

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING OF THE PLANNING BOARD
Wednesday, April 9, 2008 – 7 P.M.**

Chairman William Zylinski presiding

Roll Call:

Vincent Marrone, Mayor LaCicero's Designee – present
William Zylinski, Chairman – present
Joseph Baginski, - Vice Chairman - present
Councilwoman Filippone – present
Christopher Parlow, Business Administrator – present
Anthony Cataline – absent
Vincent Marino - present
Leonard Calderaro – present
Rosangela Zaccaria – present

Joseph Palinsky – present
Barbara Brown - present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of April 9, 2008. Adequate notice of this meeting has been given as required by Chapter 231 Public Law 1975, commonly known as "The Sunshine Law." The date, time and place of this meeting was posted on the bulletin board located in the Borough Hall, filed with the Borough Clerk, and supplied to the Ocean Star one of the official Borough newspapers.

Flag Salute:

Dispensed.

Old/New Business:

Chairman Zylinski stated that there appears to be some difference of opinion regarding third floor decks and the definition of a half story.

Mr. Parlow stated he spoke to Mr. O'Donnell, the Board Engineer regarding a deck above a second story and he could not find anything that was a violation, but does access to a deck from the half story make that half-story living.

Mr. Parlow and Chairman Zylinski received an e-mail from Terry Brady, Esq., submitting his review regarding the issue of decks being constructed above a second story of a residential dwelling. It set forth Sections 90-5, Definitions of Story and Half Story and Section 90-7D, Section 90-17 and 90-24, 90-37 and 90-44 regarding height. Mr. Brady's concluded that a rooftop deck could be considered

living space above the second floor in violation of the ordinances. (Mr. Brady's report is attached hereto).

There was a discussion regarding Mr. Brady's conclusions.

Mrs. Filippone stated she does have a safety concern with doorway access to a deck through the attic and sees that as a fire safety issue that should be questioned before a final certificate of occupancy is issued.

Mr. Calderaro stated the half story is supposed to be non-living space and Mrs. Brown agreed that everything has been done to prohibit living space in the half story including lowering the ridge to six feet.

Mr. Baginski stated he has a problem with the deck since it's in the third story.

Chairman Zylinski stated if the Board feels it does not want third floor decks, it should recommend prohibiting them. There was a consensus that Mr. Brady be requested to draft something that would preclude this type situation and state that the half story shall have no other use other than mechanicals and that future plans be denied for door access in the half story.

Adjourn:

On motion made and seconded, with all in favor, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary