



Fox Rothschild LLP
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JACK PLACKTER
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May 14, 2021

Via Overnight Delivery

Roger McLarnon
Land Use Administrator
City of Margate
9001 Winchester Avenue
Margate, NJ 08402

**Re: 1 North Lancaster Avenue
Block 213.02, Lots 25.01, 25.02 & 25.03 (consolidated)
"C" Variance Application**

Mr. McLarnon:

Enclosed please find the materials in support of the above-reference Application for Variance.

1. Application for Action by Planning Board, which is completely filled out and properly executed (1 original and 17 copies);
2. Justification/Explanation for Variances (18 copies);
3. A check covering the Application Fee in the amount of \$200.00;
4. A check covering the Escrow Fee in the amount of \$250.00;
5. A tax list of 200 ft. property owners;

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada **New Jersey** New York North Carolina Pennsylvania South Carolina Texas Washington



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6. A Variance Application Plan Site, submitted by OSK Design Partners, PA, dated March 21, 2021 (18 copies);

I note that while not part of Staff Committee review process, the Applicant is also requesting a fence variance to permit a fence at five (5) feet from the Ventnor Avenue and Kenyon Avenue property lines.

We trust this is sufficient to process the Application and confirm that our Client's application is scheduled to be heard at the June 24, 2021 hearing.

Thank you for your cooperation in this matter.

Very truly yours,

Jack Plackter

JP

APPLICATION FOR ACTION BY PLANNING BOARD
MARGATE, NEW JERSEY

PLEASE
TYPE OR
PRINT

1. Date of Application: _____

2. Zoning District:

S-60	Single Family Residential	<input checked="" type="checkbox"/>	MF	Multi-Family Residential	<input type="checkbox"/>
S-60-WF	Single- Family Residential	<input type="checkbox"/>	CBD	Central Business District	<input type="checkbox"/>
S-50	Single Family Residential	<input type="checkbox"/>	C-1	Commercial	<input type="checkbox"/>
S-40	Single Family Residential	<input type="checkbox"/>	C-2	Commercial/Business	<input type="checkbox"/>
S-40-WF	Single-Family Residential	<input type="checkbox"/>	WSD	Waterfront Special District	<input type="checkbox"/>
S-30	Single Family Residential	<input type="checkbox"/>	R	Riparian	<input type="checkbox"/>
S-25	Single Family Residential	<input type="checkbox"/>	WAPC	Washington Avenue Pedestrian Corr.	<input type="checkbox"/>
S-25 (HD)	Historic Single Family Residential	<input type="checkbox"/>	WSPA	Government and Open Space	<input type="checkbox"/>
TF	Two-Family Residential	<input type="checkbox"/>	I	Institutional Use	<input type="checkbox"/>
B	Beach	<input type="checkbox"/>			

3. Subject Parcel:

Street Address(es) 1 North Lancaster Ave.
 Block Number 213.02 Lot No(s) 25.01, 25.02 & 25.03 **
 Total Area (in square feet) 17,015 sq. ft. ** Lots consolidated
 Frontage: _____
 Depth: _____

4. Information about the Applicant:

Full name(s) Margate Family Property Holdings, LLC
 If Business Entity, Names of Officers or Principals (Submit disclosure statement if appropriate)
Brian Neider, Principal

 Local Residence Address 1 North Lancaster Ave. Zip 08402
 Other Residence Address 29 Marion Avenue, Short Hills, NJ Zip 07078
 Business Address n/a Zip _____
 Phone Number(s) (include area code);
 Email Address brianneider@gmail.com
 Business n/a Fax _____ Cell Phone 267-235-5250

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 August 15, 2018

____ By other interest in law (describe):

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

Name(s) _____

Address _____

Phone No. (include area code);
 Res. _____
 Bus. _____
 Fax _____
 Cell _____

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

<input checked="" type="checkbox"/> C Variance(s)	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Interpretation (B Variance)
<input type="checkbox"/> D Variance(s)	<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Other (Explain)
<input type="checkbox"/> Minor Site Plan Action	<input type="checkbox"/> Conditional Use Permit	_____
<input type="checkbox"/> Major Site Plan Action	<input type="checkbox"/> Appeal (A)	_____

8. Application Made To: XX Planning Board ___ Other

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

___ Attorney: Name Jack Plackter, Esq., Fox Rothschild LLP Phone 609-572-2200
 Address 1301 Atlantic Ave., Suite 400, Atlantic City, NJ 08401
 Fax 609-348-6834 Cell 609-226-5232 Email jplackter@foxrothschild.com

___ Architect: Name OSK Design Partners Phone 856-854-0580
 Address 17 West Knight Avenue, Suite 200, Collingswood, NJ 08108
 Fax 856-854-0993 Cell _____ Email arufeburkard@oskdp.com

___ Engineer: Name Arthur Ponzio & Associates Phone 609-344-8194
 Address 400 North Dover Ave., Atlantic City, NJ 08401
 Fax 609-344-1594 Cell 609-839-6892 Email aponzio@awponzio.com

___ Preparer of Subdivision or Site Plan (if different from above)
 Name _____ Phone _____
 Address _____
 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)?

-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)
_____	_____ x _____	_____ S.F.
_____	_____ x _____	_____ S.F.
_____	_____ 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): Currently vacant

-Proposed use: Construction of an accessory structure at rear of property, for use as pool house & gym. No living or cooking facilities. Also addition of perimeter fence.

-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
"C" - see 15, below	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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".

Submission to Staff Committee Review dated April 6, 2021.

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

Site Plan:

Subdivision:

Other:


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.

The property was originally subdivided into three large lots. It is now consolidated and consists of in excess of 17,000 square feet. Applicant desires to construct a pool house and workout area in an accessory structure. There will be no bedrooms or kitchen. The accessory structure is 417 square feet and 14 feet in height. This proposal requires four variances: (1) one to exceed the maximum square footage of 80 feet; (2) to exceed the maximum height of 9 ft.; (3) to exceed fence set-back on Ventnor Avenue; 10 ft. is required and 5 ft. is proposed; (4) to exceed fence set-back on Kenyon Avenue; 15 ft. is required and 5 ft. is proposed.

The structure is smaller than what would be permitted for a freestanding garage, and is in scale with the oversized lot and development on the property. It is significantly smaller than one of the three single family homes that could have been built on that portion of the property.

The accessory structure meets all setback and other bulk requirements of the Margate Zoning Ordinance.

16. Signature of Applicant(s):

 Date May 13, 2021
Brian Nelder on behalf of Margate Family Date _____
Property Holdings, LLC

17. This space for Board Administrator:

-Staff Committee action took place
4/16/21 and case assigned to
the Planning Board for 6/24/21 or

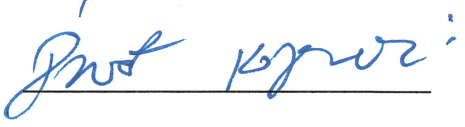
-This application received by the
Planning Board Administrator on
May 24, 2021

By: _____

18. Notarized Statement by Applicant:

State of ~~New Jersey~~ ^{New York} } ss.
County of ~~Atlantic~~ ^{New York} }
Dzevat Koljenovic, 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 13
day of May.



KOLJENOVIC DZEVAT
Notary Public, State of New York
Reg. No. 61KO6359641
Qualified in Queens County
Commission Expires 06/05/2021

Corporate Disclosure Form

Margate Family Property Holdings, LLC
(Corporation Name)

IN THE MATTER OF THE: MARGATE CITY PLANNING BOARD

APPLICATION OF Margate Family Property Holdings, LLC
(print applicant name)

Property Location

Block (213.02) Lot () 25.01, 25.02, 25.03 (Lots consolidated)
1 North Lancaster Ave.

Brian Neider, of full age, hereby certified the following factual information:
(print applicant name)

- 1. I am authorized to file this Certification on behalf of Margate Family Property Holdings, LLC the owner of the property, which is the subject of this application.
2. Margate Family Property Holdings, LLC is a limited liability company corporation organized pursuant to the laws of the State of New Jersey.
3. The names and addresses of all persons having a 10% or greater ownership interest in Margate Family Property Holdings, LLC are as follows:
4. There are no other persons or entities having a 10% or greater interest in Margate Family Property Holdings, LLC.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

[Signature]
(signature)

Brian Neider
(print name)

Principal /
Authorized Signatory
(title)

Dated: (May 13, 2021)

Explanation of Application for "C" Variance

The property was originally subdivided into three large lots. It is now consolidated and consists of in excess of 17,000 square feet. Applicant desires to construct a pool house and workout area in an accessory structure. There will be no bedrooms or kitchen. The accessory structure is 417 square feet and 14 feet in height. This proposal requires four variances: (1) one to exceed the maximum square footage of 80 feet; and (2) to exceed the maximum height of 9 ft.; (3) to exceed fence set-back on Ventnor Avenue; 10 ft. is required and 5 ft. is proposed; (4) to exceed fence set-back on Kenyon Avenue; 15 ft. is required and 5 ft. is proposed.

The structure is smaller than what would be permitted for a freestanding garage, and is in scale with the oversized lot and development on the property. It is significantly smaller than one of the three single family homes that could have been built on that portion of the property. The accessory structure meets all setback and other bulk requirements of the Margate Zoning Ordinance.

Applicant's Property is residential and abuts Ventnor avenue and commercial development across the street and the Blessed Sacrament Church across Kenyon Avenue. The property is unique as a result of the amount of street frontage that borders the property. The relief from the fence setback requirements will allow the applicant to enjoy better use their property while leaving adequate area on the street side of the fences for landscaping and other aesthetic treatment. There are many locations throughout Margate where the fence is located near or on the property line. The relief can be granted without substantial detriment to the public good or the zone plan or zoning ordinance of the City of Margate.



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

Block	Lot	Applicant Name
213.02	25.01, 25.	Margate Family Property Holdings, LLC
District	Address of Subject Application	
S-60	1 North Lancaster Avenue	

Dear (Name of Submitting Party) Jack Plackter, Esq.

Your submittal was considered at the Staff Committee meeting of Friday, April 16, 2021

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

staff committee reviewed the application and agree with the variances being requested and possibly others.

The matter will be placed on the agenda of the Planning Board at 6:30PM on Thursday, June 24, 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:

the revised single lot number based on consolidation.

APPLICATION FEES:

D Variance:	\$0.00	Court Reporter:	\$0.00
C Variance:	\$250.00	Other:	\$0.00
Site Plan:	\$0.00		\$0.00
Subdivision:	\$0.00		\$0.00
Conditional Use Permit:	\$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: 1-21

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, June 02, 2021

Palma Accardi
Planning Board Administrator
Friday, April 16, 2021



Midtown Building
1301 Atlantic Avenue
Suite 400
Atlantic City, NJ 08401-7212
Tel (609) 348-4515 Fax (609) 348-6834
www.foxrothschild.com

JACK PLACKTER
Direct No: 609.572.2200
Email: JPlackter@FoxRothschild.com

April 1, 2021

Attn: Roger McLarnon
City of Margate
9001 Winchester Avenue
Margate City, NJ 08402

**Re: Staff Committee Review Application
Block 213.02, Lots 25.01, 25.02 & 25.03 (1 North Lancaster Avenue)**

Dear Mr. McLarnon:

I represent Margate Family Property Holdings, LLC in the above-referenced matter. Enclosed please find an original and one (1) copy of a Staff Committee Review Application, including plans and a check in the amount of \$25.00 for the application fee.

Kindly review and reach out to me with any questions. Thank you.

Very truly yours,

A handwritten signature in black ink that reads 'Jack Plackter'.

Jack Plackter

JP:kg

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

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

Office Use Only:	Date Submitted: <u>4-6-21</u>	Received By: <u>RM</u>
	Paid: _____ Check/Receipt #: <u>679093</u>	Board Administrator or <u>Zoning Officer</u>

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 cannot, however, fill out these forms for you.

- Date of Application: April 1, 2021
- Submitted by – Name: Jack Plackter, Esq., Fox Rothschild LLP Phone No.: 609-572-2200
Address: 1301 Atlantic Ave., Suite 400, Atlantic City, NJ 08401
Email Address: jplackter@foxrothschild.com
- 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: Margate Family Property Holdings, LLC Phone No.: 267-235-5250
Address: 29 Marion Avenue, Short Hills, NJ 07078
Email Address: brianneider@gmail.com
- The applicant would be (Check one):
 Owner Buyer under Agreement of Sale
 Tenant Other: _____
- If the applicant for Board action would be Tenant or Buyer, who is the present OWNER?
Name: N/A Phone No.: _____
Address: _____

Proposed Action is Located as Follows: Street Address: <u>1 North Lancaster Ave.</u> Block: <u>213.02</u> Lot(s): <u>25.01, 25.02 & 25.03</u> Zoning District: <u>S-60</u>	<small>**The Lots have been consolidated by Deed of Consolidation.</small>
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- Describe site (and buildings, if any) as existing now: (THIS SECTION MUST BE COMPLETED)
Applicant is constructing a single-family home, and is seeking Variances for the construction of an accessory structure at the rear of the property to be used as a pool house and gym.
There will be no living or cooking facilities in the structure.

8. Answer the following as to:	<u>Existing Condition</u> (Principal Building)	<u>Proposed Condition</u> (Accessory Building)
a. Size and Dimension of Lot:	17,015 sq. ft.	17,015 sq. ft.
b. Size, Dimensions of Buildings:	3,359 sq. ft. (19.7%)	3,776 sq. ft. (22.2%)
c. Height of Buildings (Feet):	30' principal	14' accessory
d. Height of Buildings (Stories):	2.5 stories principal	1 story accessory
e. % of Coverage on Land:	7,873 s.f. landscape cv'g (46.3% of Lot)	landscape coverage is 7,757 sq. ft.
f. Front Yard Setback: (Ventnor Ave Front):	5.67' (Ventnor Ave.)	14.84 ft. (Ventnor Ave.)
g. Rear Yard Setback: (Kenyon Ave Front):	84.40' (Kenyon Ave.)	15.40' (Kenyon Ave.)
h. Side Yard Setbacks:	10.33'	47.33' to O.H.

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)

(1) A variance is required for the accessory structure.
Maximum floor area per Section 175.33 to exceed 80 sq. ft. Applicant is proposing 417 sq. ft.
(2) A variance is required from the Maximum Height Requirement under Section 175.33
for accessory building and structures, which has a maximum height limitation of 9 ft.
Applicant is proposing 14 ft.

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

- | | |
|---|---|
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Site Plan |
| <input checked="" type="checkbox"/> C-Variance(s) | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> D-(Use) Variance | <input type="checkbox"/> Other: _____ |

11. Which variances are needed, if any? See 9., above.

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: Not applicable.

Signature of Submitting Party: Jack Plackter

Print or Type Name: Jack Plackter, Esq.