

MARGATE CITY PLANNING BOARD MINUTES

**Thursday May 30, 2019
6:30 PM**

Chairman Richard Patterson called the meeting to order at 6:30pm.

FLAG SALUTE:

ROLL CALL:

<u>Present</u>	<u>Absent</u>
Tom Collins	Despina Hess
Clem Wasleski	
Rich Patterson	
Jim Galantino	
Michael Cristaldi	
Margaret Guber-Nulty	
Craig Palmisano	
Remy Pelosi	
Joe DiGirolamo	
Ron Gruppo	
Michael Richmond	

Roger McLarnon, Zoning Officer
Johanna Casey, Board Administrator
Leo Manos, Esq., Solicitor

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.

MINUTES

The minutes April 25, 2019 was received on the motion of Mr. Collins, seconded by Mr. Galantino, and unanimously approved.

APPROVAL OF DECISIONS AND RESOLUTIONS: The following Resolution was approved unanimously when received on motion by Mr. Galantino, seconded by Mr. Cristaldi: #19-2019: Darin and Jamie Morgan, #20-2019: Scott Mertz.

Mr. Manos inquires as to Mr. Goldstein requesting the floor.

Mr. Goldstein requests a postponement of the Larry and Clara Schreiber: 10 N. Sumner Application until the June 27th hearing.

Postponement was granted. Renotification is not necessary.

ALLEN & LINDA SHUBIN – 23 S. UNION AVENUE – BLOCK 121 LOT 9 in the S-40 district to grant “C” variance relief for left side yard setback, right side yard setback, combined side yard setback and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. McLarnon is sworn in and reads his review into the record.

Mr. Patterson inquires as to waiver #8.

Eric Goldstein, attorney for the applicant, reviews the history of the property and the application.

Terry Cummings, licensed architect in the State of New Jersey, is sworn in and credentials are accepted. Gives testimony as to the design and intention to stay under the 50% rule.

Mr. McLarnon inquires as to the garage being part of the structure. He states the side yard setback is 2.8 feet.

Mr. Galantino request 7 flood vents be installed being the structure will not be elevated.

Mr. Patterson inquires as to there being grass out front.

Mr. Wasleski inquires as to the location of the trash and recycling barrels. He inquires as to having access thru the garage.

Mr. Richmond inquires as to the reason the structure isn’t being raised.

Ms. Cummings states the applicant isn’t interested in raising the property. It is an expansion of the second floor. There will not be a third floor nor do they ever intend to have a third floor.

Mr. McLarnon inquires as to there being sidewalk on the narrow side of the house.

Open to Public.

Public portion is closed.

Mr. Manos reviews the C variances. Revised plans are not required.

Motion to grant the approval for subdivision was put forth by Mr. Collins and Mr. Galantino seconded. The motion was approved, seven in the affirmative, zero in the negative. Ayes; Collins, Wasleski, Patterson, Cristaldi, Galantino, Guber-Nulty and Richmond. Nays –None.

BENDYL LLC – 11 S. MADISON AVENUE – BLOCK 129 – LOT 211 in the MF district to grant “C” relief for lot size, building coverage, combined side yard setback and possibly others. TAXES AND WATER ARE CURRENT AND PROOF OF ADVERTISING AND NOTIFYING IS SATISFIED.

Mr. Collins recuses himself.

Mr. McLarnon reads into the record his review. Mr. McLarnon states there were no permits for the outside shower, which appears to have been there for a long time.

Eric Goldstein, attorney for the applicant, reviews the variances. He states the front yard and the total landscaping is over.

Peter Weiss, 101 N. Washington Avenue, licensed architect in the state of New Jersey, credentials are accepted, reviews the design.

Mr. Goldstein informs the Board the structure will be below the height limit.

Mr. Weiss states four feet below.

Rich states that is a positive. He inquires as to the building being flood compliant.

Craig inquires as to the number of bedrooms in the existing structure and the number in the proposed duplex.

Mr. Galantino request the air compressor be elevated to fourteen feet.

Mr. Wasleski inquires as to the existing structure being demolished.

Mr. Weiss states it will be a multifamily building.

Mr. Richmond inquires as to how much over in square footage is the proposed building in coverage.

Mr. Palmisano states a single family home would have less cars.

Mr. McLarnon inquires as to the building being a condo and will there be a pool.

Mr. Richmond inquires as to the porches being considered a part of coverage.

Mr. Galantino states a non-conversion agreement is required

Public portion is open.

Brian Callaghan, attorney for Arthur Roth, 15 S. Madison Avenue, states for the record the agreement with the applicant to maintain the shared driveway and save the planter.

Public portion is closed.

Mr. Manos review the C variances relief requested. Revised plans are not required.

Motion to grant the approval for C variance relief was put forth by Mr. Galantino and Mr. Cristaldi seconded. The motion was approved, four in the affirmative, three in the negative. Ayes; Cristaldi, Galantino, Guber-Nulty, and Richmond. Nays – Wasleski, Patterson and Palmisano.

JAMES CLEARARKIN – 8805 FULTON AVENUE - BLOCK – 718 LOT 1.02 in the S-40 district Appeal of Administrative Officer's Decision of Margate City Ordinance #175-33:d(3)(c)(1) deck elevation.

Mr. Collins returns.

Mr. Manos gives a reason for the application. He reviews the correspondence between Mr. Joe Clearkin, the building department and Mr. McLarnon. The first part of the application is to render a decision on whether the appeal was timely.

Mr. Stein, attorney for Mr. Joseph Clearkin, presents a motion to dismiss the appeal as timely.

Mr. Stein requests the Board moves to give an interpretation on Mr. McLarnon's decision on permitting the deck to be built at the height it was. He states there is no time limit on appeals.

Mr. Galantino states there are three things involved: Mr. McLarnon's approval of the plans, flood plain and building inspection.

Mr. Stein request Mr. Galantino to be recused.

Mr. Galantino is recused.

Mr. Stein believes the appeal was filed within 10 days.

Mr. Patterson inquires as to who gave the opinion.

Mr. Stein requests clarity on the interpretation of the deck height.

Papers claiming to be transcripts from March 3, 2016 Commissioners Workshop meeting were handed out.

Mr. Goldstein, attorney for Anthony Piriano, objects to the transcripts stating they are not signed or sealed, therefore they are inadmissible. The emails do not restart the clock on the twenty days on the appeal time. There is a procedural aspect which wasn't followed.

Mr. Manos reviews the email correspondence and their dates.

Mr. Stein objects to the dates.

Mr. Patterson request reviewing the variance and the lack of understanding of the variance.

Mr. Stein clarifies that there was no variance application for the deck.

Mr. Cristaldi states the ordinance for deck height then is different than the ordinance is now. An interpretation now would not apply to then.

Mr. Manos states the permit was approved June 28, 2018.

Mr. Wasleski requests elaboration on the phrase “should have known”

Mr. Collins inquires as to when the deck was completed.

Mr. Joseph Clearkin, 8803 Fulton Avenue, is sworn in and states the deck was finished March 5th. He states he has cameras which the contractor used to catch a person stealing materials from the job site.

Mr. Patterson inquires as to Mr. Clearkin’s time line.

Mr. Richmond inquires as to what plans and when did Mr. Clearkin review them.

Mr. Patterson requests clarification on the emails.

Mr. Richmond inquires as to Mr. Clearkin looking at the picture of the step down to the deck.

Mr. Collins states Mr. Clearkin has education and knowledge to read a set of architectural plans.

Mr. McLarnon is sworn in and gives his rebuttal. Plans were reviewed June 13, 2018 the deck was a four inch step down. Mr. Clearkin started questioning him on June 20, 2018 on what was being built next to his home.

Mr. Goldstein reviews court case decisions.

Public Portion is open.

Phil DiBerardino, 505 N. Thurlow Avenue, speaks against the deck.

Public portion is closed.

Mr. Manos states the motion is to hear the appeal that the application was not untimely.

Motion to grant the approval to hear the appeal was put forth by Mr. Collins and Ms. Pelosi seconded. The motion was denied, zero in the affirmative, seven in the negative. Ayes; None. Nays – Collins, Wasleski, Patterson, Cristaldi, Guber-Nulty, Palmisano and Richmond.

Mr. Stein inquires as to when the deck height ordinance changed.

Mr. Stein requests caring forward the interpretation of the deck ordinance.

Mr. Goldstein objects.

PUBLIC PARTICIPATION:

OTHER BUSINESS:

There being no further business, the motion to adjourn was made by Mr. Collins and seconded by Ms. Guber-Nulty and unanimously approved. 8:45 pm.

Full meeting is available on tape.

Respectfully submitted

Johanna Casey

Planning Board Secretary/Administrator