

**MARGATE CITY PLANNING BOARD
MINUTES
September 22, 2016**

Chairman Rich Patterson called the meeting to order at 7pm.

1. FLAG SALUTE

2. ROLL CALL

Present
Tom Collins
Clem Wasleski
Jim Galantino
Michael Cristaldi
Despina Hess
Margaret Guber-Nulty
Joseph DiGirolamo
Rich Patterson

Absent
Remy Pelosi
Mike Richmond
Craig Palmisano
David Carter

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

3. MINUTES

The minutes of July 28, 2016 were received, on the motion of Mr. Galantino, seconded by Mr. Collins, and unanimously approved.

4. 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. He also advised the Board on the intent of the meeting and the procedures which will follow.

5. RESOLUTION & DECISION: The following Resolutions were approved unanimously when received on motion by Mr. Galantino, seconded by Mr. Collins: Amended #32-2016: Frank and Concetta Pagliuso; #33-2016: Don and Amy Carlin; #34-2016: Sea Grape Properties, LLC.

6. KEITH CREDE – 9108 WINCHESTER AVE - BLOCK 224.01 LOT 91 in the S-25 district to grant C variances for front yard, side yard, rear yard setback, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

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

Jim Swift, Attorney for the applicant, explains the application.

Mr. Rami Nassar, licensed Professional Planner, is sworn in.

Jim Swift introduces Daniel Scott Macion.

Mr. Patterson inquires as to flood protection and less landscape

Daniel Scott Macion, licensed Architect in New Jersey, is sworn in.

Mr. Macion describes why the air conditioning unit is on that side rather than the open area.

Mr. McLarnon inquires as to the variance for the air conditioning unit.

Mr. Macion responds that there is a need for the air conditioning units due to it being hidden on that side of the house to both the street and the neighbors.

Mr. Bergman inquires about which side the HVAC unit will be on, and explains that Mr. Macion provided 2.9 feet of lattice to hide the unit.

Mr. Macion states that there is no negative impact.

Mr. Galantino reviews the criteria.

Mr. Wasleski inquires on any additional living space.

Mr. Patterson inquires if the block foundation with Mr. Stucco has been completed.

Open to the public.

Public portion is closed.

Mr. Bergman reviews the C variances for the front yard, side yard, and rear yard setback.

Motion to approve the C variance without conditions 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, Galantino, Guber-Nulty, Cristaldi, Hess, and Patterson. Nays – None

7. GAIL SALINE –8004 BAYSHORE DRIVE – BLOCK 1200 LOT 21 in the S-60 district to grant a C variance for bulk to allow an additional 2 foot of roof height (at the peak only) to raise a low ceiling height, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

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

Mr. Hankin, attorney for the applicant, marks exhibits 1- 4 .

Jon Barnhart, Licensed Engineer and Professional Planner, is sworn in and speaks on the benefits of proposed application.

Mr. Hankin speaks on the hardship of the house already being constructed.

Mr. Barnhart speaks on possible detriment to the public good.

Mr. Hankin inquires if this will impact Mr. Weiss.

Mr. Barnhart states that there will be no effect on Mr. Weiss and minimal impact on neighbors.

Harry Harper, licensed Architect in New Jersey, is sworn in and reviews design.

Open to Public.

Patricia Siegel- 7908 Bayshore Drive- speaks in favor of variance.

Public portion is closed.

Open to Board.

Chris Facenda, Attorney for neighbors, David and Jana Weiss, cross examines Mr. Barnhart on the options of the knee wall gaining height.

David Weiss, of 8006 Bayshore Drive, is sworn in and testifies.

Mr. Bergman interrupts testimony.

Bart Barge is sworn in and gives his testimony on how to accomplish the 5th submitted roof.

Mr. Hankin doesn't object to cross examination.

Tiffany CuvIELLO, Licensed Professional Planner speaks on need for variance is self-imposed.

Mr. Weiss speaks against the application.

Mr. Facenda states that summation was a self-created hardship.

Mr. Bergman states that the summation will comply with all other rules.

Mr. Collins proposes a five minute break.

Mr. Collins agrees to the proposal of a flat roof variance and for the height of the knee wall to remain the same.

Mr. Bergman reviews the C variances which revised plans are required.

Motion to approve the C variance without conditions 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, Galantino, Guber-Nulty, Cristaldi, Hess, and Patterson. Nays – None

8. BRUNO AND CATHERINE DORI – 600 & 602 N HUNTINGTON AVE. –BLOCK 710.02 LOT 9&56 in the S-40 district to grant C variances for front yard fence setback and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. McLarnon, Zoning Officer, Licensed Engineer and Professional Planner, reads his review.

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

Don Zackert, Licensed Architect in the State of New Jersey, is sworn in and gives testimony as to the 125 ft. dedication to city for sidewalk is the result of the variance.

Open to Public.

Public portion is closed.

Mr. Bergman reviews the C variance that allows for a ten foot fence setback. Revised plans are not required.

Motion to approve the C variance without conditions 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, Galantino, Guber-Nulty, Cristaldi, Hess and Patterson. Nays – None.

9. JIM SILVA- 116 N DECATUR AVE. - BLOCK 326 – LOT 34.01 in the MF district to grant C variance for building coverage and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Wasleski objects to the plans due to a lack of signature by a New Jersey Licensed Architect.

Mr. McLarnon, Zoning Officer, Licensed Engineer and Professional Planner, states that the plans are stamped by a New Jersey Licensed Architect, and reads his review which is attached.

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

James S. Silva, the property owner, is sworn in and gives his testimony.

Mr. Patterson inquires as to the neighboring property being zoned two family of multifamily when they were built.

Mr. Goldstein reviews Mr. Silva's credentials as a builder.

Mr. DiGirolamo inquires as to parking being only in the garage.

Mr. Galantino states that there is a parking pad.

Mr. Bergman inquires if there are any other variances required.

Mr. Galantino states that pilings are required since it is located in a wave action zone.

Open to Public.

Peter Weiss- 301 N Sommerset Ave. Ventnor- Inquires as to the plans being the same as those from ten years ago.

Mr. Silva states that they are the same plans.

Mr. Goldstein states that this is not the forum for the discussion on copyright infringement.

Mr. Bergman proposes a condition of approval; there must be proof that the plans are licensed in the State of New Jersey.

Mr. Patterson inquires as to the architect prepared them or supervised the development of the drawing.

Public portion is closed.

Mr. Bergman reviews the C variances, which revised plans are required with the seal of a Licensed New Jersey Architect.

Motion to approve the C variance with conditions for building coverage was put forth by Mr. Galantino and Mr. Collins seconded. The motion was approved, six in the affirmative, zero in the negative, and one abstain. Ayes; Wasleski, Galantino, Guber-Nulty, Cristaldi, Hess and Patterson. Nays – None, Abstain– Wasleski

10. THOMAS R. COLLINS, JR. – 18 WEST COLMAR CIRCLE – BLOCK 509.04 LOT 71.01 in the S-40 district to grant a C Variance for exceeding accessory structure allowed, height of accessory structure and area of accessory structure being greater than permitted, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Tom Collins recuses himself.

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

Brian Callaghan, the attorney for the applicant, reviews that the modified plans which attaches the accessory structure to the residence.

Jon Barnhart, Licensed Engineer and Professional Planner, is sworn in and his credentials are accepted. He reviews the need for the variance.

Mr. Patterson states that there was no previous landscaping coverage.

Mr. Barnhart proposes a shed style roof.

Mr. Cristaldi proposes to pipe out the concrete area.

Mr. Barnhart objects stating that there is no benefit to removing the concrete area.

Mr. McLarnon inquires about the slope of the roof pitch.

Mr. Wasleski inquires if there will be a second floor deck.

Mr. Cristaldi proposes a need for 110 inches of area, a cutback to 20 foot, and a 7 foot rear yard setback.

Open to Public.

Public portion is closed.

Mr. Bergman reviews the C variance for landscaping and the rear yard setback. Revised plans are required.

Motion to approve the C variance for building exceeding accessory structure allowed was put forth by Mr. Galantino and Margaret Guber-Nulty seconded. The motion was approved, six in the affirmative and zero in the negative. Ayes; Wasleski, Galantino, Guber-Nulty, Cristaldi, Hess, DiGirolamo, and Patterson. Nays – None. Mr. Wasleski Abstained.

11. Other Business:

Mr. McLarnon reviews the revision of The Street and Sidewalk Ordinance.

The Board unanimously agrees to present the changes to the Commissioners.

Mr. McLarnon clarifies the existing back yard deck ordinance.

The Board unanimously agrees to present the changes to the Commissioners.

A Motion to go into go into Closed Session was put forth by Mr. Collins, second by Mr. Cristaldi.

Mr. Bergman reviewed the settlement with the Silverman vs. Benson's.

The Board unanimously agrees to accept the settlement.

A motion to adjourn Close Session was put forth by Ms. Hess, second by Mr. Collins.

There being no further business, the motion to adjourn was made by Mr. DiGirolamo and seconded by Ms. Guber-Nulty and unanimously approved.

Full meeting is available on tape.

Respectfully submitted

Johanna Casey
Planning Board Secretary/Administrator