

# **MARGATE CITY PLANNING BOARD MINUTES**

**Thursday March 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	Remy Pelosi
Clem Wasleski	Joe DiGirolamo
Michael Richmond	
Jim Galantino	
Michael Cristaldi	
Margaret Guber-Nulty	
Craig Palmisano	
Despina Hess	
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.

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The minutes February 22, 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. Cristaldi. #12-2018: Brad Spector, #13-2018: Jeffrey and Joann Silva, #14-2018: Russell Cain, #15-2018: Harbour Bay, LLC.

**NORTH PEAK HOLDINGS, LLC – 202 N. UNION AVE. – BLOCK 422 LOT 21 in the S-25 district to grant C variance for lot width 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.

Avery Teitler, attorney for the applicant, presents the application.

Andrew Betchal: 599 Shore Road, Somers Point, NJ, New Jersey Licensed Architect, describes the hardship which meets the C-1 criteria. This is an existing nonconforming due to lot width.

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Mr. McLarnon states that the lot next door is also being developed.

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 to grant the C variance approval was put forth by Mr. Galantino and Mr. Richmond seconded. The motion was approved; seven in the affirmative and nays were none. Ayes; Collins, Wasleski, Patterson, Cristaldi, Galantino, Guber-Nulty and Richmond. Nays – none.

**TEMPLE SHIRAT HAYAM** – 8501 VENTNOR AVE. – BLOCK 213.02 LOT 25 in the S-60 district to grant variance relief of a subdivision of one lot into three due to demolition issues. A request of a one year extension is proposed. Mr Goldstein Included that his client is Roberto Marquez.

Eric Goldstein, attorney for the applicant, reviews the history of the application and requests from the Board an extension of one year for the filing of the subdivision.

Mr. Manos reviews the request for an extension of Planning Board variance previously granted.

Motion to grant the approval for the extension was put forth by Mr. Collins and Mr. Galantino seconded. The motion was approved with a voice vote of all in favor and no one opposed.

**JOSEPH F. CALCARA III** – 23 N. IROQUOIS AVE. – BLOCK 210.02 LOT 4 in the S-25 district to grant a C variance for rear yard, combined side yard setback, principal building coverage and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

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

Mr. Patterson inquires as to the Check List chart.

Eric Goldstein, attorney for the applicant reviews the variances.

Terri Cummings, Licensed New Jersey State Architect, is sworn in and reviews the design.

Mr. Palmisano inquires as to the need for garage doors on the rear of the property.

Mr. Cristaldi inquires as to the distance between the top of the plate and the roof line.

Ms. Cummings requests a variance to cover the distance.

Ms. Guber-Nulty inquires as to the need for the number of variances. Are there any which can be eliminated?

Ms. Hess inquires as to the side yard setbacks.

Mr. Richmond inquires as to the variances being driven by the attached garage.

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Public portion is open.

Jane MacGrogan: 22 N. Hanover Ave., is sworn in and speaks against the application.

Mark Finch: 24 N. Hanover Ave., is sworn in and speaks against the application.

Margaret Schott: 17 N. Iroquois Ave., is sworn in and speaks for the application.

June McBride: 24 N. Hanover Ave., is sworn in and speaks against the application.  
Seeing that there is none, public portion is closed.

Ms. Cummings agrees to remove the third floor deck.

Mr. Collins requests moving air conditioner condensers to the third floor deck.

Ms. Hess inquires as to the access to the third floor platform.

Public portion is closed.

Mr. McLarnon states that a height variance is not necessary.

Mr. Wasleski inquires as to coverage change

Mr. Patterson inquires as to the third floor blocking light.

Mr. Goldstein reviews the positive and negative criteria of the application.

Mr. Gruppo inquires as to the building moving forward.

Mr. Palmisano inquires as to a fence.

Mr. Manos reviews the C variances for relief and revised plans are required.

Motion to grant the approval for the C variance 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, Patterson, Cristaldi, Galantino, Guber-Nulty and Richmond. Nays – none.

**BENDYL DEVELOPMENT. INC – 9506 PACIFIC AVE. BLOCK 29.02 LOT 59 in the MF district to grant C variances for side yard setback, combined side yard setback, rear yard setback, building coverage and possible others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.**

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

Mr. Patterson recuses himself.

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

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Brett Fisher, Property owner, and Peter Weiss, architect, are sworn in.

Mr. Galantino praises Mr. Fisher for removing the property immediately upon purchasing the property.

Mr. Weiss reviews the plans for a single family home.

Mr. Palmisano objects to the coverage.

Mr. Weiss states that the plan is deliberate in avoiding a third floor.

Mr. McLarnon inquires as to the two foot easement.

Ms. Hess inquires as to the design of the length of the building.

Mr. Galantino suggests having a fence.

Mr. Richmond inquires as to the square footage being proposed.

Mr. Palmisano inquires as to clarification on the change.

Mr. Galantino suggests changing the side yard setback to 6' 2" to prevent having a fire wall.

Open for public participation.

Public portion is closed.

Mr. Manos reviews the C variances for relief and revised plans are required.

Motion to grant the approval for the C variance 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, Galantino, Guber-Nulty, Palmisano and Richmond. Nays – none.

**STACY COPPINGER** – 9709 VENTNOR AVE. BLOCK 231 LOTS 14 in the C-2 district to grant a C variances for side yards, combine side yard, lot area and lot width and possible others. TAXES AND WATER ARE CURRENT.

Mr. Manos states that the application will be heard next month after correct advertising and noticing are done.

**BARBARY COAST, LLC** – 9401 AMHERST AVE. BLOCK 528 LOTS 1, 1.01, 2 in the WSD/R district to grant site plan, C variances for fence, rear yard setback and parking and D variance for use and possible others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. McLarnon reads his review which is attached. He reads into the record the letter from the city which supports making parking available.

Mr. Baylinson, attorney for the applicant, reviews the application.

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Jim Leeds, the applicant, Peter Weiss, Architect, and Jon Barnhart, professional planner, are sworn in.

Mr. Baylinson informs the board that the CAFRA application requires parking for the residences.

Jon Barnhart licensed professional planner and professional engineer, reviews the history of the property and the need for the variances.

Mr. Palmisano inquires as to the height of the bulkhead.

Mr. Patterson inquires as to the encroachment.

Mr. Patterson inquires as to the walkway equaling the proposed promenade in width.

Ms. Hess inquires as to the materials being used for the underside of the overhang.

Ms. Guber-Nulty inquires as to the dedication of the parking spaces.

Mr. McLarnon inquires as to the location of the ADA parking.

Mr. Palmisano inquires as to the marina having public access.

Mr. Richmond inquires as to commercial properties having different requirements.

Mr. Barnhart requests a signage variance.

Mr. McLarnon informs the Board that there must be parking spaces for the residences.

Mr. Weiss reviews the architecture.

Mr. Palmisano inquires as to bollards protecting the pedestrians.

Mr. Palmisano inquires as to the material to be used for the walkway.

Ms. Hess inquires as to the lighting under the building.

Mr. Gruppo requests continuity to the promenade.

Mr. McLarnon inquires as to the need for Preliminary and final site plan approval and easement of public access.

Mr. McLarnon inquires as to the engineer's report.

Mr. Wasleski inquires as to the approval being contingent upon city leasing parking places.

Public portion is open.

Barbara Beck: 9408 Amherst Ave., is sworn in and speaks on the lack of architectural interest on the side of the building and the increase in size of the building.

Ray Romito: 9408 Amherst Ave., is sworn in and speaks against the City giving away parking.

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Michael Cristaldi states that the parking places offset the cost of the bulkhead.  
Fred Tursi: 9400 Amherst Ave., is sworn in and speaks against the application.

George Kennedy: 9414 Amherst Ave., is sworn in and inquires as to an elevation of the promenade and will it be ADA compliant, and is there a provision for a bathroom.

Public portion is closed.

Mr. Baylinson states that the parking spaces request will be reduced from seven to five.

Mr. Manos reviews the site plan and C variances requested.

Motion to grant the approvals was put forth by Mr. Galantino and Mr. Collins seconded. The motion was approved, nine in the affirmative and zero in the negative. Ayes; Collins, Wasleski, Patterson, Cristaldi, Galantino, Guber-Nulty, Palmisano, Hess and Richmond. Nays – none.

**ELIZABETH ABBOTT AND ANDREW FERIOZZI – 350 N. RUMSON AVE. BLOCK 619 LOT 11 in the S-40 district to grant a C variance for two side yard setback, combined side yard, lot width, lot area and possible others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.**

Mr. Manos addresses the LLC members and his research indicates that there isn't a conflict of interest. The Board is able to hear the application.

Ms. Guber-Nulty, Mr. Galantino and Mr. Wasleski recused themselves.

Mr. Baranowski, attorney for the neighbor's on either side of the applicant gives testimony as to the application falling under Res judicata.

Mr. Baylinson speaks against the claim stating that this is a different applicant and a significant change to the application.

Ms. Hess inquires as to the difference in the plan and dynamics, and privity – mutual or succession of ownership.

Mr. Manos request a motion for a vote of whether the Board feels that the application falls under Res judicata after reading the definition from the Cox book.

Motion to grant the approvals was put forth by Mr. Cristaldi and Mr. Patterson seconded. The motion was denied; zero in the affirmative and seven in the negative. Ayes; none. Nays – Collins, Patterson, Cristaldi, Palmisano, Hess, Gruppo and Richmond.

Mr. McLarnon state that the variances at this time are lot size and lot width.

Mr. Baylinson reviews the application and the bulk variance is a hardship.

Jon Barnhart, licensed engineer and licensed professional planner, is sworn in and gives testimony.

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Mr. Patterson inquires as to the bulkhead being continuous with the neighbors.

Andrew Feriozzi: 510 N. Thurlow Ave., applicant, is sworn in and gives testimony as to being the builder and planning on moving into the home.

Public portion is open.

Mr. Baranowski introduces his clients, Ms. Allison Land, 352 N. Rumson Ave., Creigh Rahenkamp, Riverside, and Ron Able, 348 N Rumson Ave. and they are sworn in.

Ms. Land states to the Board that this is not a buildable lot and speaks against the application.

Mr. Baylinson cross examines.

Ron Able speaks against the application.

Mr. Baylinson cross examines and speaks on the offer to purchase by the neighbors.

Creigh Rahenkamp, licensed engineer and Professional planner for thirty seven years, gives testimony on the lack of hardship.

Mr. Baylinson inquires as to the property having water and sewer service.

Mr. Keidjan, architect for the applicant is sworn in and speaks on the design.

Margie Reale: 6 N. Mansfield speaks against the application.

Jeannie McQuie: 219 Mt. Vernon Ave. Northfield, NJ. speaks against the application.

Tina Able: 348N. Rumson Ave., speaks against the application.

Mr. Palmisano inquires as to that Ms. Able being a neighbor.

Mr. Baylinson gives closing arguments.

Mr. Patterson discusses his feelings toward the variances.

Mr. Manos reviews the variances for the Board.

Motion grant the approvals was put forth by Mr. Collins and Mr. Richmond seconded. The motion was denied, one in the affirmative and six in the negative. Ayes; Collins. Nays – Patterson, Cristaldi, Palmisano, Hess, Gruppo and Richmond.

## **PUBLIC PARTICIPATION:**

## **OTHER BUSINESS:**

Mr. McLarnon gives information on the Ordinance #05-2018 which was introduced at the March 15<sup>th</sup> Commission meeting. Planning Board is to make a recommendation to the Board of

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Commissioners to endorse Ordinance #05-2018 to Extend the Waterfront Special District if it agrees with it.

Motion to grant the endorsement of the Ordinance #05-2018 that it is consistent with the master plan was put forth by Mr. Collins and Mr. Palmisano seconded. The motion was approved, eight in the affirmative and zero in the negative. Ayes; Collins, Palmisano, Cristaldi, Hess, Gruppo, Richmond, Patterson, Guber-Nulty. Nays –none.

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

Full meeting is available on tape.

Respectfully submitted

Johanna Casey  
Planning Board Secretary/Administrator