

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, November 10, 2010 – 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 - absent
Anthony Cataline - present
Len Calderaro – absent

Joseph Palinsky - present
Barbara Brown – present

Terry F. Brady, Esq., Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of November 10, 2010. 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.

Mr. Palinsky will be sitting in place of Mrs. Zaccaria.

Mrs. Brown will be sitting in place of Mr. Calderaro.

Review and Adoption of Minutes:

The Board reviewed the Minutes of the Workshop Meeting of October 13, 2010.

On motion by Mrs. Filippone, seconded by Mr. Baginski, the Minutes of the Workshop Meeting

of October 13, 2010 were approved. All present voting in the affirmative with the exception of Mr. Cataline who was absent for that meeting.

Review of Resolution to be Memorialized:

None

Review of Cases:

Application No. 6-10- Anthony & Tina Volpe, 3 Bryn Mawr Ave., Block 952, Lot 15

The property is located on the north side of Bryn Mawr Avenue approximately 560-feet east of the intersection of New Jersey State Highway 35 Northbound in the Residential C District and contains 4000 square feet. The site currently contains a 1-story single family dwelling. The applicant is proposing to demolish the existing dwelling (including outside shower, shed and concrete walks) and construct a new 2-story single family dwelling with a garage.

Application No. 5-10- 606 Oceanfront LLC, (Vedovino), 606 Oceanfront, Block 7, Lot 4

The property is located on the oceanfront on the north corner of Reese Avenue in the Residential District A (one-family) and contains 5,475 square feet. The site contains a two-family, three (3) story frame dwelling. The survey notes that the structure is a (2) story, while the Zoning Schedule shows the structure to be a three (3) story. The applicant is proposing a complete renovation of the existing structure, including the basement, and the construction of a new deck.

Application No. 7-10- Peter Sideris- 72 Oceanfront, Block 954, lot 20

The property is located on the oceanfront approximately 50 feet south of Bryn Mawr Avenue in the Residential District C and contains 5,422 square feet. The site currently contains a two and a half (2 ½) story single family frame dwelling. The applicant is proposing to modify the roof which will provide a third story for additional living space. A waiver from Section 44-1B Oceanfront construction is also needed in that the existing and proposed decks are 18.76 feet from the east property line.

CORRESPONDENCE:

Fax from Michele Donato, Esq., advising of her unavailability and requesting that Application No. 6-10, Anthony & Tina Volpe, 3 Bryn Mawr Avenue be postponed to the next meeting on December 22, 2010.

OLD/NEW BUSINESS:

Chairman Howard asked the Board members for their input on seeking RFP's for the appointment of the Planning Board Attorney and Engineer for the year 2011. After some discussion there was a consensus not to seek proposals (since past proposals have always been costlier in charges) than the present appointments.

Mr. Parlow stated the Borough Engineer is on a three year cycle that is ending December 31, 2012 and he would like to see the Planning Board on the same cycle.

On motion made by Mrs. Filippone, seconded by Mrs. Brown, with all present voting in favor it was decided to ascertain if Terry Brady, Esq., of the firm Coronato, Brady & Kunz, is interested in applying for the position of Board Attorney. Motion carries.

On motion made by Mrs. Brown, seconded by Mr. Cataline, with all present voting in favor it was decided to ascertain if Mr. O'Donnell of O'Donnell Stanton & Associates, is interested in applying for the position of Board Engineer. Motion carries.

Workshop portion of the meeting adjourned at 7:40 p.m.

PUBLIC MEETING (To commence at 7:40 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 - absent
- Anthony Cataline - present
- Len Calderaro – absent

- Joseph Palinsky - present
- Barbara Brown – present

Terry F. Brady, Esq., Board Attorney

Public Notice Announcement:

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Flag Salute:

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

Public Hearings:**Application No. 6-10- Anthony & Tina Volpe, 3 Bryn Mawr Ave., Block 952, Lot 15**

The property is located on the north side of Bryn Mawr Avenue approximately 560-feet east of the intersection of New Jersey State Highway 35 Northbound in the Residential C District and contains 4000 square feet. The site currently contains a 1-story single family dwelling. The applicant is proposing to demolish the existing dwelling (including outside shower, shed and concrete walks) and construct a new 2-story single family dwelling with a garage.

A motion was made by Mrs. Filippone, seconded by Mr. Cataline to postpone this application to the Regular Meeting of December 22, 2010, due to the unavailability of applicant's attorney. All present voting in favor. Motion carries.

Application No. 5-10- 606 Oceanfront LLC, (Vedovino), 606 Oceanfront, Block 7, Lot 4

The property is located on the oceanfront on the north corner of Reese Avenue in the Residential District A (one-family) and contains 5,475 square feet. The site contains a two-family, three (3) story frame dwelling. The survey notes that the structure is a (2) story, while the Zoning Schedule shows the structure to be a three (3) story. The applicant is proposing a complete renovation of the existing structure, including the basement, and the construction of a new deck.

Philip Mylod, Esq., represented the applicant. He stated this is a pre-existing non-conforming use as a two-family and applicant is proposing to renovate changing it to a one-family. He further stated the only variance is the use of a 3 story dwelling which is not permitted and the structure now has 3 floors. The dwelling is 27 feet high and 30 feet is proposed and the rest of the changes are all in conformity with the setbacks.

Mr. Vedovino, Pompton Plains was sworn in and stated the property is owned as an LLC but is his family's home and he and his wife are the sole owners of the LLC. He stated they have the property since 2005, it is not a rental as he has three children and there are 6 bedrooms now and it will be kept at 6 bedrooms, he has removed the second kitchen and he plans to retire here.

Four photographs of the house as it exists were introduced in evidence and marked A-1 through A-4.

James Cutillo, 21 Mountain Avenue, Pompton Plains was sworn in and submitted his qualifications as a licensed architect and planner which were accepted by the Board. He testified that he prepared the plans and he reviewed the plans page by page. He further testified that the lowest floor area (basement) would be enclosed for living space and the dormers would be enclosed and outside living space is being converted to inside space.

The Board Chairman asked Mr. Cutillo what was the base flood elevation and Mr. Cutillo responded he did not know.

There was a lengthy discussion regarding the improvement as to being more than 50% of the entire structure that requires compliance with the flood ordinances. Mr. Parlow stated if you do a substantial improvement, you must comply with the flood ordinances.

Mr. Mylod addressed each of the issues on page 2 of the Board Engineer's Report. He further stated there will be three parking spaces and applicant will eliminate the two family use and go to three stories. He further stated that CAFRA is requesting a permit by rule and as part of the justification of the variance is decreasing the use from a two-family to a one-family.

Mr. Cutillo continued that the granting of the variance is not a detriment to the public good and they are not expanding the use but are bringing everything up to code and the old construction is dated so this will be esthetically pleasing. He further testified that the basement area will contain two guest bedrooms, will no longer be an apartment and this will not impair the intent and purpose of the Zoning Ordinance and the required building height is not being exceeded even though the dwelling is three stories and it fits the pattern of the area.

Mrs. Filippone asked Mr. Brady if the house is still considered a two-family since applicant testified he removed the second kitchen.

Mr. Brady stated that under the MLUL there is a value of a resolution showing abandonment of the two-family.

Chairman Howard opened the hearing to the public.

No one spoke.

Chairman Howard closed the public portion of the hearing.

Mrs. Filippone stated that one of the floors is a non-conforming living area and expanding both floors increases the non-conformity and living space below the flood elevation is a real concern.

Mr. Baginski stated the Engineer's Review shows a total existing lot coverage of 23.6 and 37% is proposed so how was that reached without moving walls.

A motion was made by chairman Howard, seconded by Mr. Zylinski, to deny the application for expansion of the first floor and the basement as it aggravates the flood plain, and provides living space below the flood elevation, is an expansion to a third floor and is detrimental to the Master Plan. On roll call: Mr. Howard, yes-, Mr. Zylinski, yes-, Mr. Marino, yes-, Mrs. Filippone, yes-, Mr. Baginski, yes-, Mrs. Brown, yes-, Messrs. Cataline, Parlow and Palinsky, yes. Motion carries.

Application No. 7-10- Peter Sideris- 72 Oceanfront, Block 954, lot 20

Mr. Parlow advised he was stepping down on this matter since he sits on the Committee of Joint Insurance and does not want the appearance of a conflict.

The property is located on the oceanfront approximately 50 feet south of Bryn Mawr Avenue in the Residential District C and contains 5,422 square feet. The site currently contains a two and a half (2 ½) story single family frame dwelling. The applicant is proposing to modify the roof which will provide a third story for additional living space. A waiver from Section 44-1B Oceanfront construction is also needed in that the existing and proposed decks are 18.76 feet from the east property line.

Steven Zabarsky, Esq., 248 Washington Street, Toms River represented the applicant. He stated that applicant is requesting a variance to facilitate a bedroom/den on the third floor of the house and go up about 2.7 feet; it is a vertical modest expansion in an effort to bring the property back to what he had when he purchased same.

Peter Sideris, 96 Clover Hill Rd., Colts Neck was sworn in. He purchased the property 20 years ago as a summer home but it is a year round house. He stated he uses the house himself with the exception of one or two weeks in the summer when he lets friends use it. He testified the house has three bedrooms, kitchen and a great room. He continued that he used to be able to see the beach and ocean from the second floor and he would like to have that back again. He testified that every window he looks out is either the dune or the cement wall with a fence atop which is next door to him.

Kenneth Kwiecinski, Kwiecinski & Associates, 1527 Beaver Dam Rd., Point Pleasant was sworn in. He submitted his qualifications that were accepted by the Board. He stated he has been an architect for 16 years.

A poster was introduced in evidence showing the property as it exists and was marked A-1; A photograph showing the house as is was 12 years ago was introduced and marked A-2; a two sided photograph showing various views of the houses was marked as A-3; the dune elevation profile was introduced in evidence and marked A-4.

Mr. Kwiecinski testified his site visit showed a three story house next to the subject property and what appeared to be a three story house on the other side. The applicant looks out a stone wall and he would like to put in a master suite on the third floor and wants to stay within the roof line. There are two full floor above the garage. He stated the first and second floor will remain the same and the habitable space is 1,932 square feet and the addition is 692 square feet which is a modest and minimal design.

Robert Burdick, 1023 Ocean Rd., Pt. Pleasant was sworn in. He submitted his qualifications that were accepted by the Board. He testified he is an Engineer and professional Planner. He testified the residence is adjacent to the beach and the dune has grown to the point where you cannot see the beach only the horizon. He further stated that between the dune and the six foot wall with a 4 foot fence atop it next door, this house is essentially in a hole which has created a

unique condition on this property. He testified that the granting of the variance will provide light and air which has been cut off and will add a positive esthetic value and will not impair the public good; the conditions have caused the property to be unique and this is a minimal addition and can be granted without substantial detriment to the public good.

Chairman Howard opened the hearing to the public.

No one spoke.

Chairman Howard closed the public portion of the meeting.

Motion was made by Mr. Cataline, seconded by Mr. Baginski, to grant approval of the application, subject to the following conditions: to reduce the g round cover, applicant must remove all concrete that is not necessary to provide for a two car driveway; (2) CAFRA application being approved. On roll call: Messrs. Cataline and Baginski, yes-, Mr. Marino, yes-, Mrs. Filippone, yes-, Mr. Palinsky, no-, Mrs. Brown, yes-, Mr. Howard, yes. Motion carries.

Old/New Business:

The Board reviewed the Amendment to the Zoning Ordinance (Ordinance 2010-17 (1089) and there were no changes or recommendations. The Board Secretary will notify the governing body.

On motion by Mr. Palinsky, seconded by Mr. Zylinski, it was decided to request the Mayor and Council adopt the Amendment on second reading and so advise the governing body as per statute. All present voting in favor. Motion carries.

Adjourn:

On motion by Mrs. Filippone, seconded by Mr. Zylinski, the public meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary