

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, September 22, 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, - 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 Regular Planning Board meeting of September 22, 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 Mr. Baginski.

**Review and Adoption of Minutes:**

The Board reviewed the Minutes of the Workshop Meeting of August 11, 2010.

On motion by Mr. Marino, seconded by Mrs. Filippone, the Minutes of the Workshop Meeting of August 11, 2010 were approved. All present voting in the affirmative with the exception of Mrs. Zaccaria who was absent for that meeting.

**Review of Resolution to be Memorialized:**

None

**Review of Cases:**

Mrs. Filippone made inquiry to Mr. Brady, the Board attorney, as to whether or not the Gustafson application was a special reasons D variance or a hardship variance.

Mr. Brady responded that he believes it is a C variance more than a D variance as they are looking for bulk variance; the application is removing the non-conformity since they would be eliminating the two family use. There was discussion regarding the merge of the two units and the condo conversion.

Mr. Parlow asked about the condo association. The Board secretary referred and read the deeds that were filed with the application indicating the applicants were the members of the condo association.

**Application No. 3-10- Robert & Terriann Strang, 2004 Bay Blvd., Block 65, Lots 12, 12.01 & 13**

**Minor Subdivision-** The property is located on the west side of Bay Blvd., just north of Princeton Avenue's western terminus. The site is located in the Residential A Zone and contains 18,986.4 square feet and currently contains a two-story dwelling with attached garage. Applicant is proposing to remove all improvements on lot 13 and move the property line between lots 12 and 13, subdividing the property into two (2) conforming lots, lot 12 and 12.01, at 10,366.8 square feet, and lot 13 at 8,619.6 square feet. New lot 12 will contain the existing two-story dwelling.

There are no variances required for the subdivision.

**Application No. 4-10- Edwin & Donna Gustafson, 1004 Oceanfront, Block 11, Lots 3.01 & 3.02**

The property is located on the oceanfront 50 feet north of Camden Avenue in Residential District A and contains 5,000 square feet. The site currently contains and two-story frame duplex. The applicant is proposing to convert the 2-unit condominium to a single family dwelling with additions to the second floor and a new second floor deck. The kitchen in the north unit will be removed and replaced with a wet bar. One of the second floor decks currently extends into the required side yard and the applicant is proposing to remove it and extend the structure into this area.

Applicant also requires a waiver (Section 44-B Oceanfront Construction) for the existing and proposed decks that are 18.76 from the east property line as opposed to 30 feet.

**CORRESPONDENCE:**

None

**OLD/NEW BUSINESS:**

None

Workshop portion of the meeting adjourned at 7:28 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 - 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.

**Public Hearings:****Application No. 3-10- Robert & Terriann Strang, 2004 Bay Blvd., Block 65, Lots 12, 12.01 & 13**

**Minor Subdivision-** The property is located on the west side of Bay Blvd., just north of Princeton Avenue's western terminus. The site is located in the Residential A Zone and contains 18,986.4 square feet and currently contains a two-story dwelling with attached garage. Applicant is proposing to remove all improvements on lot 13 and move the property line between lots 12 and 13, subdividing the property into two (2) conforming lots, lot 12 and 12.01, at 10,366.8 square feet, and lot 13 at 8,619.6 square feet. New lot 12 will contain the existing two-story dwelling.

There are no variances required for the subdivision.

Robert and Terry Strang were both sworn in. They reside at 1907 Baltimore and in New York City and are representing themselves. Mr. Strang stated the breezeway on the existing house has been removed and the garage on the right side of the property is being removed; he stated the remaining house will remain, it will be repaired and updated and he will use it.

Mr. Howard stated that on the southern lot it shows a bulkhead and the west side is water, the northern lot is a beach area with a bulkhead of a few feet and the dock is totally in the water.

Mr. Strang stated that the riparian grant line runs across both pieces and they have applied to CAFRA.

Mr. Howard advised applicant to check with his attorney as the tide land map covers the majority of that house and the State has gone after people for money where grants are in dispute.

Chairman Howard opened the hearing to the public.

No one spoke.

Chairman Howard closed the public portion of the meeting.

A motion was made by Mrs. Filippone, seconded by Mr. Calderaro, to approve the subdivision application with no variances required. On roll call: Mrs. Filippone, yes-, Mr. Calderaro, yes-, Mr. Zylinski, yes, Mrs. Zaccaria, yes-, Messrs. Cataline, Parlow, Palinsky, yes-, Mr. Howard, yes, Mr. Marino, abstain. Motion carries.

**Application No. 4-10- Edwin & Donna Gustafson, 1004 Oceanfront, Block 11, Lots 3.01 & 3.02**

The property is located on the oceanfront 50 feet north of Camden Avenue in Residential District A and contains 5,000 square feet. The site currently contains a two-story frame duplex. The applicant is proposing to convert the 2-unit condominium to a single family dwelling with

additions to the second floor and a new second floor deck. The kitchen in the north unit will be removed and replaced with a wet bar. One of the second floor decks currently extends into the required side yard and the applicant is proposing to remove it and extend the structure into this area.

Applicant also requires a waiver (Section 44-B Oceanfront Construction) for the existing and proposed decks that are 18.76 from the east property line as opposed to 30 feet.

The applicant was represented by E. Allen MacDuffie, Esq. Mr. MacDuffie stated both units were purchased with his brother-in-law. The Gustafsons never rented their unit on the south side and the brother-in-law did not rent the north side and then sold his side to the applicants. They have a large family and they all use the units. He stated the proposed upper deck will join both sides. He stated the Master Deed will be revoked and the title will be placed in the names of the applicants converting ownership from a condominium to a fee simple ownership that is one dwelling.

Mrs. Zaccaria inquired about what appeared to be a third floor south side elevation there is a window etc. The response was that it is purely decorative. Mr. MacDuffie stated there is a wall in the attic separating the attic to two sides; there are a total of 8 bedrooms in the units, 4 full baths and 6 bathrooms are proposed and there are 2 stairways going upstairs to the second floor.

Photographs of the premises were introduced in evidence showing the house (two side by side units) and marked as exhibits A-1, A-2, A-3 and A-4.

George Thompson, Architect, Island Heights, NJ was sworn in and accepted as an expert witness. He testified it is a unique situation as the house was designed in the 1980's as a two-family, side by side structure with a fire wall. Applicant proposes to remove the kitchen and create a passage between the units, re-side the house and install some windows; they are proposing an added front deck on the second floor that will be above the existing deck on the first floor and there will be an extension of the porch on the north by enclosing it. The second floor will have a common hallway. There will be four air conditioner condensers installed. The applicant has not received CAFRA approval.

Chairman Howard stated they could remove one of the staircases.

Mr. Parlow asked if it was feasible to open up the fire wall.

Mr. Thompson replied there is a structural bearing but they are two mirrored structures that are joined together and believes a doorway could be put in the wall.

Mrs. Filippone stated she has a fire safety concern leaving that wall with the back bedrooms because there is no connection and inquiring about relocating the closets.

Mr. Thompson stated that within reason and expense there could be a clear passage from one side to the other. He further testified that the second floor deck and spiral is included in the lot

coverage because the first floor deck is larger than the second floor deck so it is included in the lot coverage and the wooden walkways are being removed which will reduce the coverage.

Mrs. Gustafson testified that they have a large family and use all the bedrooms; she stated the kitchen was updated two years ago and there was no work done in the attic except a new roof and there is plenty of off street parking for at least four cars.

Mrs. Filippone asked if the existing deck is in the 30 foot setback and the Board approves the second floor deck, is the nonconformity being expanded. She raised concerns that CAFRA had not given its approval yet and a deck of this size had triggered litigation in the past.

Mr. Brady responded in the affirmative.

There was a discussion regarding the effect on the neighbors of closing in the two side areas for the sitting rooms.

Chairman Howard opened the meeting to the public.

No one spoke or appeared.

Chairman Howard closed the public portion of the meeting.

The Board took a three minutes recess.

Chairman Howard reopened the meeting.

A motion was made by Mrs. Filippone, seconded by Mr. Palinsky, to deny the variance request for the second floor deck and to grant the variance requests to permit the additions to the second floor of the dwelling in the side yard setback, subject to the following conditions: (1) applicant shall revoke the Master Deed and title to the property will be in the names of Edwin and Donna Gustafson, thus converting the condominium form of ownership of the two units to their names as owners and the property will go from a non-conforming two-family use to a conforming one-family use; (2) the two second floor closets adjacent to the existing hallway shall be fully opened to create an open hallway through both sides of the house on the second floor; (3) the kitchen on the north side unit shall be removed; (4) applicant must continue providing four off-street parking spaces. On roll call: Mrs. Filippone, yes-, Mr. Palinsky, yes-, Mr. Marino, yes-, Mr. Calderaro, no-, Mr. Zylinski, no-, Mrs. Zaccaria, yes-, Mr. Cataline, no-, Mr Parlow, yes-, Mr. Howard, yes. Motion carries.

After the roll call, Mrs. Filippone stated that if applicant receives CAFRA approval, she may reconsider her position but at this time she will not open the Borough to litigation.

**Old/New Business:**

Chairman Howard asked the members to review the changes to the Ordinance in Mr. Parlow's memo and it will be discussed at the Workshop Meeting of October 13<sup>th</sup>.

**Adjourn:**

On motion by Mrs. Zaccaria, seconded by Mr. Zylinski, the public meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Rosemary Robertson  
Secretary