

**Margate City Planning Board
Minutes
June 26, 2014**

1. Chairman Richard Patterson called the meeting to order at 7pm.

2. Flag Salute

3. Roll Call

Present

Tom Collins
Clem Wasleski
Mike Richmond
Jim Galantino
Commissioner Taube
Michael Cristaldi
Craig Palmisano
David Carter
Despina Hess
Remy Pelosi
Joseph DiGirolamo
Rich Patterson

Absent

Margaret Guber-Nulty

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

4. Procedure

Chairman Patterson announced that the meeting was 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 applicants to sign forms at the end of their approval regarding mercantile licenses and building permits.

5. Minutes

The minutes of April 24, 2014 were received, on the motion of Mr. Galantino; seconded by Mr. Collins, and unanimously approved.

6. Resolutions & Decisions: The following Resolutions were approved unanimously when received on motion by Mr. Collins, seconded by Mr. Galantino: #13-2014: Robert Neustader; #22-2014: Jason Newman; #23-2014: Edward J Walberg; #24-2014: Cassandra Banko; #25-2014: Steven Baglivo: 26-2014: Steven Brown.

7. MAINLINE GENERAL CONTRACTING and RESTRATION, INC. – 9 S. GRANVILLE AVE – BLOCK 108.02 – LOT 19 in the CBD district to a grant a Site Plan approval for land area under 10,000square feet; and C variance for parking, size of storage sheds, and possibly others; and D variance for office use. TAXES ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Rubin, Zoning Officer, is sworn in and reads his review, which is attached.

Mr. Galantino, Mr. Collins and Commissioner Taube recuse themselves.

Brian Callaghan, attorney for the applicant presents his case.

Jon Barnhart, Licensed Planner and Surveyor is sworn in. Credentials are accepted.

Peter Weiss, Licensed Architect is sworn in.

Mr. Barnhart reviews the application.

Open to Board.

Mr. Wasleski discusses parking.

Mr. Weiss explains the layout of the plans.

Mr. Richmond inquires as to the number of bedrooms.

Mr. Callaghan agrees to amend application to three bedrooms per unit.

Public portion is opened.

Joseph Tozzi, 7 S Granville Avenue, Margate, NJ is sworn in and speaks against the application.

Howard Seidan, 7508 Bayshore Drive, Margate, NJ is sworn in and speaks against the application.

David Goodelman, 303 N Clermont Avenue, Margate, NJ is sworn in and speaks against the application.

Eugene Carroccia, 305 N Thurlow Avenue, Margate, NJ is sworn in and speaks against the application.

Public portion is closed.

Mr. Richmond speaks about parking.

Mr. Callaghan reviews the application.

Solicitor Stanley Bergman reads the D variance.

Motion to approve the D variance was put forth by Mr. Wasleski and Ms. Pelosi seconded. The motion was approved, seven in the affirmative and zero in the negative. Ayes; Wasleski, Richmond, Cristaldi, Palmisano, Carter, Hess and Patterson. Nays – None.

Solicitor Stanley Bergman reads the C variance with site plan.

Motion to approve the C variances was put forth by Mr. Palmisano and Mr. Cristaldi seconded. The motion was denied, one in the affirmative and six in the negative. Ayes; Patterson. Nays – Wasleski, Richmond, Cristaldi, Palmisano, Carter, and Hess.

Ms. Pelosi recuses herself from the meeting

9. LUXURIA HOMES, LLC – 8902 AMHERST AVE. – BLOCK 420 - LOT 1 in the S-25 district for a Minor subdivision with variances for corner Lot 1 for front yard setback. TAXES ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Rubin, Zoning Officer, is sworn in and reads his review, which is attached.

Brian Callaghan, attorney for the applicant presents his case.

John Obelenus, Architect for the applicant is sworn in and credentials are accepted. Description of the application is then presented.

Open to the Board.

Open to Public.

Deana Whitfield, 222 N Sumner Avenue, Margate, NJ is sworn in and questions the location of the driveway.

Eugene Carroccia, 305 N Thurlow Avenue is sworn in and objects to the front yard setback.

Public portion is closed.

Solicitor Stanley Bergman reads the C variance; revised plans are required.

Motion to approve the variance was put forth by Mr. Galantino and Mr. Collins seconded. The motion was approved, six in the affirmative and two in the negative and one abstention. Ayes- Collins, Richmond, Galantino, Taube, Palmisano, and Patterson. Nays – Cristaldi, Carter. Abstention – Wasleski.

9. 102 S. VENDOME AVE. LLC – 102 S. VENDOME AVE. –BLOCK 23 - LOT 2 in the S-40 district to grant C variances for fence height. TAXES ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Rubin, Zoning Officer, is sworn in and reads his review, which is attached.

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

Open to the Board.

Mr. Richmond objects to recommending a fence color.

Open to the Public.

Public portion is closed.

Solicitor Stanley Bergman reads the variances and revised plans are not required.

Motion to approve the variances 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, Richmond, Galantino, Taube, Crisatldi, Palmisano, Carter, and Patterson. Nays – none.

10. JOANNE S. CHERTOK TRUST – 3 S. SUMNER AVE. – BLOCK 119 - LOT 2 in the S-60 district to grant a C variance for pool setbacks, and possibly others. TAXES ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Rubin, Zoning Officer, is sworn in and reads his review, which is attached.

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

Mark Zawacki, Licensed Architect is sworn in and describes the application.

Open to the Board.

Mr. Patterson inquires as to the setback.

Mr. Wasleski inquires as to the pergola.

Open to public.

Public portion is closed.

Mr. Rubin recites the conditions for C variances with revised plans being required.

Motion to approve the variances with conditions requested was put forth by Mr. Collins and Mr. Richmond seconded. The motion was approved, nine in the affirmative and zero in the negative. Ayes: Collins, Wasleski, Richmond, Galantino, Taube, Cristaldi, Palmisano, Carter and Patterson. Nays – none.

11. ERWIN RAICHLE – 344 N. RUMSON AVE. - BLOCK 619 – LOT 17 in the S-40 district to grant a C variance for combined side setbacks and possibly others. TAXES ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Rubin, Zoning Officer, is sworn in and reads his review, which is attached.

Mr. Wasleski objects to the engineer's drawings.

Solicitor Bergman advises the Board to proceed.

Mr. Wasleski and Mr. Galantino recuse themselves.

Chris Baylinson, attorney for the applicant presents the application.

Thomas Guy Jadico, Licensed Professional Engineer, is sworn in and describes the application.

Open to Board.

Mr. Richmond inquires as to the side yard setback.

Mr. Baylinson represents that the revised plans will be submitted by a Licensed Architect.

Open to Public.

Public portion is closed.

Solicitor Bergman reads the variances, which require revised plans.

Motion to approve the variances with conditions was put forth by Mr. Collins and Mr. Carter seconded. The motion was approved, nine in the affirmative and zero in the negative. Ayes: - Collins, Richmond, Taube, Cristaldi, Palmisano, Carter, Hess and Patterson. Nays – None.

Ms. Hess recuses herself from the meeting.

12. BRIAN MIRANDA – 8505 FREMONT AVE. – BLOCK 613.01 - LOT 34 in the S-40 district to grant a C variance for front setback, and possibly others. TAXES ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Rubin, Zoning Officer, is sworn in and reads his review, which is attached.

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

Mark Zawacki, Licensed Architect is sworn in and describes the application.

Open to the Board.

Mr. Cristaldi inquires as to the elevation.

Solicitor Stanley Bergman reads the variances and revised plans are not required.

Motion to approve the variances was put forth by Mr. Collins and Mr. Galantino seconded. The motion was approved, nine in the affirmative and zero in the negative. Ayes: Collins, Wasleski, Richmond, Galantino, Taube, Crisatldi, Palmisano, Carter, and Patterson. Nays – none.

13. Public Participation

Mark Swartz, 9 S Rumson Avenue, Margate NJ objected to the stop work order on his property due to the retroactive interpretation of porch setbacks.

Commissioner Taube expresses support of Mr. Swartz.
Solicitor Bergman refers the discussion to the Commissioners.

Peter Weiss of Ventnor is sworn in and inquires as to the definition of the high- low setbacks.

Chris Baylinson, 220 N Vendome Ave, is sworn in and request that the Board take time before jumping into a decision on porch setbacks.

14. Other Business

1. Commissioner Taube invites the Board to The Stormwater Management Presentation July 17, 2014, 1:00 – 3:30PM at the Dominick A. Potena Performing Arts Center.

Mr. Patterson recommends that the Board attend.

2. Mr. Rubin informs as to the need for a recommendation for change to the Commissioners. Mr. Rubin distributes a proposed change to the way of calculating front setbacks for porches and houses

Mr. Rubin reads memo, see attached.

Mr. Patterson inquires as to the default if there are not any porches.

Mr. Galantino expresses the need to reduce mass on the street.

Mr. Cristaldi recommends keeping the ordinance.

Mr. Collins requests each zone have an appropriate setback.

Mr. Rubin informs as to the need for an empirical study. Tonight adds greater strength in moving forward.

Mr. Patterson recommends a measure to prevent what has already occurred in the future.

Solicitor Stanley Bergman reads the Recommendation for a Resolution to Revise the Setbacks for Front Porches and Front Walls.

Motion to approve the Recommendation for a Resolution was put forth by Mr. Collins and Mr. Patterson seconded. The motion was approved, eight in the affirmative and one in the negative. Ayes: Collins, Wasleski, Galantino, Taube, Crisatldi, Palmisano, Carter, and Patterson. Nays – Richmond.

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

Full meeting is available on tape.
Respectfully submitted

Johanna Casey
Planning Board Secretary/Administrator