

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, April 28, 2010 – 7 P.M.**

Chairman Howard presiding

Roll Call:

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

Joseph Palinsky - present
Barbara Brown – present

Thomas Kunz, Esq. – Board Attorney-

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of April 28, 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 dispensed with the flag salute.

Mr. Palinsky will be sitting in place of Mr. Cataline.

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

Review of Minutes:

The Board reviewed the Minutes of the Workshop Meeting of April 14, 2010.

Review of Resolutions to be Memorialized:

None

Review of Cases:

Application # 1-10 Richard & Debra Rovito, 123 Elizabeth Ave., Block 61, Lot 6

The property is located on the north side of Elizabeth Avenue 100 feet west of Baltimore Avenue in the Residential A District and contains 5000 square feet. The site currently contains a 2 ½ story frame dwelling and a one (1) car garage. The structure contains two (2) dwelling units, one (1) on the first floor and another unit of the second floor including the half story. The applicant is proposing improvements to the second floor and the half story above.

Chairman Howard stated that he was surprised the half story had been used for so long.

CORRESPONDENCE:

None

OLD/NEW BUSINESS:

He also discussed an occupancy permit and Lavallette is probably the only town on the barrier strip that does not have such an ordinance. He stated he is aware that the realtors who do the rentals would like to have such an ordinance.

Mrs. Brown stated such an ordinance was drafted sometime in the past and it was brought before the Mayor and Council but it did not move forward. She stated her employer requests copies of any permits from the owners for rentals.

There was a general discussion on this subject for example this type of ordinance would only apply to rentals and it should be a safety issue.

Mr. Calderaro stated that those rentals that do not go through a real estate agent slip by. Mr. Palinsky stated this ordinance could be phased in and inspections part time if it was every 2 years.

Mrs. Filippone mentioned the town could be split and have a two year rotation.

Mr. Parlow will try to locate the prior ordinance draft so the Board can take a look at it.

Workshop portion of the meeting adjourned at 7:25 p.m.

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, - absent
 Rosangela Zaccaria - present
 Anthony Cataline - absent
 Len Calderaro - present

Joseph Palinsky - present
 Barbara Brown – present

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Approval of Minutes:

A motion was made by Mrs. Filippone, seconded by Mr. Palinsky to approve the minutes of the Workshop Meeting of April 14, 2010, with correction to the roll call. All present eligible to vote voting in the affirmative.

Resolutions to be Memorialized:

None

Mrs. Filippone and Mr. Marino were excused since they are unable to vote on the Rovito application since it is a use variance.

Public Hearings:**Application # 1-10 Richard & Debra Rovito, 123 Elizabeth Ave., Block 61, Lot 6**

The property is located on the north side of Elizabeth Avenue 100 feet west of Baltimore Avenue in the Residential A District and contains 5000 square feet. The site currently contains a 2 ½ story frame dwelling and a one (1) car garage. The structure contains two (2) dwelling units, one (1) on the first floor and another unit of the second floor including the half story. The applicant is proposing improvements to the second floor and the half story above.

Michele Donato, Esq., represented the applicant and stated the jurisdictional requirements had been met. She stated this is an existing 2-family house dating back to 1930. The owner occupies

the second floor and the first floor dwelling is rented in the summer. Owner purchased the dwelling in 1996 and there were 2 bedrooms on the second floor and 2 sleeping areas in the attic.

Richard Rovito, 99 W. Newell Ave., Rutherford was sworn in. He testified he purchased the house in May 1996 and it was as it is presently a 2-family house with 2 bedrooms on the second floor and a sleeping area in the attic and that he did not know it was a non-conforming use. He testified the lay-out is exactly as it was when purchased. He has made some changes to the property i.e. removing the chimney, redid the deck on the westerly side, and due to some flooding removed some decking and replaced it with gravel and the existing deck on the second floor is not enclosed. He testified he rents the first floor apartment in the summer mostly to friends and that eventually he wants to retire here. He further stated he and his wife have three daughters, ages 18, 23 and 25, and the second floor only has one bathroom.

Photographs were introduced in evidence A-1 depicts the west side of the house showing grass and stones; A-2 is a view of the side where owner created drainage; A-3 and A-4 show where the deck used to be; A-5 shows the driveway with a truck parked; A-6 shows the front of the garage with the pad and the impervious surface around it; A-7 shows the staircase that leads up to the attic; A-8 shows the bedrooms on the 2nd floor; A-9 shows the steps up to the second floor bedroom; A-10 and A-11 show the bedrooms in the attic.

Mr. Rovito testified that he wants to update the property making it more esthetically pleasing and he needs privacy for his daughters; he also wants to re-roof and improve the siding and put in a composite and he will remove the concrete pad near the shower in the rear which will reduce the ground coverage. He further stated there are two bedrooms on the first floor and three on the second floor and there are closets in the attic bedrooms and a storage area. He testified there is no central air conditioning just window units and there is one heating unit with two thermostats.

Mr. Zylinski asked if house is on a slab as there is no crawl space and elevation is 4 feet so it does not comply with the flood ordinance.

Paul De Massi, 576 Valley Brook Ave., Lyndhurst, an Architect and Professional Planner and his qualifications were accepted by the Board. He testified that starting at Baltimore and continuing to Bay Blvd to Elizabeth and Baltimore to Bay on the south side the homes are basically one and two level homes and are well maintained. He stated there are 9 2-family homes out of 26 lots and one had been subdivided to two 25 foot lots and the character is similar to many streets throughout town. He testified he visited the site and A-4 shows a rectangular existing home. Subsequently a dormer was added consisting of the first floor, second floor and a gable which is the addition to the house and after that an addition was put on the rear on the first, second floors and the attic.; he stated on the first floor there is an enclosed porch, living room, two bedrooms, one bath, a utility room, kitchen and dining area and a rear stair going to the second floor and a stair I the front leading to the second floor. He stated there is an existing stair leading to the attic; there is a one car garage I the rear. He testified the bath and kitchen on the second floor was added and predates the 40's. He stated the height to the ridge is 7 feet, not 6 and when the house was built in the 30's it had a gable roof and the original rafters are there. He referred to a document placing the building at 1934 and he believes it was built at 7 feet to use as habitable space; it has a regular stair and not a pull down stair.

Mr. DeMassi further testified that egress windows are required in every sleeping area and applicant is proposing to provide egress windows, a closet and a gable roof over that area and put in two small dormers and add a second bathroom in the attic space.

Mr. Parlow interjected that you can replace windows without a variance.

Mr. DeMassi stated applicant is proposing to make the attic bedrooms code compliant as a reasonable size, height requirement and egress. He stated the improvement will benefit the entire neighborhood and the Master Plan speaks to the value of esthetics and the siding is all pitted and will be replaced with insulated siding.

Mr. Calderaro inquiring about eliminating the first floor and making it all one family and it would be more comfortable living space for the family.

Mr. Rovito responded that he could not survive economically without the rental income.

Mr. De Massi testified that in his opinion increasing the non-conformity will not cause substantial detriment to the zone plan and the footprint and height of the building will be unchanged but the esthetics will be more pleasant and there is no adverse effect and no detriment to the public good; he further stated emergency access will be easier and the plan will provide a positive benefit by providing a safer building.

Mr. Kunz inquired about the 1934 document Mr. DeMassi referred to in his testimony. However, Mr. DeMassi could not locate it in his file but responded that he believes the building is older than 1934 based on his examination of the construction and the addition was put on in the 40's in his professional opinion.

Chairman Howard stated he feels there is a serious question as to when the house was built and when the last addition was put on.

A tax assessment card introduced as A-12 shows the age as 1934 and under the assessment summary shows a finished attic dormer in 1986.

Ms. Donato requested amending the application to eliminate all of the attic floor plan and ask for the modification and change only to the bedroom on the second floor.

Chairman Howard opened the meeting to the public.

Tony De Stefano, 138 Elizabeth Avenue was sworn in and stated applicant keeps the property neat and feels it will be an improvement to the street.

Michael Pools, Elizabeth Avenue was sworn in and stated he was in favor of the improvement.

Chairman Howard closed the public meeting.

Ms. Donato stated she spoke to the applicant and he will side and re-roof the house and the garage and is withdrawing his application to make any change to the 3rd floor so there will be no bathroom on the third floor.

Mr. Parlow stated the 1970-80 property card of the Borough lists nothing as being on the third floor and no bedrooms are listed other than the four and there was no bathroom listed.

Mr. Howard stated in all the years he has been on the Board he has never seen a variance given for the third floor as living space and it has been off limits as well as a deck above a first floor porch.

A motion was made by Mr. Zylinski to approve the expansion of the second floor bedroom to the rear of the house, and to re-roof and side the house and garage and to install egress windows and withdrawing any changes for the third floor, without prejudice and to file revised plans confirming this approval, seconded by Mrs. Zaccaria. On roll call: Mr. Zylinski, yes-, Mrs. Zaccaria, yes-, Messrs. Calderaro and Parlow, yes-, Mr. Palinsky, yes-, Mrs. Brown, yes-, Mr. Howard, yes. Motion carries

Old/New Business:

None

Adjourn:

On motion by Mr. Parlow, seconded by Mrs. Brown, with all in favor, the public meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary