

**MINUTES  
BOROUGH OF LAVALLETTE  
WORKSHOP MEETING OF THE PLANNING BOARD  
Wednesday, August 13, 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 – present  
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 August 13, 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:**

Chairman Zylinski deferred the flag salute to the public portion of the meeting.

**Resolutions Memorialized:**

**Application No. 3-07 Pasquale & Rita Stancato, 1702 Grand Central Ave., Block 44.01,  
Lots 1 & 2**

A motion was made by Mr. Marino, seconded by Mr. Baginski, to approve the Resolution amending the Site Plan approval so that it will exclude the condition requiring the applicant to install Belgian block curbing on the subject site. Roll Call: Mr. Marino, yes-, Mr. Baginski, yes-, Mr. Calderaro, yes-, Mr. Cataline, yes-, Mr. Parlow, yes-, Mr. Palinsky, yes-, Mrs. Brown, yes-, Mr. Zylinski, yes. Motion carries.

**Application No. 4-08 John & Barbara Costantino, 8 Westmont Ave., Block 1, Lot 16**

A motion was made by Mrs. Filippone, seconded by Mr. Marino to approve the Resolution granting front and side setback and curb cuts variances. Roll call: Mrs. Filippone, yes-, Mr. Marino, yes-, Mr.

Baginski, yes-, Mr. Calderaro, yes-, Mr. Palinsky, yes-, Mrs. Brown, yes-, Mr. Zylinski, yes. Motion carries.

**Old/New Business:**

Chairman Zylinski introduced Thomas J. Scangarello, P.P., of Planning Design Collaborative, LLC, 150 Himmelein Road, Medford, NJ was present with his partner Kendra Lelie, who is also a professional planner. He stated that he has been a professional planner for 30 years and has represented several municipalities with emphasis on design work and zoning and has completed Master Plans. He stated he has performed services for numerous seashore communities, where he has had most of his experience, i.e. Cape May, Stone Harbor, Long Beach Island, Highlands and Stone Harbor. He is also on the design board in Naples, Florida.

Mr. Scangarello stated he was familiar with the Borough and identified the lack of strong standards in the zoning and land use codes as a pressing problem. He stated as the ordinance stands the development standards are only guidelines. He has reviewed the Master Plan and believes certain modifications can be done to enhance the Borough. He continued that while the Borough has a Streetscape Plan, it is only recommendations, and has never been adopted by ordinance and therefore is unenforceable. He feels that a Community Design Element should be incorporated into the ordinances and be included in the Master Plan.

Chairman Zylinski stated there is the problem of there being three liquor licenses in the Borough, two that are presently used and one that cannot be used because of the 1500-foot restriction and the question of whether or not this is reasonable has come up. He also stated the issue of keeping commercial business in town is an area of interest and is now restricted to two uses per lot. Chairman Zylinski stated there is a great interest in maintaining the business district.

Mr. Scangarello stated you have to create a destination and it has to be attractive. He also stated the requirements have to be mandatory if you want it to look better.

Mr. Baginski inquired how you define use in regard to the business zone and how much square footage per use is appropriate. He referred to the development of the old movie theatre to create a “mini-mall” and inquired if the retail stores in the mall would constitute a single use.

Ms. Lelie responded that if it is retail, it’s retail, and that typically there are three types of uses, retail, restaurant and residential. She stated that if the Board wants businesses to stay in the area, a design standard and zoning ordinance should be established together with providing financial standards.

Mr. Parlow stated there has been some difficulty with the definition of “use” in a proposed ordinance.

Mr. Scangarello requested any pertinent information or documents be forwarded to him for a review with suggestions in September.

Mrs. Filippone stressed the importance for the Board to be able to justify its recommendations. She further stated that as Liaison from the Planning Board to the Mayor and Council she needs a clear criteria and justification why the recommendation would be beneficial to the Borough.

Ms. Lelie stated a community design plan would help with justification on guidelines including

Affordable housing and that now they are going to be looking at development for the shore communities and without a plan in place you are not protected.

It was concluded that Mr. Parlow would request a contract with the specific items as requested by the Board spelled out, and the proposed cost of that service.

Workshop portion of the meeting adjourned at 8:15 p.m.

**PUBLIC MEETING: (commenced at 8:30 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 - present  
Anthony Cataline - present  
Vincent Marino - present  
Leonard Calderaro – present  
Rosangela Zaccaria – present

Joseph Palinsky – present  
Barbara Brown – present

Attorney: Terry Brady, Esq., Board Attorney

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**Flag Salute:**

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

**Public Hearings:**

**Application #7-07-Joseph and Mary Chyb, 1106 Oceanfront, Block 12, Lot 4**

The property is located on the north side of Philadelphia Avenue on the oceanfront and contains 5,000 square feet. The property is located in Residential A, one family zone and is currently vacant. The applicant is proposing to construct a 2-story frame single-family dwelling that will require front yard,

setback to porch steps, parking and curb cut variances. There is an existing 15 foot access easement along the west property line.

Applicant filed an amended application on April 15, 2008 that was never certified as being complete by the Board Engineer due to missing items/information that was never provided. Applicant filed a Notice of Default and the application was scheduled for hearing.

Neil Yoskin, Esq., of the firm Sokol, Behot & Fiorenzo, Princeton, NJ represented the applicant. He stated a 2500 square feet, two story single family dwelling is proposed; the front porch will be set back 6 feet from Philadelphia Avenue instead of the required 7 feet, the north side steps variance is being eliminated by turning them around; and a 11.50 front setback on Philadelphia Ave.; and 2 proposed curb cuts one 12 feet and the other 13 feet. He stated the existing curb cut is not usable and they require a second cut. He stated originally CAFRA denied the application, it was appealed and settled which took 2 years. They have owned the property since 1989 and now want to build on the lot and retire here. The 33 feet back from the boardwalk (dune) will be maintained and there will be a 4 foot wooden walkway only as per the settlement agreement with CAFRA. He stated CAFRA stipulated that the 2 handicap parking spaces not be lost. He also stated there is a 15 foot access easement along the west property line on which parking is not permitted.

Mr. Yoskin referred to Mr. O'Donnell's Review dated April 16, 2008 and noted the comments. He stated his client knows nothing about the transformer.

Mr. Brady inquired if the applicant was withdrawing the Notice of Default and proceeding with the application. Mr. Yoskin, replied yes.

Charles Rush, 1 Hadley Ave., Toms River was sworn in stating he was a Professional Engineer and Professional Planner practicing since 1975. His qualifications were accepted. He testified this is a 50 x 100 corner lot and is constrained by an access easement on the westerly side and a second curb cut on Philadelphia Avenue is needed to provide access to the under the building parking; the steps on the northerly side will be relocated so they are not in the setback. He further testified that of the 4 surrounding properties on the westerly side of Philadelphia Avenue, half have overhangs over porches and the average setback is 6.4 whereas applicant is proposing 11 feet; there will be an underneath two car garage.

Mr. Yoskin stated that the building footprint is the same as was submitted with the CAFRA application and one of the requirements was to minimize any disturbance; he stated originally the house was larger but it had been made clear that the house had to be pushed to the west. He further stated the height of the proposed house is 29.3.

Mr. Parlow stated that the first 50 feet on Philadelphia Avenue is "No Parking".

Chairman Zylinski asked if CAFRA had given approval to move the sand.

Mr. Yoskin replied that they know the sand cannot leave the Borough.

Mr. Brady inquired about the survey and the average setbacks and asked the dimension of the curbing area between the existing curb cut and the proposed curb cut and was it enough to provide a parking space.

Mr. Rush replied 9 feet that barely makes it.

Mr. Calderaro asked if applicant was putting in a fence.

Mr. Yoskin replied no and if installed, it would comply with the Borough regulations.

Massimo Yezzi, was sworn in. He is a licensed Architect and Planner since 1979 and 1981 respectively. His qualifications were accepted. He testified the house will be two stories with underneath parking; the house and attic will comply with the existing ordinances and the attic will only be used for storage; there will be an outside spiral staircase from the ground level to the second floor. He testified the garage ceiling height will be 7'8" and the outside shower will be tied into the sewer system; there will be 9 foot ceilings on both floors. He testified the total square footage is about 2500 and the front porch setback will go to 7 feet.

Chairman Zylinski noted that on the garage elevation a piling is shown right in the center and Mr. Yezzi responded that it will be removed.

Chairman Zylinski also stated the front overhang is in the setback. Mr. Rush responded that at least 50 % of the other houses on Philadelphia have average setback nonconformities of 6.5 feet from the property line.

Mrs. Zaccaria asked why applicant cannot comply with the ordinances since it is a vacant lot.

Mr. Yezzi responded they would like three decent size rooms on the first floor and they had to shrink the house to the westerly side of property. He stated the heights are within the ordinance and the setback will have no impact on the surrounding residents and it is the highest and best use of the property.

There was some discussion that the floor plan appeared to be suitable to a two family conversion.

Mr. Yezzi responded absolutely not.

Mr. Parlow asked if the area designated as "wet bar" would contain any cooking facilities and Mr. Yezzi responded no.

Chairman Zylinski opened the hearing to the public.

Wendy Santoro, 3 Philadelphia was sworn in and stated a few years ago she had asked for a second curb cut was denied and hoped the Board would keep that in mind due to the difficult parking in the area.

Mr. Cataline responded he remembered that case and that each case was taken individually.

Mark Winters, 1102 Oceanfront stated there is an enormous amount of sand on the subject property and questioned where it was going and doesn't understand why any variances would be granted; he stated some houses are 50 or 60 years old which is why they don't meet the ordinances but this is a new house; he further stated the sand removal should be planned and for him that is a major issue.

Chairman Zylinski closed the public hearing.

Mr. Zaccaria stated there is a clean slate and applicant should have to abide by the ordinances.

Mr. Baginski asked how many cars they can accommodate and Mr. Yezzi responded 2 in the garage and if two are parked behind them they will stick out about 3 feet into the setback.

Mr. Cataline stated he did not think the proposed dwelling would have a negative impact on the neighborhood.

A motion was made by Mr. Cataline, seconded by Mr. Baginski, to approve the variances subject to the following conditions: (1) applicant shall install a sidewalk along the entire frontage of Philadelphia Avenue; (2) the outdoor shower shall be tied into the sewer system; (3) the wet bar area on the first floor shall not contain any cooking facilities; (4) any fencing installed on the east will be at least 18 inches off the boardwalk; (5) applicant did not seek and have not been granted any approval for the location of the street parking spaces; any sand disturbance in the Borough right of way; any removal of sand from the lot; any height variance and the height of the dwelling and attic must conform to the borough ordinances. On roll call: Mr. Cataline, yes-, Mr. Baginski, yes-, Messrs. Calderaro and Marino, yes-, Mrs. Zaccaria, no-, Mrs. Filippone, yes-, Messrs. Parlow and Marrone, yes-, Mr. Zylinski, yes. Motion carries.

Adjourn:

On motion by Mr. Marino, seconded by Mr. Parlow, with all in favor, the meeting was adjourned at 9:20 P.M.

Respectfully submitted

Rosemary Robertson  
Secretary