

# **MARGATE CITY PLANNING BOARD MINUTES**

**Thursday February 22, 2018  
6:30 PM**

**Chairman Richard Patterson called the meeting to order at 6:30pm.**

## **FLAG SALUTE:**

## **ROLL CALL:**

<u>Present</u>	<u>Absent</u>
Tom Collins	Michael Cristaldi
Clem Wasleski	Joe DiGirolamo
Michael Richmond	Despina Hess
Jim Galantino	
Margaret Guber-Nulty	
Craig Palmisano	
Remy Pelosi	
Ron Gruppo	
Rich Patterson	

Roger McLarnon, Zoning Officer  
Johanna Casey, Board Administrator  
Leo Manos, Esq., Solicitor

## **PROCEDURE**

Chairman Patterson 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.

## **MINUTES**

The minutes January 25, 2018 were received on the motion of Mr. Collins seconded by Mr. Galantino, and unanimously approved.

## **RESOLUTION & DECISION: APPROVAL OF DECISIONS AND RESOLUTIONS:**

The following Resolution was approved unanimously when received on motion by Mr. Galantino, seconded by Mr. Collins. #04-2018: Approval of Consistency Report of Ordinance #02-2018, #05-2018: Approval of Consistency Report of Ordinance, #06-2018: Appointment of Richard Patterson as Chairperson, Mike Richmond as Vice-Chairperson and Johanna Casey as Secretary/Administrator #07-2018: Leo Manos as solicitor, #09-2018: Margate Burger, #10-2018: Davco Construction, Inc., #11-2018: Scott and Michelle Taroff.

**BRAD SPECTOR – 9135 FREMONT AVE. – BLOCK 525 LOT 2 in the S-40 district to grant C variance for side yard setback and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.**

Roger McLarnon, Zoning Officer, is sworn in and reads his review which is attached. Mr. McLarnon informs the Board of how this is a true hardship case.

Robert Schwartz, attorney for the applicant, presents the application.

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Craig Dothe: 330N Brighton Avenue, Atlantic City, NJ, New Jersey Licensed Architect, describes the need for the variance.

Mr. Galantino inquires as to the elevator being serviceable from the outside.

Mr. Palmisano inquires as to the fence being replaced.

Mr. Wasleski inquires as to the elevator being handicap accessible and if the applicant has spoken to the neighbors.

Public portion is open.

Public portion is closed.

Mr. Manos inquires as to the applicant agreeing to provide documents stated in Mr. McLarnon's report and reviews the C variance which revised plans are not required.

Motion grant the site plan approval was put forth by Mr. Wasleski and Mr. Palmisano seconded. The motion was approved; seven in the affirmative and nays were none. Ayes; Collins, Wasleski, Patterson, Galantino, Palmisano, Pelosi, Richmond. Nays – none.

Margaret Guber Nulty is now present.

**JEFFREY AND JOANN SILVA – 500 N. THURLOW AVE. – BLOCK 721 LOT 25 in the S-40 district to grant a C variance for landscape coverage, distance from principal structure to pool and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.**

Roger McLarnon, Zoning Officer, reports that he has nothing to report at this time.

Eric Goldstein, attorney for the applicant reviews the application. Mr. Goldstein reviews Ordinance #18-2018, stating this application complies with the intention of the Ordinance.

Jeffrey Silva, property owner, is sworn in and gives testimony on the need for the pool.

Mr. Galantino inquires as to the air conditioners being relocated to allow for more area around the pool.

Mr. Wasleski request moving the pool two feet away from the air conditioning condensers.

Mr. Collins speaks on the interest of safety of children.

Mr. Goldstein speaks on the desire to place lounge chairs around the pool.

Mr. Patterson inquires as to the box in the photograph.

Mr. Goldstein responds that it is the generator which will be relocated.

Mr. Palmisano states that one foot between the house and pool isn't enough room.

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Mr. Collins inquires as to the size of the pool.

Mr. Goldstein response “10x20”.

Mr. Manos inquires as to landscaping being a variance also.

Mr. McLarnon states that the plans indicate that the landscape coverage is 33%.

Mr. Goldstein agrees to comply with coverage.

Mr. Galantino speaks on safety and possible making the pool nine feet wide.

Mr. Goldstein states that the pool has access on three sides.

Mr. McLarnon states that the pool is noncompliant on two sides.

Mr. Goldstein states that there is access on three sides of the pool. The air conditioner is a vertical structure.

Mr. Goldstein agrees to amend the application by one foot.

Mr. Richmond inquires as to clarification to the application.

Mr. Goldstein agrees to two foot amendment to the pool sides.

Mr. McLarnon inquires as to the crawl space being concrete block.

Public portion is open.

Public portion is closed.

Mr. Manos reviews the request for a c variance for relief for pool setbacks.

Motion grant the approval for the C variance was put forth by Mr. Galantino and Mr. Collins seconded. The motion was denied, one in the affirmative and six in the negative. Ayes; Collins. Nays – Wasleski, Patterson, Galantino, Pelosi, Palmisano and Richmond.

Mr. Goldstein requests a second vote amending the application to request a variance on the pool distance from the house.

Motion grant the approval for the C variance 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, Patterson, Galantino, Pelosi, Palmisano and Richmond. Nays – none.

Margaret Guber-Nulty is present.

**RUSSELL CAIN** – 301 N. THURLOW AVE. BLOCK 520 LOT 51.01 in the S-40 district to grant C variances for side yard setback, combined side yard setback and possible others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

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

Chris Baylinson, attorney for the applicant reviews the variances.

Peter Weiss, Licensed New Jersey State Architect, is sworn in and reviews the design.

Mr. Baylinson states that the neighbor has been spoken to and has no objections.

Mr. Patterson speaks in favor of the application due to the situation.

Mr. Galantino inquires as to the location of the condensers

Mr. Palmisano inquires as to shrubs in front of the condensers.

Mr. Wasleski inquires as to the height of the neighboring deck.

Mr. Weiss states that the deck is at four foot above the ground.

Public portion is open.

Seeing that there is none, public portion is closed.

Mr. Manos reviews the C variances for side yard setbacks. Revised plans are not required.

Motion grant the approval for the C variance was put forth by Mr. Galantino and Mr. Wasleski seconded. The motion was approved, seven in the affirmative and zero in the negative. Ayes; Collins, Wasleski, Patterson, Galantino, Guber-Nulty, Palmisano and Richmond. Nays – None.

**HARBOUR BAY LLC – 9317 AMHERST AVE. BLOCK 527 LOTS 1, 1.01, 1.02, 1.03, & 1.04 in the WSD and R to grant site plan, D for use, and C variances for side yards, combine side yard, landscape, and fence height parking and possible others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.**

Mr. McLarnon reads his review which is attached and states that use variance is no longer needed but the applicant is still seeking preliminary and final site plan.

Mr. Patterson inquires as to the CAFRA requirements.

Mr. McLarnon states the building would have to be twenty five feet from the bulkhead.

Mr. Wasleski inquires as to the parking.

Mr. McLarnon states that the engineer's report needs to be addressed and request a safety plan for the underground fuel tanks.

Ms. Guber-Nulty inquires as to the hours of operation.

Benjamin Zeltner, attorney for the applicant reviews the application.

Mr. Manos swears in:

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Arthur Ponzio, Jr., Licensed Surveyor and planner, 400 N Dover Ave. Atlantic City, NJ.  
Jon Barnhart, professional planner, 400 N. Dover Ave. Atlantic City, NJ  
Judy Levin, 306 N Essex Ave  
Joseph Swift, 65 Seaside Court, Margate  
Ken Catuno, 4 N. Martindale Ave. Ventnor, NJ  
Mark Patrella, SOSH Architect, Atlantic City

Mr. Ponzio's credentials are accepted and he reviews the application.

Mr. Patterson inquires as to the entire deck being part of the application.

Mr. Patterson inquires as to the elevation of the finished first floor.

Mr. Palmisano inquires as to the height of the floor over the promenade.

Ms. Guber-Nulty inquires as to the width of the promenade and is open to air.

Mr. Patterson inquires as to having an open bay view.

Mr. Ponzio reviews the signage.

Mr. Patterson inquires as to access to the bait shop.

Mr. Patterson inquires as to the lamination of the signs.

Mr. Ponzio states that the hours of operation will be nine to five for the office and the restaurant will be dinner primarily then expand upon need.

Mr. McLarnon inquires as to being open year round.

Ms. Guber-Nulty inquires as to customers being seen at the office.

Mr. Palmisano inquires as to the number of employees.

Mr. Patterson inquires as to there being jet ski rentals.

Mr. Palmisano request cedar or mahogany deking for the promenade.

Applicant agrees to use wood.

Mr. Wasleski inquires as to the location of the encroachment.

Mr. Palmisano inquires as the fence location and the distance between the slats.

Mr. Ponzio reviews the variances.

Mr. Palmisano request ballads.

Ms. Guber-Nulty inquires as to the cars backing into Amherst Ave.

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Mr. Ponzio states that the laws require two means of vertical egress and that the signs have no negative effect on the on the neighborhood. This is an efficient use of land. Parking has a net deviation of twenty six.

Mr. Patterson inquires as to the number of transient slips.

There are four slips dedicated to transient slips.

Ms. Pelosi inquires as to there being Bike racks.

Mr. McLarnon informs the Board that the City is intending to put bike racks at Washington Ave.

Mr. Barnhart addresses the engineering report from Remington and Vernick. He informs the Board that there is a Traffic Engineer present to address any questions.

Mr. McLarnon inquires as to a fire suppression system.

Mr. Palmisano inquires as to the telephone pole being relocated.

Mr. Patrella credentials are accepted and he reviews the architectural drawings.

Mr. Richmond inquires as to the need for side yard setbacks for a commercial property.

Ms. Guber-Nulty inquires as to the features required for the first floor.

Mr. Patterson inquires as to the elevator servicing the office space.

David Shopshire is sworn in and credentials are accepted, and he reviews the traffic pattern. He informs the Board of the different uses of the property and how the traffic will have different peak hours for the marina, the office and the restaurant.

Open for public participation.

Ed Burger, 9402 Amherst Ave, is in favor of the development, but is not sure it is the highest and best use for the property. He inquires as to the type of restaurant, the hours of operation and will there be music. Mr. Burger is interested as to why the height is where it is.

Mr. Galantino responds with the FEMA flood rules.

Mr. Palmisano inquires as to the desires of Mr. Burgers for that location.

Mr. Burger states that he feels the variances are for convenience rather than hardship.

Mr. Zeltner inquires as to the parking for Harbor Vista Condominium.

Ray Ramito, 9408 Amherst Ave., Speaks against the area being referred to as downtrodden. Mr. Ramito inquires as to handicap access and the traffic pattern.

Ms. Guber-Nulty inquires as to a liquor license.

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Mr. Richmond inquires as to perusing purchasing parking.

Rick DeLuca, attorney for Pat Pack. LLC, the neighboring property, inquires as to the demolition schedule.

Mr. Galantino informs Mr. DeLuca that there are restrictions to demolition but construction can take place all year long from Monday thru Saturday.

Lyn Fox, neighboring property owner, inquires as to the safety of pile driving.

Steven Swift, 65 Seaside Court, speaks in favor of the application.

Barbara Beck, 9408 Amherst Ave., inquires as to the time people ride their bikes.

Steve Troiano, speaks in favor of the application.

Public portion is closed.

Ms. Guber-Nulty inquires as to purchasing land for a parking lot.

Mr. Manos reads into the record the letter from the Mayor supporting the application.

Mr. Manos reviews preliminary and final (major) site plan as well as C variances for approval

Motion grant the approval for the C variance was put forth by Mr. Galantino and Mr. Collins seconded. The motion was approved, six in the affirmative and three in the negative. Ayes; Collins, Patterson, Galantino, Palmisano, Gruppo and Richmond. Nays – Wasleski, Guber-Nulty and Pelosi.

### **PUBLIC PARTICIPATION:**

### **OTHER BUSINESS:**

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

Full meeting is available on tape.

Respectfully submitted

Johanna Casey  
Planning Board Secretary/Administrator