PMB&B

PERSKIE MAIRONE BROG BARRERA & BAYLINSON

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW
CORNERSTONE COMMERCE CENTER
1201 New Road, Suite 204, Linwood, NJ 08221
PHONE: 609-601-1775 FAX: 609-601-8440

PHILIP J. PERSKIE*
STEVEN J. BROG**
CHRISTOPHER M. BAYLINSON***
RICHARD S. MAIRONE*
ALEXANDER J. BARRERA*
JAMES J. LEEDS

COUNSEL TO THE FIRM STEVEN P. PERSKIE*

*Master of Laws Taxation **Also Member of NY Bar ***Certified Civil Trial Attorney

August 21, 2023

Via Hand Delivery

Roger D. McLarnon, PE, PP, CME, CFM, CPWM City of Margate 9001 Winchester Avenue Margate City, NJ 08402

Re: Application of SAJ Associates LLC

7800 Ventnor Avenue Block 105, Lot 25 Margate, New Jersey Our File No.: 12671-3

Dear Mr. McLarnon:

We represent SAJ Associates LLC with respect to its application to the Margate Planning Board scheduled to be heard on August 31, 2023. This application is filed to confirm a settlement in the matter of <u>SAJ Associates LLC v. City of Margate and City of Margate Planning Board</u>. The settlement plan shows the same mixed use building as submitted in February 2023, but has reduced the number of bedrooms in the residential units from four to three. In support of the application, the following is enclosed for the Planning Board's review and consideration:

- 1. (18) Application for Action by Planning Board with Checklist;
- 2. (18) Site Plan prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC revised through 8-14-23, consisting of four sheets;
- 3. (18) Architectural plan prepared by Fenwick Architects revised through 8/11/23, consisting of Sheets A1 and A2;
- 4. (18) Corporate Disclosure Certification;
- 5. (18) Decision and Resolution 10-2023 and Decision and Resolution 18-2023;
- 6. (1) 200 foot property owners' list;

PERSKIE MAIRONE BROG BARRERA & BAYLINSON

A PROFESSIONAL CORPORATION

Roger D. McLarnon, PE, PP, CME, CFM, CPWM City of Margate August 21, 2023 Page 2 of 2

> 7. (1) – Confirmation of paid taxes, water and sewer.

Should you require any further information in advance of the August 31st hearing date, please do not hesitate to contact me.

Thank you as always for your kind attention and usual courtesies.

Very truly yours,

PERSKIE MAIRONE BROG BARRERA & BAYLINSON, P.C.

BY:

CHRISTOPHER M. BAYLINSON

cmbaylinson@pmbb.com

CMB:dbm Enclosure

Salim Joarder, SAJ Associates, LLC (via email) (w/ Application)

Lee Rossner (via email) (w/ Application)

Stephen J. Fenwick, R.A. (via email) (w/ Application)

Andrew F. Schaeffer, PE, PP (via email) (w/ Application)
S:\UVoarder, Salim (12671)\Mat 3 - 7800 Ventnor Ave., Margate\Subfile 3B - Land Use\Shiles (application submission) 8-21-23 CMB ltr.docx

LAND USE

Variance Application Checklist

			Waiver
VARI	ANCE CHECKLIST (Page 1 of 1)	Submitted	Requested
1.	Submit the following documents with the Standard Development Application: a. Copy of an area map showing all lots within 200 feet of the property. 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. 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. d. Copies of subdivision, site plan or conditional use applications when applicable.	a. ✓ b. ✓ d. ✓	
2.	e. Certification that taxes are paid. 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.	e. ✓	
3.	 A statement containing the following information: a. Date of acquisition of property and from whom. b. The number of dwelling units in existing building(s). c. State whether the applicant or owners own or are under contract to purchase any adjoining lands. Set forth lot and block number(s). d. State whether the application is or is not to be accompanied by a separate application for subdivision, site plan or conditional use approval. 	a. N/A b. N/A c. N/A d. N/A	
4.	Ten (10) folded copies of a plot plan, map or survey.		
,	Checklist prepared by: Christopher M. Baylinson, Esq. Checklist reviewed by City:	Date: 8/21 Date:	/23.
	Application found complete on:		
	Application found incomplete on:		

Application of SAJ Associates LLC 7800 Ventnor Avenue Block 105, Lot 25 Margate, New Jersey

APPLICATION FOR ACTION BY PLANNING BOARD MARGATE, NEW JERSEY

PLEASE TYPE OR PRINT

				IXIIVI			
1. Date o	f Application: August 18, 2023						
2. Z oning	District						
S-60	Single Family Residential	MF	Multi-Family Residential				
S-60-WF	Single- Family Residential	CBD	Central Business District				
S-50	Single Family Residential	C-1	Commercial				
S-40	Single Family Residential	C-2	Commercial/Business				
S-40-WF	Single-Family Residential	WSD	Waterfront Special District				
S-30	Single Family Residential	R	Riparian				
S-25	Single Family Residential	WAPC	Washington Avenue Pedestrian C	orr.			
S-25 (HD)	Historic Single Family Residential	WSPA	Government and Open Space	1			
TF	Two-Family Residential	<u> </u>	Institutional Use	-			
В	Beach		_				
Block Numb Total Area (Frontage: 8 Depth: 104	in square feet) 8,840 s.f. 5 ft.	No(s)					
4. Information about the Applicant: Full name(s) SAJ Associates LLC							
	Entity, Names of Officers or Principals attached Corporate Disclosure	(Submit disclosure statem	ent it appropriate)				
Local Reside	ence Address		Zip				
Other Reside	ence Address 335 Evesham Avenue	e, Lawnside, NJ	Zip _08045				
	dress						
	er(s) (include area code);						
Email Addre	SS						
	Fax		Cell Phone (856) 524-1200				

5. Interest in Subject Property:	6. If you do not own the Subject Property,
(Supply copies of relevant documents with this	provide the following regarding the Owner: N/A
Application):	Name(s)
By lease dated	Address
By Agreement of Sale dated	Phone No. (include area code);
✓ By Ownership of property	Res
since 1/2023	Bus
By other interest in law (describe):	Fax
	Cell
7. Type of Application Applied For (check all app	licable):
C Variance(s) Minor Subdivision	Interpretation (B Variance)
D Variance(s) Major Subdivisio	n Other (Explain)
Minor Site Plan Action Conditional Use	Permit
Major Site Plan Action Appeal (A)	
8. Application Made To: X Pla	anning Board Other
9. Professionals Representing the Applicant: (Chi	eck applicable professional and provide information)
Attorney: Name Christopher M. Baylinson, Esquire	1
Address 1201 New Road, Suite 204, Linwo	
Fax (609) 601-8440 Cell	
Architect: Name Stephen J. Fenwick, RA	Phone (609) 653-0222
Address 646 Ocean Heights Ave., Linwood	1. NJ 08221
Fax (609) 653-1637 Cell	Hmail info@fenwickarchitects.com
Androw E Schooffer D E	Phone (609) 625-7400
Engineer: Name Aldrew F. Schaeher, F.L. Address 1425 Cantillon Blvd., Mays Landir	
Fax (609) 909-0253 Cell	
Preparer of Subdivision or Site Plan (if different from above	
	Phone
Address	
Fax(Be sure to include all area co	
	dag and an codes in the anniel

10. If Site Plan Action i	is Required:	11. If Subdivision Action is Required: N/A
-What is the present use of th	e site and building(s)?	-After conferring with the City Tax Assessor, provide lot
Unoccupied restaurant		numbers of new lot(s), dimensions, and area of each: (use ext
		pages, if necessary)
		Lot No(s) Dimension(s) Area(s)
		xS.F.
		xS.F.
-How will this be changed?		xS.F.
Mixed use building with co	ommercial space at	-Purpose of the Subdivision
grade and residences abo	ove	To sell lot(s)
		To build and sell homes (or other buildings)
		Other (please explain):
12. If Variances are Re	quired:	
(Note: Properly scaled site plan must	t show all dimensions relevant to	variance analysis)
-Current use of lot(s) and buil	Iding(s): Unoccupied rest	aurant
-Proposed use: Mixed use b	uilding with commercia	I space at grade and residences above
-If a "D" or "Use" Variance is	s required, please explain:	N/A
-Regarding any dimensional v		
Variance	Requirement	Present Proposed
	of District	Condition Condition
Height		
	of District	Condition Condition N/A 37.4'
Height	of District	Condition Condition N/A 37.4'
Height	of District	Condition Condition N/A 37.4'
Height Parking	of District 22	Condition 37.4' N/A 13 (Res. 9; Comm. 4)
Height Parking 13. Prior Action : Please d	of District 34' 22 detail any prior hearing and	Condition 37.4' N/A 13 (Res. 9; Comm. 4) N/Or decision relevant to this application. Supply date, name of Board,
Height Parking 13. Prior Action: Please dand results. (IF YOU ARE NO	of District 34' 22 detail any prior hearing and	Condition 37.4' N/A 13 (Res. 9; Comm. 4)
Height Parking 13. Prior Action: Please dand results. (IF YOU ARE NO write "none".	of District 34' 22 Hetail any prior hearing and OT SURE PLEASE CHEC	Condition 37.4' N/A 13 (Res. 9; Comm. 4) N/Or decision relevant to this application. Supply date, name of Board, CK WITH EITHER BOARD ADMINISTRATOR.) If no prior action,
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15. Space for Narrative : In this space you must provide a									
as any information not otherwise set forth above which may be relevant to the application, including justifications, clarifications									
and extenuating circumstances. FAILURE TO PROPERLY CO	MPLETE THIS SPACE WILL CONSTITUTE AN								
INCOMPLETE APPLICATION.									
This application is filed to confirm a settlement in Margate and City of Margate Planning Board. T SAJ's applications heard on February 23, 2023 a same mixed use building as submitted for the February in the residential units from four to three the settlement of the settlement of the settlement in t	he lawsuit appeals the Planning Board's denial of and May 25, 2023. The settlement plan shows the bruary hearing, but has reduced the number of								
16. Signature of Applicant(s): Christopher M. Baylinson, Esq Attorney for Applicant	Date8/18/23 nt(s) Date								
17. This space for Board Administrator:	18. Notarized Statement by Applicant:								
	State of New Jersey } ss.								
-Staff Committee action took place	County of Atlantic }								
-	, being duly								
and case assigned to	sworn according to law, deposes and says, that								
the Planning Board for or									
	the statements contained in the above application								
-This application received by the	and the statements contained in the papers								
Planning Board Administrator on	submitted herewith are true.								
	Sworn to and subscribed before me this								
	day of								
By:									
Ву:									
Ву:									

CHRISTOPHER M. BAYLINSON, ESQUIRE PERSKIE MAIRONE BROG BARRERA & BAYLINSON, P.C.

Cornerstone Commerce Center 1201 New Road, Suite 204 Linwood, NJ 08221 (609) 601-1775

Attorneys for Applicant

IN THE MATTER OF THE APPLICATION)	MARGATE PLANNING BOARD
OF: SAJ ASSOCIATES LLC)	DISCLOSURE CERTIFICATION
Concerning Block 105, Lot 25)	PURSUANT TO N.J.S.A. 40:55D-48.1

SALIM JOARDER hereby certifies the following factual information:

- 1. I am the sole Member of SAJ Associates LLC, which is the applicant in the above-entitled matter.
 - 2. SAJ Associates LLC is the owner of the above-captioned property.
- 3. The names and addresses of all those persons owning a 10% or greater interest in and to SAJ Associates LLC is/are as follows:

Salim Joarder 335 Evesham Avenue Lawnside, NJ 08045

There are no other persons or entities holding a 10% or greater interest in SAJ Associates 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.

Salim Joarder M.M.

DATED: February / 5t, 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 SAJ ASSOCIATES LLC

FOR C VARIANCE RELIEF AND

PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL FOR BLOCK 105, LOT

25

CITY OF MARGATE PLANNING BOARD

10-2023

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 February 23, 2023 at a meeting held at Margate Historic City Hall, 1 S. Washington Avenue, Margate, NJ, and a quorum being present; and

WHEREAS, the Applicant, SAJ Associates LLC ("Applicant"), has applied to the Board seeking variance relief pursuant to N.J.S.A. 40:55D-70c and preliminary and final major site plan approval (all as detailed more fully below), in order to construct a new mixed-use project with commercial on the ground floor and residential units on the upper floors on property identified as Lot 25 in Block 105 on the Margate City Tax Map, which property is located at 7800 Ventnor Avenue; and

WHEREAS, the Applicant was represented at the hearing by Christopher M. Baylinson, Esquire; and

WHEREAS, the Planning Board has reviewed the Application submitted by the Applicant together with all attachments and all exhibits submitted with the Application; and

WHEREAS, the Applicant marked and offered into evidence the following additional exhibits during the course of the hearing:

- A-1 Portion of Master Plan Revision July 2016;
- A-2 Additional Portion of Master Plan Revision July 2016;
- A-3 Planning Board Memorandum on Johnny's Café;
- A-4 Planning Board Decision and Resolution on Sports Development, Inc.;
- A-5 Planning Board Decision and Resolution on FCF Associates Partnership;
- A-6 Planning Board Decision and Resolution on Harbour Bay, LLC;
- A-7 Planning Board Decision and Resolution on Soloman Bay Fine Homes, LLC;
- A-8 Planning Board Decision and Resolution on Pet Friendly Ventures, LLC;
- A-9 Planning Board Decision and Resolution on Midge Properties, LLC; and
- A-10 Planning Board Decision and Resolution on Steven B. Baglivo;

and

WHEREAS, the Board heard the testimony of the Board Planner, Roger McLarnon, PP, and reviewed and received his report dated February 22, 2023, as well as the report of the City Engineer, Edward D. Dennis, Jr., PE, of Remington & Vernick Engineers, dated February 14, 2023; and

WHEREAS, the following professional witnesses testified on behalf of the Applicant during the course of the hearing:

- 1. Andrew F. Schaeffer, PE, PP, a professional engineer and planner in the State of New Jersey, described the proposed development and offered planning testimony in an effort to justify the variance and other relief relief requested and required by the Applicant; and
- 2. Kevin Olandt, the project designer from architect Steve Fenwick's office, whose office prepared the architectural plans for the project, provided testimony regarding the architectural aspects of the development proposed by the Applicant;

and

WHEREAS, during the public portion of the hearing, Roz Tyman (owner of the Jamaican Me Crazy business located at 9413 Ventnor Avenue), Jack Levin (1 N. Douglas Avenue), Devita Levin (1 N. Douglas Avenue), Janet McCarron (8801 Amherst Avenue) and John Pitts (413 N. Huntington Avenue) each spoke in general opposition to the Application, and specifically expressed concerns over parking; and

WHEREAS, Eric. S. Goldstein, Esquire, also appeared and objected to the Application on behalf of his clients which are each business located in the vicinity of the subject property, those being Bocca Coal Fired Bistro (7805 Ventnor Avenue), Hot Bagels & More (7807 Ventnor Avenue), Greens and Grains (7801 Ventnor Avenue) and Robert's Place (7807 Atlantic Avenue); and

WHEREAS, the City of Margate Planning Board, based upon the Application submitted, the report and testimony of the Planning Board Planner, the report of the City Engineer, and the testimony presented on behalf of Applicant, and from the public, 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, SAJ Associates LLC and the subject property is located at 7800 Ventnor 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 property is known as Block 105, Lot 25.
 - 4. The property is serviced or serviceable by public water and public sewer.

- 5. The subject property is located in the Central Business District ("CBD") at the corner of Ventnor Avenue and Douglas Avenue. The property is 8,840 square feet in area, with 85 feet of frontage along Ventnor Avenue and 104 feet of frontage along Douglas Avenue. The property is the site of a closed restaurant that had 11 parking spaces off of a driveway on Ventnor Avenue. There is also some depressed curb along the Douglas Avenue frontage, but no parking spaces are located in that area.
- 6. The Applicant is proposing to demolish the existing building and construct a new mixed-use building on the property. The ground floor of the new building is proposed to consist of approximately 2,800 square feet of commercial space, with a total of four, two-story residential units on the second and third levels. The height of the mixed-use building is proposed at approximately 37.4 feet from the sidewalk.
- 7. A parking area with thirteen parking spaces is proposed essentially behind the building via a proposed driveway along Douglas Avenue, while the driveway along Ventnor Avenue will be replaced with curbing. Nine of the parking spaces are proposed to be dedicated to the residential units, which complies with the residential parking requirements of the City of Margate zoning ordinance. The remaining four parking spaces are proposed to be utilized for the commercial use. The site plan and other site improvements proposed by the Applicant are shown in more detail on the plans presented, as amended.
- 8. The mixed-use building proposed by the Applicant is a permitted use in the CBD as commercial space is located on the ground floor and the residential units are on the upper floors. However, the proposal by the Applicant requires certain variance relief for commercial parking and building height. The Applicant is additionally seeking preliminary and final major

site plan approval. The specific relief required by the Applicant is detailed more fully in paragraph 9 below.

- 9. The within Application is for:
- a) Bulk variance approval pursuant to N.J.S.A. 40:55D-70c for the following:

C Variances	Min. Required/ <u>Max. Permitted</u>	Proposed
Building Height (from sidewalk)	34 ft.	37.4 ft.
Parking (Commercial)	11 spaces	4 spaces

- b) Preliminary and final major site plan approval for the proposed development.
- 10. 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(1), the Applicant has not demonstrated anything about the shape of the subject property or physical features uniquely affecting the subject property that would result in peculiar and exceptional practical difficulties, or exceptional and undue hardship upon the Applicant, to justify the variances requested. In addition, the Board finds that pursuant to N.J.S.A. 40:55D-70c(2), the variances requested by the Applicant do not advance any of the purposes of zoning set forth in N.J.S.A. 40:55D-2 such that their benefits would substantially outweigh the detriments. The Board finds that to the contrary, the detriments to granting the variances far outweigh any purported benefits. Moreover, the Board finds that the requested variances will cause a substantial detriment to the public good and will impair the intent and purpose of the zone plan and zoning ordinance of the City of Margate.

Specifically, pursuant to N.J.S.A. 40:55D-70c(1), the Board finds that subject property meets the minimum lot area and lot width requirements in the CBD and is rectangular in shape. The Board finds that there is nothing unique about the subject property that would support the

variances requested by the Applicant under a hardship standard. The Board finds that this is not a hardship case and no valid arguments or testimony have been presented on behalf of the Applicant to the contrary.

Pursuant to N.J.S.A. 40:55D-70c(2), the Board finds that the variances requested will not advance any of the purposes of zoning as set forth in N.J.S.A. 40:55D-2 such that their benefits would substantially outweigh the detriments. The Board finds that any benefits to the property that the Applicant could have attempted to advance can be equally met by designing a project with a lower building height and more commercial parking that would be compliant, or more compliant than proposed, with the City of Margate zoning ordinance. The Board finds that the zoning purposes advanced by the Applicant, including without limitation promoting the public good, flood proofing of the building, providing for sufficient space at appropriate locations for a variety of uses and aesthetic enhancement, can all be accomplished with a project with a lower building height and more commercial parking. The Board additionally finds that even if the Applicant could advance some benefit to granting the variances, which has not been shown, these benefits are substantially outweighed by the detriments to granting the variances in terms of excess building mass and deficient commercial parking, as detailed below. The Board finds that the Applicant has not established the so-called positive criteria required to support the variances requested, whether under N.J.S.A. 40:55D-70c(1) or N.J.S.A. 40:55D-70c(2).

In terms of the so-called negative criteria, the Board finds that the Applicant can, as noted, provide for a lower building height and additional commercial parking. The Board finds that allowing a building height of 37.4 fee would be 3.4 feet higher than permitted and would create excess detrimental massing along a major corridor (i.e. Ventnor Avenue) in the City of Margate. The Board also finds that parking is at a premium in the City of Margate and that

granting a variance for seven commercial parking spaces would only add to the parking problem. The Board notes that while the Applicant has attempted to demonstrate other instances where the Board has granted parking variances for commercial projects, each case is decided on its own facts and finds that in this instance the detriments to granting the parking variance would outweigh any potential positives effects. The Board finds that the Applicant is proposing too intense a project for the property and that the variances requested would benefit the Applicant only, as opposed to the community as a whole. The Board finds that overall, having weighed and balanced any positives and the negatives of the requested variances as detailed herein, the detriments to granting the requested variances would substantially outweigh the benefits, to the extent any such benefits exist.

For these reasons, the Board finds that the variance relief requested by the Applicant is not justified and that the Application should be denied.

The Board finds that the major site plan is intertwined with the requested b) variances detailed herein and, without the grant of the variances, cannot be granted and has no justification. The Board finds that for these reasons, as well as for those set forth above in connection with the variance relief requested, major site plan approval is not warranted and should not denied.

NOW, THEREFORE, a Motion having been made and seconded in the affirmative, the City of Margate Planning Board hereby denies approval for the variance relief and major site plan approval set forth in paragraph 8 above.

Those opposed to granting the Application: (6) Six.

Pattersion, Cristaldi, Galantino, Jasiecki, Ruffu and Campbell

Richmond

Those in favor of granting the Application: (1) One.

By:

Richard Patterson, Chairman

By:

Mana Shiles, Board Administrator

Certified as a true copy of the resolution Adopted by the City of Margate Planning Board on this 30 margate Planning day of MARCH, 2023.

Palma Shiles, Board Administrator

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 SAJ ASSOCIATES LLC FOR PRELIMINARY AND FINAL MAJOR

SITE PLAN APPROVAL AND

CHECKLIST WAIVERS FOR BLOCK 105,

LOT 25

CITY OF MARGATE PLANNING BOARD

18-2023

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 May 25, 2023 at a meeting held at Margate Historic City Hall, 1 S. Washington Avenue, Margate, NJ, and a quorum being present; and

WHEREAS, the Applicant, SAJ Associates LLC ("Applicant"), has applied to the Board seeking preliminary and final major site plan approval (all as detailed more fully below) and certain checklist waivers, in order to construct a new mixed-use project with commercial on the ground floor and residential units on the upper floors on property identified as Lot 25 in Block 105 on the Margate City Tax Map, which property is located at 7800 Ventnor Avenue; and

WHEREAS, the Applicant was represented at the hearing by Christopher M. Baylinson, Esquire; and

WHEREAS, the Planning Board has reviewed the Application submitted by the Applicant together with all attachments and all exhibits submitted with the Application; and

WHEREAS, the Applicant offered into the record the following additional exhibits during the course of the hearing:

- 1. Planning Board Decision and Resolution on Sports Development, Inc.;
- Planning Board Decision and Resolution on FCF Associates Partnership;
- 3. Planning Board Decision and Resolution on Soloman Bay Fine Homes, LLC;
- Planning Board Decision and Resolution on Pet Friendly Ventures, LLC;
- Planning Board Decision and Resolution on Midge Properties, LLC; and
- 6. Planning Board Decision and Resolution on Steven B. Baglivo; and

WHEREAS, the Board heard the testimony of the Board Engineer and Planner, Roger McLarnon, PP, and reviewed and received his report dated May 22, 2023, as well as the report of the City Engineer, Edward D. Dennis, Jr., PE, of Remington & Vernick Engineers; and

WHEREAS, the following professional witnesses testified on behalf of the Applicant during the course of the hearing:

- 1. Andrew F. Schaeffer, PE, PP, a professional engineer and planner in the State of New Jersey, described the proposed development and offered planning testimony in an effort to justify the site plan relief and other relief requested and required by the Applicant; and
- 2. Kevin Olandt, the project designer from architect Steve Fenwick's office, whose office prepared the architectural plans for the project, provided testimony regarding the architectural aspects of the development proposed by the Applicant;

and

WHEREAS, during the public portion of the hearing, Julie Joarder (representative of the Applicant), Donna Pulini (10 S. Franklin Avenue) and Marla Brestle (a resident of Longport) each spoke; and

WHEREAS, the City of Margate Planning Board, based upon the Application submitted, the report and testimony of the Planning Board Engineer and Planner, the report of the City Engineer, and the testimony presented on behalf of Applicant, and from the public, 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, SAJ Associates LLC and the subject property is located at 7800 Ventnor 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 property is known as Block 105, Lot 25.
 - The property is serviced or serviceable by public water and public sewer.
- 5. The subject property is located in the Central Business District ("CBD") at the corner of Ventnor Avenue and Douglas Avenue. The property is 8,840 square feet in area, with 85 feet of frontage along Ventnor Avenue and 104 feet of frontage along Douglas Avenue. The property is the site of a closed restaurant that had 11 parking spaces off of a driveway on Ventnor Avenue. There is also some depressed curb along the Douglas Avenue frontage.
- 6. The Applicant is proposing to demolish the existing building and construct a new mixed-use building on the property. The ground floor of the new building is proposed to consist of approximately 1,800 square feet of commercial space, with a total of four, two-story residential units on the second and third levels. Each residential unit is proposed to have three bedrooms, which was voluntarily amended from four bedrooms by the Applicant during the

course of the hearing prior to the vote being taken. Two of the residential units are proposed to be 2,078 square feet each and two are proposed to be 2,089 square feet each.

- 7. A parking area with seventeen parking spaces is proposed essentially behind the building via a proposed driveway along Douglas Avenue, while the driveway along Ventnor Avenue and a depressed curb on Douglas Avenue will be replaced with curbing. Eight of the parking spaces are proposed to be dedicated to the residential units, which complies with the residential parking requirements of the City of Margate zoning ordinance. The other nine parking spaces are proposed to be utilized for the commercial use, which complies with the commercial parking requirements of the City of Margate zoning ordinance. The site plan and other site improvements proposed by the Applicant, subject to the amendment of the number of residential bedrooms from four bedrooms per unit to three bedrooms per unit, are shown in more detail on the site plan prepared by Schaeffer, Nassar and Scheidegg dated March 2, 2023 (6 sheets) and the preliminary architectural design plans prepared by Fenwick architects last revised March 2, 2023 (2 sheets).
- 8. The mixed-use building proposed by the Applicant is a permitted use in the CBD as commercial space is located on the ground floor and the residential units are on the upper floors. No variances are requested or required by the Application. The Applicant is seeking preliminary and final major site plan approval for the project and certain checklist waivers. The specific relief required by the Applicant is detailed more fully in paragraph 9 below.
 - 9. The within Application is for:
 - a) Preliminary and final major site plan approval for the proposed development.

- b) Certain checklist waivers from the submission items for preliminary and final site plan approval, as outlined in the correspondence from the Applicant's attorney dated May 25, 2023 which is incorporated herein by reference.
- 10. 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:
- The Board finds that the major site plan proposed by the Applicant, while a) constituting a permitted use and being variance free, does not comport with the intent of the City of Margate zoning ordinance allowing commercial space on the ground floor with residential above it in the CBD. In particular, the Board finds that the CBD is a commercial zoning district that predominately promotes commercial uses. The Board finds that the Applicant is proposing only 1,800 square feet of commercial space at the ground level, with over 8,000 square feet of residential space consisting of a total of four, three-bedroom units. The Board finds that the project is predominately residential in nature and views the commercial aspect as a secondary component. The Board further finds that the intent of allowing residential above commercial in the CBD is for projects to be predominately commercial in nature with a smaller residential component above it, as is the case along much of Ventnor Avenue on the blocks with the Starbucks Coffee Shop on the north end of the City and the Heritage Surf Shop on the South end of the City. The Board also notes that while the Applicant read into the record other approvals granted by the Board in the past, each case before the Board is decided on its own particular facts at the particular time it is presented and finds the current matter and present circumstances distinguishable from those prior approvals. The Board finds that overall, having heard the testimony and reviewed the major site plan and other evidence presented in detail, the major site plan presented by the Applicant does not meet the intent of the City of Margate zoning ordinance

and should be denied. The Board finds that for these reasons, major site plan approval is not warranted and should not denied.

NOW, THEREFORE, a Motion having been made and seconded in the affirmative, the City of Margate Planning Board hereby denies preliminary and final major site plan approval for the proposed development. Although there was support for the checklist waivers by the Board Engineer and Planner and generally no objection to them, the checklist waivers requested by the Applicant are also now moot as a result of the denial of preliminary and final major site plan approval. The Application is denied.

Those opposed to granting the Application: (7) Seven.

Patterson, Cristaldi,

Galantino,

Palmisano, Pelosi, Jasiecki, and Ruffu

Those in favor of granting the Application: (1) One.

Richmond

CITY OF MARGATE PLANNING BOARD

By:

Richard Patterson, Chairman

By:

Carmella Malfara, Acting Board Secretary

Certified as a true copy of the resolution Adopted by the City of Margate Planning

Board on this

day of

2023.



Office of the Tax Assessor

Municipal Building 9001 Winchester Ave. Margate City, NJ 08402 P: 609-822-1950

F: 609-487-1142

RECEIVED

AUG 0 4 2023

PERSKIE MAIRONE BROG BARRERA & BAYLINSON

James W. Manghan, CTA Tax Assessor

Christopher M. Baylinson Perskie Mairone Brog Barrara & Baylinson 327 Central Ave, Suite 200 Linwood, NJ 08221

Block: 105 Lot: 25

Location: 7800 Ventnor Ave

Date: August 2, 2023

James W. Manghan, CTA

Tax Assessor

Your file No: 12671-3

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Atlantic County

Zip Code 19004	08003	08003	19018	19002	19010	07079	19444	08003	08402	19146	19102	19046
Owner Address City, State STEIN, GARY & ANNE 834 LINY LANE BALA CYNWYD, PA	STEIN, SCOTT & MEREDITH 63 CAMEO DR CHERRY HILL, NJ	ADLER, SHELLY LEVITAN 61 CAMEO DRIVE CHERRY HILL, NJ	SCHULTZ, ANDREW J & JULIE E 912 WOOTEN RD BRYN MAWR, PA	MOORE, R I & JEANETTE C 801 FOXFIELD RD AMBLER, PA	REITER, MAURY B & PENNY G 303 PHEASANT HILL DRIVE BRYN MAWR, PA	NESSER,L, ATLAS,O, ATLAS,M &ATLAS M 17 TILLOU RD WEST S ORANGE, NJ	BLATSTEIN, LEE & JANN ZWERLING- 688 CHERRYDALE DR LAFAYETTE HILL, PA	GOODMAN, STEVEN & ANDREA 1754 TEAROSE LANE CHERRY HILL, NJ	DIAMOND, BRUCE J & JANE L 2 S CLERMONT AVENUE#7 MARGATE, NJ	HARVEY, PHILIP 2022 WAVERLY ST PHILADELPHIA, PA	PEW, WENDY 50 S 15TH ST #5004 PHILADELPHIA, PA	MILLER, LAWRENCE & ROBIN 1162 DIXON LANE RYDAL, PA
Property Class 2	7	7	7	N	7	7	7	7	7	7	2	2
Property Location Additional Lot Additional Lot 1 S DOUGLAS AVE	1 S DOUGLAS AVE	1 S DOUGLAS AVE	1 S DOUGLAS AVE	1 S DOUGLAS AVE	1 S DOUGLAS AVE	1 S DOUGLAS AVE	2 S CLERMONT AVE	2 S CLERMONT AVE	2 S CLERMONT AVE	2 S CLERMONT AVE	20 S DOUGLAS AVE	20 S DOUGLAS AVE
Block Lot Qual .04	.04	104 L 20003	104 1 20004	104 1 20005	104 1 C0006	104 1 C0007	104 3 C0005	104 3 C0006	104 3 C0007	104 3 C0008	105 7 C000A	105 7 C000B

VARIANCE REPORT

Zip Code 07940	11743		08402	08402	08402	08045	08754	08402	08091	19145	15217	07670
Owner Address <u>City, State</u> TAPP, DARREN J & LINDA M 1 GREEN HILL RD MADISON, NJ	TENKMAN, GARY R & NIKKI M 49 FAIRVIEW ST HUNTINGTON, NY	15 S ESSEX, LLC PO BOX 504 DREXEL, PA	7 S ESSEX AVE LLC 18 W COLMAR CIRCLE MARGATE, NJ	ROBERT'S PLACE, INC 7807 ATLANTIC AVE MARGATE, NJ	8-10 S DOUGLAS, LLC 604 N DOUGLAS AVE MARGATE, NJ	7800 ATLANTIC AVE LLC 335 EVESHAM AVENUE LAWNSIDE, NJ	CAPE SAVINGS BANK @OCEAN FIRST BANK PO BOX 2009 TOMS RIVER, NJ	DOWNBEACH PROPERTIES LLC 322 N HUNTINGTON AVENUE MARGATE, NJ	STEINBRECHER, DAVID & CYNTHIA 10 TARANTO LANE WEST BERLIN, NJ	DE ANGELO, ANTHONY S 3222 S SYDENHAM ST PHILADELPHIA, PA	HERSH LEGACY INVESTMENTS LLC 1343 MURDOCH RD PITTSBURGH, PA	BERGQVIST, LISA 20 MOUNTAIN RD TENAFLY, NJ
Property Class 2	Ν	4C	4 A	4C	4A	44	48	44	7	2	7	N
Property Location Additional Lot Additional Lot 20 S DOUGLAS AVE	20 S DOUGLAS AVE	15-A S ESSEX AVE	7 S ESSEX AVE 15	5 S ESSEX AVE	8-10 S DOUGLAS AVE	7800 VENTNOR AVE 31	7806 VENTNOR AVE L23	8-12 S ESSEX AVE 48	2A N DELAVAN AVE	7721 VENTNOR AVE	7723 VENTNOR AVE	1A N DOUGLAS AVE
Block Lot Qual 105 7 C000C	105 · 7 C000D	105 10	105 17	105 20	105 24	105 25	105 28	106 28	204.03 3.01	204.03 3.02	204.03 3.03	204.03 3.04

Zip Code	19148	08402	08201	08402	18914	07043	85234	08402	08402	08234
Owner Address City, State LEVIN, JACK & D & LEBRAM, S & M S 1 N DOUGLAS AVENUE MARGATE, NJ	BALDINO, ANTHONY J & REGINA 1135 TASKER STREET PHILADELPHIA, PA	7801 VENTNOR AVE LLC 8301 ATLANTIC AVE MARGATE, NJ	7805 VENTNOR AVENUE HOLDINGS, LLC 555 NEW JERSEY AVE ABSECON, NJ	COHEN, HOWARD P & BETH A 3 N ESSEX AVE MARGATE, NJ	CINQUINO, ANTHONY,CRISTINA,&MARLENE 3 NAOMI LANE CHALFONT, PA	7817 VENTNOR AVE LLC 273 PARK STREET MONTCLAIR, NJ	J. BANK BUSTER TRUST @DEFABRIZIO, R 880 E VAUGHN AVE GILBERT, AZ	KAPUSTIN, SHELLEY 7809 VENTNOR AVENUE MARGATE, NJ	MARINA MMMM, ILC 7807 VENTNOR AVENUE MARGATE, NJ	4 N ESSEX AVE LLC 149 CRYSTAL LAKE DRIVE EGG HARBOR TWSP, NJ
Property Class 2	7	44	44 4	7	2	4 ,	7	4 4	44 4	7
Property Location Additional Lot Additional Lot 1 N DOUGLAS AVE	2 N DELAVAN AVE	7801 VENTNOR AVE	7805 VENTNOR AVE	3 N ESSEX AVE	2 N DOUGLAS AVE	7817 VENTNOR AVE	7811 VENTNOR AVE	7809 VENTNOR AVE	7807 VENTNOR AVE	4 N ESSEX AVE L, 11
Block Lot Qual 204.03	204.03 22	205.02 1	205.02 5	205.02	205.02 34	206.02 1	20 6. 02 2	20 6. 02 3	206.02	206.02 8

CONDO ASSOCIATIONS TO BE NOTIFIED WITH TAXLIST

BEACH HOUSE CONDO ASSOCIATION HAWKEYE PROPERTY MANAGEMENT PO BOX 3182 MARGATE, NJ 08402 BLOCK: 104 Lot: 2

UTILITIES TO BE NOTIFIED WITH TAXLIST

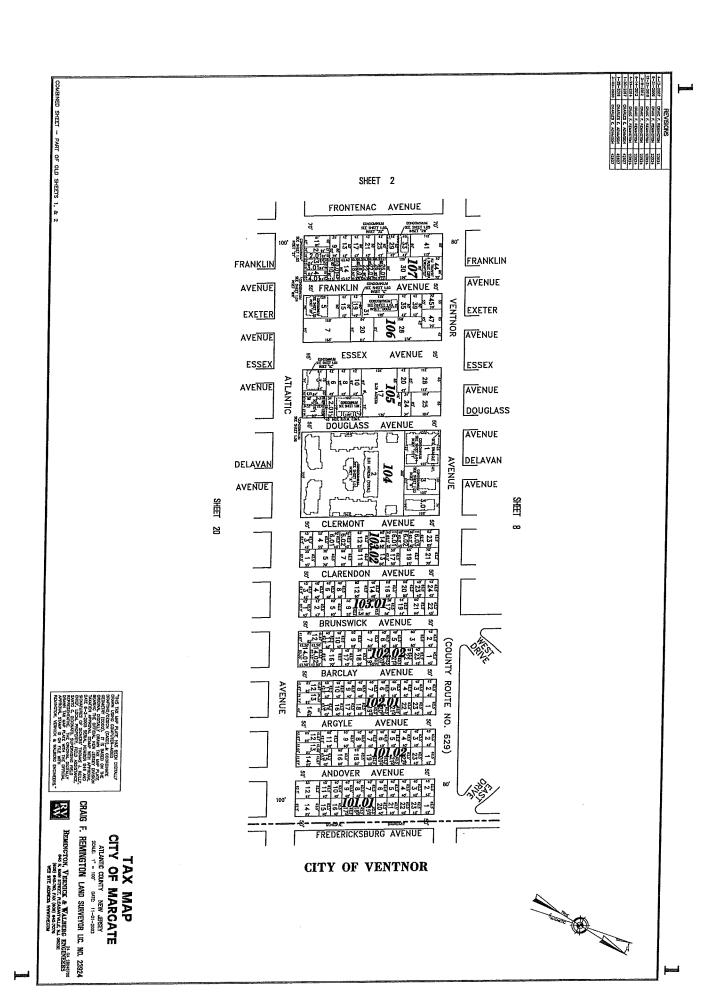
ATLANTIC CITY ELECTRIC 5100 HARDING HIGHWAY, SUITE 399 MAYS LANDING, NJ 08330

SOUTH JERSEY GAS COMPANY VP CONSTRUCTION 1 SOUTH JERSEY PLAZA, RT. 54 FOLSOM, NJ 08037

COMCAST CABLE, GREG SMITH, PM 901 LEEDS AVENUE ABSECON, NJ 08201

ATLANTIC COUNTY PLANNING BOARD RT 9 & DOLPHIN RD PO BOX 719 NORTHFIELD, NJ 08225

ITEMS PRINTED......42





REVENUE and FINANCE DEPARTMENTBARRERA & BAYLINSON

Office of the Tax Collector
City of Margate City
9001 Winchester Avenue
Margate City, New Jersey 08402
609-822-2508

Date: 1/27/23

To Whom It May Concern:

I HEREBY CERTIFY THAT the TAX for 1st Otr. 2023

And the WATER & SEWER for 2022

Are paid on property located 7800 Vuntrar Ave

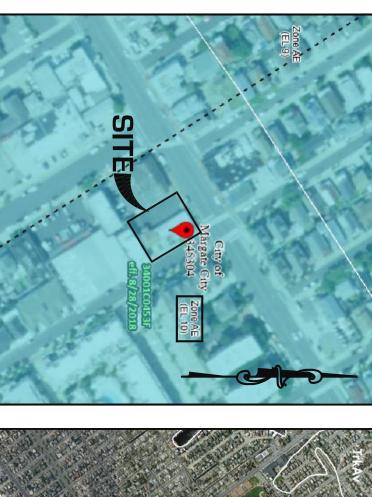
Assessed to Ming M & Chu H Ho

And designated as

BLOCK 105 LOT 25 ; Tax Map of Margate City, N.J.

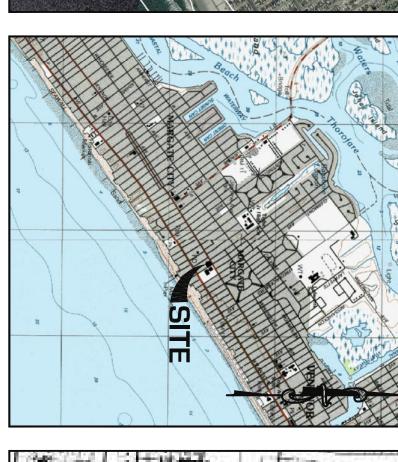
Tara J Mazza, CTC Tax Collector

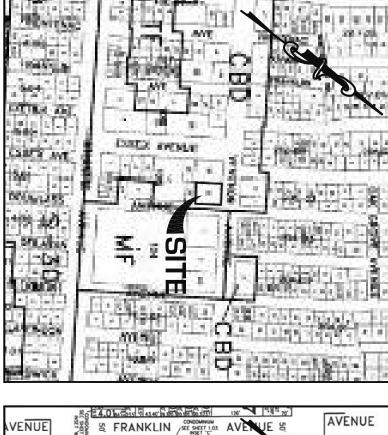
Per LH















QUAD MAP SCALE: 1"=4,000'

ZONING MAPNOT TO SCALE

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	VENUE	AVENUE AVENUE 104 104 104	AVENU
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DOUGLASS AVENUE (50.00' WIDE) VENTNOR AVENUE (80.00' WIDE) BLOCK 105 LOT 25 8,840 S.F. PROPOSED BUILDING PROPOSED CONTAINAND FORTERING CONTAINAND COMMERCIAL SPACE FF=5.53° PROPOSED MONKEY GRASS (LIRIOPE-NUSCARI) 12" OC ADJ. DRIVE-THRU CANOPY ADJ. 1 STORY MASONRY BANK BUILDING

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GENERAL NOTES:

- OWNER/APPLICANT:

 LEE ROSSNER

 110 SOUND DRIVE

 CAPE MAY COURT HOUSE,
- THE SCOPE OF THIS PROJECT IS TO DEMOLISH THE EXISTING BUILDING AND CONSTRUCT A NEW BUILDING FOR A COMMERCIAL USE ON THE GROUND FLOOR AND MULTIPLE RESIDENTIAL UNITS ON THE FLOORS ABOVE.
- THE SITE IS LOCATED IN THE "CBD" CENTRAL BUSINESS ZONE.

ZONE: CBD - CENTRAL

BUSINESS;

TAX MAP SHEET #1

NEW JERSEY

ANTIC

Y OF MARGATE,

800

VENTNOR

AVENUE,

- COORDINATE SYSTEM BASED ON NAD 83 HORIZONTAL DATUM. TOPOGRAPHY BASED ON NAVD 88 VERTICAL DATUM, AS REFERENCED ON THE SURVEY BY SCHAEFFER NASSAR SCHEIDEGG CONSULTING ENGINEERS, LLC, DATED 1-10-23, SIGNED BY HOWARD TRANSUE, PLS.
- CONTRACTOR IS TO VERIFY LOCATION OF ALL UNDERGROUND UTILITIES BEFORE COMMENCING WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION SITE SAFETY DURING THE COURSE OF SITE IMPROVEMENTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE, CLEANUP AND SECURITY OF ALL FACILITIES DURING CONSTRUCTION. UPON ACCEPTANCE OF ALL SITE IMPROVEMENTS, OWNER SHALL ASSUME RESPONSIBILITY.
- ALL EXISTING CONDITIONS AND DIMENSIONS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ELECTRIC, TELEPHONE, CABLE, TV, GAS, PUBLIC WATER AND PUBLIC SEWER SERVICES ARE EXISTING AND WILL BE UTILIZED.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS, CODES, SPECIFICATIONS, AND ALL APPLICABLE ORDINANCES.
- ALL SIGNS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
- THIS SITE IS LOCATED IN FEMA FLOOD ZONE AE (EL 10)
 PER FEMA FIRM PANEL 34001C0453F, EFFECTIVE 8-28-18. ALL OF THE EXISTING SIDEWALK FRONTING THE SITE ON BOTH STREET FRONTAGES EXCEED THE MAXIMUM ADA CROSS SLOPE WILL THEREFORE NEED REPLACEMENT WITH A TRANSITION FROM A COMPLIANT CROSS SLOPE TO THE EXISTING CROSS SLOPES JUST BEYOND THE SITE BOUNDARY.

SHEET INDEX CHART

- Μ̈ **EXISTING CONDITIONS PLAN COVER SHEET**
- LANDSCAPE & LIGHTING PLAN

4

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SITE PLAN

SOIL EROSION NARRATIVE

SOIL EROSION & SEDIMENT CONTROL PLAN

ATLANTIC COUNTY APPRO

GRAPHIC

SCALE

20 FT

FILE#

22-471

SECRETARY

DATE

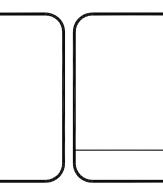
HSNWO

MUNICIPAL CLERK

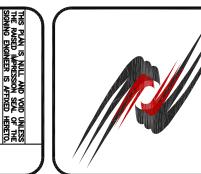
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1	8-14-23	AFS	PER SETTLEMENT AGREEMENT							
REV #	DATE:	BY:	REVISION DESCRIPTION							

COVER SHEET FOR: LEE ROSSNER

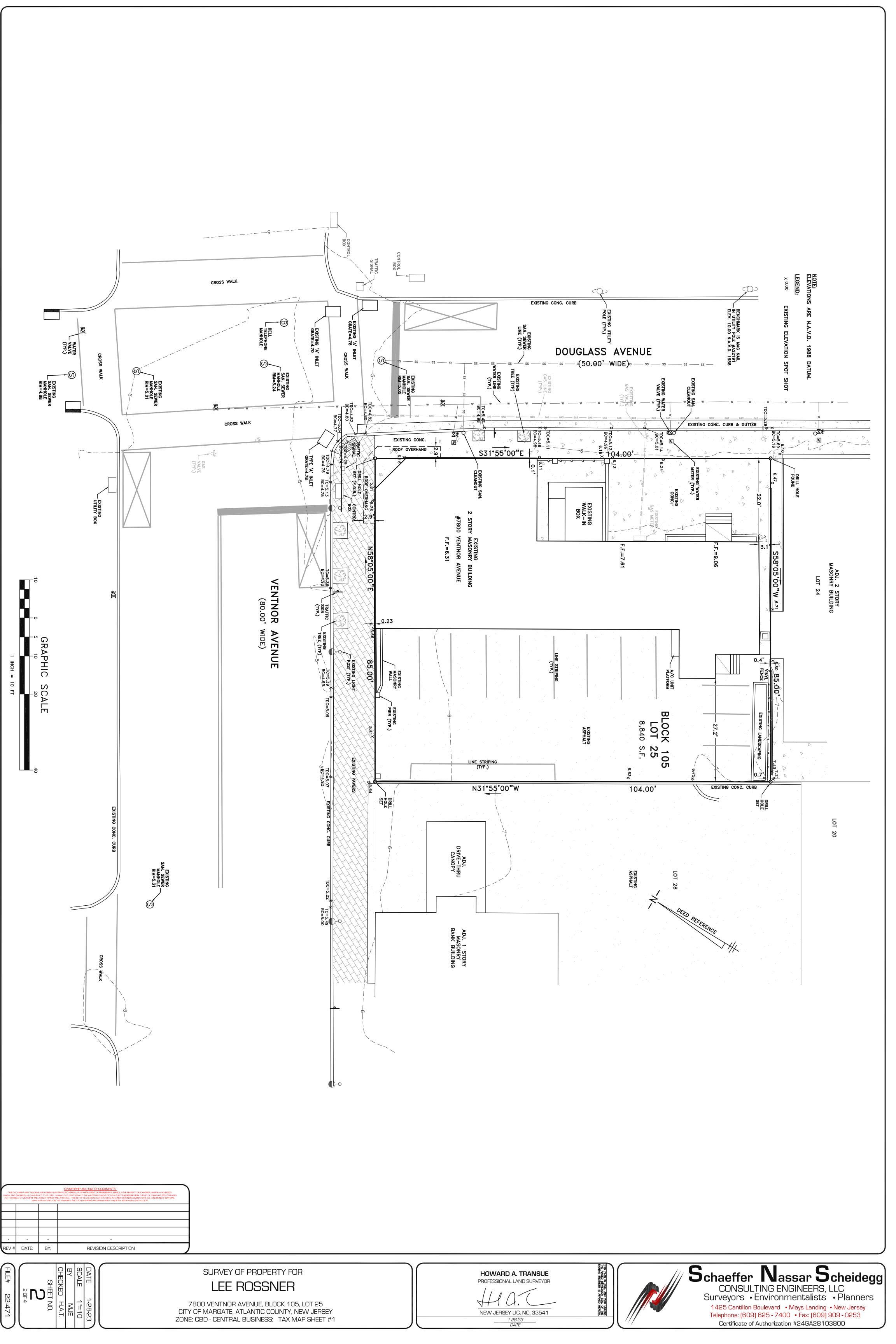
7800 VENTNOR AVENUE, BLOCK 105, LOT 25 CITY OF MARGATE, ATLANTIC COUNTY, NEW JERSEY ZONE: CBD - CENTRAL BUSINESS; TAX MAP SHEET #1

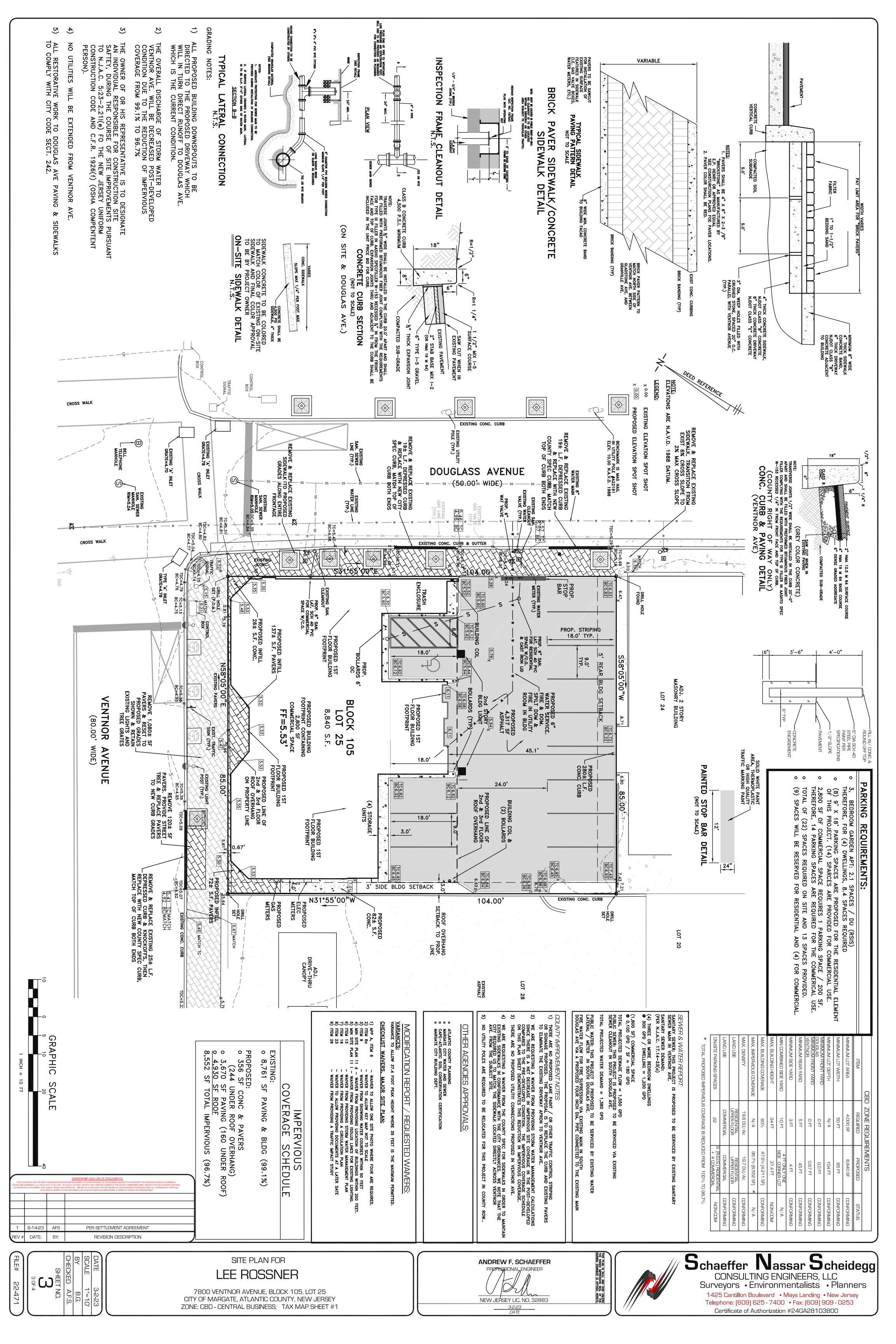


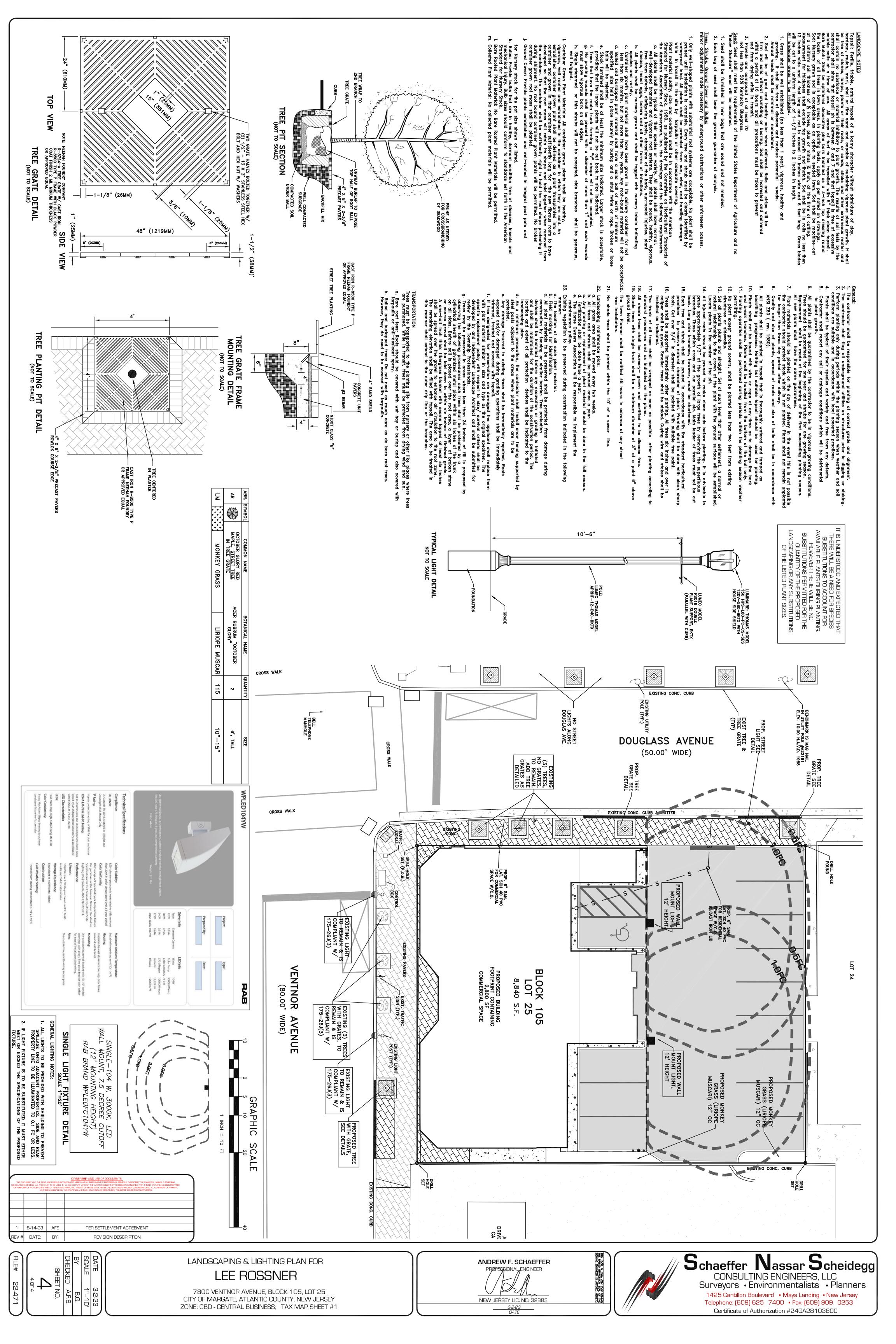




Schaeffer Nassar Scheidegg
CONSULTING ENGINEERS, LLC
Surveyors • Environmentalists • Planners 1425 Cantillon Boulevard • Mays Landing • New Jersey Telephone: (609) 625 - 7400 • Fax: (609) 909 - 0253 Certificate of Authorization #24GA28103800

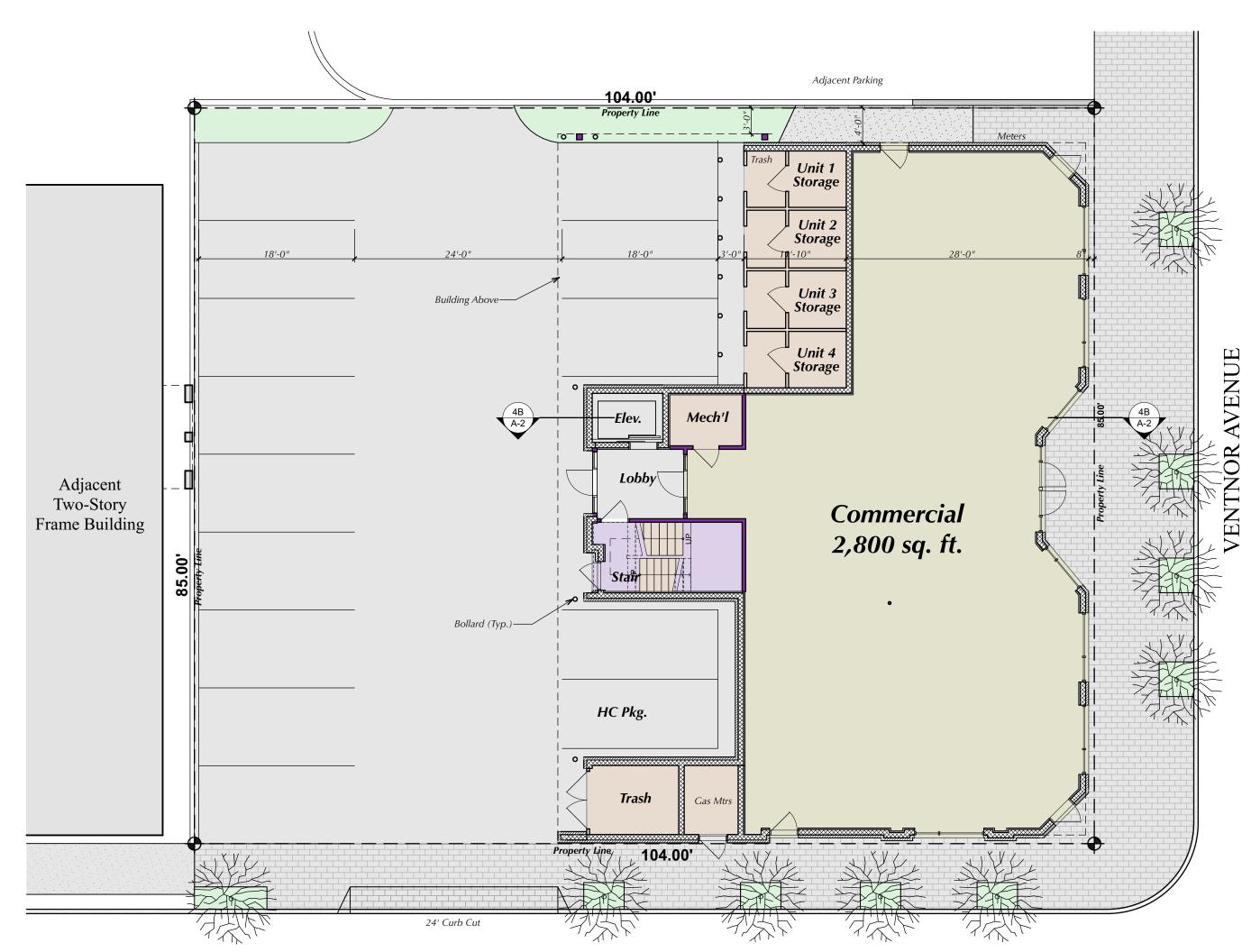








7800 Ventnor Avenue



DOUGLAS AVENUE



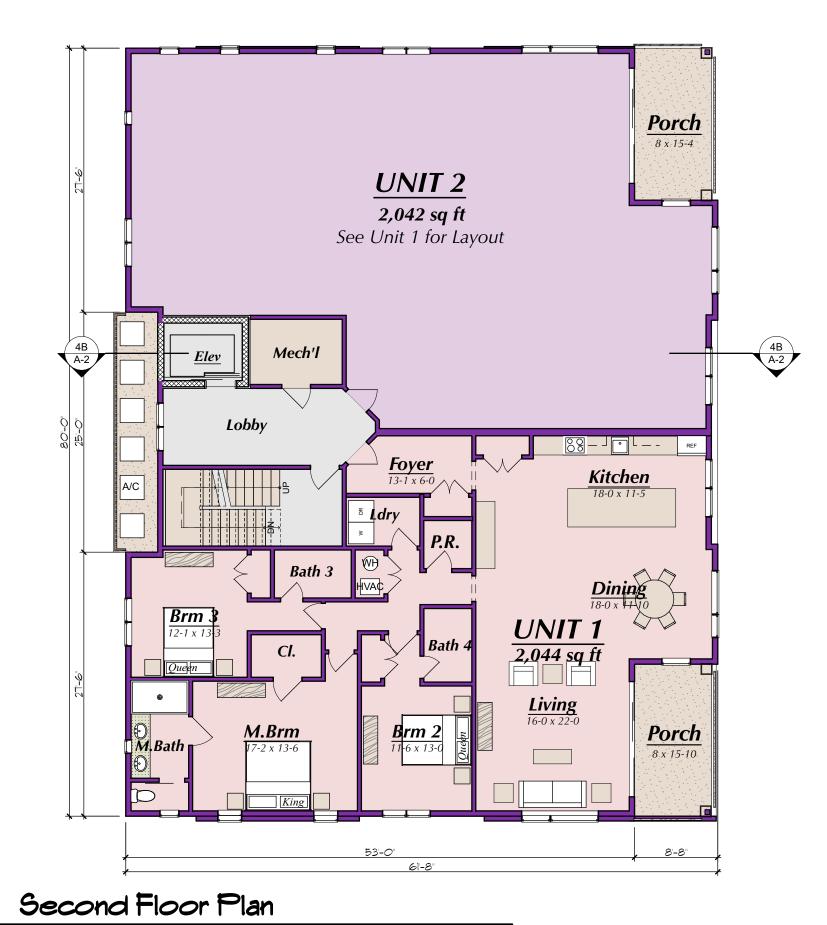
FENVICKARCHITECTS













Revised: 3/02/23 Date: 12/21/22

© 2023 Fenwick Architects

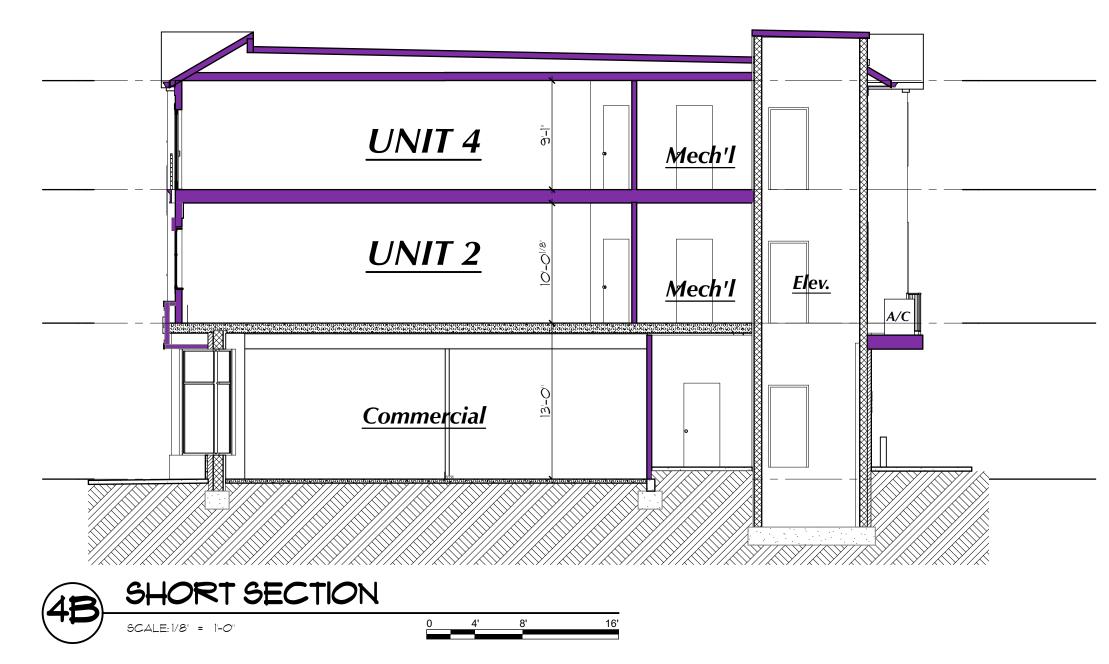
22-238















FENVICKARCHITECTS







