

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, April 22, 2009 – 7 P.M.**

Chairman Lionel 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 - 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 April 22, 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 of Cases:

Application No. 2-09-James & Janet Barrett, 133 Elizabeth Avenue, Block 61, Lot 16

The property is located on the north side of Elizabeth Avenue approximately 350 feet west of the intersection of Baltimore Avenue. The site is located in Residential District A (one family) zone and contains 5,000 square feet. The property currently contains a 2-story frame dwelling, swimming pool and other improvements. The applicant is proposing an addition to both the first and second floors.

Chairman Howard asked the attorney for the applicant, Ms. Donato if she had filed a flood elevation application with the Construction Official and she responded that Mr. Brady had given a later ruling that the applicant did not need to go to the Construction Official unless they wanted to and they chose not to do so and come to the Planning Board.

Mrs. Filippone asked Mr. Brady to explain a flexible variance and what does on street parking mean to the community and how does it meet the parking requirement.

Mr. Brady explained the C-2 variance (flexible) that where an application is specific to a specific piece of property and the deviation from the zoning law would not cause a detriment to the public good etc. Mr. Brady then read from his notes saying no C-2 variance should be granted to when merely the purposes of the owner will be advanced. The grant of approval must actually benefit the community in that it represents a better zoning alternative for the property.

He referred to Cox on Zoning dealing with yard setback adjustments that could be adjusted to be a better zoning alternative in location i.e. the property is crossed by a stream.

As to a C-1 variance, Mr. Brady explained this deals with the unique effect of the peculiarity of the shape of the property or structure by reason of topographic conditions, or physical features.

Mr. Brady then read an excerpt from Mr. O'Donnell's letter dated today (April 22nd) Page 2: "Section 5:21-4.14(f) states the following: "When, in the judgment of the local approving authority, on street parking is available, then only that proportion of the parking requirements which is not available on the street shall be provided in off street parking facilities. A length of 23 feet per on street parking space shall be used in calculating the number of available on street parking spaces".

Mrs. Filippone asked if there was implied ownership of street space and a conflict with the local ordinance.

Mr. Brady responded that there is no implied ownership.

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 7:40 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, - present
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 April 22, 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.

Public Hearings:

Application No. 2-09-James & Janet Barrett, 133 Elizabeth Avenue, Block 61, Lot 16

The property is located on the north side of Elizabeth Avenue approximately 350 feet west of the intersection of Baltimore Avenue. The site is located in Residential District A (one family) zone and contains 5,000 square feet. The property currently contains a 2-story frame dwelling, swimming pool and other improvements. The applicant is proposing an addition to both the first and second floors.

Applicant was represented by Michele Donato, Esq. She stated there is a complete list of legal issues that need to be ironed out, one being the RSIS standard. She stated she does not think it applies to this application and was intended to apply to site plan and subdivisions (Subdivision and Site Plans Article 6) and does not apply to a variance standing alone and single family homes.

She further stated they will have two parking spaces; there will be 5 bedrooms the same as presently and they are just re-conforming two of them. A considerable amount of decking will be removed bringing the building coverage down 3% from 41.8 to 38.8 and there will be a small addition to the front and rear of the house. Ms. Donato continued that the Planning Board is the agency who has the jurisdiction in deciding flood elevations and the reason for the application is so there will be independent space on the first floor for their adult son who is handicapped.

James Barrett, 133 Elizabeth Avenue, Lavallette was sworn in. He stated he purchased the home 25 years ago and will become a full time resident with his wife and adult son who has cerebel palsy and is confined to a wheelchair. He testified his son can maneuver the large bathroom but cannot access much of the first floor without assistance. He testified the bedroom on the first floor will be moved and enlarged, so there will be a bedroom, bath, existing sitting room, new family room, kitchen/dining room and living room. He stated the master bedroom on the second floor will be enlarged and a deck in the rear and the front of the house. The second floor will have 4 bedrooms, including the master bedroom with a deck, bath and a new sitting area. He testified the plan is to have his younger son, who is trustee for the disabled son, to move in the house with his family in case of he and his wife's demise. He stated the driveway on the west can fit two parking spaces and a third space encroaches into the public right of way.

Ms Donato stated they are proposing

No other member of the public spoke.

Chairman Howard closed the public meeting.

Old/New Business:

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

Respectfully yours,

Rosemary Robertson
Secretary