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ROGER McLARNON IN HIS CAPACITY  
AS ZONING OFFICER FOR THE CITY OF  
MARGATE,

Plaintiff,

v.

STEVEN B. BAGLIVO,

Defendant/Counterclaimant

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
ATLANTIC COUNTY

DOCKET NO. ATL-C-000089-24

Civil Action

AFFIDAVIT OF DEFENDANT/  
COUNTERCLAIMANT STEVEN B.  
BAGLIVO.

COUNTY OF ATLANTIC

ss.

STATE OF NEW JERSEY

Steven B. Baglivo, of full age being duly sworn according to law, upon his oath,  
depose and says:

1. I am Steven B. Baglivo a private person and the defendant in the above  
captioned. I make this affidavit to correct the misstatements set forth in the complaint  
and affidavits of the plaintiff and the city officials filing affidavits.

2. First, I have meticulously reviewed the verified complaint as well as the  
counterclaim. I respectfully incorporate the facts set forth therein into this affidavit and do  
not repeat all of them for the sake of brevity. The facts set forth in the complaint and  
counterclaim are the equivalent of my testimony.

3. I've also reviewed the affidavit of Roger McLarnon. As to the temporary COs and the conditions, I rely upon what is already contained in the facts as they're set forth in my answer and complaint.

4. Mr. McLarnon met me on site November 1, 2023 upon my request for him to review the site and approve partial release of my cash performance bond, which he did. He inspected 6, not 3 residential units in addition to the 5 commercial units and all common areas. When Mr. McLarnon brought the ovens into question, I advised him that he was incorrect in his statements, and that I pulled permits that included all the items that are established in the building. All 6 residential permits that were approved and issued by the city of Margate on April 13, 2023 include 2 ovens per unit, hence, I am not required to remove any ovens. On November 13, 2023 I emailed Roger McLarnon requesting zoning inspection to get my Temporary Certificates of Occupancy. It was necessary for me to get the TCOs due to delays in getting some materials (i.e., light posts, tree grates, flood dams, etc.). The purpose of McLarnon's visit on November 21, 2023 was due to my email request for zoning inspection for Temporary Certificates of Occupancy not to perform any inspection of ovens. Mr. McLarnon reviewed the site and TCOs were issued.

5. There were no inspections of any residential units scheduled or needed on July 11, 2024. Nonetheless, McLarnon, Jim Galantino, the building inspector and City Solicitor Scott Abbott showed up unannounced. The officials advised me that they were on-site in response to a complaint the City had received with regard to the installation of a set of interior stairs to access the attic space from inside commercial unit #105. At this meeting upon his review of the stairs, McLarnon acted aggressively, demanding that the

related stairs be removed immediately. In addition, he demanded to see the residential units again. I initially declined the request to see the residential units at the time as no notification was given to the tenants. However, based on Solicitor Abbott's request thereafter, and despite the fact that the residential units had already passed final inspections and were fully occupied, I showed him through residential unit #201 with the tenant present.

6. Mr. McLarnon's representations of the unit he walked through are misleading and untrue. The unit is not 2 smaller units, it is one residential condominium unit, as deeded. The locks installed on the master suite are permitted and do not support his claims of a second unit. All appliances installed were permitted, inspected and approved, to include ovens and laundry facilities. The unit does not have 3 bedrooms, it has 2 bedrooms. The ovens were never removed. All ovens were permitted, placed, inspected and passed by numerous inspectors.

7. I did not ask the officials to leave the property based on Mr. McLarnon's misleading statements that the unit was divided. When I advised McLarnon that I did not agree with his statements, he told me that I was going to be hearing from his attorney. With his increasingly aggressive behavior and threatening statements, I requested that all three leave the property at that time.

8. It should be noted that this property is not located in a single-family zone. It is in the C-2 (Commercial/Business) zoning district which permits multiple family, mixed use development. Mr. McLarnon is cherry-picking definitions in his best effort to support his claims. However, under the same definitions listed in the Land Use chapter in the Margate City code, "family" is defined as follows: "A group of individuals not necessarily

related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.” (Section 175-2). All our tenants are or would be considered a single “family” maintaining a household. When Mr. McLarnon refers to the definition of dwelling units, he omits other important definitions and rental codes. See “family” definition listed above. At present, there are 6 units with a total of 12 people living on site and 1 person that uses their unit as a “vacation home”. We are way under density for this site.

9. It is simply untrue that I was preventing any access to the residential units. The plaintiff knew that all of the residential units were occupied and knew that I did not have authority simply to barge into everyone's unit. The tenants are entitled to reasonable notice. In paragraph 25 McLarnon is acknowledging that the Planning Board permitted “ground floor space at 9708–9710 Ventnor Avenue as a mail room”. He claims however that I have converted it into an office. I have not converted it at all. It remains the mail room and with a computer for use by the Homeowners' Association to process payments and maintenance requests. It is not a commercial office, my office or anyone's office. It is a common area for the Condo Association's use.

10. McLarnon next talks about 9712 Ventnor Avenue and second floor space in paragraph 28. That is the commercial building currently leased by Reform by Revel, a Fitness and Yoga Studio. Mr. McLarnon is correct that there was an application to make architectural improvements to the second floor of the building but that there is no habitable second floor. Further, Mr. McLarnon acknowledged that the design would contain an attic to be lit and conditioned with an outdoor deck. That remains true to today. What we did

do was to allow the tenant to utilize the attic as storage. There is no one living in nor is the commercial tenant utilizing the attic as habitable space.

11. I've also reviewed the affidavit of Dino Cavalieri. According to Mr. Cavalieri's affidavit there is "no record in the Margate construction code office of plans or applications for permits to install additional kitchen facilities or additional dwelling units at 9708-9710 Ventnor Avenue". Mr. Cavalieri is a newly designated temporary building inspector for the City of Margate. His affidavit is factually untrue, misleading and it is clear that this individual is testifying based on other parties' directives. Mr. Cavalieri has never been in a single unit with the exception of the commercial building known as 9712 Ventnor. Mr. Cavalieri was not involved in the approvals, permitting or inspection process at this location and is unfamiliar with the project. Jim Galantino was the City Building official that oversaw my project from inception to completion. The only reason Mr. Cavalieri was involved in reviewing the interior stairs in the commercial building, 9712 Ventnor, is because the City Building Official, Jim Galantino was out on disability. Mr. Cavalieri is the Ventnor City building inspector and was covering for Galantino. It is improper for Mr. Cavalieri to submit an affidavit with regard to my project when he had no involvement or intimate knowledge of the project. The records issued by that construction code official's office, belie his assertion. Attached as Exhibit F to my attorney's brief are building subcode inspection sheets/permits. As the exhibit indicates, the first page identifies the unit as "two bedrooms and two full bathrooms". The second page indicates as to the electrical subcode, the existence of "two" electric ranges, "two "ovens, "two" electric water heaters and the very same for the dryers, dishwashers, garbage disposals



and AC units. Each one of those inspection sheets for each of the units appears within Exhibit F.

12. As to Mr. Cavallieri's statements about the second floor of 9712 Ventnor, the commercial building, there simply is no use of that second floor. It is a storage attic.

13. As set forth in my complaint, notwithstanding the fact the requirements and demands upon me by the City of Margate were well beyond and frankly extreme compared to those property owners and builders around me, I complied meticulously with all of it. I continually requested COs, and have a string of emails requesting Mr. McLarnon to come and inspect the commercial building with regard to the alleged use of the second floor. He refused to come and instead the next thing I knew was the City was suing me. If Mr. McLarnon would have agreed to even one of my requests to meet him on site to review the second floor space and see for himself that it is uninhabited, this could have been resolved.

14. At present all of the units are fully occupied, and I respectfully submit there is no basis to disturb and uproot those individuals that are currently tenants in that building. All 6 residential units have passed final building, electrical, plumbing and fire inspections, to include zoning TCO. There's no emergency or any issue whatsoever that needs immediate attention. I'm confident that by virtue of the discovery, my facts will be proven and the claims of the plaintiff rejected.

SB  
Steven B. Baglivo

Sworn and subscribed to  
before me this 27th day of  
January, 2025.

[Signature]  
Louis M. Albano  
An Attorney at Law  
State of NJ