

# CALLAGHAN & THOMPSON

ATTORNEYS AT LAW  
419 W. WHITE HORSE PIKE  
EGG HARBOR CITY, NEW JERSEY 08215  
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[BJCLAW@COMCAST.NET](mailto:BJCLAW@COMCAST.NET)

BRIAN J. CALLAGHAN  
WILLIAM A. THOMPSON, III

January 25, 2023

Palma Shires  
Planning Board Administrator  
9001 Winchester Avenue  
Margate, NJ 08402

Re: Joseph Cherry, Jr.  
205 North Nassau Avenue  
Margate, NJ 08402  
Block 414 Lot 9.01  
Our File No.: 06272/BJC

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Dear Palma:

Please be advised that our office represents, Joseph Cherry, Jr. with respect to the above captioned property. Pursuant to your Staff Committee please find enclosed the following:

- (A) Original and Eighteen (18) copies of Application;
- (B) Eighteen (18) copies of the completed Staff Committee Letter;
- (C) Copy of deed;
- (D) Certified copy of taxes;
- (E) Photographs of the site;
- (F) Eighteen (18) sets of architectural plans prepared by George Wray Thomas;
- (G) Eighteen (18) sets of variance plans prepared by Paul Koelling & Assoc.;
- (H) Application fee in the amount of \$250.00;

Thank you once again for your cooperation.

Cordially,

Callaghan & Thompson P.A.

Brian J. Callaghan

BJC:lms  
Enclosures  
cc: Joseph Cherry, Jr.

**APPLICATION FOR ACTION BY PLANNING BOARD  
MARGATE, NEW JERSEY**

PLEASE  
TYPE OR  
PRINT

**1. Date of Application:** 1/25/23

**2. Zoning District:**

S-60	Single Family Residential	<input 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 checked="" type="checkbox"/>	WAPC	Washington Avenue Pedestrian Cor.	<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) 205 Nassau Avenue

Block Number 414 Lot No(s) 9.01

Total Area (in square feet) 2009 sf

Frontage: 25 feet

Depth: 61.8 feet

**4. Information about the Applicant:**

Full name(s) Joseph Cherry, Jr.

If Business Entity, Names of Officers or Principals (Submit disclosure statement if appropriate)

\_\_\_\_\_

Local Residence Address 205 Arbor Court East, Linwood, NJ Zip 08221

Other Residence Address \_\_\_\_\_ Zip \_\_\_\_\_

Business Address \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number(s) (include area code); \_\_\_\_\_

Email Address joseph@smartlifeinsuranceholdings.com

Business \_\_\_\_\_ Fax \_\_\_\_\_ Cell Phone 609-385-5000

**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 09/30/2021
- \_\_\_ By other interest in law (describe):  
\_\_\_\_\_  
\_\_\_\_\_

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

Name(s) N/A  
 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)<br>_____    |
| <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:** \_\_\_\_\_ Planning Board \_\_\_\_\_ Other

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

Attorney: Name Brain J. Callaghan Phone 609-348-5300  
 Address 2428 Atlantic Avenue, Atlantic City, NJ 08401  
 Fax \_\_\_\_\_ Cell 609-348-5300 Email BJCLAW@comcast.net

Architect: Name George Wray Thomas Phone \_\_\_\_\_  
 Address 599 Shore Road, Somers Point, NJ 08244  
 Fax \_\_\_\_\_ Cell 609-927-5050 Email \_\_\_\_\_

Engineer: Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Fax \_\_\_\_\_ Cell \_\_\_\_\_ Email \_\_\_\_\_

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)*

<p><b>10. If Site Plan Action is Required:</b></p> <p>-What is the present use of the site and building(s)? None</p> <hr/> <hr/> <hr/> <p>-How will this be changed?</p> <hr/> <hr/> <hr/>	<p><b>11. If Subdivision Action is Required:</b> N/A</p> <p>-After conferring with the City Tax Assessor, provide lot numbers of new lot(s), dimensions, and area of each: (use extra pages, if necessary)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Lot No(s)</th> <th style="text-align: left;">Dimension(s)</th> <th style="text-align: left;">Area(s)</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td style="text-align: center;">x</td> <td style="text-align: right;">S.F.</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">x</td> <td style="text-align: right;">S.F.</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">x</td> <td style="text-align: right;">S.F.</td> </tr> </tbody> </table> <p>-Purpose of the Subdivision</p> <p><input type="checkbox"/> To sell lot(s)</p> <p><input type="checkbox"/> To build and sell homes (or other buildings)</p> <p><input type="checkbox"/> Other (please explain): _____</p>	Lot No(s)	Dimension(s)	Area(s)	_____	x	S.F.	_____	x	S.F.	_____	x	S.F.								
Lot No(s)	Dimension(s)	Area(s)																			
_____	x	S.F.																			
_____	x	S.F.																			
_____	x	S.F.																			
<p><b>12. If Variances are Required:</b></p> <p>(Note: Properly scaled site plan must show all dimensions relevant to variance analysis)</p> <p>-Current use of lot(s) and building(s): single family</p> <p>-Proposed use: single family</p> <p>-If a "D" or "Use" Variance is required, please explain: _____</p> <p>-Regarding any dimensional variances required, please fill out the following chart:</p> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Variance</th> <th style="width: 30%;">Requirement of District</th> <th style="width: 15%;">Present Condition</th> <th style="width: 25%;">Proposed Condition</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">See attached George Wray Thomas Plans</td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Variance	Requirement of District	Present Condition	Proposed Condition		See attached George Wray Thomas Plans														
Variance	Requirement of District	Present Condition	Proposed Condition																		
	See attached George Wray Thomas Plans																				
<p><b>13. Prior Action:</b> 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</p>																					
<p><b>14. County and Other Agency Actions</b> (Provide necessary dates and decisions):</p> <p>Site Plan: N/A</p> <hr/> <p>Subdivision: N/A</p> <hr/> <p>Other: N/A</p> <hr/>																					



**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.

See the attached narrative

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

B. Rallier Date 1/27/2023  
Date \_\_\_\_\_

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

-Staff Committee action took place  
\_\_\_\_\_ and case assigned to  
the Planning Board for \_\_\_\_\_ or

-This application received by the  
Planning Board Administrator on  
\_\_\_\_\_

By: \_\_\_\_\_

**18. Notarized Statement by Applicant:**

State of New Jersey } ss.

County of Atlantic }

BRIAN J. CAUGHAN, 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 26th  
day of January 2023

Dean [Signature]

## ***NARRATIVE***

**Joseph Cherry Jr.  
205 North Nassau Avenue  
Margate, NJ 08402  
Block 414; Lot 9.01**

The Application was previously approved from the Planning Board to raise the existing house pursuant to Resolution 26-2022, see copy attached. In the process of lifting the home and doing the renovation, the framer and contractor determined that the roofing and first and second floor were in rotted shape. Rather than contacting Mr. McLaron or Mr. Galantino, they demolished the roof and the additional two stories. The applicant is now reapplying for variance relief to redo the house as previously approved with variances being granted. The previously existing nonconformities now become variance relief based upon the fact that the elevation is greater than base flood elevation plus three (3). See the attached survey by Paul Koelling which has not changed, and the new plans prepared by George Wray Thomas.

The Applicant believes that this will satisfy both the positive and negative criteria. With respect to the positive criteria, it will make the house flood compliant; add an aesthetic enhancement to the neighborhood; and upgrade the property from both a structural, electrical and plumbing point of view.

With respect to the negative criteria the applicant believes that their will be no substantial detriment to the public good or the character of the neighborhood nor any substantial detriment to the zone plan or zone impairment.

The building will be an enhancement to the existing neighborhood.

The Applicant also will also be seeking any other Variance Relief which would be required.

CALLAGHAN THOMPSON & THOMPSON, P.C.  
Attorneys for the Applicant

A handwritten signature in black ink, appearing to read "B. Callaghan", positioned above a horizontal line.

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Brian J. Callaghan, Esquire  
2428 Atlantic Avenue  
Atlantic City, NJ 08401



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

<b>Block</b> 414	<b>Lot</b> 9.01	<b>Applicant Name</b> Joseph Cherry, Jr.
<b>District</b> S-25		<b>Address of Subject Application</b> 205 North Nassau Avenue

Dear (Name of Submitting Party) Brian J. Callaghan

Your submittal was considered at the Staff Committee meeting of Thursday, January 19, 2023

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

Staff committee reviewed the application and is aware of the circumstances of the application. Approval was granted to elevate an existing single family structure on an undersized lot. Variances were granted for existing non-conformities based on a house lift. There is State statute that enables reconstructing a non-conforming structure at the minimum FEMA standard however that is not the case with this application.

The matter will be placed on the agenda of the Planning Board at 6:30PM on Thursday, February 23, 2023

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:

Meet all of the requirements for a planning board submission.

**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		\$0.00
<b>Subdivision:</b>	\$0.00		\$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: 1-19

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 01, 2023

Palma Accardi  
Planning Board Administrator  
Thursday, January 19, 2023

**MANOS LAW FIRM, LLC**

Elias T. Manos, Esq. – NJ Attorney ID #026092004

2408 New Road, Suite 2

Northfield, New Jersey 08225

Phone: (609) 335-1873

Facsimile: (609) 257-6075

Email: leo@manoslawfirm.com

*Solicitor for the City of Margate Planning Board*

APPLICATION OF JOSEPH CHERRY JR.  
FOR C VARIANCE RELIEF FOR BLOCK  
414, LOT 9.01

*CITY OF MARGATE  
PLANNING BOARD*

26-2022

***DECISION AND RESOLUTION***

**THIS MATTER**, having been heard by the City of Margate Planning Board (sometimes referred to hereafter as the “Planning Board” or “Board”) on April 28, 2022 at a regularly scheduled meeting at Margate Historic City Hall, 1 S. Washington Avenue, Margate, NJ, and a quorum being present; and

**WHEREAS**, the Applicant, Joseph Cherry Jr. (“Applicant”), is seeking variance relief pursuant to N.J.S.A. 40:55D-70c in order to elevate the existing single family dwelling, and construct a third half-story addition, on property identified as Block 414, Lot 9.01 on the Margate City Tax Map, which property is located at 205 N. Nassau Avenue; and

**WHEREAS**, the Applicant was represented at the hearing by Brian J. Callaghan, Esquire; and

**WHEREAS**, the City of Margate Planning Board has reviewed the Application submitted by the Applicant together with all attachments and all exhibits provided at the hearing, including without limitation Exhibit A-1 (Revised Architectural Plans) and Exhibit A-2 (Revised Site Plan); and

**WHEREAS**, the Board heard the testimony of the Board Planner, Roger McLarnon, PP, and reviewed and received his report dated April 27, 2022; and

**WHEREAS**, the Board has also heard the testimony from the Applicant's professional architect, Andrew Bechtold, RA; and

**WHEREAS**, no one spoke during the public portion of the hearing; and

**WHEREAS**, the City of Margate Planning Board, based upon the Application submitted, the report and testimony of the Board Planner, and the testimony presented on behalf of the Applicant, as well as all plans and exhibits from the Applicant, makes the following findings of fact and conclusions of law:

1. The Applicant is, as noted, Joseph Cherry Jr. and the subject property is located at 205 N. Nassau Avenue.
2. The Applicant has submitted a properly filed Application, and all required documents, and has paid all required fees and has complied with the advertising and notice requirements of the Municipal Land Use Law.
3. The subject property is known as Block 414, Lot 9.01.
4. The property is serviced by public water and public sewer.
5. The property is located in the S-25 Single Family Residential zoning district on North Nassau Avenue and is only 25 feet wide and 2,009 square feet in area, which are each existing nonconforming conditions. There is an existing, two-story single family dwelling on the property that is not flood compliant, with a shared driveway and a detached garage on the right side. The existing dwelling has a nonconforming side yard setback on the left side of 2.9 feet, nonconforming combined side yard setbacks of 8.6 feet and deficient front yard landscaping at 40%.
6. The Applicant is proposing to elevate the existing dwelling to make it flood compliant and provide for parking spaces underneath it. The Applicant is also proposing to

construct a third half-story addition for an additional bedroom, but parking on the property will remain compliant. The third half-story will also contain a deck. In addition, a front portion of the existing dwelling will be removed and the detached garage will be converted to an accessory structure for storage space only. Additional landscaping on the side and rear of the property will further be added.

7. New Jersey law would permit the Applicant to elevate the dwelling in place (without the third half-story) to base flood elevation, plus three feet without the need for any variance relief for the existing nonconforming conditions. However, the Applicant is proposing to elevate the dwelling higher than that to provide for the underneath parking, which then requires variance relief pursuant to N.J.S.A. 40:55D-70c for each of the existing nonconforming conditions. The third half-story addition will also vertically expand the nonconforming side yard setback on the left side and the combined side yard setbacks. Further, a third deck that is not permitted at this location is further proposed and the accessory structure which was formerly a garage is larger than permitted, requiring additional variance relief pursuant to N.J.S.A. 40:55D-70c. Moreover, front yard landscaping is being further reduced in order to provide for the parking underneath the dwelling. The specific relief requested and required by the Applicant is detailed in paragraph 8 below.

8. The within Application is for:

a) Variance relief pursuant N.J.S.A. 40:55D-70c for the following:

<u>C Variances</u>	<u>Min. Required/ Max. Permitted</u>	<u>Proposed</u>
Lot area	2500 sq. ft.	2,009 sq. ft.
Lot width	40 ft.	25 ft.
Side yard setback (left side)	5 ft.	2.9 ft.

Side yard setbacks (combined)	9.25 ft.	8.6 ft.
Front yard landscaping	60%	33.92%
Third floor deck	not permitted	yes
Accessory structure area	80 sq. ft.	166.25 sq. ft.

Based upon the testimony and evidence presented, the City of Margate Planning Board makes the following additional findings of fact and conclusions of law, and decision:

a) The Board finds that pursuant to N.J.S.A. 40:55D-70c(2), the Municipal Land Use Act would be advanced by a deviation or departure from the Margate zoning ordinance requirements for the requested variances noted in paragraph 8 and that the benefits of the requested variances substantially outweigh any detriments. Further, the Board finds that the requested variance relief set forth in paragraph 8 will not cause a substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or zoning ordinance of the City of Margate.

Specifically, pursuant to N.J.S.A. 40:55D-70c(2), the Board finds that the Applicant's proposal for the property, both as a whole and in terms of the specific deviations requested, advances several purposes of zoning set forth in N.J.S.A. 40:55D-2, and specifically sections:

a. Promote General Welfare - the Board finds that the Applicant proposes to elevate an existing dwelling that is non-flood compliant and make it become flood compliant. The Board finds that as a result, and by advancing the other purposes of zoning detailed below, the Applicant's proposal will promote the general welfare and public safety.

b. Secure Safety from Flood - the Board notes that the existing dwelling will be elevated to become flood compliant. The Board finds that the dwelling will thus now have all requisite flood prevention measures and will



provide flood protection to the property. The Board notes that the dwelling, as it currently exists, is non-flood compliant.

i. Aesthetic Enhancement - the Board finds that the project promotes a desirable visual environment through creative development techniques and good civic design and arrangement as the Applicant is proposing to elevate the dwelling with a new third half-story addition. The Board finds that the proposed elevation with the addition will provide a significant aesthetic upgrade to the property and the neighborhood.

In terms of the negative criteria (that granting the variances will not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan or zoning ordinance of the City of Margate), the Board again notes that the proposal by the Applicant is elevating an existing dwelling to make it flood compliant and doing so within the permitted height limitation, which the Board views as a great benefit to the community. The Board also notes that the lot area and lot width of the property are existing conditions that the Applicant cannot make more compliant, and that the side yard setback variances are simply the result of vertically expanding existing nonconforming conditions without actually decreasing those setbacks. The Board additionally finds that while front yard landscaping will be further reduced, the Applicant is adding to the total landscaping on the property and is slightly increasing the front yard setback to the dwelling by removing a portion at its front. The Board further finds that the third floor deck will be unintrusive to neighboring property owners and will be consistent with the type that the Board has allowed. The Board additionally notes that the garage to be converted to storage space has always been on the property and will not cause any substantial negative impacts. The Board finds that overall, having weighed and balanced the

positives and negatives of the requested variances as detailed herein, the benefits from granting the requested variances substantially outweigh any detriments.

For these reasons, the Board finds that the variance relief is warranted and should be granted. In reaching its decision, the Board notes that it has considered the Applicant's entire proposal for the property rather than only the benefits derived solely from each requested deviation.

NOW, THEREFORE, a Motion having been made and seconded, the City of Margate Planning Board hereby grants approval for variance relief pursuant to N.J.S.A. 40:55D-70c, as set forth in paragraph 8 above, with conditions agreed to by the Applicant as follows:

- 1) The mechanical equipment for the HVAC system shall be elevated to the same elevation as the finished first floor of the dwelling.
- 2) The third floor deck on the dwelling shall be tucked into the roofline and be consistent with that of other third floor decks that the Board has allowed.
- 2) The oil tank on the property shall be abated by the Applicant.
- 3) The Applicant shall provide for a non-conversion agreement for all space below the first habitable floor confirming that such space may not be habitable, including the accessory structure that was previously the detached garage.
- 4) All representations made by or on behalf of the Applicant during the course of the hearing shall be followed.
- 5) The Applicant shall submit the appropriate number of revised plans consistent with the approval granted herein to be reviewed for compliance in the discretion of the Board Planner.

6) The Applicant's approval as set forth herein is subject to all other necessary governmental approvals.

7) The Applicant shall comply with all conditions in the Board Planner's report noted above, unless modified herein or on the record during the course of the hearing.

Those in Favor: (7) Seven – Collins, Patterson, Cristaldi, Galantino, Guber-Nulty, Palmisano and Richmond

Those Opposed: (0) Zero

CITY OF MARGATE PLANNING BOARD

By: \_\_\_\_\_  
Richard Patterson, Chairman

By: \_\_\_\_\_  
Palma Accardi, Board Administrator

Certified as a true copy of the resolution  
Adopted by the City of Margate Planning  
Board on this \_\_\_\_\_  
day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Palma Accardi, Board Administrator



**Atlantic County  
Document Summary Sheet**

ATLANTIC COUNTY CLERK  
  
5901 MAIN ST  
MAYS LANDING NJ 08330 1797

ATLANTIC COUNTY, NJ  
EDWARD P. McGETTIGAN, COUNTY CLERK  
RECORDED 11/17/2021 11:38:27  
RCPT # 1633399 RECD BY E-RECORD  
NAME FEE  
RECORDING FEES 140.00  
INSTRUMENT# 2021067036  
VOL 15126 PAGE 1 OF 13  
**Official Use Only**

<b>Transaction Identification Number</b>		5616110	6695413
<b>Submission Date(mm/dd/yyyy)</b>		10/06/2021	<b>Return Address (for recorded documents)</b> TITLE COMPANY OF JERSEY 1501 TILTON RD STE 2 NORTHFIELD, NJ 08225
<b>No. of Pages (excluding Summary Sheet)</b>		11	
<b>Recording Fee (excluding transfer tax)</b>		\$140.00	
<b>Realty Transfer Tax</b>		\$2,975.00	
<b>Total Amount</b>		\$3,115.00	
<b>Document Type</b>	DEED/NO EXEMPTION FROM REALTY TRANSFER FEE		
<b>Municipal Codes</b>			
	MARGATE		03
<b>Batch Type</b>	L2 - LEVEL 2 (WITH IMAGES)		
422299			

**Additional Information (Official Use Only)**

\* DO NOT REMOVE THIS PAGE.  
COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF ATLANTIC COUNTY FILING RECORD.  
RETAIN THIS PAGE FOR FUTURE REFERENCE.



**Atlantic County  
Document Summary Sheet**

DEED/NO EXEMPTION FROM REALTY TRANSFER FEE	Type	DEED/NO EXEMPTION FROM REALTY TRANSFER FEE			
	Consideration	\$375,000.00			
	Submitted By	TITLE COMPANY OF JERSEY (CSC/INGEO SYSTEMS INC)			
	Document Date	10/06/2021			
	Reference Info				
	Book ID	Book	Beginning Page	Instrument No.	Recorded/File Date
	GRANTOR	Name		Address	
		CONSTANCE RICHARDS			
		CONSTANCE RICHARD			
	CHRISTINE NELSON				
GRANTEE	Name		Address		
	JOSEPH CHERRY JR.				
Parcel Info					
Property Type	Tax Dist.	Block	Lot	Qualifier	Municipality
	03	414	9.01		03

\* DO NOT REMOVE THIS PAGE.  
COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF ATLANTIC COUNTY FILING RECORD.  
RETAIN THIS PAGE FOR FUTURE REFERENCE.

7722713\_10M6D(12H13M45S849)/5616110 6695413

THE TITLE CO OF JERSEY  
#807685-NF

**DEED**

Prepared By: STEVEN M. ABRAMOFF, ESQUIRE

This Deed is made on 9-30-21, 2021,

BETWEEN

CONSTANCE RICHARDS, ERRONEOUSLY SET FORTH  
AS CONSTANCE RICHARD,  
BY HER ATTORNEY IN FACT CHRISTINE NELSON

whose post office address is 205 North Nassau Avenue  
Margate, NJ 08402

referred to as Grantor,

AND

JOSEPH CHERRY, JR.

whose post office address is 205 Arbor Court East.  
Lumbard, NJ 08254

referred to as Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys the property described below to the Grantee. This transfer is made for the sum of **THREE HUNDRED SEVENTY-FIVE THOUSAND (\$375,000.00) DOLLARS**. The Grantor acknowledges receipt of this money.

**Tax Map Reference.** City of Margate, Block 414, Lot 9.01

**Property.** The property consists of the land and all the buildings and structures on the land in the City of Margate, County of Atlantic and State of New Jersey. The legal description is:

**SEE ATTACHED LEGAL DESCRIPTION**

**BEING THE SAME LAND AND PREMISES** granted and conveyed to Angelo E. Colantonio and Amelia Colantonio, also known as Molly Colantonio, his wife, by deed from Frank J. Schuler and Lillian J. Schuler, his wife dated May 26, 1952 and recorded May 28, 1952 in the Atlantic County Clerk's Office in Deed Book 1590, Page 454.

**THEREAFTER** the said Angelo E. Colantonio died on July 5, 1984.

**THEREAFTER BEING THE SAME LAND AND PREMISES** granted and conveyed to Amelia Colantonio, also known as Molly Colantonio and Constance Richards, erroneously set forth as Constance Richard, by deed from Amelia Colantonio a/k/a Molly Colantonio dated October 20, 1994 and recorded October 26, 1994 in the Atlantic County Clerk's Office in Deed Book 5715, Page 266.

**THEREAFTER** the said Amelia Colantonio a/k/a Molly Colantonio died on August 21, 2000.

All that certain tract of land and premises lying, being and situated in the City of Margate, County of Atlantic and State of New Jersey and being more particularly described as follows:

BEGINNING at a point in the Easterly line of Nassau Avenue, 50.00 feet wide, said point being North 31 degrees 55 minutes 00 seconds West 63.00 feet from the Northerly Line of Monmouth Avenue, said point also being in the division line between Tax Lots 9.01 and 10 in Block 414 and from said point extends; thence

1. North 31 degrees 55 minutes 00 seconds West 25.00 feet along said Easterly Line of Nassau Avenue to appoint in the division line between Tax Lots 9 and 9.01 in Block 414; thence
2. North 58 degrees 05 minutes 00 seconds West 80.00 feet along said division line to a point in the common line between Tax Lots 9.01, 18 and 19 in the Block 414; thence
3. South 31 degrees 55 minutes 00 seconds East 25.50 feet along said common division line to a point; thence
4. South 58 degrees 05 minutes 00 seconds West 18.20 feet passing through a common party wall between party wall between two garages to a point; thence
5. North 31 degrees 55 minutes 00 seconds West 0.50 feet to a point in the aforementioned division line between Tax Lots 9.01 and 10 in Block 414; thence
6. South 58 degrees 05 minutes 00 seconds West 61.80 feet along division to a point in the aforementioned Easterly Line of Nassau Avenue, said point and place of BEGINNING

SUBJECT to a right of way over the following strip of land for ingress and egress for the said party of the first part, its successors, servants, tenants, mortgagees, grantees, and assigns, in common with the party of the second part, their executors, administrators, servants, tenants mortgagees, grantees and assigns:

BEGINNING at a point in the Easterly Line of Nassau Avenue (50 feet wide), said point being North 31 degrees 55 minutes 00 seconds West 63.00 feet from the Northerly Line of Monmouth Avenue and from said point extends; thence

1. North 31 degrees 55 minutes 00 seconds West 4.00 feet along said Easterly Line of Nassau Avenue to a point; thence
2. North 58 degrees 05 minutes 00 seconds East 61.80 feet to a point; thence
3. South 31 degrees 55 minutes 00 seconds East 4.00 feet to a point; thence
- South 58 degrees 05 minutes 00 seconds East 61.80 feet to a point and BEGINNING; thence

TOGETHER at a point in the Easterly Line of Nassau (50 feet wide), said point being North 31 degrees 55 minutes 00 seconds West 63.00 from the Northerly Line of Monmouth Avenue and from said point extends; thence

1. South 31 degrees 55 minutes 00 seconds East 4.00 feet along said Easterly Line of Nassau Avenue to a point; thence
2. North 58 degrees 05 minutes 00 seconds East 61.80 feet to a point; thence
3. North 31 degrees 55 minutes 00 seconds West 4.00 feet to a point; thence
4. South 58 degrees 05 minutes 00 seconds West 61.80 feet to a point and place of BEGINNING; thence

Legal Description

807685-NF/76

Continued

The above described in accordance with a survey prepared by Price Glasser Associates, Steven Glasser, PLS, NJ License #34853, dated October 1, 2021, project no. #21-240.

FOR INFORMATION ONLY

Commonly known as:

205 North Nassau Avenue

Margate City, New Jersey

Block 414 Lot 9.01

Legal Description

807685-NF/76



**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property.

**Signatures.** The Grantor signs this Deed as of the date notarized below.

*Constance Richards, erroneously set forth as  
Constance Richard, by her Attorney in Fact, Christine Nelson*

*Kelsey Coaba*  
Witness

*Christine C. Nelson POA*  
CONSTANCE RICHARDS, ERRONEOUSLY SET  
FORTH AS CONSTANCE RICHARD, BY HER  
ATTORNEY IN FACT, CHRISTINE NELSON

STATE OF NEW JERSEY, COUNTY OF ATLANTIC

SS:

I CERTIFY that on 09-30-, 2021, CONSTANCE RICHARDS, ERRONEOUSLY SET FORTH AS CONSTANCE RICHARD, BY HER ATTORNEY IN FACT, CHRISTINE NELSON, personally came before me and acknowledged under oath, to my satisfaction, that she:

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed in her capacity as Attorney-in-Fact for the Grantor; and
- (c) made this Deed for \$375,000.00 as the full and actual consideration paid or to be paid for the transfer of title.

*K. Caminos*

NOTARY PUBLIC

KARIN REUSS CAMINOS  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES APRIL 17, 2022



\*\*\*\*\*

Record & Return To:

GIT/REP-3  
(8-19)

### State of New Jersey Seller's Residency Certification/Exemption

(Print or type)

#### Seller's Information

Name(s)

Constance Richards

Current Street Address:

719 new england road

City, Town, Post Office Box

Cape May

State

New Jersey

ZIP Code

08204

#### Property Information

Block(s)

414

Lot(s)

9.01

Qualifier

Street Address:

205 North Nassau Avenue

City, Town, Post Office

Margate City

State

New Jersey

ZIP Code

08402

Seller's Percentage of Ownership

100.00%

Total Consideration

\$375,000.00

Owner's Share of Consideration

\$375,000.00

Closing Date

October 4, 2021

#### Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1.  Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3.  Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6.  The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7.  The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
  - Seller did not receive non-like kind property.
8.  The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9.  The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed is dated prior to August 1, 2004, and was not previously recorded.
11.  The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12.  The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13.  The property transferred is a cemetery plot.
14.  The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
15.  The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
16.  The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

#### Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

9-30-21

Date

*Christine A. Nelson, PEA*

Constance Richards erroneously set

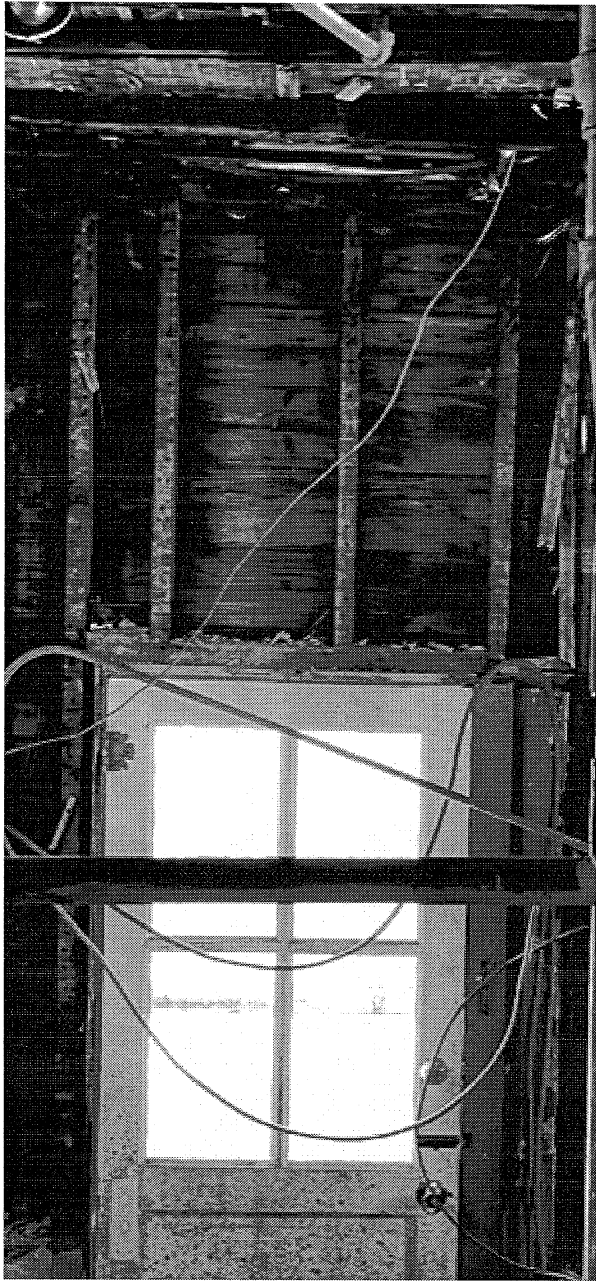
Indicate if Power of Attorney or Attorney in Fact

forth as Constance Richard by her

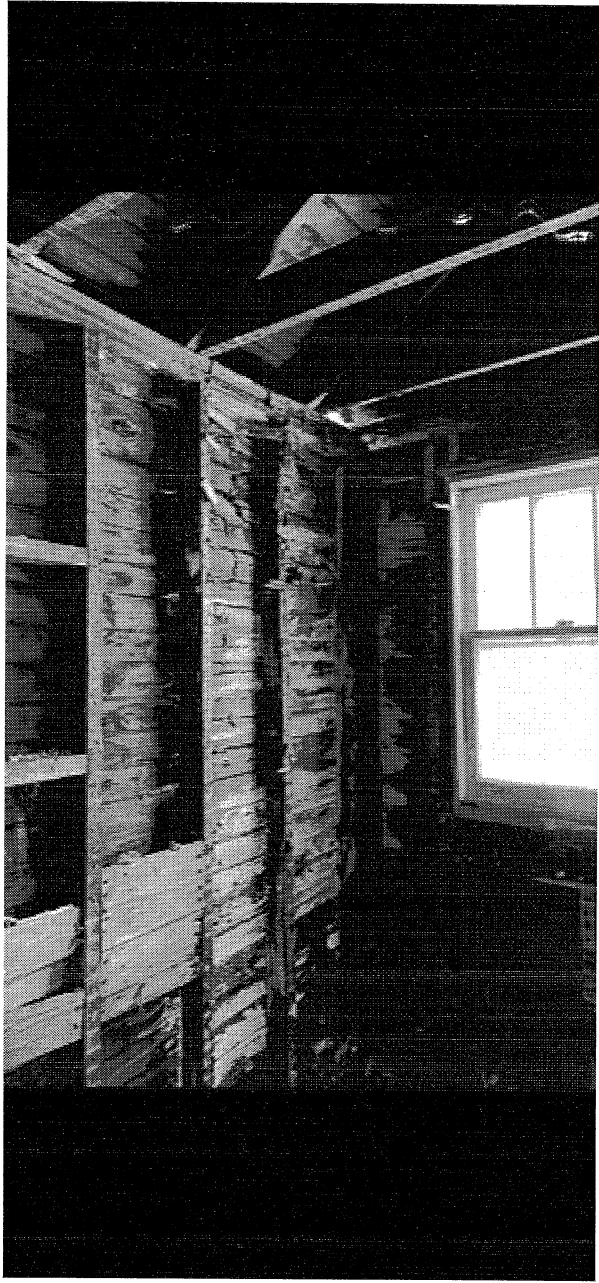
Signature (Seller)

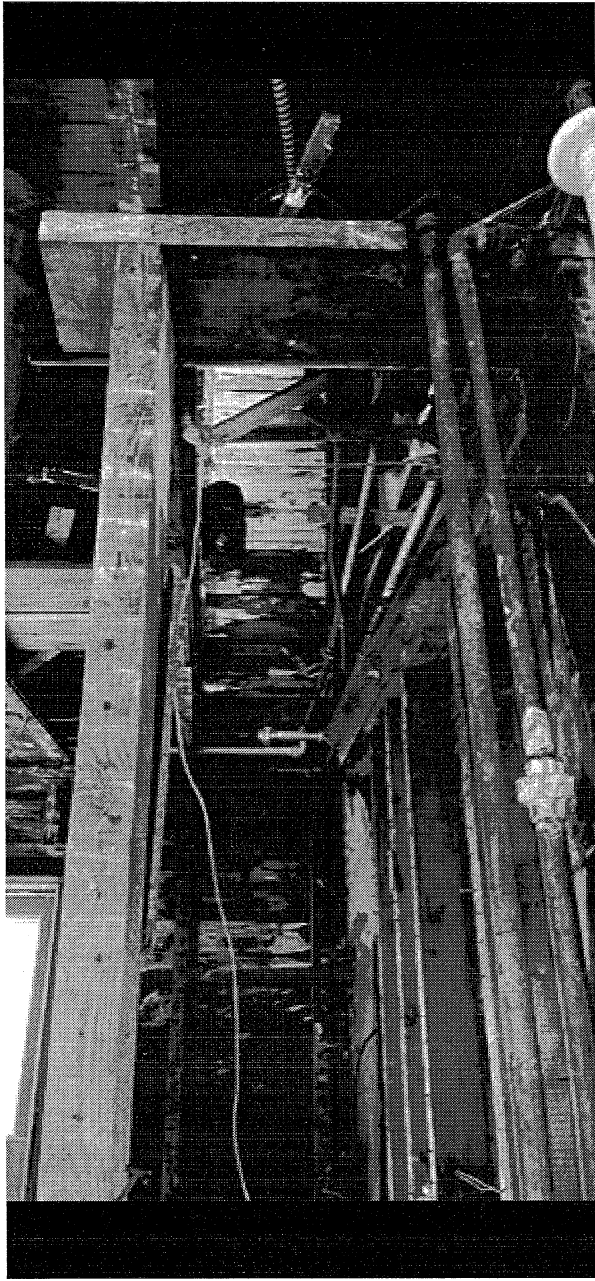
Attorney in fact Christine Nelson

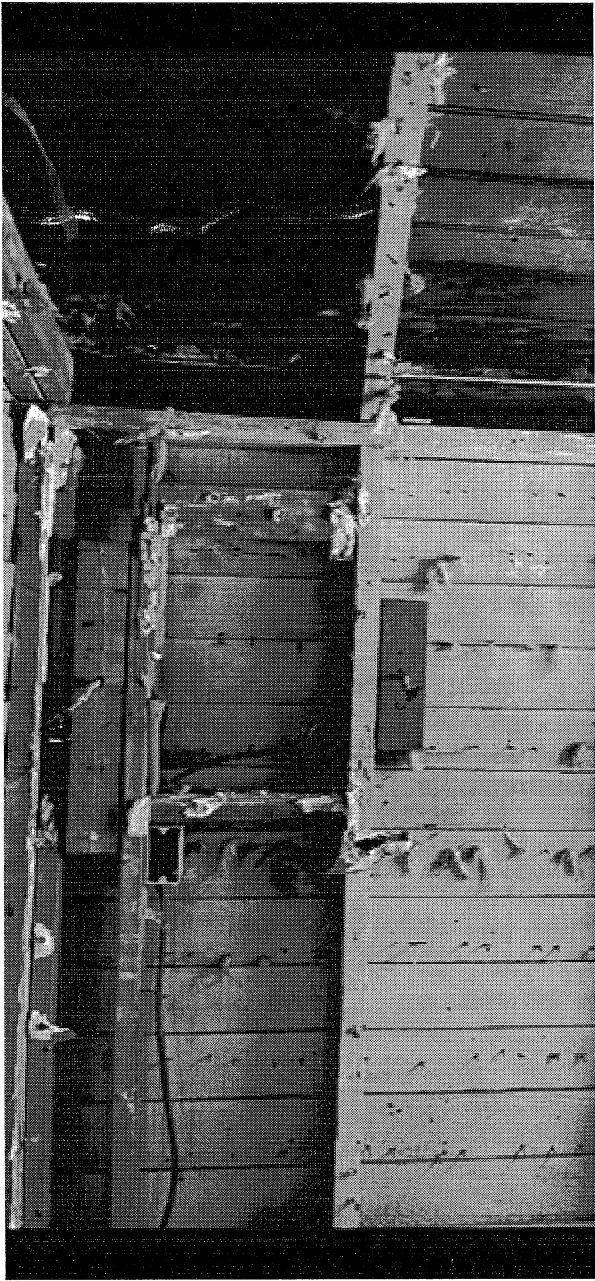
Indicate if Power of Attorney or Attorney in Fact











Kevin McHugh <shoremcq@aol.com>

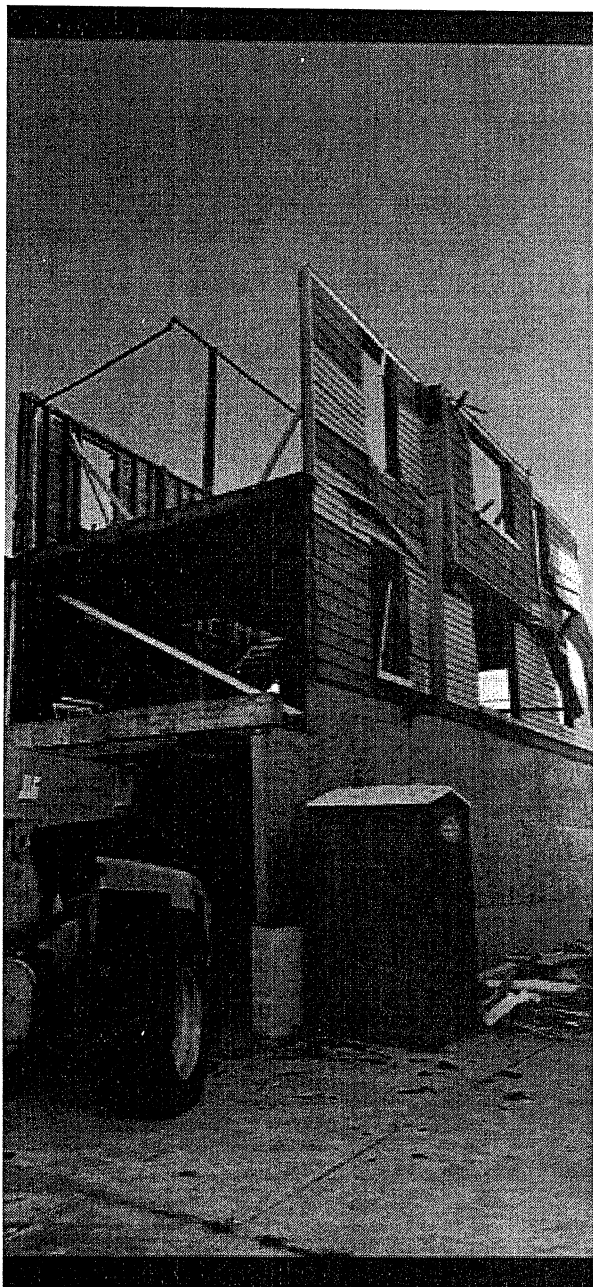
12/8/2022 11:25 AM

205 North Nassau

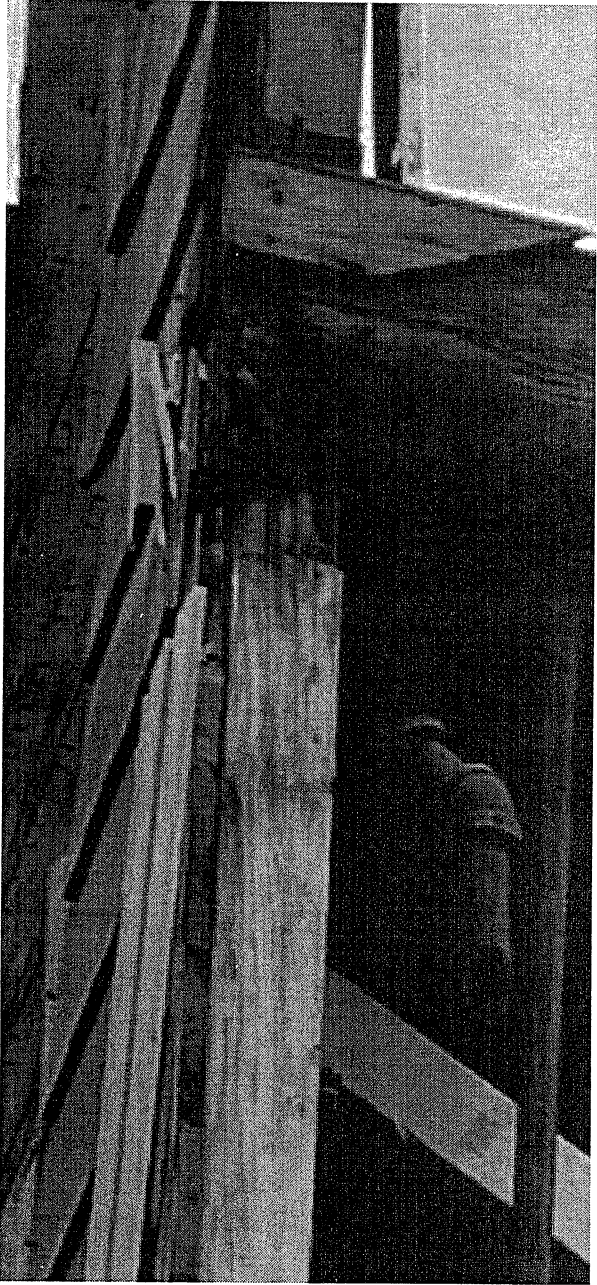
To Brian Callaghan <bjclaw@comcast.net>

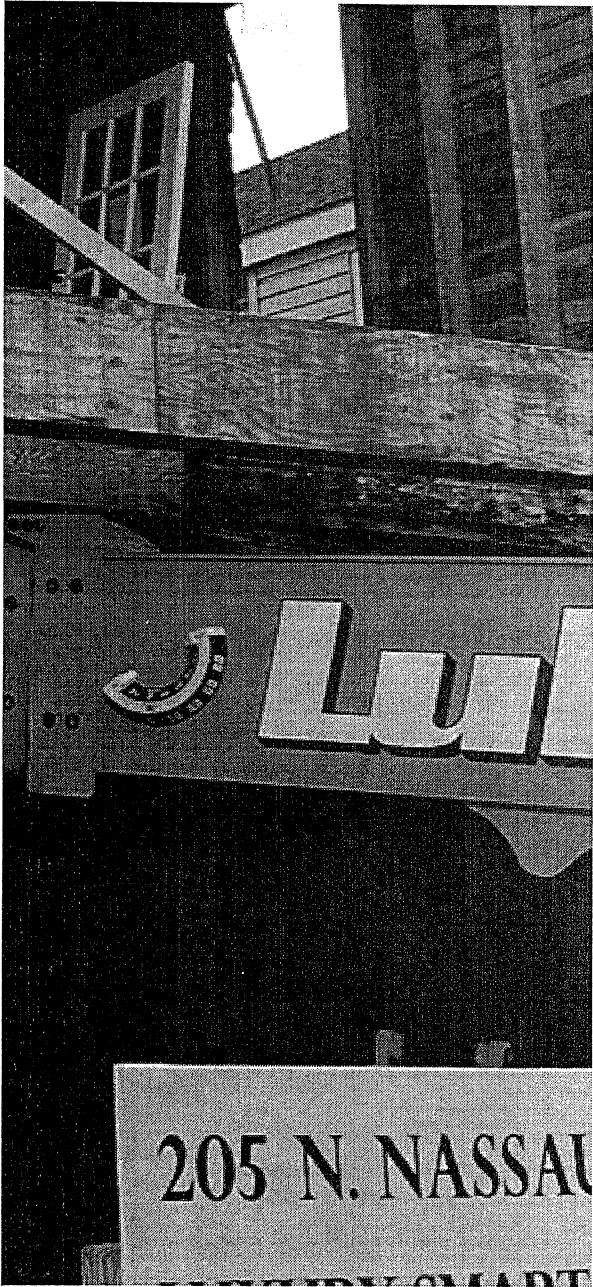
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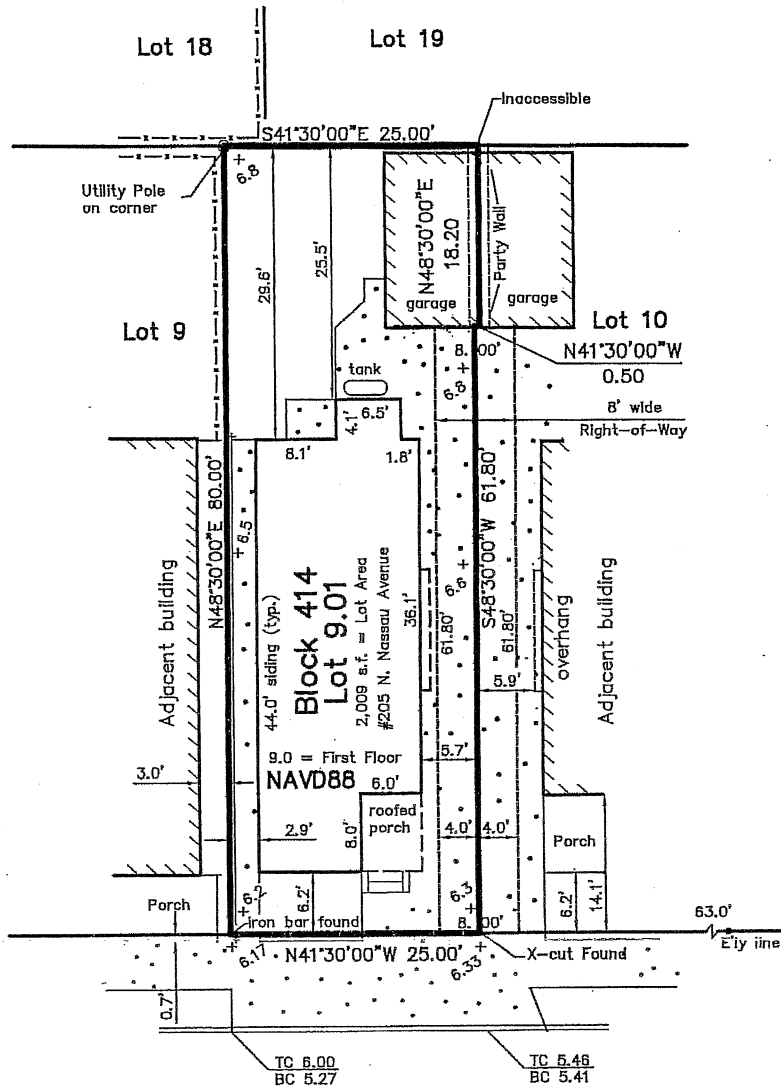
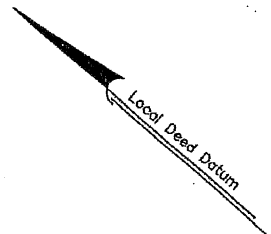
Walls deteriorated and tilting. Unsafe











**MONMOUTH AVENUE**  
(50' wide)

NAVD88  
Spot elevations (typ.)  
**NASSAU AVENUE**  
(50' wide)

Kevin McHugh

01-24-2022 added improvements  
Date Revision

**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 01-12-2022 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.

**SURVEY OF PREMISES**

SITUATE IN  
CITY OF MARGATE  
COUNTY OF ATLANTIC, N.J.  
#205 N. Nassau Avenue  
**BLOCK 414 LOT 9.01**

**PAUL KOELLING & ASSOCIATES, LLC**  
PROFESSIONAL LAND SURVEYING  
2161 SHORE ROAD  
LINWOOD, NJ 08221  
phone (609) 927-0279  
CERTIFICATE OF AUTHORIZATION #24GA28256300  
Date: January 13, 2022 by: KOELLING  
Scale: 1" = 15'

Property is located in a F.E.M.A. FIRM  
ZONE "AE"; Base Flood Elevation 8 ft. (NAVD88)

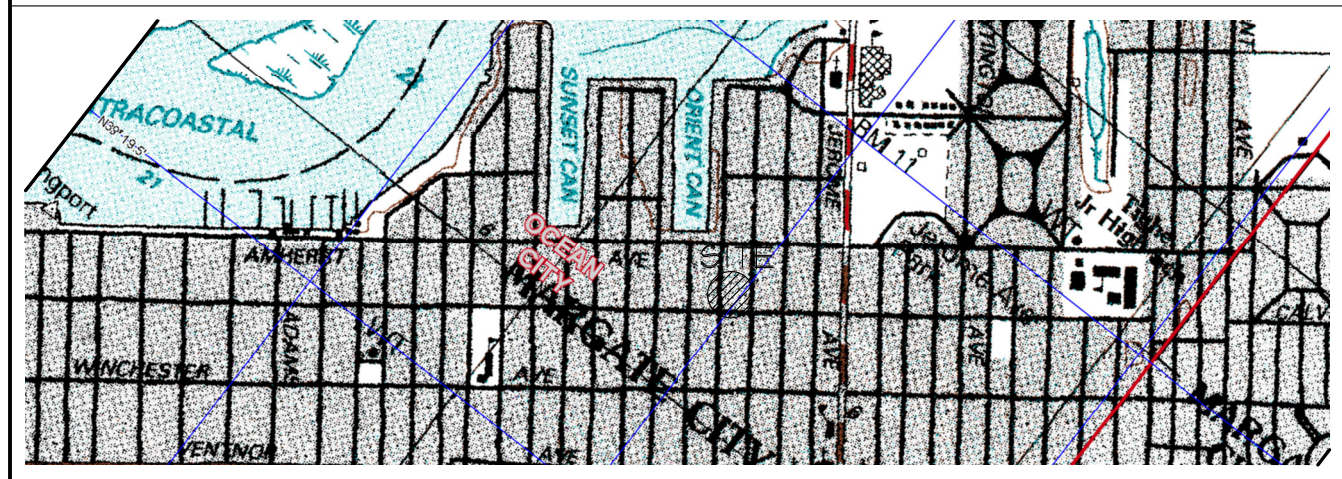
*Paul Koelling*  
**PAUL M. KOELLING**  
LAND SURVEYOR  
PLS; N.J. LICENSE NO. 24GS04328800



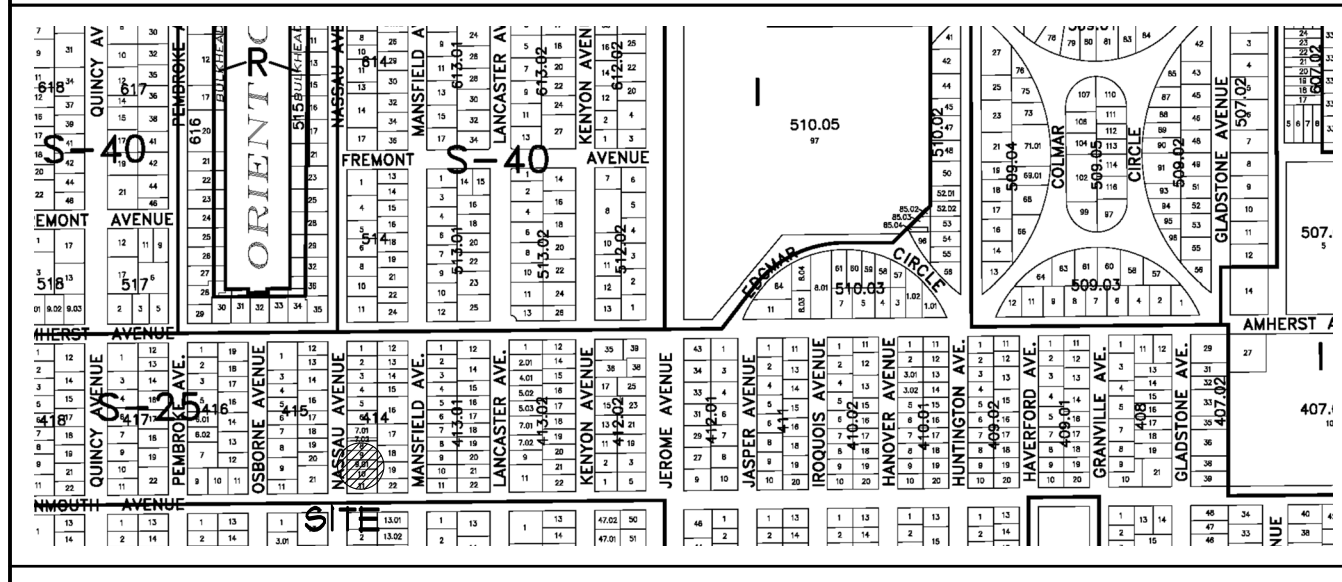
APPLICANT  
KEVIN McHUGH  
18 CIRCLE DR.  
MARGATE, NJ, 08402

OWNER:  
JOSEPH CHERRY  
205 ARBOR COURT EAST  
LINWOOD, NJ, 08221

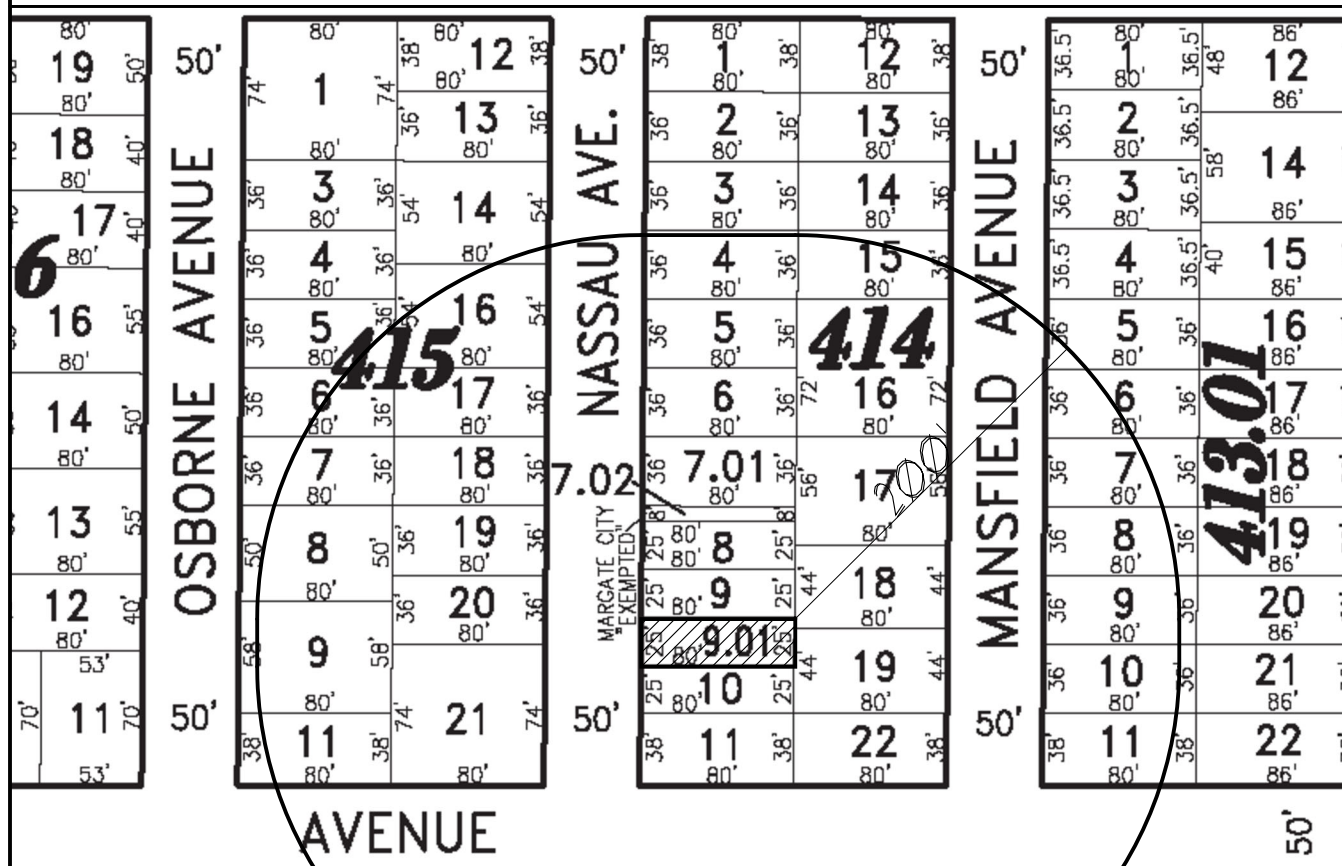
- NOTES:
- EXISTING GARAGE TO REMAIN
  - REPLACE EXIST CONCRETE CURB AS REQUIRED
  - SEE CHECK LIST FOR ALL WAIVERS REQUESTED



U.S.G.S. MAP 1" = 1,000' QUAD 167  
39074-C5-TF-02



ZONING MAP 1" = 500'



SHEET 7

TAX MAP 1" = 100' Pg. 16  
4-1-2021

NOTE: NO WETLANDS & CAFRA PERMIT REQUIRED

LIST OF DRAWINGS

DATE	PAGE #	TITLE
11-29-22	PB-1	PLANNING BOARD DOC/ TOP SHEET
11-29-22	PB-2	PLANNING BOARD DOC/ PROP. PLANS

# CHERRY-McHUGH

## 205 N. NASSAU



11/29/2022	ZONING COMPLIANCE					
	ZONING STANDARD	6-25 REQUIRED/ PERMITTED	EXISTING CONDITIONS	VARIANCE REQUIRED	PROPOSED CONDITIONS	VARIANCE REQUIRED
USE	SINGLE FAMILY	SINGLE FAMILY	NO	SINGLE FAMILY	C	
MINIMUM LOT AREA	2,500 SF	2,009 SF	ENC/YES	2,009 SF	ENC/YES	
MINIMUM LOT WIDTH	40'	25.0'	ENC/YES	25.0'	ENC/YES	
MINIMUM LOT DEPTH	N/A	80'	NO	80'	N/A	
MINIMUM BUILDING SETBACKS						
FRONT YARD						
PORCH	5'	2.9'	ENC/V	6.2'	C	
PRINCIPAL	7.84'	6.2'	C	11.2'	C	
MINIMUM SIDE YARD						
LEFT	5'	2.9'	ENC/V	2.9'	V	
RIGHT	5'	5.7'	C	5'	C	
COMBINED SIDE YARD-BUILDING	9.25'	8.8'	ENC/V	7.9'	V	
REAR YARD BUILDING	20%, 18.0'	25.3'	C	21'	C	
MAXIMUM BUILDING COVERAGE	803.6 SF 40%	690 SF 34.34%	C	732 SF 36.43%	C	
FRONT YARD LANDSCAPING COVER						
LANDSCAPE COVERAGE	60%	40%	ENC/V	34%	V	
	35%	23.54% (690 SF)	ENC/V	35.8% (703.5 SF)	C	
MAXIMUM BUILDING HEIGHT						
FLAT/PITCHED	30' FROM FF	21.84' FROM FF	C	29.58' FROM FF	C	
HEIGHT	14'	<14'	C	<14'	C	
EAVE HEIGHT	18" FROM 3RD FLOOR	N/A	N/A	32.82' ABOVE BFE +4	C	
				18"	C	
PARKING RBIS 4 BEDROOM	2 SPACES	1 SPACE	ENC/V	3 SPACES	C	
DRIVEWAY LOCATION	ON SIDE STREET	ON SIDE STREET	C	ON SIDE STREET	C	
CURB CUT	1-10' OR 1-18'	9' SHARED	ENC/V	3 SPACES	C	
DRIVEWAY-DISTANCE TO FACE OF GARAGE	18'	N/A	N/A	18'	C	
ACCESSORY STRUCTURE						
SIDE YARD SETBACK	1 FT	0 FT	ENC/V	0 FT	ENC/V	
HEIGHT	14'	<14'	C	<14'	C	
AREA	250 SF	200 SF +/-	C	<250 SF	C	
THIRD FLOOR DECK	NOT PERMITTED	N/A	C	PROPOSED	V	
HABITABLE STORIES W/ SINGLE	2.5	2	C	2.5	C	
HALF STORY SF	<50% OF FLR BELOW	N/A	C	2nd FLR=727 SF HALF STORY = 322 SF = 44.3%	C	
DORMERS	40% OF FLOOR AREA MAX	N/A	C	48.0 SF = 6.61%	C	

SIGNATURES

PLANNING BOARD CHAIRMAN \_\_\_\_\_

PLANNING BOARD SECRETARY \_\_\_\_\_

BOARD ENGINEER \_\_\_\_\_

PAUL H. KOELLING & ASSOCIATES, LLC  
2161 Shore Road  
Linwood, NJ 08221  
phone 927-0279 fax 927-0188  
Certificate of Authorization #24GA28133100

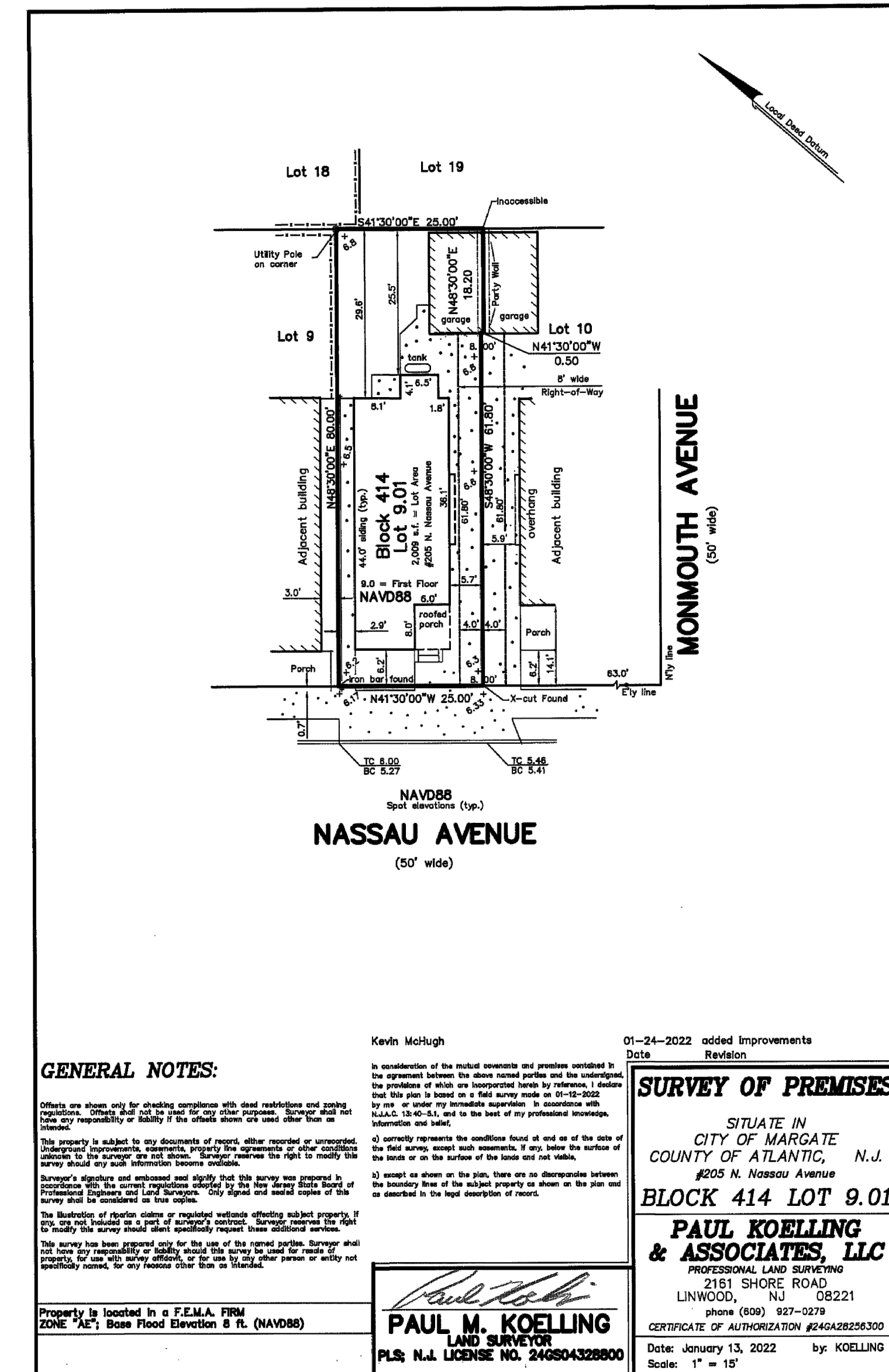
January 13, 2022

NEIGHBORHOOD SETBACK REPORT - MARGATE, NJ

Block 414 Lot 9.01 #205 North Nassau Avenue

LOT	ADDRESS	SETBACKS (ft.)		NOTE
		DWELLING	FRONT PORCH	
11	#201 N. Nassau Ave	9.7	9.5	
10	#203 N. Nassau Ave	6.3	6.3	
9.01	#205 N. Nassau Ave	6.2	6.2	SUBJECT PROPERTY (encroachment into street)
8	#207 N. Nassau Ave	6.1	-0.7	
8	#209 N. Nassau Ave	6.3	6.0	
7.02	No address - vacant land	n/a	n/a	
7.01	#211 N. Nassau Ave	15.0	5.8	
6	#213 N. Nassau Ave	14.8	8.8	
5	#215 N. Nassau Ave	14.0	8.2	
4	#217 N. Nassau Ave	15.7	9.0	

EXISTING SURVEY  
EXISTING CONDITIONS



GENERAL NOTES:

Offers are shown only for existing easements with stated restrictions and zoning regulations. Offers of utility, gas, water, sewer, storm, and other utilities are shown as they appear on the plan. Utility lines are shown as they appear on the plan. Utility lines are shown as they appear on the plan. Utility lines are shown as they appear on the plan.

Kevin McHugh 01-24-2022 added Improvements  
Date Revision

SURVEY OF PREMISES

STATE IN  
CITY OF MARGATE  
COUNTY OF ATLANTIC, N.J.  
#205 N. Nassau Avenue  
BLOCK 414 LOT 9.01

PAUL KOELLING & ASSOCIATES, LLC  
PROFESSIONAL LAND SURVEYING  
2161 SHORE ROAD  
LINWOOD, NJ 08221  
phone (908) 927-0279  
CERTIFICATE OF AUTHORIZATION #24GA28133100

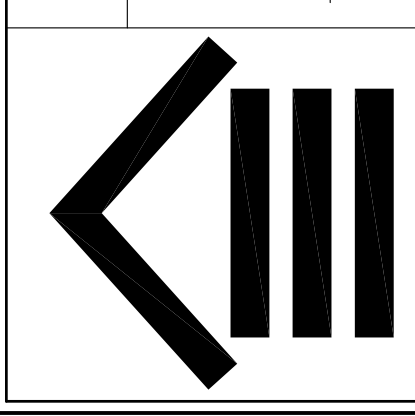
PAUL M. KOELLING  
LAND SURVEYOR  
PLS: N.J. LICENSE NO. 240504328800

Date: January 13, 2022 by: KOELLING  
Scale: 1" = 15'

CHERRY - McHUGH LIFT ADDITION  
205 NASSAU AVE.  
LOT: 9.01 BLOCK: 414  
MARGATE, NEW JERSEY

PLANNING BOARD DOCUMENT  
VARIANCE PLAN  
TOP SHEET

GEORGE WRAY THOMAS PE, PP, RA  
Registered Architect  
Professional Engineer  
P: (609) 927-5050 F: (609) 927-3330  
WWW.GWTHOMAS.NET  
599 SHORE ROAD SOMERS POINT NEW JERSEY



THESE DESIGNS ARE  
COPYRIGHT  
PROTECTED

Revisions:

Date:	File No:
11-29-22	
Scale:	2722
AS NOTED	
Drawn:	Dwg. No.
DWB	
Checked:	PB-1
GWT	



