



**Eric S. Goldstein**  
Managing Partner

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February 1, 2021

**VIA HAND DELIVERY**

Palma Accardi  
Planning Board Administrator  
City of Margate, City Hall  
9001 Winchester Avenue  
Margate, NJ 08402

RE: Application of Steven B. Baglivo  
Block 329, Lots 45 and 49  
125 N. Madison Avenue and 9514 Monmouth Avenue  
Corner of Monmouth Avenue and North Madison Avenue  
Margate, New Jersey  
Our File No.: 12334-03

Dear Ms. Accardi:

Please be advised that I represent Steven Baglivo, who is the Applicant to the City of Margate Planning Board for the development of two new flood-compliant single-family homes on two proposed newly configured buildable lots at the corner of Monmouth Avenue and North Madison Avenue within the MF zoning district in the City of Margate.

The existing site contains two buildable lots of record one of which (Block 49) is 25' wide with frontage along Monmouth Avenue and 125' deep, which said lot contains a dilapidated non-flood compliant single-family home. The other lot (Lot 45) has 50' of frontage along Monmouth Avenue and 100' of frontage along Madison Avenue and contains one non-flood compliant single-family home.

The existing proposal by way of this application is to demolish both homes on both lots and reconfigure the lots to face Madison Avenue and to eliminate the driveway and curb cut along Monmouth Avenue and thereafter to construct two fully flood compliant single-family homes.

This application is first for a variance and subdivision to reconfigure the two lots to face North Madison Avenue but notwithstanding the fact that the subject lots are large enough for the construction of two single-family homes, the lots do not meet the requirements within the MF zone. The MF zone requirement is for each lot to be 4,400 square feet in order for a property owner to construct a two unit

dwelling. Rather than constructing any multi-family structures on the lots, the Applicant has been proactive in seeking to lessen the allowable density within the two lots, and to construct two single-family flood compliant homes on the proposed newly configured lots.

In support of this application, enclosed please find the following:

1. Original and seventeen (17) copies of the City of Margate Planning Board Application and Variance Application Checklist;
2. (18) – Signed and sealed copies of a minor subdivision plan prepared by Paul M. Koelling, PLS, dated October 30, 2020, consisting of one (1) sheet;
3. (18) – Signed and sealed copies of proposed plans for each single-family home to be constructed on each newly configured lot which said plans were prepared by Mark A. Zawacki, A.I.A., Architect, dated November 18, 2020 which each set of plans consists of one (1) sheet;
4. (18) – Copies of individual lot surveys for the respective properties prepared by Paul M. Koelling, PLS, dated January 19, 2021, each of which survey consists of one (1) sheet;
5. (18) – 200' front yard setback report for the properties along both Monmouth Avenue and Madison Avenue prepared by Paul M. Koelling, PLS, consisting of one (1) sheet;
6. (18) – Completed Staff Committee Applications and City of Margate Staff Committee Action Report;
7. (1) –200' Property Owners' List inclusive of the owners within 200' of Block 329, Lots 45 and 49; and
8. (1) – Original certifications of paid water, sewer and taxes.

Finally, enclosed are two checks payable to the City of Margate in the amounts of \$1,000.00 and \$370.00 respectively, which represents the "C" variance and subdivision fee (\$370.00) and engineering escrow fee (\$1,000.00) in order to process the subject application.

Should you have any further questions or require any additional documentation in advance of the hearing date, please do not hesitate to contact me.

Palma Accardi  
Planning Board Administrator  
February 1, 2021  
Page 3

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Thank you.

Very truly yours,

NEHMAD DAVIS & GOLDSTEIN, P.C.

BY: 

ERIC S. GOLDSTEIN

ESG:jls

Enclosures

c: Mr. Steven Baglivo (Via Email)  
Mark A. Zawacki, A.I.A. (Via Email)  
Jon J. Barnhart, PE, PP (Via Email)

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APPLICATION FOR ACTION BY PLANNING BOARD  
MARGATE, NEW JERSEY

PLEASE  
TYPE OR  
PRINT

1. **Date of Application:** February 1, 2021

2. **Zoning District:**

S-60	Single Family Residential	MF	<input checked="" type="checkbox"/>	Multi-Family Residential
S-50	Single Family Residential	CBD		Central Business District
S-40	Single Family Residential	C-1		Commercial
S-30	Single Family Residential	C-2		Commercial/Business
S-25	Single Family Residential	WSD		Waterfront Special District
S-25	Historic Single Family Residential	GO		Government and Open Space
TF	Two-Family Residential	R		Riparian Overlay District

3. **Subject Parcel:**

Street Address(es) 125 North Madison Avenue and 9514 Monmouth Avenue  
Block Number 329 Lot No(s) 45 & 49  
Total Area (in square feet) 8,125 (combined) SF  
Frontage: 75 FT along Monmouth Avenue, 100 FT along Madison Avenue (irregular)  
Depth: N/A (corner lot - Monmouth Avenue and Madison Avenue)

4. **Information about the Applicant:**

Full name(s) Steven Baglivo  
If Business Entity, Names of Officers or Principals (Submit disclosure statement if appropriate)  
\_\_\_\_\_  
Local Residence Address P.O. Box 3324, Margate, New Jersey Zip 08402  
Other Residence Address \_\_\_\_\_ Zip \_\_\_\_\_  
Business Address 8005 Atlantic Avenue, Margate, New Jersey Zip 08402  
Phone Number(s) (include area code);  
Local Residence \_\_\_\_\_ Other Residence \_\_\_\_\_  
Business \_\_\_\_\_ Fax \_\_\_\_\_ Cell Phone 609-457-2383

**5. Interest in Subject Property:**

(Supply copies of relevant documents with this

Application):

By lease dated \_\_\_\_\_

By Agreement of Sale dated \_\_\_\_\_

By Ownership of property  
since \_\_\_\_\_

By other interest in law (describe):  
By Agreement of Sale dated October 9, 2020  
\_\_\_\_\_  
\_\_\_\_\_

**6. If you do not own the Subject Property,  
provide the following regarding the Owner:**

Name(s) Andrew and Rita Windfelder

Address 8306 Atlantic Avenue, Margate, NJ 08402

Phone No. (include area code);

Res. \_\_\_\_\_

Bus. \_\_\_\_\_

Fax \_\_\_\_\_

Cell 609-335-5377

**7. Type of Application Applied For (check all applicable):**

C Variance(s)

D Variance(s)

Minor Site Plan Action

Major Site Plan Action

Minor Subdivision

Major Subdivision

Conditional Use Permit

Appeal (A)

Interpretation (B Variance)

Other (Explain)  
\_\_\_\_\_  
\_\_\_\_\_

**8. Application Made To:**

Planning Board

Other

**9. Professionals Representing the Applicant:** (Check applicable professional and provide information)

Attorney: Name Eric S. Goldstein, Esquire Phone 609-927-1177  
Address Nehmad Davis & Goldstein, PC, 4030 Ocean Heights Avenue  
Fax 609-926-9721 Cell \_\_\_\_\_

Architect: Name Mark A. Zawacki, AIA Phone 609-709-3292  
Address 1555 Zion Road, Suite 204, Northfield, NJ 08225  
Fax \_\_\_\_\_ Cell \_\_\_\_\_

Planner/Engineer Name Jon J. Barnhart, PE, PP, CME Phone (609) 344-8194  
Address 400 N. Dover Avenue, Atlantic City, NJ 08401  
Fax \_\_\_\_\_ Cell \_\_\_\_\_

Preparer of Subdivision or Site Plan (if different from above)  
Name Paul M. Koelling, PLS Phone 609-927-0279  
Address 2161 Shore Road, Linwood, NJ 08221  
Fax \_\_\_\_\_ Cell \_\_\_\_\_

*(Be sure to include all area codes and zip codes in the above)*

**10. If Site Plan Action is Required:**

-What is the present use of the site and building(s)?

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

-How will this be changed?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**11. If Subdivision Action is Required:**

-After conferring with the City Tax Assessor, provide lot numbers of new lot(s), dimensions, and area of each: (use extra pages, if necessary)

Lot No(s)	Dimension(s)	Area(s)
45	75 x 50	3,750 S.F.
49	50 x 75	4,375 S.F. (Lot is irregularly shaped adding more square footage)
	x	S.F.

-Purpose of the Subdivision

- To sell lot(s)
- To build and sell homes (or other buildings)
- Other (please explain): \_\_\_\_\_

**12. If Variances are Required:**

(Note: Properly scaled site plan must show all dimensions relevant to variance analysis)

-Current use of lot(s) and building(s): The existing non-flood compliant single-family homes at the corner of Monmouth Avenue & North Madison Avenue

-Proposed use: reconfiguration of lots facing N. Madison Avenue and eliminating access on Monmouth Avenue and the construction of two new flood compliant single family homes

-If a "D" or "Use" Variance is required, please explain: \_\_\_\_\_

-Regarding any dimensional variances required, please fill out the following chart:

Variance	Requirement of District	Present Condition	Proposed Condition
Overall Lot Area Block 45	4,400	N/A	3,750
Overall Lot Area Block 49	4,400	N/A	4,375
Front Porch on House - 125 N. Madison Avenue	10' 4"	N/A	5'
Proposed House - 127 N. Madison Avenue Front setback to building	44'	N/A	10' on Monmouth Avenue
Front Porch on Madison Avenue	10.4'	N/A	5.0'

**13. Prior Action:** Please detail any prior hearing and/or decision relevant to this application. Supply date, name of Board, and results. (IF YOU ARE NOT SURE PLEASE CHECK WITH EITHER BOARD ADMINISTRATOR.) If no prior action, write "none".

NONE

**14. County and Other Agency Actions** (Provide necessary dates and decisions):

**Site Plan:**

N/A

**Subdivision:**

N/A

**Other:**

N/A

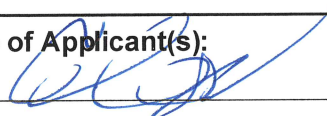
**15. Space for Narrative:** In this space you must provide a general narrative description of what is being proposed, as well as any information not otherwise set forth above which may be relevant to the application, including justifications, clarifications and extenuating circumstances. FAILURE TO PROPERLY COMPLETE THIS SPACE WILL CONSTITUTE AN INCOMPLETE APPLICATION.

With this project, the applicant proposes to eliminate a significantly undersized lot with a curb-cut on Monmouth Avenue, which said lot is 25' wide and 125' deep with a small undersized house which currently exists far from Monmouth Avenue on the subject lot. An older dilapidated non-flood compliant house also sits on the lot directly on the corner of Monmouth Avenue and N. Madison Avenue. That lot will also be eliminated and there shall be no access or homes which directly face Monmouth Avenue which is a well travelled through street from east to west in Margate. Rather, the lots shall be reconfigured to face North Madison Avenue and each lot will have its square footage adjusted so that the minimum front setback in the MF Zone is exceeded by the new lot layout. Each lot which faces Madison Avenue will have 50' of frontage. The proposed Block 329, Lot 45 which is the interior lot (not on the corner) will have a landscape buffer easement in the rear of the property and then irregular "bump out" in the rear of the property behind existing Lot 47 which is the adjacent property located at 123 N. Madison Avenue.

Following the reconfiguration of the lots to face Madison Avenue, two new fully flood compliant homes are proposed on each lot. Due to the significant extreme setbacks of the existing homes from Monmouth Avenue, and based upon Margate's front setback calculation methodology, variances are required for each of the new homes proposed to be built on the newly configured lots facing Madison Avenue. The corner house has a required setback to the building of 44'. The applicant is proposing a setback which is twice the required minimum setback in the City of Margate - 10' to the building along Monmouth Avenue. The applicant is requesting a setback to the front porch of the house on the corner of Monmouth Avenue and Madison Avenue of 5', where 10.4' is required. The interior lot is larger than the corner lot but also subject to setback to the porch in a fairly significant way. As such, the applicant is proposing a front setback variance for the porch on the interior lot to 5' from the property line, where 10.4' is required. The applicant submits that there is no detriment to either the neighboring properties or the zone plan and zoning ordinance of the City of Margate, because two irregular lots are being eliminated as part of the subject application and two non-conforming non-flood compliant properties are being eliminated by and through the demolition of the structures on the existing lots.

The new homes will in all respect be a marked improvement over the former homes and will be completely flood compliant under the City of Margate's Flood Prevention Ordinance and the State of New Jersey's statutes along with all applicable FEMA regulations. For additional justification regarding the granting of variances as requested herein, please see the attached Variance Justification Report as Exhibit "A" to this application.

**16. Signature of Applicant(s):**



Date February 1, 2021

Date \_\_\_\_\_

**17. This space for Board Administrator:**

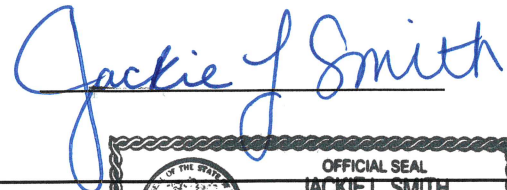
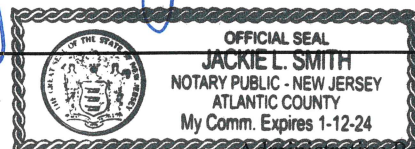
-Staff Committee action took place  
1/13/21 and case assigned to  
 the Planning Board for 2/25/21 or

-This application received by the  
 Planning Board Administrator on  
Feb. 2, 2021

By: Trishna Accardi

**18. Notarized Statement by Applicant:**

State of New Jersey } ss.  
 County of Atlantic }  
Eris S. Goldstein, being duly  
 sworn according to law, deposes and says, that  
 the statements contained in the above application  
 and the statements contained in the papers  
 submitted herewith are true.  
 Sworn to and subscribed before me this 1st  
 day of February, 2021.

**Application of Steven Baglivo**  
**125 N. Madison Avenue (Block 329, Lot 45)**  
**9514 Monmouth Avenue (Block 329, Lot 49)**  
**Margate, New Jersey**  
**Addendum to Application**

Steven Baglivo ("Applicant") is currently the contract purchaser of Block 329, Lots 45 and 49. Both lots have existing homes built upon them which have irregular yards. The house that exists at Block 329, Lot 49 sits very far back from Monmouth Avenue and is built upon an undersized 25-foot-wide lot.

The house and property which occupy the corner of Monmouth Avenue and N. Madison Avenue also sits on an irregular lot, and although the home currently faces Madison Avenue, there is 50 feet of frontage along Monmouth Avenue, creating an irregular overall parcel.

The existing proposal by way of this application is to demolish both homes on both lots and reconfigure the lots to face Madison Avenue, not Monmouth Avenue.

There will be no access to the properties along Monmouth Avenue and two new flood compliant homes with appropriate off-street parking will be constructed facing Madison Avenue, thereby eliminating access from the through street - - Monmouth Avenue, and also eliminating two older non-flood compliant dilapidated homes.

Further, the properties are in the MF (Multi-Family) Zone.

Rather than build a 3-unit multi-family property on the lots, the Applicant proposes to build one single-family flood compliant home on each lot, but due to the proposed size of each lot, the existing application requires variances for overall lot square foot area.

The multi-family zone requires each lot to be 4,400 square feet with 40 feet of lot width.

Although each property will meet the requirements for lot width along Madison Avenue (frontage), and one of the lots is only 25 square feet shy of being a fully compliant lot of 4,400 sq/ft., both proposed properties require a variance for overall lot area in order for the Applicant to build the 2 single family homes, rather than the multi family structure.

The proposed house on the corner of Monmouth Avenue includes 74% front landscape coverage, which is greatly in excess of the requirement for single family homes.

Upon each lot a new flood compliant single-family home is proposed to be constructed, as shown on the attached architectural plans and renderings prepared by Mark A. Zawacki, Architect.

Due to an unusually skewed setback with the property, each of the attached proposed homes requires minimal variance relief for their construction. The homes have been designed with an attempt to keep all requests for variances to a minimum, but each home requires variances as set forth on the plans submitted herewith. The house to be located at 125 N. Madison Avenue requires a variance for front porch setback and the house proposed to be built at 127 N. Madison Avenue requires a variance for front building setback and front porch setback



along Madison Avenue.

It is respectfully submitted that the variances should be granted pursuant to N.J.S.A. 40:55D-70(c)(1) and N.J.S.A. 40:55D-70(c)(2), based on the existing physical constraints within the lots and because the proposed development will satisfy the purposes of zoning by promoting the public health, safety and general welfare by securing the homes from future flooding, providing for adequate light, air and open space, and providing sufficient space in the appropriate location for residential use, as well as promoting a desirable visual environment.

The evidence to be presented to the Board shall provide ample factual support for the proposed development. The grant of the variances will not be detrimental to the neighbors and their quiet use and enjoyment of their properties, and it will not be contrary to the residential character of the neighborhood or the overall master plan and zoning ordinances of the City of Margate.

In terms of the positive criteria to support granting the variances listed above, the following purposes of the Municipal Land Use Law are advanced.

a. **Appropriate Location (N.J.S.A. 40:55D-2(e))**. The properties in question are in an appropriate location for the proposed single-family dwelling uses. The development parcel is located in the MF zone where residential homes constitute a permitted use. Additionally, this tract is surrounded by existing residential homes and multifamily dwellings. As such, the proposed 2 new homes are entirely appropriate upon examination of the existing home patterns in the neighborhood.

b. **Promoting a Desirable Visual Environment (N.J.S.A. 40:55D-2(i))**. This application further advances that purpose of the Municipal Land Use Law to promote a desirable visual environment and creative development techniques and good civic design and arrangements. As can be seen on the architectural plans and elevations prepared by Mark A. Zawacki, the Applicant proposes architecturally attractive residential structures including many decorative elements and enhanced landscaping.

c. **Promoting Public Health, Safety, Morals and General Welfare (N.J.S.A. 40:55D-2(a))**. The proposed plan of development advances this purpose of the Municipal Land Use Law, while also advancing the purposes of the City of Margate's Flood Prevention Ordinances and the State of New Jersey's Flood Mitigation Statutes, by building the homes over the minimum BFE to protect the structure from future flooding events. As such, the proposed homes shall be marked improvements over the existing inherent flood risks of the homes as they are today.

d. **Providing adequate light, air and open space (N.J.S.A. 40:55D-2(c))**. The proposed development preserves light, air and open space by eliminating the older homes and not encroaching upon the existing neighborhood view corridors between the subject properties and the surrounding neighbors.

For these reasons, we submit that the positive and negative criteria are satisfied with respect to the variances requested above.

As the Board is aware, variance relief is justified when the MLUL's purpose "would be advanced by a deviation from the Zoning Ordinance requirements and the benefit from the deviation would substantially outweigh any detriment." N.J.S.A. 40-55D-70c(2).

Overall, the proposed plan of development satisfies the goals outlined in Margate's Ordinances with respect to its residential zoning plan. In contrast, it is respectfully submitted that there is no detriment associated with any of the above variances sought. Consequently, the positive aspects of the variances sought in connection with this application clearly outweigh any detriment associated therewith. The proposed variances will have a *de minimis* impact on the surrounding property owners. Thus, there is clearly no substantial negative impact to the surrounding neighborhood nor to the zoning ordinance and zone plan of the City of Margate

In terms of Flood Prevention, the Applicants are attempting to be proactive in constructing the homes to a BFE at the required city and state Flood Prevention regulations

MARGATE CITY CODE

Minor Subdivision and Minor Site Plan Checklist

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS (Page 1 of 2)		Submitted	Waiver Requested
	If waiver is requested, reasons shall be indicated in separate submission.		
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.	XX	
2.	Scale: 1" = 50' or as approved by Board Engineer.	XX	
3.	Current survey upon which plat or plan is based.	XX	
4.	Map size: 24" x 36"	XX	
5.	Key map: 1,000-foot radius, street names, zoning districts.	XX	
6.	Title block and basic information: a. Title. b. Date of original preparation and date(s) of revision. c. North arrow and reference meridian. d. Ratio scale and graphic scale. e. Tax map block, lot numbers and zone. f. Name, address and license number of person preparing plat or plan, signed and sealed. g. Name and address of owner of record and applicant, if different from the owner.	XX	
7.	Signature of the applicant, and, if the applicant is not the owner, the signed consent of the owner.	XX	
8.	A map of the entire tract or property showing the location of that portion to be divided therefrom, giving all distances and showing all roads abutting or transversing the property. Development boundaries shall be clearly delineated.	XX	
9.	The name of all adjoining property owners as disclosed by the most recent City tax records.	XX	
10.	Names of adjoining municipalities within 200 feet.	N/A	
11.	The location of existing and proposed, including details: a. Property lines. XX b. Streets (with right-of-way widths). XX c. Buildings (with an indication as to whether existing buildings will be retained or removed). XX d. Buildings within 200 feet of the site. XX e. Parking spaces and loading areas. N/A f. Roadways, driveways and curbs. XX g. Watercourses. N/A h. Bridges. N/A i. Drainage pipes and other improvements. j. Natural features and treed areas, both on the tract and within two hundred (200) feet of its boundary. N/A k. Sewer, water and other utilities. l. Lighting including photometrics and landscaping. m. Signage including details. n. Refuse areas. o. Soil erosion and sediment control plan.		XX  XX XX XX XX

LAND USE

**Minor Subdivision And Minor Site Plan Checklist  
(Cont'd)**

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS (Page 2 of 2)		Submitted	Waiver Requested
12.	Area in square feet of all existing and proposed lots; number of new lots created.	XX	
13.	Bearings and distances of all existing and proposed property lines with any existing lot lines to be eliminated by the proposed subdivision clearly indicated.	XX	
14.	Sufficient elevations or contours at two-foot intervals, including finished grades and finished floor elevations.		XX
15.	The location and width of all existing and proposed utility, drainage and other easements, including but not limited to, sight triangle easements.		XX
16.	Front, side, and rear setback lines.	XX	
17.	Chart of the zoning requirements for the zone, what is proposed, and variances indicated.	XX	
18.	Delineation of flood plain and wetlands areas.	XX	
19.	A copy of any protective covenants or deed restrictions applying to the lands being subdivided or developed.		XX
20.	Ten (10) sets of folded plans	XX	
21.	For subdivisions, if the applicant intends to file the approved subdivision with the County, the plat shall be prepared in compliance with the "Map Filing Act," P.L. 1960, c.141 (C.46.2309.9 et seq.) and bear the signature block.	XX	
Checklist prepared by: <u>ERIC S. GOLDSTEIN, ESQ</u> Date: <u>1/29/2021</u> Checklist reviewed by Board: _____      Date: _____ Application found complete on: _____ Application found incomplete on: _____			

LAND USE

**Variance Application Checklist**

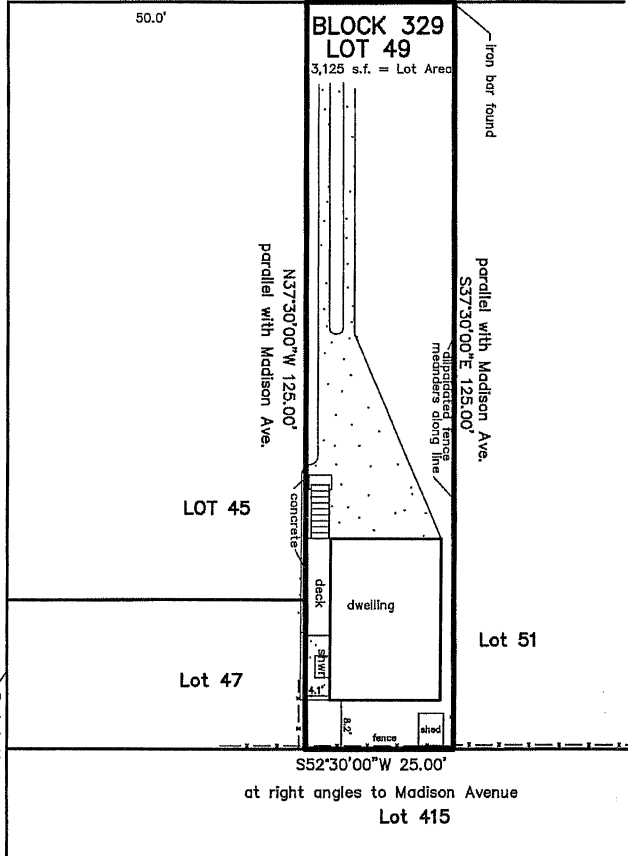
VARIANCE CHECKLIST (Page 1 of 1)		Submitted	Waiver Requested
1.	<p>Submit the following documents with the Standard Development Application:</p> <p>a. Copy of an area map showing all lots within 200 feet of the property.</p> <p>b. List of names, addresses, lot and block numbers, as they appear on the official tax records of the City, of all owners of property within 200 feet of the property affected by the application and upon whom the notice must be served in the manner provided by law.</p> <p>c. Copy of professional survey at a scale not smaller than 1" = 100' nor larger than 1/8" = 1'; clearly indicating the buildings and improvements thereon with all front, side and rear yard dimensions and setbacks from the property lines.</p> <p>d. Copies of subdivision, site plan or conditional use applications when applicable.</p> <p>e. Certification that taxes are paid.</p>	<p>XX</p> <p>XX</p> <p>XX</p> <p>XX</p> <p>XX</p>	
2.	<p>If the survey is more than one year old, attach certification of the applicant or owner that the survey accurately represents the status of the premises and all improvements at the time of filing for the variance, and show any proposed changes with all dimensions including enlargement of existing footprint, if applicable.</p>	N/A	
3.	<p>A statement containing the following information:</p> <p>a. Date of acquisition of property and from whom.</p> <p>b. The number of dwelling units in existing building(s).</p> <p>c. State whether the applicant or owners own or are under contract to purchase any adjoining lands. Set forth lot and block number(s).</p> <p>d. State whether the application is or is not to be accompanied by a separate application for subdivision, site plan or conditional use approval.</p>	<p>XX</p> <p>2</p> <p>NO</p> <p>NO</p>	
4.	<p>Ten (10) folded copies of a plot plan, map or survey.</p>		
	<p>Checklist prepared by: <u>ERIC S. GOLDSTEIN, ESQ.</u></p> <p>Checklist reviewed by City: _____</p> <p>Application found complete on: _____</p> <p>Application found incomplete on: _____</p>	<p>Date: <u>1/29/2021</u></p> <p>_____</p> <p>Date:</p> <p>_____</p>	

# MONMOUTH AVENUE

(50' wide)

N52°30'00"E 25.00'

Southerly Line



**MADISON AVENUE**  
(50' wide)

## DEED DESCRIPTION

Description of a certain tract or parcel of land situate in the City of Margate, County of Atlantic, State of New Jersey, being designated as Lot 49 in Block 329 on the current official tax map and being more particularly described as follows:

**BEGINNING** in the Southerly line of Monmouth Avenue (50' wide) and the division line between Lots 45 & 49. Said **BEGINNING** Point being measured North 52 degrees 30 minutes East, a distance of 50.00' from the Easterly line of Madison Avenue (50' wide), and thence running;

1. North 52 degrees 30 minutes East along Monmouth Avenue, a distance of 25.00' to the division line between Lots 49 & 51; thence
2. South 37 degrees 30 minutes East along last mentioned division line and parallel with Madison Avenue, a distance of 125.00' to the division line between Lots 49 & 415; thence
3. South 52 degrees 30 minutes West along last mentioned division line and parallel with Monmouth Avenue, a distance of 25.00' to the division line between Lots 45, 47, and 49; thence
4. North 37 degrees 30 minutes West along last mentioned division line and parallel with Madison Avenue, a distance of 125.00' to the point and Place of **BEGINNING**.

To: Steven B. Baglivo  
Trident Land Transfer Company (NJ) LLC

## GENERAL NOTES:

Offsets are shown only for checking compliance with deed restrictions and zoning regulations. Offsets shall not be used for any other purposes. Surveyor shall not have any responsibility or liability if the offsets shown are used other than as intended.

This property is subject to any documents of record, either recorded or unrecorded. Underground improvements, easements, property line agreements or other conditions unknown to the surveyor are not shown. Surveyor reserves the right to modify this survey should any such information become available.

Surveyor's signature and embossed seal signify that this survey was prepared in accordance with the current regulations adopted by the New Jersey State Board of Professional Engineers and Land Surveyors. Only signed and sealed copies of this survey shall be considered as true copies.

The illustration of riparian claims or regulated wetlands affecting subject property, if any, are not included as a part of surveyor's contract. Surveyor reserves the right to modify this survey should client specifically request these additional services.

This survey has been prepared only for the use of the named parties. Surveyor shall not have any responsibility or liability should this survey be used for resale of property, for use with survey affidavit, or for use by any other person or entity not specifically named, for any reasons other than as intended.

In consideration of the mutual covenants and promises contained in the agreement between the above named parties and the undersigned, the provisions of which are incorporated herein by reference, I declare that this plan is based on a field survey made on 01-18-2021 by me or under my immediate supervision in accordance with N.J.A.C. 13:40-5.1, and to the best of my professional knowledge, information and belief,

a) correctly represents the conditions found at and as of the date of the field survey, except such easements, if any, below the surface of the lands or on the surface of the lands and not visible,

b) except as shown on the plan, there are no discrepancies between the boundary lines of the subject property as shown on the plan and as described in the legal description of record.

This plan is made to provide information to the title insurer so that it may insure title to the lands shown herein and for the mortgage holder named above. This declaration is given solely to the above named parties for this transaction only and is not transferable, except as provided herein.

Date \_\_\_\_\_ Revision \_\_\_\_\_

## SURVEY OF PREMISES

SITUATE IN  
CITY OF MARGATE  
COUNTY OF ATLANTIC, N.J.  
#9514 Monmouth Avenue  
**BLOCK 329 LOT 49**

**PAUL KOELLING  
& ASSOCIATES, LLC**

PROFESSIONAL LAND SURVEYOR  
2161 SHORE ROAD  
LINWOOD, NJ 08221  
phone (609) 927-0279

CERTIFICATE OF AUTHORIZATION #24GA28256300

Date: January 19, 2021 by: KOELLING  
Scale: 1" = 20'

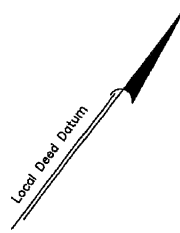
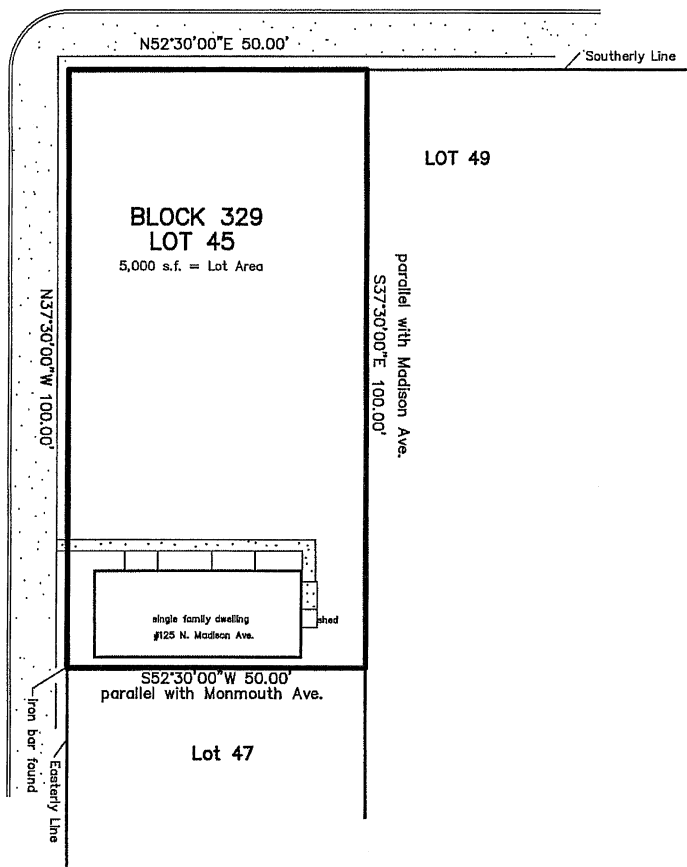
Property is located in a F.E.M.A. FIRM  
ZONE "AE"; Base Flood Elevation 9 ft. (NAVD88)

  
**PAUL M. KOELLING**  
LAND SURVEYOR  
PLS; N.J. LICENSE NO. 24GS04328800

# MONMOUTH AVENUE

(50' wide)

MADISON AVENUE  
(50' wide)



## DEED DESCRIPTION

Description of a certain tract or parcel of land situate in the City of Margate, County of Atlantic, State of New Jersey, being designated as Lot 45 in Block 329 on the current official tax map and being more particularly described as follows:

**BEGINNING** at the intersection of the Southerly line of Monmouth Avenue (50' wide) with the Easterly line of Madison Avenue (50' wide), and thence running;

1. North 52 degrees 30 minutes East along said line of Monmouth Avenue, a distance of 50.00' to the division line between Lots 45 & 49; thence
2. South 37 degrees 30 minutes East along last mentioned division line and parallel with Madison Avenue, a distance of 100.00' to the division line between Lots 45 & 47; thence
3. South 52 degrees 30 minutes West along last mentioned division line and parallel with Monmouth Avenue, a distance of 50.00' to the aforementioned Easterly line of Madison Avenue; thence
4. North 37 degrees 30 minutes West along Madison Avenue, a distance of 100.00' to the point and Place of **BEGINNING**.

To: Steven B Baglivo  
Trident Land Transfer Company (NJ) LLC

## GENERAL NOTES:

Offsets are shown only for checking compliance with deed restrictions and zoning regulations. Offsets shall not be used for any other purposes. Surveyor shall not have any responsibility or liability if the offsets shown are used other than as intended.

This property is subject to any documents of record, either recorded or unrecorded. Underground improvements, easements, property line agreements or other conditions unknown to the surveyor are not shown. Surveyor reserves the right to modify this survey should any such information become available.

Surveyor's signature and embossed seal signify that this survey was prepared in accordance with the current regulations adopted by the New Jersey State Board of Professional Engineers and Land Surveyors. Only signed and sealed copies of this survey shall be considered as true copies.

The illustration of riparian claims or regulated wetlands affecting subject property, if any, are not included as a part of surveyor's contract. Surveyor reserves the right to modify this survey should client specifically request these additional services.

This survey has been prepared only for the use of the named parties. Surveyor shall not have any responsibility or liability should this survey be used for resale of property, for use with survey affidavit, or for use by any other person or entity not specifically named, for any reasons other than as intended.

In consideration of the mutual covenants and promises contained in the agreement between the above named parties and the undersigned, the provisions of which are incorporated herein by reference, I declare that this plan is based on a field survey made on 01-18-2021 by me or under my immediate supervision in accordance with N.J.A.C. 13:40-5.1, and to the best of my professional knowledge, information and belief,

a) correctly represents the conditions found at and as of the date of the field survey, except such easements, if any, below the surface of the lands or on the surface of the lands and not visible,

b) except as shown on the plan, there are no discrepancies between the boundary lines of the subject property as shown on the plan and as described in the legal description of record,

This plan is made to provide information to the title insurer so that it may insure title to the lands shown herein and for the mortgage holder named above. This declaration is given solely to the above named parties for title transaction only and is not transferable, except as provided herein.

Date \_\_\_\_\_ Revision \_\_\_\_\_

## SURVEY OF PREMISES

SITUATE IN  
CITY OF MARGATE  
COUNTY OF ATLANTIC, N.J.  
#125 N. Madison Avenue  
BLOCK 329 LOT 45

**PAUL KOELLING  
& ASSOCIATES, LLC**

PROFESSIONAL LAND SURVEYING  
2161 SHORE ROAD  
LINWOOD, NJ 08221  
phone (609) 927-0279

CERTIFICATE OF AUTHORIZATION #24GA28256300

Date: January 19, 2021 by: KOELLING  
Scale: 1" = 20'

Property is located in a F.E.M.A. FIRM  
ZONE "AE"; Base Flood Elevation 9 ft. (NAVD88)

  
**PAUL M. KOELLING**  
LAND SURVEYOR  
PLS; N.J. LICENSE NO. 24GS04328800

# FRONT YARD SETBACK REPORT

## NEIGHBORHOOD SETBACK REPORT - MARGATE, NJ

		Block 329	Lot 45	#125 N. Madison Avenue
		SETBACKS (feet)		
<u>LOT</u>	<u>ADDRESS</u>	<u>DWELLING</u>	<u>FRONT PORCH</u>	<u>NOTE</u>
59	#128 N. Jefferson Ave.	29.7	17.2	
57	#9506 Monmouth Ave	29.8	10.8	
53	#9510 Monmouth Ave	43.7	43.7	
51	#9512 Monmouth Ave	59.0	59.0	
49	#9514 Monmouth Ave	89.8	89.8	Subject Property
45	#125 N. Madison Ave.	vacant	land	Subject Property
47	#123 N. Madison Ave.	7.2	n/a	
415	#119 N. Madison Ave.	12.4	5.0	
413	#117 N. Madison Ave.	5.4	n/a	
409	#113 N. Madison Ave.	10.4	10.4	
407	#111 N. Madison Ave.	18.8	12.6	
				Note: Prevailing Setback to be calculated by Design Professional based on City of Margate Code as applicable to setback requirements of proposed improvements.
				Paul M. Koelling, Land Surveyor N.J. License #24GS04328800





**City of Margate City  
Staff Committee Action - Planning Board**

<b>Block</b> 329	<b>Lot</b> 45/49	<b>Applicant Name</b> Steven Baglivo
<b>District</b> MF		<b>Address of Subject Application</b> 125 N Madison - 9514 Monmouth Avenue

Dear (Name of Submitting Party) Eric S. Goldstein, Esq.

Your submittal was considered at the Staff Committee meeting of Wednesday, January 13, 2021

The action(s) required prior to building permit are:

Staff committee reviewed the application, as previous staff committee did not include subdivision. The staff committee agrees with the variances identified and the possibility exists for additional variances and waiver requirements.

The matter will be placed on the agenda of the Planning Board at 6:30PM on Thursday, February 25, 2021

Applications will be accepted on a first-come first-served basis. If the agenda becomes over-crowded, you will be rescheduled the following month. If you decide, for whatever reason, not to appear on this date, you must notify the Board Administrator as early as possible. The following month's agenda cannot be guaranteed.

The following conditions and special considerations must be addressed as part of your application to the Board:

check list, meet all requirements for completeness

**APPLICATION FEES:**

<b>D Variance:</b>	\$0.00	<b>Court Reporter:</b>	\$0.00
<b>C Variance:</b>	\$250.00	<b>Other:</b>	\$0.00
<b>Site Plan:</b>	\$0.00	<b>Engineering escrow:</b>	\$1,000.00
<b>Subdivision:</b>	\$120.00		\$0.00
<b>Conditional Use Permit:</b>	\$0.00		\$0.00

Applicant shall combine all application fees into one separate check made out to the City of Margate. Escrow fees shall be a separate check made out to the City of Margate. NOTE: If an Escrow deposit is requested, a W9 form must be submitted with the Escrow check. Any Escrow funds will be refunded to the name and address indicated on the W9 form.

Please note that in proceeding further with the formal Board Application, you are responsible for satisfying all of the checklist particulars in the appropriate section(s) of the Administrative Regulations. The instructions and checklist for your particular application can be found on the following pages of this booklet: 1-13

You must also comply with the more detailed requirements of the Margate City Land Development Ordinance.

In order for you to be able to appear on the Board Agenda as per the above date, all application material must be submitted by 11:00am, Wednesday, February 03, 2021

Palma Accardi  
Planning Board Administrator  
Wednesday, January 13, 2021

Staff Committee Review Application  
Please Type or Print Neatly • \$25 Submittal Fee

By Board Administrator Or Zoning Official	Application Received:	Initial:
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Staff Committee meetings are held as needed. Contents must comply in all particulars with the Administrative Regulations for Processing Planning Board Applications, sections on Staff Committee Review. The Board Administrator and other City Hall staff will answer reasonable questions regarding this procedure. THEY WILL NOT, HOWEVER, FILL OUT THESE FORMS FOR YOU.

1. Date of Submittal: January 5, 2021

2. Submitted by – Name: Steven B. Baglivo Phone No.: \_\_\_\_\_

Address: 8005 Atlantic Avenue, Margate, NJ 08402

Email Address: \_\_\_\_\_

3. If the party submitting this form is other than the potential Applicant for Board action (attorney, architect, builder, engineer, etc.), then who would the APPLICANT be?

Name: Eric S. Goldstein, Esquire Phone No.: 609-927-1177

Address: Nehmad Davis & Goldstein, PC, 4030 Ocean Heights Ave., Egg Harbor Twp., NJ 08234

Email Address: egoldstein@ndglegal.com

4. The applicant would be (Check one): Owner \_\_\_\_\_ Renter: \_\_\_\_\_

Buyer under Agreement of Sale  Other: \_\_\_\_\_

5. If the applicant for Board action would be Renter or Buyer, who is present OWNER?

Name: Tania Odabashian & Edmund Scharpf/Rita Anne & Andrew Windfelder Phone No.: \_\_\_\_\_

Address: 613 N. Jackson St., Arlington, VA 22201/ 8306 Atlantic Ave., Margate, NJ 08402

6. Proposed Action is Located as Follows: Street Address: <u>125 N. Madison Avenue/ 9514 Monmouth Avenue</u> Block: <u>329</u> Lot(s): <u>45/49</u> Zoning District: <u>MF</u>
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7. Describe site (and buildings, if any) as existing now: (THIS SECTION MUST BE COMPLETED)

The subject property is located on two lots, one of which currently faces on Madison Avenue and the other of which currently faces on Monmouth Avenue. There currently exist older houses on each of the lots.

8. Answer the following as to:	Existing Condition	Proposed Condition
a. Size and dimension of lot	5000 SF/3125 SF	4375 SF/3750 SF
b. Size, dimensions of buildings	See attached plans	See attached plans
c. Height of bldgs. (feet)	See attached plans	See attached plans
d. Height of bldgs. (stories)	See attached plans	See attached plans
e. % of coverage on land	See attached plans	See attached plans
f. Front yard setback	See attached plans	See attached plans
g. Rear yard setback	See attached plans	See attached plans
h. Side yard setbacks	See attached plans	See attached plans

9. According to the Administrative Regulations, a scaled drawing must accompany this Application. If available, a survey would be appreciated. In addition, use this space to provide a detailed narrative description of the proposed action. Attach additional paper, if necessary:

(THIS SECTION MUST BE COMPLETED)

The applicant is currently the contract purchaser of Block 329, Lots 45 and 49. Both lots currently have homes built upon them which have irregular yards. The house that exists at Block 329, Lot 49 sits very far back from Monmouth Avenue and is built upon a 25 foot wide lot. The house and property which occupy the corner of Monmouth Avenue and N. Madison Avenue also sit on an irregular lot and although the home currently faces Madison Avenue, there is 50 feet of frontage along Monmouth Avenue, creating an oddly irregular overall parcel. The existing proposal by way of this application is to demolish both homes on both lots and reconfigure the lots to face Madison Avenue, not Monmouth Avenue. There will be no access to the properties along Monmouth Avenue and two new flood compliant homes with appropriate off-street parking will be constructed facing Madison Avenue.

The properties are in the MF (multi-family) Zone. Rather than build multi-family properties on the subject lots, the applicant proposes to build one single-family flood compliant home on each lot, but due to the proposed size of each lot, the existing application requires variances for overall lot square foot area. The multi-family zone requires each lot to be 4,400 square feet with 40 feet of lot width. Although each property will meet the requirements for lot width (frontage), and one of the lots is only 25 square feet shy of being a compliant lot, both proposed properties require a variance for overall lot area.

Upon each lot a new flood compliant single-family home is proposed to be constructed, and shown on the attached architectural plans and renderings prepared by Mark A. Zawacki, Architect. Due to an unusually skewed setback with the property, each of the attached proposed homes requires minimal variance relief for their construction. The homes have been designed with an attempt to keep all requests for variances to a minimum, but each home requires variances as set forth on the plans submitted herewith. The house to be located at 125 N. Madison Avenue requires a variance for front porch setback and the house proposed to be built at 127 N. Madison Avenue requires a variance for front building setback and front porch setback along Madison Avenue.

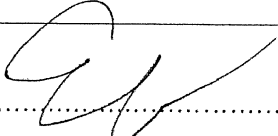
10. Although the Staff Committee will determine the correct legal steps, what are the actions requested. (check more than one, if applicable):

Subdivision  C-Variance(s)  D-(Use) Variance  Site Plan  Conditional Use Permit  Other

11. Which variances are needed, if any?

Variances for overall lot area for both properties and front porch setback at 125 N. Madison Avenue and front building and porch setback at 127 N. Madison Avenue.

12. IF THERE HAS BEEN ANY PREVIOUS STAFF COMMITTEE OR FORMAL BOARD APPLICATION AND/OR ACTION ON THIS PROPOSAL PROPERTY, PLEASE ATTACH RELEVANT DOCUMENTS, AND PROVIDE INFORMATION HERE: N/A



Signature of Submitting Party

Eric S. Goldstein, Esquire

Print or Type Name