

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING OF THE PLANNING BOARD
Wednesday, February 25, 2009 – 7 P.M.**

Chairman Lionel Howard presiding.

Roll Call:

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

Joseph Palinsky - present
Barbara Brown – present

Terry F. Brady, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of February 25, 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 led the audience in the salute to the flag.

Review and Approval of Minutes:

Review of Cases:

Application No. 9-08 Robert & Margaret Astorino, 2 Elizabeth Avenue, Block 23, Lot 5

The property is located on the south side of Elizabeth Avenue approximately 650 feet east of the intersection of New Jersey State Highway Route 35 (Grand Central Avenue) in the Residential District A and contains 5,000 square feet. The site currently contains a 2-story frame dwelling in the front of the lot, which contains two dwelling units and a 1-story frame dwelling in the rear of the lot, which contains one dwelling unit. The applicant is proposing to demolish the front dwelling and construct a single family two-story dwelling.

New/Old Business:

None

Adjourn:

On motion by Mr. Cataline, seconded by Mr. Marino, with all in favor, the workshop portion of the meeting was adjourned at 7:12 p.m.

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

Chairman Lionel Howard presiding.

Roll Call:

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

Joseph Palinsky - present
Barbara Brown – present

Terry F. Brady, Esq. – Board Attorney

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Public Hearings:

Application No. 9-08 Robert & Margaret Astorino, 2 Elizabeth Avenue, Block 23, Lot 5

The property is located on the south side of Elizabeth Avenue approximately 650 feet east of the intersection of New Jersey State Highway Route 35 (Grand Central Avenue) in the Residential District A and contains 5,000 square feet. The site currently contains a 2-story frame dwelling in the front of

the lot, which contains two dwelling units and a 1-story frame dwelling in the rear of the lot, which contains one dwelling unit. The applicant is proposing to demolish the front dwelling and construct a single family two-story dwelling.

Michele Donato, Esq., represented the applicant. She stated the property contains two houses, the front house is a two-family and the rear is a one-family unit which has existed for many years. She stated the applicant had previously come to the Board for approval to demolish the front house and did not pursue the plan. He now plans to demolish the front house and build a new one with one less bedroom and one less unit. The existing footprint is 24 x 24 and 30 x 30 is proposed that meets the ordinance. There are no changes proposed for the rear house, there will be adequate parking, a curb cut that will remain.

Robert Astorino, 116 Overlook Terrace, Bloomfield was sworn in and stated he purchased the property in November 1977, and it had a two-family in the front with 4 bedrooms. He stated he has put in a new kitchen, shower and deck. He further testified that the record card in the Borough Hall indicates a two-family house in the front and a one family in the rear which was marked in evidence as A-1. He stated he will retire soon and relocate here and needs a larger living space; and at 30 x 30 he will have 3 bedrooms, a laundry room, and an outside shower and one bath on the first floor and a half bath on the second floor. There will be 2 air conditioner units for efficiency; the height of the new building will be 29.65. He stated the rear house has heat, and contains 3 bedrooms and 1 bath.

Dennis McKenna, 509 Drum Point Road, Brick, NJ was sworn in and stated he is the builder. He stated you access the attic with a scuttle to go up only for maintenance on the furnace. Mr. Parlow explained the 6 foot ordinance internally and Mr. McKenna testified that it will be less than

Mrs. Donato stated applicant is willing to stipulate that the height will not be over 6 ½' to the ridge with a scuttle and collar ties so the roof will not be so flat and the utilities will be in the ½ story attic.

Ray Carpenter, Professional licensed engineer, 2517 Route 35, Manasquan, offered his qualifications that were accepted by the Board and he was sworn in. He stated he prepared the plot plan. He stated there is 169 square feet available to add the stairs into the house and they will be right to the deck on the westerly side. He further stated parking will comply and there will be an upgrading and it will meet the FEMA requirements.

Mr. Parlow asked if that would interfere with parking. Mr. Carpenter stated that can be handled architecturally by taking out one step and cutting into the building.

Mr. Carpenter stated there will be a 30" crawl space, the wooden deck will be replaced and the ramp will be removed.

Mr. Calderaro stated the figures were different between the plan and O'Donnell's calculations. Mr. Carpenter responded that the air conditioner coverage was put into ground coverage instead of structural coverage.

James Higgins, 901 W. Park Ave., Ocean, a licensed Professional Planner offered his qualifications that were accepted by the Board and he was sworn in. He stated he reviewed the application site, the Master Plan and the area. He produced a drawing that showed the character of the area by indicating in yellow the parcels that were more than one-family dwellings which was approximately one-half of the

lots. It was introduced in evidence and marked as A-2. He stated they are not expanding the use but reducing it bringing it in closer conformity to the surrounding area and that which can be a special reason and the front setback variance will be eliminated. He further stated the Master Plan has objectives that the proposal meets by producing a residence conducive to year round residency, and reducing the intensity by eliminating one bedroom. He stated the magnitude of the non-conformity is being reduced and there is no negative impact and is more in keeping with the objectives of the ordinances and the Master Plan.

There was discussion that the intensity of the use will be increased and the rear house is rented and it was asked if applicant would consider removing the heat from the rear house and he responded he would rather not do so.

In referring to A-2 exhibit, Mr. Brady stated the some of the homes are two families and some are two buildings and noted that the surrounding property is one house containing two families and asked the planner if living space of the subject property will be increased and if the number of months it will be used will increase and the planner responded yes, but the intensity will be reduced. Mr. Brady commented that there will be more living space for a greater period of time.

Ms. Donato commented the applicant will remove the heat on the rear house. She concluded that the Board should welcome the application reducing the dwelling units and bedrooms and it is tailored to meet the Board's objectives and special reasons have been established; there is no negative impact and the applicant is willing to accept a restriction of the rear property.

Chairman Howard opened the meeting to the public.

John Corning, 1 Newark Avenue, Lavallette was sworn and stated he owns the property behind Mr. Astorino and is in favor of the application.

No other member of the public spoke.

Chairman Howard closed the public meeting.

The Board discussed the application and Mr. Cataline stated he feels legitimate points were made and feels there is no negative impact and no substantial detriment to the public good.

Mr. Cataline made a motion, seconded by Mr. Howard to approve the application, subject to the following conditions: (1) no lot coverage variance is granted; (2) the plans will be revised to show the front steps will not interfere with the 18 foot parking spaces; (3) the revised plan will show the door to the outside shower; (4) the siding on the front and rear houses will match; (5) the attic will be 6 feet to the ridge with scuttle and there will be no stairs; (6) the utilities will be located in the attic. On roll call: Messrs. Cataline and Howard, yes- Mr. Calderaro, no- Mr. Zylinski, no-Mrs. Zaccaria, yes- Mr. Parlow, yes-, Mr. Palinsky, no.

The motion failed 4-3 and received less than the required five affirmative votes.

A motion was made by Mr. Calderaro, seconded by Mr. Parlow, to approve the application for variance subject to the following conditions:

(1) no lot coverage variance is granted; (2) the plans will be revised to show the front steps will not interfere with the 18 foot parking spaces; (3) the revised plan will show the door to the outside shower; (4) the siding on the front and rear houses will match; (5) the attic will be 6 feet to the ridge with scuttle and there will be no stairs; (6) the utilities will be located in the attic; (6) applicant agrees to and must remove the heating system from the rear dwelling before a certificate of occupancy will issue for the new construction. On roll call: Messrs. Calderaro and Parlow, yes- Mr. Cataline, yes- Mr. Zylinski, no-Mrs. Zaccaria, yes- Mr. Palinsky, no-Chairman Howard yes. Motion carries.

Mr. Baginski arrived at 9:25 p.m.

Old/New Business:

Chairman Howard brought up discussion concerning the drawing by Mr. O'Donnell indicating the square footage layouts in the business district. He noted they did not allow for rest rooms, storage, etc. Mr. Parlow stated he was trying to limit the engineering expense.

Mr. Baginski commented he thinks it is unlikely that people will chop buildings up, with the exception of the movie theatre building.

There was a consensus that the only thing that can be challenged is the Ordinance and it should be consistent with the Master Plan.

Mrs. Brown stated that concerning Ordinance No. 11 and the 650 square feet, she feels the Board hired a planner for advice but never got the number. Mr. Baginski stated a number may not be necessary if it's retail, it's retail and are the same uses.

There was some discussion regarding an unlimited use of property goes to unlimited issues concerning parking, facilities etc. and it may be best to have a minimal space for business established.

Mr. Parlow stated he would work on the Ordinance, definitions, floor space etc. and Mr. Howard stated he would address the Master Plan and they can be discussed at the Workshop Meeting on April 8, 2009.

Mr. Calderaro referred to article in the Ocean Star regarding stimulus funds and asked the Board encourage the Route 35 project.

On motion by Mr. Cataline, seconded by Mrs. Brown, the public meeting was adjourned at 10:05 p.m.

Respectfully yours,

Rosemary Robertson
Secretary