

Margate City Planning Board
Minutes
April 30, 2015

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

2. Flag Salute

3. Roll Call

Present

Clem Wasleski
James Galantino
Margaret Guber-Nulty
Michael Cristaldi
Craig Palmisano
David Carter
Despina Hess
Remy Pelosi
Joseph DiGirolamo
Rich Patterson

Absent

Tom Collins
Mike Richmond
Brenda Taube

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 March 26, 2015 were received, on the motion of Mr. Cristaldi; seconded by Mr. Galantino, and unanimously approved.

6. Resolutions & Decisions: The following Resolutions were approved unanimously when received on motion by Mr. Galantino, seconded by Mr. Cristaldi: #18-2015: Brad & Sharon Weingart; #19-2015: Michael & Suzanne Kirkland; #20-2015: Michael & Farah Burns.

7. ROBERT NEUSTADTER – 6 S. PEMBROKE AVE. –BLOCK 117 LOT 12.01 in the S-40 district. The action is an interpretation of or clarification of (or relief from) a previous condition of the February 2014 subdivision and variance action. TAXES AND WATER 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. Carter recuses himself.

Nick Talvacchia, attorney for the applicant presents his case.

Judge Neustadter, 6 S Nassau Ave. is sworn in and gives testimony on his recollection of the events and his understanding of agreement.

Fred Serni, attorney for Sean Gormley addresses the Board.

Sean Gormley, 2 S Pembroke, is sworn in and gives testimony on his intentions of the Deed Restriction.

Chris Baylinson, is sworn in as a witness for Mr. Gormley and gives testimony.

Judge Neustadter announces; he would have never agreed to the ten foot setback if it didn't include a garage.

Solicitor Bergman reviews the interpretation; a garage allowed to be built within the ten foot setback or just primary structure ten feet from the property line to be voted on.

Mr. Wasleski – Principle Structure, thus allow garage

Mr. Galantino – Don't remember

Mr. Cristaldi – Allow driveway and garage

Mr. Palmisano – Ten Feet to Principal structure, thus allow a garage

Ms. Hess – Principal structure, thus allow a garage

Ms. Pelosi – No Recall

Mr. DiGirolamo – No Building

Mr. Talvecchia requested a moment to meet with his client, Mr. Gormley and Mr. Serni.

Mr. Talvecchia returns to inform the Board that an agreement has been made between Judge Neustadter and Mr. Gormley. The ten feet vegetation will remain vegetation, south side will have a nine foot setback to principal structure. The driveway and garage will be located in that south side area.

Motion to approve the amended C variances with revised plans required was put forth by Mr. Cristaldi and Ms. Pelosi seconded. The motion was approved, nine in the affirmative and zero in the negative. Ayes; Wasleski, Galantino, Guber-Nulty, Cristaldi, Palmisano, Hess, Pelosi, DiGirolamo and Patterson. Nays - none.

8. EBER TRUST – 7 S. NASSAU AVE. - BLOCK 114 LOT 4 in the S-40 district to grant minor subdivision with C variances for side yard setback, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

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

Nick Talvacchia, attorney for the applicant presents the application.

Julia Jaffe, property owner, is sworn and presents testimony as to the family history with the property.

Art Ponzio, Professional Planner, is sworn in and gives testimony as to the history of the Parkway section lot development and the state mandated consolidation.

Open to the Board.

Mr. Wasleski recommends a change to a solid wall facing the neighbor on the south side.

Open to the Public.

Barbara Manos, 11 S Nassau Avenue, is sworn in and objects to the application.

Ed Hurst, 6 S Nassau Avenue, is sworn in and speaks in favor of the application.

Daniel Westcott, 3 S Nassau Avenue, is sworn in and speaks against the application.

Public portion is closed.

Motion to approve the variances with conditions and revised plans required was put forth by Mr. Galantino and Mr. Wasleski seconded. The motion was approved, five in the affirmative and four in the negative. Ayes; Wasleski, Guber-Nulty, Cristaldi, Palmisano and Carter. Nays; Galantino, Hess, Pelosi and Patterson.

9. MICHAEL AND FARAH BURNS – 8205 BAYSHORE DRIVE WEST. – BLOCK 1200 LOT 56 in the S-60 district to grant C variances for side yard setback, total landscape area, front landscape area, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger Rubin, Zoning Officer, is sworn in and reads his review.

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

Farah Burns, property owner, and Stevan Pocks, Architect, are sworn in.

Mr. Pocks gives testimony as to the changes to the previous plan.

Open to the Board.

Mr. Cristaldi inquires as to the two lot numbers on the drawing.

Mr. Wasleski inquires as to the distance between homes.

Open to public.

Farah Burns, property owner, gives testimony as to the need for her family.

Jay Matthew Weinberg, 8207 Bayshore Drive West, is sworn in and gives testimony in favor of the application.

Public Portion is closed.

Mr. Rubin reviews the C variances with no conditions, and states that revised plans are not required.

Motion to approve the C variances was put forth by Mr. Galantino and Mr. DiGirolamo seconded. The motion passes, seven in the affirmative and zero in the negative. Ayes; Wasleski, Galantino, Guber-Nulty, Cristaldi, Palmisano, Carter and Patterson. Nays – none.

10. SEABRIGHT HOUSE, LLC – 9200 VENTNOR AVE. – BLOCK 125 – LOT 60 in the CBD district to grant a Site plan. There are no parking variances, as the real estate and medical parking ratio are the same, and the new second floor apartment has a lower parking requirement than the same area used as part of the veterinary facility. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger Rubin, Zoning Officer, is sworn in and reads his review.

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

Jon Barnhart, professional planner, and Christina Buendicho, professional architect are sworn in.

Mr. Barnhart gives testimony as to the minor changes in the building. The second floor will be converted to an apartment.

Ms. Buendichio gives testimony as to the design and character of the building.

Mr. Galantino inquires as to a rear staircase.

Mr. Wasleski inquires as to the projection of the awnings into the right of way.

Open to the public.

Public portion is closed.

Ms. Guber-Nulty inquires as to the curb cut.

Mr. Rubin inquires as to consolidation and signage lighting.

Mr. Rubin reviews the conditions which revised plans are required.

Motion to approve the site plan was put forth by Mr. Galantino and Mr. DiGirolamo seconded. The motion passes, nine in the affirmative and zero in the negative. Ayes; Wasleski, Galantino, Guber-Nulty, Cristaldi, Palmisano, Carter, Hess, DiGirolamo and Patterson. Nays – none.

11. KEITH AND LISA PRIMEAU – 508 N. UNION AVE. – BLOCK 623 LOT 11 in the S-40 district to grant a C variance for deck elevation, roof height, deck in side yard setback, front (porch) setback, and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

David Carter recuses himself.

Remy Pelosi has left due to a family matter.

Roger Rubin, Zoning Officer, is sworn in and reads his review.

Michael Rann, attorney for the applicant presents the case.

Jon Barnhart, professional planner and Kevin Olandt, licensed architect in the state of Pennsylvania are sworn in.

Mr. Barnhart presents the engineering portion of the application regarding the zoning conflict between the deck height on the bay and the bulkhead height.

Mr. Olandt confirms that Mr. Fenwick is a Licensed Architect in the State of New Jersey and supervised every step of the procedure as well signed the drawings.

Mr. Olandt reviews the drawing and the need for the variances.

Open to the Board.

Mr. Cristaldi inquires as to the height variance due to the cupola.

Mr. Wasleski inquires as to the ceiling height.
Open to the public.

Kevin Rose, 509 N Union, states that he has no objection to the variances, being that the cupola was removed.

Public portion is closed.

Mr. Rubin reviews the C variances, with revised plans being required.

Motion to approve the C variances was put forth by Mr. Galantino and Ms. Guber-Nulty seconded. The motion passes, six in the affirmative and one in the negative. Ayes; Galantino, Guber-Nulty, Cristaldi, Palmisano, Hess and Patterson. Nays – Wasleski.

12. T-MOBILE NORTHEAST, LLC – 9701 VENTNOR AVE. – BLOCK 231 LOT 16 in the C-2 district to grant a D (use) variance for antennas, C variance for height, and the Site Plan. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger Rubin, Zoning Officer, is sworn in and reads his review.

Mr. Galantino recuses himself.

Rick Decuceria, attorney for the applicant, presents the application.

Public portion is open.

Public portion is closed.

Motion to approve the D (use) variance, C variance and Site Plan action was put forth by Mr. Wasleski and Mr. Carter seconded. The motion passes, seven in the affirmative and none in the negative. Ayes; Wasleski, Guber-Nulty, Cristaldi, Palmisano, Carter, Hess and Patterson. Nays – none.

13. MARGATE PROPERTIES, LLC – 9315 AMHERST AVE. & 9310 MASSEY AVE. – BLOCK 527 LOTS 3.01& 3.02 AND BLOCK 427.02 LOT 507. Site plan for conversion to restaurant and C variance for parking. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Roger Rubin is sworn in and reads his review.

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

Roy Goldberg, property owner, is sworn in and gives testimony.

Mr. Galantino inquires as to the layout.

Open to the Board.

Ms. Guber-Nulty inquires as to the business being seasonal.

Open to the Public.

Dr. Linda Raichle, 202 N Washington Ave., opposes the application.

Nicholas Gargano, 204 N Washington Ave., opposes the application.

Barbara Ginsburg, 9216 Amherst Ave., opposes the application.

Joel Naroff, 223 N Washington Ave., opposes the application.

Tom Ritz, 204 N Washington Ave., opposes the application.

Robert Herman, attorney for the Sophia's, spoke in favor of the application.

Catherine VanDuyne, 422 N Essex Ave. spoke in favor of the application.

Carmen Rone, 502 N Thurlow Ave., spoke in favor of the application.

Robert Tosi, 9400 Amherst Ave. spoke in favor of the application.

Mr. Goldberg gives closing argument.

Mr. Rubin reviews the conditions.

Motion to approve the site plan was put forth by Mr. Galantino and Mr. Cristaldi seconded. The motion passes, nine in the affirmative and zero in the negative. Ayes; Wasleski, Galantino, Guber-Nulty, Cristaldi, Palmisano, Carter, Hess, DiGirolamo and Patterson. Nays – None

14. Other Business

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

Full meeting is available on tape.

Respectfully submitted

Johanna Casey
Planning Board Secretary/Administrator