

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD**

Wednesday, May 28, 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 – absent
Anthony Cataline – present
Vincent Marino - present
Leonard Calderaro – present
Rosangela Zaccaria – present

Joseph Palinsky – present
Barbara Brown - absent

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of May 28, 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:

The flag salute was deferred to the public portion of the meeting.

Mr. Palinsky will be sitting place of Mr. Parlow who was absent due to family illness.

Review of Minutes:

The Board reviewed the minutes of the Regular Meeting of April 23, 2008.

Resolutions to be Memorialized:

Application No. 1-07- RamNetwork, LLC, 407 Grand Central Avenue;

Application No. 8-07- West Point Island Civic Association, Pershing Blvd.,Block 960, Lot 25

Statement for Record:

Councilwoman Filippone stated she wanted to make a statement for the record regarding the West Point Island Civic Association application for Pershing Blvd. She stated she believes that some of the testimony given at best, was misleading and for the record she stated the properties owned by the West Point Island Civic Association are private properties and are in no way open to the public the way the deed restriction is written; and that you may be able to drive by and see the sunset, but property itself is for the sole use of the members of the Association and in fact, it is not even open to the general residents of West Point Island, it is strictly for the use of the association members only.

Mr. Marino stated he agrees with Councilwoman Filippone and that he is on the Board of Directors of the West Point Island Civic Association and the property is not for public use, it is private property only for Association members and saying it is for the public good is stretching a point. He further stated he was not present and did not vote, but maybe those that did not vote, should have been permitted to vote.

Review of Cases:

**Application No. 2-08, William & Mary D'Alessandro, 111 Bond Ave., Block 30.01, Lot 16
Bulk Variances**

The property is located on the northeast corner of Bond Avenue and New Jersey State Highway 35 Southbound in the Residential A District. The site contains 3,400 square feet. The applicant is proposing to demolish the existing dwelling and construct a new 2 story single-family dwelling and in-ground swimming pool. As proposed the new dwelling and pool will require bulk variances.

**Application No.5-08, Kenneth & Donna Abrahamsen, 85 Grand Central Ave., Block 956, Lots 1,2,3 & 4, Units 10 and 11
D Variance -Special Reasons.**

The property is located on the northeast intersection of Westmont Avenue and Grand Central Avenue in the B-1 Business District. The applicant is proposing to combine two condominium units into one in the existing condominium building. There will be no changes to the outside of the building. All alterations are interior. Multi-family dwellings are not permitted in the B-1 Zone and therefore, a variance to alter the non-conforming use is required.

**Application No. 1-08 Salvatore & Patricia Cavallo, 24 Virginia Ave., Block 17 Lot 27
D Variance-Special Reasons**

The property is located on the south side of Virginia Avenue approximately 100 feet east of the intersection of Route 35 Northbound (Grand Central Avenue) in the Residential A District and contains 5,000 square feet. The site currently contains a one and one half (1-½) story dwelling in the front of the lot and a one (1) story dwelling in the rear of the lot. The applicant is proposing a second story addition on the front dwelling which is an expansion of a non-conforming use.

A motion was made by Mr. Baginski, seconded by Mr. Marino to carry this application to the June 25,

2008 meeting, at the request of the applicant, with all time frames waived. All present voting in favor.

Other Business:

Chairman Zylinski stated he was forming a sub-committee consisting of himself as Chairman and Vice-Chairman Baginski and Business Administrator Parlow, to review the planner proposals and return with a recommendation to the Board.

Mrs. Zaccaria made inquiry regarding the status of the third floor deck ordinance.

Councilwoman Filippone responded that the proposed ordinance had been received rather negatively, but after some properties were looked at, it is possible the ordinance will be revisited.

A motion was made by Mrs. Filippone, seconded by Mrs. Zaccaria to enter into closed session to discuss pending litigation. All present voting in favor.

The Board entered Executive Session at 7:15 p.m.

The Board reconvened at 7:33 p.m.

Workshop portion of the meeting adjourned at 7:35 p.m.

PUBLIC MEETING: (commenced at 7:30 p.m.)

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 - absent
Anthony Cataline - present
Vincent Marino - present
Leonard Calderaro – present
Rosangela Zaccaria – present

Joseph Palinsky – present
Barbara Brown - absent

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Flag Salute:

Chairman Zylinski led the audience in the salute to the flag.

Approval of Minutes:

A motion was made by Mr. Baginski, seconded by Mrs. Zaccaria, to approve the minutes of the Regular Meeting of April 23, 2008. All present eligible to vote voting in favor.

Public Hearings:**Application No. 2-08, William & Mary D'Alessandro, 111 Bond Ave., Block 30.01, Lot 16
Bulk Variances**

The property is located on the northeast corner of Bond Avenue and New Jersey State Highway 35 Southbound in the Residential A District. The site contains 3,400 square feet. The applicant is proposing to demolish the existing dwelling and construct a new 2 story single-family dwelling and in-ground swimming pool. As proposed the new dwelling and pool will require bulk variances.

Michele Donato, Esq., represented the applicant. She stated applicant has a single-family house set back very far on the lot and now they want to build a new home. A subdivision was granted some time ago creating a 34 x 100 foot lot, or 3400 square feet making it difficult to comply with the two front setback requirements for a corner lot. She stated they could make the house longer and much narrower but preferred to center it and 5 and 5 foot side yards and a reasonable rear yard. She stated the property is known as a "railroad lot" and the variances are for the front setback and the in ground pool is technically in the front yard but they also need a fence that is not shown on the plan, but there is an existing fence.

Mrs. Mary D'Alessandro, 111 Bond Avenue was sworn in and read a statement into the record stating they purchased the house in 1992 and the family had been year round residents for 25 years and the two small children are now adults and the house is just too small, sits back so far of the lot and is an eyesore; the present house is 1200 square feet and the proposed one will be 1800 square feet so it is a modest home and her neighbors have told her it will be an improvement to the neighborhood.

Six photographs depicting the existing house were marked into evidence as A-1 through A-6.

Paul Lawrence, Architect, 1111 Atlantic Ave., Manasquan was sworn in. He testified the existing house cannot be expanded because the entire house would have to be brought into conformity with the FEMA regulations. The current house has three bedrooms and the new one would also have three bedrooms. He stated the office shown on the plan does not have a closet and does not meet the requirements for a bedroom. He further stated when doing plans an effort was made to comply with the ordinances and the size of the proposed house was reduced and that 32.53% is the coverage for the house and other coverage is 23.12% so they are within the total lot coverage of 57%. He stated a fence will be required around the pool and there is currently a fence along the westerly boundary of the property but they will need a variance for a 6 foot fence in the front yard. He further testified that he did not think it was a good idea to make the house narrower and longer as it creates one space after

another for “shot gun” living or a railroad type home and if applicant complied with the ordinance, the house would be 14 feet wide. He stated the height at the ridge is just under 7 feet with a pull down access only and at 6 feet it would mean a squat roof that is not attractive. The pool is a vinyl drop in 12 x 24, 4 ½ feet deep. The deck is slatted and underneath is gravel.

Mrs. D’Alessandro stated that the existing trees are being removed and they have been asked to do so by the town.

There was a discussion by Mrs. Filippone regarding two-tier fencing and the effect of the fencing on the sight triangle.

Mrs. D’Alessandro stated she would agree to start the fence at the sight triangle measure, at 3 feet high to the rear of the house and 6 feet thereafter with no violation.

Mr. Baginski inquired if the side steps and door could be eliminated since there are very narrow side yards and a fence and the stairs impact that side yard.

Chairman Zylinski stated the Board has a history of not permitting stairs in the setback.

Mr. D’Alessandro, 111 Board Ave., was sworn in. He stated he would agree to remove the door, put in a window, remove the stairs and modify the floor plan.

Mr. Palinsky asked if the collar ties in the interior could be at 6 feet without changing the outside pitch of the roof.

Mr. Lawrence said that could be done.

Upon inquiry, Mr. D’Alessandro stated there is no curb cut on Route 35.

William White, 575 Long Point Drive, Toms River was sworn in. He is the builder on the project. He stated the setbacks could not be complied with unless the house was made very narrow. He testified the proposed house is more in keeping with the area and he can make a 6 foot interior ridge that cannot be structurally disassembled; there will be no heat in the attic.

Chairman Zylinski opened the hearing to the public.

No one spoke.

Chairman Zylinski closed the public portion of the hearing.

A motion was made by Mrs. Filippone, seconded by Mr. Calderaro, to approve the application for variance, subject to the following conditions: (1) the stairs and the door on the easterly side on the plans of the proposed dwelling shall be eliminated; (2) no part of the house shall be located in the 5.125 foot setback; (3) the peak of the ridge in the attic may not exceed six feet and the attic must be constructed with collar ties, or trusses of a permanent nature allowed by the building code to provide the six foot limit; (4) the fence in the rear of the proposed house will be six (6) foot, and three (3) feet high going forward on the property and will not violate the sight triangle and will comply with the borough ordinance for pools and fences; (5) applicant will have flexibility with the proposed floor plan

provided there will only be three (3) bedrooms and there will be no increase in the amount of bedrooms. On roll call: Mrs. Filippone, yes-, Mr. Calderaro, yes-, Messrs. Baginski, Marino and Cataline, yes-, Mrs. Zaccaria, yes-, Messrs. Marrone, Zylinski and Palinsky, yes. Motion carries.

**Application No.5-08, Kenneth & Donna Abrahamsen, 85 Grand Central Ave., Block 956, Lots 1,2,3 & 4, Units 10 and 11
D Variance -Special Reasons.**

The property is located on the northeast intersection of Westmont Avenue and Grand Central Avenue in the B-1 Business District. The applicant is proposing to combine two condominium units into one in the existing condominium building. There will be no changes to the outside of the building. All alterations are interior. Multi-family dwellings are not permitted in the B-1 Zone and therefore, a variance to alter the non-conforming use is required.

Michele Donato, Esq., represented the applicant. She stated this application was straight forward in that applicant owned two unit condominiums and would like to convert them into one condominium unit. She explained there will be no exterior renovation and only the non-bearing common wall between the two adjacent units will be removed and the kitchen in Unit 11 will be removed and there will be two bedrooms in the one unit. She further stated by combining the two units, the nonconformity is being reduced.

Donna Abrahamsen, 85 Grand Central Avenue, Lavallette testified the units are very small and by combining the two units, she and her husband will be more comfortable. She stated that two outside doors will remain but only one will be used; that each unit has it's own meter and they have one parking space assigned for each unit, so they will have two spaces for the one proposed unit.

Chairman Zylinski opened the hearing to the public.

No one spoke.

Chairman Zylinski closed the public portion of the hearing.

A motion was made by Mrs. Zaccaria, seconded by Mr. Cataline to approve the application for variance. On roll call: Mrs. Zaccaria, yes-, Mr. Cataline, yes-, Messrs. Baginski, Calderaro, and Marino, yes-, Mrs. Zaccaria, yes-, Mr. Palinsky, yes-, Mr. Zylinski, yes. Motion carries.

Adjourn:

On motion by Mr. Marino, seconded by Mr. Cataline, with all in favor, the meeting was adjourned at 9:15 P.M.

Respectfully submitted

Rosemary Robertson
Secretary