C variance relief, which is seconded by Michael Cristaldi.

Those in favor: (7) Seven – Richard Patterson, Michael Cristaldi, Jim Galantini, Margaret Guber-Nulty, Steven Jasiiecki, Michael Ruffu and Michael Richard.

Those opposed: Tom Collins and Craig Palmisano.

Mr. Collins recuses himself.

5) Scott Homel: 105 S Douglas Avenue, Block 4.02, Lot 3, located in the S-30 zoning district seeking C variance relief for front yard setback (porch), front yard setback (2<sup>nd</sup> fl deck), landscape coverage and possibly others to construct an expansion of a front porch and deck in the front yard of an existing home.

Mr. McLarnon reads his report of the application.

Christopher Baylinson, attorney for the applicant, presents the application.

Scott Homel, property owner, 105 S Douglas Ave, is sworn in.

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

Steve Fenwick, New Jersey Licensed Architect, 646 Ocean Heights Ave, Linwood N.J, is sworn in and his credentials are accepted.

Mr. Homel, gives a brief history of the property and the reason for the porch/deck.

Mr. Fenwick describes the existing and the proposed design.

Mr. Barnhart explains the variances being requested. Mr. Barnhart believes by granting the variances requested, would not cause any detriment to the neighbor's or Margate City zoning ordinance. He also believes the positive criteria outweighs any negatives.

Jim Galantino recuses himself.

Public portion is open.

David Levin, property owner, 1 N Douglas Ave, is sworn in and speaks in favor of the application.

Public portion is closed.

Mr. Manos provides a summary of the application, representations made during the course of the hearing, and conditions stated in Mr. McLarnon's report.

Margaret Guber-Nulty makes a motion to grant to grant C variance relief, which is seconded by Michael Ruffu.

Those in favor: (8) Eight – Richard Patterson, Michael Cristaldi, Margaret Guber-Nulty, Craig Palmisano, Steven Jasiiecki, Michael Ruffu, Andrew Campbell and Michael Richmond.

Those opposed: (0) Zero.

Mr. Collins returns.

**G) Resolution No. 34-2023: A RESOLUTION PROVIDING FOR AN EXECUTIVE SESSION NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12b, REGARDING PENDING LITIGATION AND ATTORNEY CLIENT PRIVILEGED MATTERS.**

An all in favor vote was taken, and was unanimously approved.

#### **H) Executive Session**

Richard Patterson makes a motion to enter into an executive session and was seconded by Michael Cristaldi.

Those in favor: (9) Nine - Tom Collins, Richard Patterson, Michael Cristaldi, Margaret Guber-Nulty, Craig Palmisano, Michael Richmond, Steven Jasiiecki, Michael Ruffu and Andrew Campbell.

Richard Patterson makes a motion to end the executive session and was seconded by Michael Cristaldi.

An all in favor vote was taken, and was unanimously approved.

#### **I) Open Session**

6) SAJ Asscoiates LLC: 7800 Ventnor Avenue, Block 105, Lot 25, Located in the CBC zoning district, public hearing on a potential settlement of pending litigation entitled SAJ Associates LLC v. City of Margate and City of Margate Planning Board, Atlantic County Superior Court, Docket No. ATL-1504-23.

Christopher Baylinson, attorney for the applicant, presents the amended settlement application.

Steven Fenwick, New Jersey Licensed Architect, 646 Ocean Heights Ave, Linwood N.J, is sworn in and his credentials are accepted.

Andy Schaeffer, New Jersey Licensed Engineer, is sworn in and his credentials are accepted.

Mr. Fenwick discusses the changes made to the application. He states the number of units will remain the same, however the number of bedrooms will be reduced. He also discusses the square footage of the commercial space, changing from 1800sqft to 2800sqft.

Mr. Richmond inquires to the size of the windows in the commercial space.

Mr. Schaeffer explains the variances requested and the change in parking.

Public portion is open.

Mrs. Levin, property owner, 1 N Douglas Ave, is sworn in and has some concerns with the commercial space, however thinks it is a nice project.

Public portion is closed.

Mr. Manos provides a summary of the application, representations made during the course of the hearing, and conditions stated in Mr. McLarnon's report.

Michael Cristaldi makes a motion to approve the proposed settlement plan and seconded by Craig Palmisano.

Those in favor: (8) Eight – Richard Patterson, Michael Cristaldi, Margaret Gubernulty, Craig Palmisano, Steven Jasiiecki, Michael Ruffu, Andrew Campbell, and Michael Richmond.

**J) Resolution No. 35-2023: A RESOLUTION AUTHORIZING THE CITY OF MARGATE PLANNING BOARD TO ENTER INTO AND EXECUTE A SETTLEMENT AGREEMENT OF PENDING LITIGATION.**

Steven Jasiiecki makes a motion to approve Resolution No. 35-2023, which was seconded by Michael Ruffu and was unanimously approved.

Those in favor: (8) Eight – Richard Patterson, Michael Cristaldi, Margaret Gubernuly, Craig Palmisano, Steven Jasiacki, Michael Ruffu, Andrew Campbell, and Michael Richmond

Those opposed: (0) Zero.

#### K) Other Business

Michael Cristaldi makes a motion to adjourn the meeting, which is seconded by Richard Patterson and unanimously approved.

The audio recording of this meeting is available on the City of Margate website.

Respectfully submitted,  
Carmella Malfara  
Acting Planning Board Secretary



