

MARGATE CITYPLANNING BOARD

MINUTES

Thursday March 30, 2017
6:30 PM

Vice Chairman Michael Richmond called the meeting to order at 6:30pm.

FLAG SALUTE

ROLL CALL

Present

Tom Collins
Clem Wasleski
Michael Richmond
Margaret Guber-Nulty
Michael Cristaldi
Craig Palmisano
David Carter
Despina Hess
Joseph DiGirolamo
Rich Patterson

Absent

Remy Pelosi

Roger McLarnon, Zoning Officer
Johanna Casey, Board Administrator
Stanley L. Bergman, Jr., Esq., Solicitor

PROCEDURE

Vice Chairman Richmond announced 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. He also advised the Board on the intent of the meeting and the procedures which will follow.

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The minutes of February 23, 2017 and March 20, 2017 were received, on the motion of Mr. Cristaldi, seconded by Mr. Collins, and unanimously approved.

RESOLUTION & DECISION: The following Resolutions were approved unanimously when received on motion by Mr. Galantino, seconded by Mr. Collins: #09-2017: Master Plan Re-Examination, #10-2017: Barry Schwartz, #11-2017: Melissa DiVincenzo and Eric Hohman; #12-2017: 101 S. Brunswick Avenue LLC.

Mr., Bergman states for the record; Chipetz, 34 West Drive and Margate Berger, 7903 Ventnor Ave. have been postponed until April 27, 2017.

HANK AND ANN ROVILLARD – 430 N Quincy Ave. – BLOCKS 618 – LOTS 30 in the S-40 district to grant C variances for six foot fence and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

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Mr. McLarnon, Zoning Officer, Licensed Engineer and Professional Planner, is sworn in and reads his review, which is attached.

Hank Rovillard, attorney and property owner presents the application.

Jon Barnhart, Professional Planner in the State of New Jersey is sworn in and gives testimony as to the fence being requested.

Mr. Palmisano inquires as to the fence being solid or open.

Mr. Wasleski inquires as to the need for six foot rather than five.

Mr. Barnhard states for the record: six foot in this location is permitted if there was a pool application attached to it.

Open to the Board.

Mr. Carter inquires as to the fence definitely being solid.

Mr. Rovillard informs the Board the exact style has not been determined.

Mr. Richmond request lattice across the top of the fence.

Ms. Guber-Nulty inquires as to the holly tree remaining.

Mr. Palmisano inquires as to the air condenser units being relocated.

Open to the public.

Steve Shamon, 8712 Fremont Ave. speaks in favor of the application for safety reasons.

Public portion is closed.

Mr. McLarnon inquires as to the desire of the applicant to install a pool.

Mr. Bergman reviews the C variance for a six foot fence to be located at the rear of the house, which revised plans are required.

Motion to approve the C variances side yard setback was put forth by Mr. Galantino and Mr. Cristaldi seconded. The motion was approved seven in the affirmative and zero in the negative. Ayes; Collins, Wasleski, Cristaldi, Guber-Nulty, Galantino, Palmisano and Richmond. Nays – None.

KENNEDY J. SBAT, D.O. – 18 N OSBORNE AVE. – BLOCK 216 LOT 11 in the S-40 district to grant a C variance fence location, pool equipment location, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

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Mr. McLarnon, Zoning Officer and Planner, reads his review, which is attached.

Andrew Miller, Attorney for the applicant, presents the application.

Dr. Kennedy Sbat, property owner, is sworn in and gives history to the need for the fence.

Arthur Ponzio, 400 N Dover Ave., Licensed Professional Surveyor and Professional Planner, is sworn in and gives testimony as to the positive and negative criteria of the application.

Mr. DiGirolamo recuses himself.

Mr. Sbat informs the Board that the fence is being moved further from the sidewalk and will be open black iron.

Mr. Palmisano inquires as to how far from the house the fence will be located.

Mr. Ponzio responds that the fence will be ten feet from the house and that landscaping will be maintained at eighteen inches.

Open to the Board.

Mr. McLarnon, Zoning Officer and Planner, speaks on sight triangle.

Ms. Guber-Nulty inquires as to the availability of parking in the garage.

Mr. McLarnon informs the Board that there is ample parking.

Mr. Galantino informs the Board that the pool was not build according to plans but when corrected plans are submitted it will comply with Margate's Land Use Law.

Mr. Wasleski refers to the pool requiring a variance.

Mr. Richmond informs the Board that the pool doesn't need a variance just a corrected building application.

Mr. Richmond inquires as to speaking with the neighbors.

Open to the public.

Mary Lou Adams Cumbring, 8702 Winchester Ave., speaks against the application for safety reasons.

Mr. Collins inquires as to the fence location going up to the house.

Ms. Hess inquires as to the setback.

Luke Bee, 8701 Winchester Ave., speaks against the application due to the speed of traffic on Winchester Ave.

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Lou Freedman, 206 N Pembroke Ave., describes the fence as a hazard.

Gail Margolin, 101 N Pembroke Ave., speaks against the fence for safety reasons.
Public portion is closed.

Ronald Gruppo, 8606 Winchester Ave., speaks against the fence due to the danger to children.

Mr. Miller request Mr. Ponzio to review the line of sight plan.

Mr. Galantino suggests a four foot fence which meets building code.

Mr. Collins inquires as to the fence setback if it was a side yard.

Steven Shamon, is sworn in and request the solicitors opinion on the letter written by the Police Chief.

Mr. McLarnon states that the letter in question was written prior to the amendment to the application.

Public portion is closed.

Mr. Collins states that if arborvitaes were planted, they could be planted to the sidewalk.

Ms. Cumbring speaks against the four foot fence.

Ms. Hess states that each case stands on its own merit.

Mr. Cristaldi inquires as to the pool company correct its mistake.

Mr. Collins requests a five foot fence.

With a show of hands there is one for four foot fence, two for five foot fence and one for six foot fence.

Mr. Feldman speaks on seeing thru the fence at an angle.

Mr. McLarnon inquires as to the sight line with two cars in the driveway.

Mr. Ponzio reviews the lack of ability to view vehicles approaching if the second vehicle in the neighbor's driveway attempts to pull into traffic due to the first vehicle in the driveway. The fence would not be part of the interference.

Mr. Bergman reviews the C variance for a four foot fence with the condition that the landscaping not exceeds eighteen inches in height and pool equipment to be located in the garage.

Motion to approve the C variances for a five foot fence was put forth by Mr. Collins and Mr. Galantino seconded. The motion was approved four in the affirmative and three in the negative. Ayes; Collins, Cristaldi, Guber-Nulty, and Galantino. Nays – Wasleski, Palmisano, and Richmond.

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CURT TEGELER – 50 SEASIDE COURT – BLOCK 610.05 LOT 8 in the S-40 district to grant a C variance for six foot fence, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger McLarnon, Zoning Officer and Planner, reads his review, which is attached.

Mr. Richmond inquires as to the need for the fence height for privacy or noise?

Mr. Tegeler request the fence variance for privacy and because the neighbor has two dogs.

Mr. Palmisano inquires as to the fence already being constructed with lattes on top making the fence seven feet tall.

Mr. Tegeler will be removing the lattes.

Mr. Collins request that the lattes be removed.

Mr. Tegeler informs the Board that there is no intention of continuing the six foot fence down the side yard.

Open to the public.

Public portion is closed.

Mr. Bergman reviews the C variance for a six foot fence in the rear yard. Revised plans are not needed.

Motion to approve the C variances for a six foot fence was put forth by Mr. Collins and Mr. Galantino seconded. The motion was approved seven in the affirmative and zero in the negative. Ayes; Collins, Wasleski, Cristaldi, Guber-Nulty, Galantino, Palmisano and Richmond. Nays – none.

JOSEPH AND ABBY DESTEFANO – 401 N. NASSAU AVE. - BLOCK 614 LOT 17 in the S-40 district to grant C variances for side yard and combined side yard setback and a driveway not parallel with Jerome Avenue, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger McLarnon, Zoning Officer and Planner, reads his review, which is attached

Brian Callaghan, Attorney for the applicant presents the application.

Abby DeStefano, property owner, is sworn in and gives testimony to the history of the application.

Mark Petrella, Professional Architect in the State of New Jersey, presents the application.

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A driveway on Fremont Avenue is added to the list of variances required.

Mr. Palmisano inquires as to the driveway on Nassau Avenue.

The driveway on Nassau Avenue will be removed and there will be no height variance.

Mr. Cristaldi comments on the lot width error.

Mr. Callaghan speaks for the neighbor, Collin Bell, as being in favor of the application.

Open to the public.

Public portion is closed.

Mr. Bergman reviews the C variances, which revised plans are not required.

Motion to approve the C variances was put forth by Mr. Cristaldi and Mr. Galantino seconded. The motion was approved seven in the affirmative and zero in the negative. Ayes; Collins, Wasleski, Cristaldi, Guber-Nulty, Galantino, Palmisano and Richmond. Nays – none.

Mr. Patterson is now in attendance.

BRUCE HORN – 118 N KENYON AVE. – BLOCK 313.02 LOT 14 in the S-30 district to grant a C variance for front yard porch setback and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger McLarnon, Zoning Officer and Planner, reads his review, which is attached

Brian Callaghan, Attorney for the applicant presents the application.

Peter Weiss, Architect licensed in the State of New Jersey, is sworn in and gives testimony as the porch roof. The porch is described as a canopy.

Open to the board.

Open to the public

Public portion is closed.

Mr. McLarnon requires street trees be a condition.

Mr. Callaghan requests a waiver for a current survey.

Waiver is granted.

Motion to approve the C variances was put forth by Mr. Galantino and Mr. Collins seconded. The motion was approved seven in the affirmative and zero in the negative. Ayes; Collins, Wasleski, Cristaldi, Guber-Nulty, Galantino, Patterson and Richmond. Nays – none.

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SOLOMAN BAY FINE HOMES, LLC – 7801&7803 ATLANTIC AVE. – BLOCK 105 LOT 1 & 1.01 in the CBD district to grant a D use variance and C variances for lot area, lot width, building coverage and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Collins, Ms. Guber-Nulty and Mr. Galantino recuse themselves.

Roger McLarnon, Zoning Officer and Planner, reads his review, which is attached

Brian Callaghan, Attorney for the applicant presents the application as a balancing act between CBD district and MF district.

Jacob Winnigrad, property owner, is sworn in and gives testimony.

John Obelenus, Professional Architect licensed in the state of New Jersey, explains the application.

Mr. Palmisano inquires as to there being the ability to park two cars in at each proposed structure.

Mr. Obelenus remarks that eight feet is standard.

Rami Nassar, Licensed Engineer and Professional Planner, gives detail as to the application. The easement will be available from the first and second floor. The third floor will have an overhang.

Mr. Callaghan reviews the positive and negative criteria of the application. Positive is ratables and elevating lack of parking for the current structure. Negative is an undersized lot in the business district. Population and density make this project a positive.

Open to the Board.

Mr. Richmond states that four thousand square feet would be required on Atlantic Avenue for three single family structure with fifty foot of frontage. This is half the size. It is a big variance for lots that size.

Mr. Callaghan informs the board that the purpose of the subdivision is a technicality for sales purpose. People do not want to be part of a condo association. The application meets half CBD requirements and half multifamily requirements.

Open to the public.

Paula Hartman, 9711 Ventnor Ave., speaks on the inability to sell the property as commercial.

Mr. DiGirolamo inquires as to the current amount of commercial square footage.

Mr. Cristaldi inquires as to the ability to put a restaurant on the first floor.

Mr. Palmisano informs the Board of the hair salon which has recently moved to the middle of the block.

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James Varallo, 22 S. Douglas Ave. speaks in favor of the application.

Public portion is closed.

Mr. McLarnon request clarification of the encroachment of the third floor.

Mr. Wasleski states that economic argument is not a basis for a variance.

Mr. Bergman refers to comments from Remington and Vernick, and Mr. McLarnon.

Mr. Bergman reviews the subdivision, site plan, D use variance, and C variances for lot area, lot width, and building coverage. Revised plans are required.

Motion to approve the subdivision, site plan and C variances was put forth by Mr. Patterson and Mr. Palmisano seconded. The motion was not approved zero in the affirmative and seven in the negative. Ayes; None. Nays; Wasleski, Patterson, Cristaldi, Palmisano, Carter, Hess and Richmond.

TEMPLE SHIRAT HAYAM – 8501 VENTNOR AVE. – BLOCK 213.02 LOT 25 in the S-60 district to grant C variance lot size of a subdivision, driveway location and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger McLarnon, Zoning Officer and Planner, reads his review, which is attached.

Jack Plackter, Attorney for the applicant, presents the application with the positive and negative criteria.

Art Ponzio, Professional Planner and Surveyor, is sworn in and credentials are accepted, presents the revised application.

Mr. Patterson inquires as to a shared driveway.

Mr. Richmond inquires as to the lot on Lancaster Ave. being smaller.

Mr. Cristaldi recommends a different layout of the three lots.

Mr. Palmisano speaks on the area being considered the entrance to the parkway.

Mr. Cristaldi is not in favor of three homes on Ventnor Avenue.

Mr. Patterson request that the lot on Lancaster Ave. become six thousand square feet.

Ms. Guber-Nulty request the lots conform to S-50 zone.

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Mr. Patterson speaks his feelings on the intent to have the application zoned S-60 with two houses.

Open to the Board.

Open to the public.

John Rosenkrantz, 508 N. Kenyon Ave., speaks in favor of the application.

Steve Perskie, 300 N. Mansfield Ave., speaks against this area being part of the Parkway section and does not compromise the Parkway. He is in favor of the application.

Public portion is closed.

Mr. Plackter amends the application. Mr. Ponzio states for the record that lot a will face Atlantic Ave. and contain six thousand square feet. Lot B and C will face Kenyon Avenue, with Lot B on the Bay side and Lot C on the ocean side. Both Lot B and C will have fifty five hundred square feet.

Mr. Bergman reviews the subdivision and C variances for Lot B and C, which revised plans are required. There are no variances required on lot A.

Motion to approve the subdivision and C variances was put forth by Mr. Collins and Ms. Guber-Nulty seconded. The motion was approved; nine in the affirmative and zero in the negative. Ayes; None. Nays; Collins, Wasleski, Patterson, Cristaldi, Guber-Nulty, Galantino, Palmisano, Carter and Richmond.

PUBLIC PARTICIPATION

OTHER BUSINESS:

Mr. Bergman recommends that a traffic study be obtained for Margate Berger, 7903 Ventnor Ave.

Mr. McLarnon informs the Board of the request procedure and the need.

Mr. Palmisano inquires as to the traffic study changing the one way street.

A motion was put forth for a traffic study for Margate Burger by Mr. Collins, Mr. Palmisano second. A vote by hand was taken and unanimously approved.

There being no further business, the motion to adjourn was made by Mr. Cristaldi and seconded by Mr. Wasleski and unanimously approved.

Full meeting is available on tape.

Respectfully submitted

Johanna Casey

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Planning Board Secretary/Administrator