



## CITY OF MARGATE PLANNING BOARD

### MINUTES

Thursday, December 21, 2023

The regular meeting of the City of Margate Planning Board commences at 6:30 pm, led by Board Chairman Richard Patterson at Historic City Hall, 1 S. Washington Avenue, Margate, NJ.

#### A. Flag Salute

#### B. Roll Call:

##### Members Present:

Tom Collins  
Craig Palmisano  
Richard Patterson  
John Pitts  
Jim Galantino  
Margaret Guber-Nulty  
Stephen Jasiecki  
Michael Ruffu  
Andrew Campbell  
Michael Richmond

##### Members Absent:

Michael Cristaldi  
Remy Pelosi

##### Staff Present:

Roger D. McLarnon, Zoning Officer  
Palma Shiles, Board Administrator  
Elias Manos, Esq., Board Solicitor

**C. Statement of Compliance:** Chairman Richard Patterson affirms that the meeting adheres to public notice requirements and the NJ State Sunshine Law governing public meetings.

**D. Approval of Minutes:** Tom Collins moves to approve the minutes of November 16, 2023, seconded by Jim Galantino, and unanimously approved.

**E. Approval of Decisions and Resolutions:** Jim Galantino moves to approve Decisions and Resolutions for #46-2023: Jeffrey and Christine Poppel, #47-2023: Davco Construction, Inc., and #48-2023: Marc J Levine, seconded by Tom Collins and unanimously approved.

#### F. Applications:

##### 1) ROTUS, LLC: (Postponed)

**7807 ATLANTIC AVE, 19 S ESSEX AVE, 17 S ESSEX AVE, Block 105 Lots 5, 6 and 8:** Located in the CBD zoning district, seeking site plan approval with c-variance relief for parking and potentially others to maintain the outdoor restaurant/bar.

#### Announcement for Postponement:

Leo Manos announces the postponement of the application to January 25, 2024, without the need for re-noticing.

**2) YURIY LITVAN: (Partially Approved with Conditions)**

**17 S BENSON AVENUE, Block 124 Lot 47:** Located in the S-40 zoning district, seeking c-variance relief for front yard setbacks to the house and porch, front yard landscape area, and potentially others for the construction of a new single-family home.

**Presentation and Applicant Testimony:**

Roger McLarnon presents his report of the application.

Eric Goldstein, attorney on behalf of the applicant, explains the need for variances, citing the unusual lot shape as a hardship.

Peter Weiss, the architect, is sworn in, and the Board accepts his qualifications. Mr. Weiss describes the lot's dimensions, proposed construction, and the location of the swimming pool, noting the property's dimensions compared to neighboring lots.

**Board Discussion and Response:**

Tom Collins suggests relocating the pool and raises concerns about setbacks. Mr. Goldstein agrees and proposes an amendment to enhance setbacks.

Richard Patterson comments on building coverage and acknowledges the overage on landscaping as a positive aspect.

**Public Comment:**

Public portion is open; no speakers come forward, so public portion is closed.

**Deliberation and Vote:**

John Pitts asks if removing the front decks would bring the project into compliance. Chairman Patterson emphasizes the Board's encouragement of open fronts.

Mr. McLarnon raises concerns about the third floor, noting it may not meet the intent of the ordinance.

Michael Richmond and Tom Collins seek clarification on the additional variances. Mr. McLarnon explains that the variances are for the size of the dormer area and the eave height.

Mr. Collins suggests a separate vote for the new variances. Mr. Goldstein agrees and confirms compliance with the pool-related concerns.

Leo Manos details the specific variances, representations made during the hearing, and conditions outlined in Mr. McLarnon's report. He calls for a motion from the board members for the original variances for setbacks and landscaping. Jim Galantino moves to grant "c" variance relief, and Tom Collins seconds the motion.

**Vote results: (Part 1)** In Favor: (7) Seven – Collins, Palmisano, Patterson, Galantino, Guber-Nulty, Ruffu, Richmond; Opposed: (2) Two – Pitts, Jasiecki. (Approved)

Mr. Manos calls for a motion from the board members for the additional variance request for dormer area and eave height. Tom Collins moves to grant “c” variance relief, and Jim Galantino seconds the motion.

**Vote results: (Part 2)** In Favor: (4) Four – Collins, Galantino, Guber-Nulty, Jasiecki; Opposed: (5) Five – Palmisano, Patterson, Pitts, Ruffu, Richmond. (Denied)

A portion of the application is approved with certain conditions based on the vote of the board members.

**3) SHARON POMANTE-DONATO AND JULIA POMANTE: (Approved with Conditions)**

**403 N VENDOME AVE, Block 622 Lot 13:** Located in the S-40 zoning district, seeking d-variance relief for the expansion of a preexisting, nonconforming duplex use and c-variance relief for front yard setback, and potentially others for the construction of an elevator on an existing two-story duplex.

**Presentation and Applicant Testimony:**

Roger McLarnon presents his report of the application.

Leo Manos announces the need for recusals by the mayor's designee, John Pitts and City Official, Jim Galantino, due to the d-variance.

Michael Richmond seeks clarification on variances and comments on the elevator.

Kristopher Facenda, attorney for the applicants, describes the property's current use, ongoing construction, and existing permits. He explains that variances are requested due to pre-existing nonconformities, meeting c-1 and c-2 criteria without causing substantial detriment.

Richard Patterson inquires if the property is owner-occupied.

William S Swiderski, a professional engineer and planner, is sworn in, and the Board accepts his qualifications. He describes the property, its history, and proposed changes. He explains that there is a grant to elevate the structure, and that the plan meets hardship criteria, enhances the building's aesthetics, and decreases impervious coverage. He notes that the first floor is presently occupied, but the proposed plan aims to provide off-street parking.

**Board Discussion and Response:**

Craig Palmisano asks about the existing and proposed curb cuts.

Mr. McLarnon seeks clarification on compliance with landscape requirements and explains that his office will work with the applicants to meet deadlines during the Certificate of Occupancy process. He also clarifies the number of required street trees.

**Public Comment:**

Public portion is open and the following member(s) of the public are sworn in:

- Louis Marone of 405 N Vendome Avenue, explains dissatisfaction with the lack of communication by the owners and raises concerns related to parking, safety, and garage door setback.

Mr. McLarnon clarifies the timing of the application and explains the changes in the garage door ordinance.

Mr. Richmond speaks as a builder about project timelines associated with home elevation grants.

Public portion is closed.

Mr. McLarnon requests for the applicants to obtain a certificate of nonconformity.

#### **Deliberation and Vote:**

Leo Manos details the specific variances, representations made during the hearing, and conditions outlined in Mr. McLarnon's report. Tom Collins moves to grant "d" and "c" variance relief, seconded by Craig Palmisano.

**Vote results:** In Favor: (7) Seven – Collins, Palmisano, Patterson, Guber-Nulty, Jasiacki, Ruffu, and Richmond; Opposed: (0) Zero.

The application is approved with certain conditions based on the vote of the board members.

#### **4) RICHARD AND JODI GORODESKY: (Approved with Conditions)**

**8107 ATLANTIC AVENUE, Block 109.02 Lot 1:** Located in the S-25 zoning district, seeking c-variance relief for building coverage, top floor decks, elevator rear setback, and potentially others to elevate a single-family home.

#### **Presentation and Applicant Testimony:**

Roger McLarnon presents his report of the application.

James Swift, attorney on behalf of the applicants, requests for witnesses Terri Cummings and Richard Gorodesky to be sworn in. Both witnesses are sworn in, and Terri Cummings is accepted by the Board as an architect.

Mr. Swift describes the existing conditions and what the applicants are requesting. He explains that the property is presently not flood compliant, and that they are proposing to lift it to compliance and provide parking and storage below. The design also includes outdoor space, with a request for one deck to allow ocean views over the library tent in the summer. He further explains that this is not their first submission; they modified the plans based on Roger McLarnon's recommendations. The applicants believe the benefits outweigh any negatives.

Terri Cummings describes the existing conditions and explains the plan to raise the house to meet flood compliance, widen the curb cut for parking, relocate utilities, and add outdoor space. She

describes the layout of the home and the location of the third-floor deck, also noting the desire to provide an ocean view over the library tent.

**Board Discussion and Response:**

Michael Richmond inquires as to the new bedroom shown on the plan and asks about the existing parking location. Ms. Cummings explains that a bedroom was relocated.

Chairman Richard Patterson suggests adding a pent roof to reduce the variance, which Ms. Cummings agrees to.

Board Members, Chairman Patterson, Michael Richmond, Craig Palmisano, Tom Collins, and John Pitts discuss safety concerns related to the driveway location and space in front of the garage. Property Owner, Richard Gorodesky describes the existing driveway and what is proposed, noting that they are adding pervious coverage.

Terri Cummings explains a design alternative to improve the safety issue.

Mr. McLarnon suggests moving the sidewalk and creating a smaller governors strip. He also summarizes the changes to the application related to the number of bedrooms, parking, sidewalk, and pent roof.

**Public Comment:**

Public portion is open, no speakers come forward, so public portion is closed.

**Deliberation and Vote:**

Leo Manos details the specific variances, representations made during the hearing, and conditions outlined in Mr. McLarnon's report. He calls for a motion from the board members. Tom Collins moves to grant "c" variance relief, and Margaret Guber-Nulty seconds the motion.

Vote results: In Favor: (9) Nine – Collins, Palmisano, Patterson, Pitts, Guber-Nulty, Jasiecki, Ruffu, Campbell, and Richmond; Opposed: (0) Zero.

The application is approved with certain conditions based on the vote of the board members.

**G. Public Participation:** No public speakers during this portion.

**H. Other Business:** No further business is discussed.

**Adjournment:** The meeting concludes at approximately 8:45 pm.

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

**Submitted By:** Palma Shiles  
Planning Board Administrator and Secretary  
City of Margate