

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, October 24, 2012**

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 – present  
Joseph Baginski - absent  
Rosangela Zaccaria - present  
Anthony Cataline - present  
Len Calderaro – present

Joseph Palinsky - present  
Barbara Brown – absent

Thomas Kunz, Esq. - present

**Public Notice Announcement:**

This is the Borough of Lavallette Regular Planning Board meeting of October 24, 2012. 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.

**Mr. Palinsky will be sitting in the absence of Mr. Baginski.**

**Flag Salute:**

Chairman Howard deferred the flag salute to the public portion of the meeting.

**Review and Approval of Minutes:**

The Board reviewed the Minutes of the Workshop Meeting of October 10, 2012.

A motion was made by Mrs. Filippone, seconded by Mr. Palinsky to approve the Minutes of the October 10, 2012 meeting. All present voting in favor.

**Review and Adoption of Resolutions to be memorialized:**

N/A

**Review of Cases:**

**Application No. 6-12 – James Tuscano/Jean Mattos – Block 1115 Lots 11 & 13  
222 & 226 Bryn Mawr Ave. – Minor Subdivision**

The site is located on the south side of Bryn Mawr Avenue approximately 530 feet west of New Jersey State Highway No. 35 Southbound. The site is located in the Residential C Zone and contains two lots (11, 13) of 6,375 sq. ft. Lot 11 contains a 1 story dwelling with a brick paver patio, and Lot 13 contains a 1 ½ story dwelling with a wood deck. The applicants are proposing to subdivide the property into three conforming lots (11.01, 12.01, and 13.01) of 4,250 sq. ft. A portion of the dwelling and paver patio on Lot 11 will be removed in order to complete the subdivision.

**New/Old Business:**

Mr. Howard introduced Thomas Kunz, Esq., who is a partner at Coronato, Brady & Kunz and was substituting for Mr. Brady at this meeting.

Copies of the New Jersey State Permit Extension Act of 2008 were distributed to all board members along with the a cover letter from Mr. Brady stating that: *“In essence, the amended law extends approvals granted by planning boards and zoning boards (and other governmental agencies) through December 31, 2014. There is no need for applicants to file applications to extend approvals granted after January 1, 2007 since the approvals are statutorily extended to December 31, 2014.”*

Case # 2-12 Steve & Kim Atno: The Board reviewed the contents of Mr. Brady’s letter of August 17, 2012, explaining that the applicant’s are requesting that the conditions of approval should be conditions for submission of amended plans, and not conditions prior to issuing a zoning permit since some of the conditional work cannot be done without the prior issuance of zoning and building permits. Mr. Brady recommended that as a courtesy to the applicant, and in order that there be no misunderstanding by the zoning officer, that the Board consider a motion to approve the contents of said letter.

A motion to approve was moved by Mr. Zylinski, seconded by Mrs. Filippone with all others present voting in the affirmative.

Mrs. Zaccaria would prefer the Planning Board meeting packets be mailed out instead of being held at the Borough office for pick up. Mr. Parlow and the Board Secretary will make sure that there are no budgetary problems at this time.

Mr. Palinsky asked Mr. Parlow for clarification on the practice of sending e-mails regarding Planning Board business to members via personal computers. Mr. Parlow

said that it is a State law that if you receive e-mail on your home computer regarding government business, your computer can be officially reviewed for content citing that those e-mails are subject to OPRA. Mr. Kuntz further explained that as Planning Board members, we are connected to local government .

**Adjournment:**

On motion, made and seconded the workshop portion of the Regular meeting was adjourned at 7:30 p.m.

**The Board took a 5 minute recess.**

**PUBLIC MEETING**

Chairman Howard presiding

**Roll Call:**

Vincent Marino-Mayor Walter LaCicero's Designee - present  
Lionel Howard, Chairman - present  
William Zylinski – Vice-Chairman - present  
Councilperson Joanne Filippone - present  
Christopher Parlow, Business Administrator - absent  
Joseph Baginski - absent  
Leonard Calderaro - present  
Roseangela Zaccaria- present  
Anthony Cataline - present  
Joseph Palinsky - present  
Barbara Brown – absent

Attorney: Thomas Kunz, Esq. - present

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**PUBLIC MEETING:**

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222 & 226 Bryn Mawr Ave. – Minor Subdivision**

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Mr. Allen MacDuffie, introduced the applicants; Mr. James Tuscano and Mrs. Jean Mattos and Mr. Andrew Stockton, the property engineer.

Mr. MacDuffie attempted to explain the details of the proposed sub-division and recruited the assistance of the property engineer. Mr. Andrew Stockton was sworn in and presented Exhibit A-1, an aerial view of Block 1115 showing the proposed subdivision.

There was a great deal of discussion about pre-existing conditions, setbacks, ground coverage, structure coverage, demolition, etc. During these discussions, Mr. Stockton disclosed that there were mistakes in the plans that were submitted with the application and then presented Exhibit A-2, a five-page revision. He also stated that he was not aware of some of our Ordinances; one in particular concerning the air conditioning condenser being counted as lot coverage. It became apparent that more clarification regarding this project was needed.

At this point, Mr. Parlow stated that the application had changed significantly, and that it would be impossible for the Board to review these plans and vote on this application at this meeting. Therefore, Mr. Howard requested that this Application be held over until such time as the new/revised plans could be submitted for review and all other necessary adjustments to these properties be clarified.

Mrs. Filippone suggested that moving forward with this Application, it should be presented lot by lot. She also pointed out that if the two non-conforming lots cannot be brought into compliance, variances will be required. Mr. Howard agreed that we should review this application lot by lot before approving the subdivision. Mr. Howard asked Mr. MacDuffie if he was agreeable to waiving all the current time requirements and hold this application over to our next scheduled Planning Board Meeting on November 28, 2012. Mr. MacDuffie was in agreement.

Chairman Howard opened the meeting to the public for comments. Receiving no comments, Chairman Howard closed the public portion of the meeting at 7:58 p.m.

**Adjournment:**

On motion by Mr. Parlow, seconded by Mr. Howard, the public meeting was adjourned at 8:20 p.m.

Respectfully submitted,  
Joyce Deutsch, Secretary