

# City of Margate Planning Board

## Minutes

Thursday May 25, 2023

Board Chairman, Richard Patterson calls the meeting to order at 6.30 pm.

A. Flag Salute

B. Roll Call

Members Present

Richard Patterson

Michael Cristaldi

Jim Galantino

Craig Palmisano

Michael Richmond

Remy Pelosi

Steven Jasiecki

Michael Ruffu

Members Absent

Tom Collins

Margaret Guber-Nulty

Andrew Campbell

Staff Present

Roger D. McLarnon, Zoning Officer

Elias Manos Esq., Board Solicitor

Carmella Malfara, Acting Board Administrator

C. **Statement of Compliance:** Chairman Richard Patterson announces that the meeting is being held in accordance with due public notice thereof and pursuant to the NJ State Sunshine Law, which governs all public meetings.

D. **Approval of Minutes:** Jim Galantino makes a motion to approve the minutes of March 30, 2023, which is seconded by Michael Cristaldi and were unanimously approved.

E. **Approval of Decisions and Resolutions:** Jim Galantino makes a motion to approve the Decisions and Resolutions of #11-2023: Appointment of Acting Board Secretary, #12-2023: Michael and Pamela Clarke, #13-2023: Paul Verna, #14-2023: Dennis DiSabatino, #15-2023: Marco A Arnone, #16-2023: Reveolution Builders, Inc and #17-2023 Appointment of Board Engineer & Planner.

Roger McLarnon is sworn in.

F. Applications:

1. SAJ Associates LLC: 7800 Ventnor Avenue, Block 105, Lot 25, located in the CBC zoning district seeking preliminary and final site plan approval in order to construct a mixed-use building with commercial at grade and four residential units above.

Mr. McLarnon states this is a new application that has significant changes from the previous application that was denied.

Mr. Baylinson, attorney for the applicant, Presents the application. Mr. Baylinson provides background information regarding the prior application and discusses the changes that were made and the addition of seventeen parking spaces.

Kevin Olandt, New Jersey Licensed Architech, 646 Ocean Heights Ave, Linwood N.J, is sworn in and his credentials are accepted.

Andrew Schaffer, New Jersey Licensed Engineer & Planner, 1425 Cantillion Blvd, Mays Landing N.J, is sworn in and his credentials are accepted.

Mr. Olandt describes what is being proposed. Mr. Olandt discusses the conditions of the site as well as the proposed layout. He also explains the commercial site was reduced by 1000 sq feet.

Mr. Cristaldi inquires as to the area for trash being large enough.

Mr. Patterson inquires as to the square footage of the residential units. He also inquires as to the commercial unit being flood proof.

Mr. Schaffer explains that there are no variances being requested.

Mr. Cristaldi inquires as to the number of parking spaces.

Mr. Patterson is not in favor of less commercial space.

Mr. Richmond inquires as to this application being by-right.

Mr. Manos gives clarification as to the ordinance.

Mr. Baylinson gives examples of previous resolutions of prior approvals that are entered into the record.

Public portion opens.

Julie Jorder, property owner, 105 S Clermont Avenue, Margate N.J, is sworn in and gives testimony. She states this project belongs to her and her husband and speaks in favor of the application. She feels it will be beneficial to the city and it meets all requirements.

Donna Pulini, property owner, 10 S Franklin Ave, Margate N.J, is sworn in and is not in favor of the application. She states her concerns as to parking.

Marla Brestle, 3107 Atlantic Ave Longport, N.J, is sworn in and speaks in favor of the application.

Public portion is closed.

Mr. McLarnon reads his review dated May 23, 2023.

Mr. Baylinson would like to amend the application. He will remove one bedroom from each unit. The units will now consist of three bedrooms.

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

Craig Palmisano makes a motion to grant preliminary and final site plan as amended, which is seconded by Michael Richmond.

Those in Favor: (1) One – Michael Richmond

Those Opposed: (7) Seven – Richard Patterson, Michael Cristaldi, Jim Galantino, Craig Palmisano, Remy Pelosi, Steven Jasiecki, Michael Ruffu.

2. Karen Alton: 512 North Thurlow Ave, Block 721, lot 18, located in the S-40 zoning district seeking C variance relief for rear facing third floor deck.

Mr. McLarnon reads his review dated May 23, 2023.

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

Terri Cummings, New Jersey Licensed Architect, 102 Arbor Ct West, Linwood N.J, is sworn in and her credentials are accepted. Ms. Cummings describe the conditions of the site and explains the variance requested.

Mr. Palmisano inquires as to the size of the deck.

Mr. Patterson inquires as to the length of the pent roof.

Mr. Jasiecki is not in favor of rear facing decks.

Mr. Goldstein asks Ms. Cummings to confirm that by granting the variances being requested would not cause any detriment to the New Jersey Land Use Law or Margate's zoning ordinance and that the positives outweigh the negatives.

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 states in Mr. McLarnon's report.

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

Those in favor: (7) Seven – Richard Patterson, Michael Cristaldi, Jim Galantino, Craig Palmisano, Remy Pelosi, Michael Ruffu and Michael Richmond.

Those opposed: (1) One – Steven Jasiecki

3. Brian and Dana Hiltner: 426 North Quincy Avenue, Block 618, Lot 31, located in the S-40 zoning district seeking C variance relief for rear facing third floor deck.

Mr. McLarnon reads his review dated May 23, 2023. He states rear yard decks are not permitted.

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

Tom Balivo, New Jersey Licensed Architect, is sworn in and his credentials are accepted.

Mr. Richmond would clarification on the location of the deck.

Mr. Balivo presents the design. He discusses the layout and explains the variance being requested.

Mr. Goldstein asks Mr. Balivo to confirm that the positive criteria outweigh any negative.

Mr. McLarnon inquires as to the roof lines.

Brian Hiltner, property owner, is sworn in and gives a brief history of the property and the need for the deck.

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 Remy Pelosi.

Those in favor: (7) Seven – Richard Patterson, Michael Cristaldi, Jim Galantino, Craig Palmisano, Remy Pelosi, Michael Ruffu and Michael Richmond.

Those opposed: (1) One – Steven Jasiecki

4. Judith Creed: 354 Rumson Avenue, Block 619, Lot 7, Located in the S-40WF zoning district seeking C variance relief for front yard setback (porch), front yard landscape coverage, total yard landscape cove and possible others to construct a non-conforming front yard porch.

Mr. McLarnon reads his review dated May 23, 2023. Mr. McLarnon states this is a hardship variance and a waiver should be requested for an area map of 200ft.

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

Jon Barnhart, New Jersey Licensed Engineer & Planner, 400 N Dover Ave, Atlantic City N.J, is sworn in and his credentials are accepted. Mr. Barnhart explains the

variances requested. He states the porch is 6x10 and that the positive criteria outweigh any negative.

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 any conditions made in Mr. McLarnon's report.

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

Those in favor: (8) Eight – Richard Patterson, Michael Cristaldi, Jim Galantino, Craig Palmisano, Remy Pelosi, Steven Jasiecki, Michael Ruffu and Michael Richmond.

5. Esther and Marc Kaplin: 20 S Cedar Grove Avenue, Block 124, Lot 218, located in the S-60 zoning District seeking C variance relief for front yard setback to extend the fence so that it aligns with the neighboring fence.

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

Jon Barnhart, New Jersey Licensed Engineer & Planner is sworn in and his credentials are accepted.

Mr. McLarnon asks Mr. Barnhart to confirm that the variance for total landscaping will be mitigated and that variance will be eliminated.

Mr. Barnhart states that the variance for total landscape coverage will comply. He explains the variances requested and describes the conditions site.

Mr. Palmisano would like clarification as to how far the proposed fence will protrude past the existing porch.

Marc Kaplan, property owner, is sworn in and gives a brief history of the property and the need to extend the fence.

Mr. Goldstein states that the applicant will pull the fence back and will comply with landscape.

Public portion opens.

Public portion closes.

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 Remy Pelosi.

Those in favor: (2) Two - Michael Cristaldi and Jim Galantino.

Those opposed: (6) Six – Richard Patterson, Craig Palmisano, Remy Pelosi, Steven Jasiecki, Michael Ruffu and Michael Richmond.

Remy Pelosi recuses herself.

6. Keith & Caryn Kaplan: 102 S Thurlow Ave, Block 21, Lot 10.02, located in the S-40 zoning district seeking C variance relief minimum side yard setback, principal structure (left), side yard setback, principal structure, principal building coverage and possibly others to elevate an existing non-flood compliant home that will provide parking below, add an exterior elevator shaft as well as a small addition.

Mr. McLarnon reads his review dated May 22, 2023.

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

Terri Cumming, New Jersey Licensed Architect, 102 Arbor Ct West, Linwood N.J, is sworn in and presents the design. Ms. Cummings describes the conditions of the site and explains the variances requested. She also states that the positive criteria outweigh the negatives.

Public portion opens.

Public portion closes.

Mr. Galantino states that a non-conversion agreement will be needed.

Mr. Manos provides a summery 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 Galantino, Craig Palmisano, Steven Jasiecki, Michael Ruffu and Michael Richmond.

Those opposed: (0) Zero.

7. Bendyl Development, LLC: 25 South Madison Ave, Block 129, Lot 46, located MF zoning district seeking C variance relief for front yard setback, principal structure, side yard setback, principal structure (left), side yard setback, principal structure (right), side yard setback, porch/deck (left), side yard setback, porch/deck (right), Front yard landscape coverage and possibly others to construct a new single-family dwelling.

Mr. McLarnon reads his review dated May 22, 2023. He states a waiver for an area map of 200ft.

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

Peter Weiss, New Jersey Licensed Architect, 38 E Oakcrest Rd, Northfield N.J, is sworn in and his credentials are accepted. Mr. Weiss describes the conditions of the site as well as the proposed layout and design. He also explains the variances being requested.

Mr. Patterson inquires as to the area behind the property.

Mr. Galantino inquires as to the location of the HVAC. He also states the HVAC must comply.

Public portion is open.

Public portion closes.

Mrs. Albergo, property owner, 17 S Madison Ave, is sworn in and is not in favor of the application.

Dr. Bonnie Milas, property owner, 11 S Madison Ave, is sworn in and is not in favor of the application.

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 Galantino, Craig Palmisano, Steven Jasiecki, Michael Ruffu and Michael Richmond.

Those opposed: (0) Zero.

8. Adam Weiss: 11 S Iroquois Avenue, Block 110.02, Lot 7, located in the S-25 zoning district seeking C variance relief for front yard setback, porch/decks, front yard landscape coverage and possibly others to elevate an existing single-family dwelling.

Mr. McLarnon reads his review dated May 25, 2023.

Eric Goldstein attorney for the applicant, presents the application. Mr. Goldstein states that the applicant will add a grass strip.

Peter Weiss New Jersey Licensed Architect is sworn in. Mr. Weiss describes the layout and presents the design. He also explains the variances being requested. He states that the landscaping will increase.

Mr. Jasiecki inquires as to the number of existing trees.

Public portion is open.

Public portion closes.

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 Galantino, Craig Palmisano, Steven Jasiecki, Michael Ruffu and Michael Richmond.

Those opposed: (0) Zero.

9. Brad & Sharon Weingart: 216 North Rumson Ave, Block 419, Lot 14, Located in the S-25 zoning district seeking C variance relief for side yard setback, roof eave height and possibly others to construct a half story to an existing single-family dwelling.

Mr. McLarnon reads his review dated May 22, 2023.

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

Peter Weiss New Jersey Licensed Architect is sworn in. Mr. Weiss describes the design and the current and proposed layout. He explains the variances requested. He also states that the positive criteria outweigh any negative.

Mr. Richmond inquires as to the stairway causing the variance.

Mr. Palmisano inquires as to the full bath addition.

Mrs. Weingart, property owner, is sworn in and gives a brief history of the property and the need for the full bath.

Mr. Patterson suggests removing the tub and making a half bath.

Mr. Baylinson, on behalf of the applicant, agrees.

Jim Galantino states that the elevation certificates that were submitted are incorrect.

Public portion is open.

Public portion closes.

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 Galantino, Craig Palmisano, Steven Jasiecki, Michael Ruffu and Michael Richmond.

Those opposed: (0) Zero.

10. Thomas & Candice Baglivo: 206 N Thurlow Ave, Block 421, Lot 20, located in the S-25 zoning district seeking C variance relief for front yard setback, principal building, front yard setback- porch/deck, side yard setback (right), side yard setback, building coverage, side yard setback – pool equipment and possibly others to elevate and modify an existing and 1 ½ story dwelling and create a second story as well as constructing a pool.

Mr. McLarnon reads his review dated May 22, 2023. Mr. McLarnon suggest moving the pool equipment and eliminating that variance. The pool equipment must be at design flood elevation – 1<sup>st</sup> floor.

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

Thomas Baglivo New Jersey Licensed Architect, is sworn in and presents the design. He describes the proposed layout and parking. He explains the variances being requested.

Mr. Baylinson asks Mr. Baglivo to confirm that by granting the variances requested would not cause any detriment to the New Jersey Land Use Law or Margate's zoning ordinance and that positives outweigh the negatives.

Mr. Patterson asks Mr. Baylinson to confirm that the pool equipment will comply.

Mr. Baglivo agrees to move the pool equipment.

Public portion is open.

Public portion closes.

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 Galantino, Craig Palmisano, Steven Jasiecki, Michael Ruffu and Michael Richmond.

Those opposed: (0) Zero.

## G. Other Business - None

Jim Galantino makes a motion to adjourn the meeting at approximately 10:14pm, which is seconded by Michael Cristaldi and unanimously approved.

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

Submitted By: Carmella Malfara, Acting Board Administrator and Secretary

