



CITY OF MARGATE PLANNING BOARD MINUTES

Thursday, October 24, 2019

Board Chairman, Richard Patterson calls the meeting to order at 6:30 pm.

1. **Flag Salute**

2. **Roll Call:**

Members Present:

Tom Collins
Clem Wasleski
Richard Patterson
Michael Cristaldi
Jim Galantino
Margaret Guber-Nulty
Joseph DiGirolamo

Members Absent:

Steven Jasiocki
Remy Pelosi
Ron Gruppo

Staff Present:

Roger D. McLarnon, Zoning Officer
Palma Accardi, Board Administrator
Leo Manos, Esq., Board Solicitor

3. Statement of Compliance: Chairman Richard Patterson announces 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.

4. Approval of Minutes: Tom Collins makes a motion to approve the meeting minutes of September 26, 2019, which is seconded by Michael Cristaldi, and unanimously approved.

5. Appointment of New Board Administrator: Tom Collins makes a motion to nominate and appoint Palma Accardi for the position of Board Administrator, which is seconded by Jim Galantino, and unanimously approved.

6. Approval of Decisions and Resolutions: Joseph DiGirolamo makes a motion to approve the Decisions and Resolutions of #31-2019: Samara T.V. Dicker and #32-2019: Ori and Elise Feibush, which is seconded by Michael Cristaldi, and unanimously approved.

7. **Applications:**

a) **BRAD AND MICHELLE BEIDNER: 113 South Essex Ave, Block 5.01 Lot 7**, located in the S-40 district seeking "c" variance relief for rear yard setback to deck, dormer roof pitch, front yard landscaping, and possibly others in order to construct a new single family home.

Roger McLarnon is sworn in and reviews his report of the application. In addition, he makes a recommendation for the applicants to contact the City regarding a fire hydrant located at the property.

Eric Goldstein, attorney on behalf of the applicants, distributes revised plans to the members of the Board and describes the variances being requested.

Robert Lolio, New Jersey Licensed Architect, 219 Belleview Avenue, Hammonton, NJ, is sworn in and the Board accepts his credentials.

Eric Goldstein states that a non-conversion agreement will be recorded with the County Clerk prior to the issuance of a Certificate of Occupancy for the property.

Leo Manos notes that the revised plans dated October 21, 2019, will be known as A-1.

Mr. Lolio reviews the plans and describes the layout of the proposed new home; Mr. Goldstein asks Mr. Lolio to confirm the size of the third-floor area. Mr. Lolio also explains the variances requested for the rear yard setback for the decks and for a portion of the roof-pitch.

Mr. Patterson inquires as to the ceiling height of the first, second, and third floors.

Michael Richmond asks if the ceilings on the third floor will be vaulted.

Craig Palmisano questions the purpose of the proposed roof-pitch and also inquires as to the size of the proposed deck.

Mr. Richmond asks about the dimensions of the second-floor deck.

Mr. Palmisano asks if there are unobstructed views from the second-floor deck to Atlantic City; which Mr. Goldstein explains that there are not, due to the house directly behind the property.

Mr. Patterson asks if the proposed new house will be located closer to the ocean; which Mr. Goldstein affirms that it will.

Clem Wasleski inquires as to the changes made on the revised plans.

Mr. Goldstein states that the applicants, Mr. and Mrs. Beidner, have been in contact with their rear neighbors, The Brunos, who were not present at the meeting. Mr. Goldstein also states that The Brunos have no further objections of the revised plans.

Michael Cristaldi indicates an alternative and asks if the applicants would prefer to have a height variance rather than a roof-pitch variance.

Tom Collins states that the lower roof-pitch is acceptable and minor compared to a height variance.

Mr. Patterson asks why the proposed roof-pitch is needed over the stairwell.

Michelle Beidner, 113 S. Essex Avenue, Margate, NJ, is sworn in and gives testimony regarding her intention to move into the home almost full-year. Ms. Beidner states that her neighbors, The Brunos, as well as the neighbors to the left, all accept the revisions made to the original plans. Ms. Beidner also explains the importance of the size of the rear deck.

Public portion is open.

Public portion is closed.

Mr. Manos begins to review the variances requested and the conditions of approval.

Mr. McLarnon asks if the Board is satisfied with the testimony for both positive and negative criteria.

Mr. Goldstein asks Mr. Lolio to confirm that granting the variances requested would not have a negative impact on the New Jersey Municipal Land Use Law or Margate's Zoning code, and also, that the positives would outweigh the negatives.

Mr. Manos reviews the variances requested for the rear yard setback and building roof slope, a waiver for the submission of an area map, as well as the conditions of approval regarding a non-conversion agreement, fire hydrant on the property, and all other conditions stated in Mr. McLarnon's report.

Tom Collins makes a motion to grant approval for variance relief, which is seconded by Jim Galantino. Ayes: Tom Collins, Margaret Guber-Nulty; Nays: Clem Wasleski, Richard Patterson, Michael Cristaldi, Jim Galantino, Michael Richmond. The motion is denied with (2) two votes in favor of the application and (5) five votes against the application.

Mr. Goldstein asks if it is possible to remove the roof-pitch variance and have a re-vote.

Mr. Manos states that it is to the Board's discretion to consider a re-vote and that it should be discussed further. Upon discussion by the Board, Chairman Patterson agrees to hear a re-vote.

Mr. Manos reviews the variance request for the rear yard setback, with the same waiver and conditions as previously stated.

Tom Collins makes a motion to hear a re-vote for just the deck variances, which is seconded by Jim Galantino, and unanimously approved.

Tom Collins then makes a motion to grant approval for c-variance relief, which is seconded by Jim Galantino. Ayes: Tom Collins, Michael Cristaldi, Jim Galantino, Margaret Guber-Nulty, Michael Richmond; Nays: Clem Wasleski, Richard Patterson.

The motion is approved with (5) five votes in favor of the application and (2) two votes against the application.

- b) **JASON AND AMANDA HOHENSTEIN: 202 North Adams Ave, Block 428 Lot 82.02,** located in the MF district seeking “c” variance relief for front yard setback and possibly others in order to construct a new single family home.

Roger McLarnon reviews his report of the application.

Eric Goldstein, attorney on behalf of the applicants, describes the variances being requested.

John Barnhart, New Jersey Licensed Engineer and Planner, 400 Dover Avenue, Atlantic City, NJ, is sworn in and his credentials are accepted by the Board. Mr. Barnhart describes the conditions of the site and also explains how the application meets the criteria for the variances being requested.

Chairman Richard Patterson inquires as to the size of the house if there were to be no variances.

Craig Palmisano questions the location of the garage door, which Mr. McLarnon indicates is another variance. Mr. Barnhart states that they will comply with the location allowed.

Jim Galantino inquires as to the location and height of the fence, which Mr. Barnhart states is a typo on the plans and will be corrected in order to comply.

Mr. Galantino requests that the handicap ramp on the corner is replaced if damaged during the demolition.

Public portion is open.

Public portion is closed.

Mr. Manos reviews the variances requested for the front yard setback to the building along Monmouth Avenue, front yard setback to the porch along Adams Avenue, and front yard setback to the building along Adams Avenue, as well as the conditions of approval regarding the garage location, fence requirements, all representations made during the course of the hearing, and all other conditions stated in Mr. McLarnon’s report.

Jim Galantino makes a motion to grant approval for variance relief, which is seconded by Mike Cristaldi. Ayes: Tom Collins, Clem Wasleski, Richard Patterson, Michael Cristaldi, Jim Galantino, Margaret Guber-Nulty, Michael Richmond; Nays: None.

The motion is approved with (7) seven votes in favor of the application and (0) zero votes against the application.

- c) **LUKE AND GWENN BEE: 8701 Winchester Ave, Block 316 Lot 24,** located in the S-30 district seeking “c” variance relief for front yard setback and possibly others in order to expand the first floor porch and construct a second and third floor deck.

Clem Wasleski and Joseph DiGirolamo both recuse themselves.

Roger McLarnon reviews his report of the application and also asks for clarification regarding the landscape coverage and surveys submitted.

Chris Baylinson, attorney on behalf of the applicants, describes the variances being requested.

Peter Weiss, New Jersey Licensed Architect, 101 N. Washington Avenue, Margate, NJ, is sworn in and his credentials are accepted by the Board. Mr. Weiss describes the existing structure and the conditions of the site.

Chairman Richard Patterson inquires as to the size of the decks if there were to be no variances.

Mr. Baylinson asks Mr. Weiss to confirm that the plans submitted would not cause any detriment to the neighbors, zone plan, or zoning ordinance.

Chairman Patterson compliments the existing pent roof.

Public portion is open.

Public portion is closed.

Mr. Manos reviews the variances requested for the front yard setback to the first floor deck, to permit a third floor deck, as well as the conditions of approval regarding all representations made by the applicants and all other conditions stated in Mr. McLarnon's report.

Mr. Baylinson states that they will address the discrepancies regarding the surveys.

Tom Collins makes a motion to grant approval for variance relief, which is seconded by Michael Cristaldi. Ayes: Tom Collins, Richard Patterson, Michael Cristaldi, Jim Galantino, Margaret Guber-Nulty, Craig Palmisano, Michael Richmond. Nays: None.

The motion is approved with (7) seven votes in favor of the application and (0) zero votes against the application.

8. Other Business:

- a)** Leo Manos introduces a training booklet from the Municipal Joint Insurance Fund and requests that the Board Members review it before the next meeting.
- b)** Roger McLarnon discusses ideas regarding building coverage, lot coverage, and also explains the meaning of floor area ratio (FAR).

Mr. McLarnon discusses the ordinances pertaining to roof-pitch and half-story.

Mr. McLarnon recommends the Board to consider revising the ordinance pertaining to prevailing setbacks.

Chairman Richard Patterson inquires as to how to address the issue of prevailing front yard setbacks, which Mr. McLarnon responds to with several options.

Tom Collins suggests that there should be a study done and gives examples of prevailing setbacks in different areas.

Chairman Patterson asks Mr. McLarnon to work on a tree ordinance in order to require a permit for removing trees.

Chairman Patterson also gives examples of locations where giant trees were removed without reason.

Michael Cristaldi mentions the house on Thurlow and Amherst Avenue recently constructed with LED lights.

Chairman Patterson inquires as to a house currently under construction that is not being built according to the approved plans.

Mr. Collins informs Mr. Patterson that it can be reported to the Building Department.

Tom Collins makes a motion to adjourn the meeting, which is seconded by Jim Galantino, and unanimously approved at 8:15 p.m.

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

Submitted By: Palma Accardi
Board Administrator and Secretary