

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Thursday, November 12, 2009 – 7 P.M.**

Chairman Howard presiding

Roll Call:

Vincent Marino, Designee of Mayor LaCicero -present
Councilwoman Joanne Filippone, - present
Lionel Howard, Chairman – present
William Zylinski – Vice-Chairman - present
Christopher Parlow, Borough Administrator - present
Joseph Baginski, - present
Rosangela Zaccaria - present
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown – present

Joseph Coronato, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of November 12, 2009. 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 newspapers.

Flag Salute:

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

Review of Resolutions to be Memorialized:

Application No. 4-09- John Buzzi, 504 Grand Central Avenue-Site Plan/Mixed Use Commercial /Residential

Review of Cases:

Application No. 7-09- Donald Oriolo, 25 Sturgis Road – Variance Application

The property is located at the north west intersection of Pershing Blvd. and Sturgis Road. The property is located in a Residential B District and contains 4,952 square feet. The subject lot is the result of a three lot minor subdivision that was granted to Oriolo by the Planning Board on March 9, 2005, Resolution of Approval #16-04. The approved subdivision created three fully conforming lots. No variances were requested at the time of the subdivision. The minimum lot size has since been amended to 5,000 square feet in a Residential B District as of March 26, 2007 by Ordinance. As proposed, the applicant will remove the existing dwelling located on Lots 12.02 and 12.03 and is requested variances to relocate the house and construct a garage on the subject premises.

The Board Secretary advised that she had received one copy of a revised survey and plot plan today and it had not been reviewed by Mr. O'Donnell and there were not sufficient copies for the members.

Mr. Coronato advised the Board that in his legal opinion the application was defective and the Board should not hear the case and that he would fully explain the reasons to the applicant and the public present.

Correspondence:

There was discussion regarding the correspondence from Michele Donato addressed to Councilwoman Filippone regarding the checklist.

Councilwoman Filippone stated she had not personally responded, but prior to this Ms. Donato stated she would prepare some changes but had advised she was too busy and has not done so. Mrs. Filippone stated Mr. O'Donnell is working on a new checklist to include site plan.

Mr. Coronato stated technically it is being amended and will be readopted into the Ordinance.

There was then a general discussion regarding amending the Site Plan Ordinance. Mr. Coronato stated sometimes there is a land use committee formed to review and make recommendations. He also advised to be very careful because the majority of cases may not need certain requirements and you can waive that requirement, but if you take it out, you will not be able to require it if so needed.

Mr. Parlow suggested it may be called a waiver of submission requirements.

PUBLIC MEETING (To commence at 7:30 p.m.)

Chairman Howard presiding.

Roll Call:

Vincent Marino, Designee of Mayor LaCicero -present
 Councilwoman Joanne Filippone, - present
 Lionel Howard, Chairman – present
 William Zylinski – Vice-Chairman - present
 Christopher Parlow, Borough Administrator - present
 Joseph Baginski, - present
 Rosangela Zaccaria - present
 Anthony Cataline - present
 Len Calderaro - present

Joseph Palinsky - present
 Barbara Brown – present

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Flag Salute:

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

Resolutions to be Memorialized:

4-09 John Buzzi – (Site Plan with variance), 504 Grand Central Ave., Block 32.01, Lot 3.

A motion was made by Mr. Baginski, seconded by Mr. Zylinski to approve the Site Plan Resolution, subject to the following conditions: (1) No cooking facility or grill is permitted in the outdoor roof area; (2) No exterior construction is permitted between Independence Day and Labor Day and (3) an amendment on page 3, paragraph 26 regarding water. On roll call: Mr. Baginski, yes-, Mr. Zylinski, yes-, Mr. Marino, yes-, Mrs. Filippone, yes-, - Mr. Calderaro, yes-, Mrs.Zaccaria, yes-, Mr. Cataline, yes-, Mr. Palinsky, yes-, and Mr. Howard, yes. Motion carries.

Public Hearings:

Application No. 7-09- Donald Oriolo, 25 Sturgis Road – Variance Application

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the result of a three lot minor subdivision that was granted to Oriolo by the Planning Board on March 9, 2005, Resolution of Approval #16-04. The approved subdivision created three fully conforming lots. No variances were requested at the time of the subdivision. The minimum lot size has since been amended to 5,000 square feet in a Residential B District as of March 26, 2007 by Ordinance. As proposed, the applicant will remove the existing dwelling located on Lots 12.02 and 12.03 and is requested variances to relocate the house and construct a garage on the subject premises.

The Board Secretary advised that she had received one copy of a revised survey and plot plan today and it had not been reviewed by Mr. O'Donnell and there were not sufficient copies for the members.

The applicant was not present.

Chairman Howard asked if there were any members of the public that were interested in this application and two people responded.

Mr. Coronato explained that the case that was to be heard this evening was deficient in that the Board Engineer had issued a report raising items. Based on these comments, the applicant had proceeded to amend the plan filing one copy that was received today and which is to be submitted at a minimum of 10 days prior to the hearing so the public can look at it and comment. Therefore, he stated it is a defect and the professional has not reviewed it so the Board does not have enough information to hear and decide the case. He stated it is now just past 7:45 p.m. and applicant is still not present and the Board can either deny the application without prejudice, or can carry it to a specific date

The Board decided to carry the case to the next regular Meeting on December 10, 2009.

A motion was made by Mr. Parlow, seconded by Mrs. Filippone deeming the application incomplete and carrying it to December 10, 2009, without reservice. All present eligible to vote, voting in favor. Motion carries.

The Board Secretary was directed to advise the applicant and to request additional copies of plan.

On motion made by Mrs. Zaccaria, seconded by Mr. Zylinski, the public meeting was adjourned at 7:50 p.m.

After the meeting was adjourned, the applicant appeared stating he had been detained by reason of the weather. Mr. Coronato fully explained the circumstances of the deficiency and advised of the new date.

Respectfully submitted,

Rosemary Robertson
Secretary