

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, April 25, 2012 – 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 - present
Joseph Baginski, - present
Rosangela Zaccaria - absent
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown – present

Terry F. Brady, Esq., - absent

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of April 25, 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 Mrs. Zaccaria.

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 Re-organization Meeting of January 4, 2012.

A motion was made by Mr. Zylinski, seconded by Mrs. Filippone, to approve the Minutes of the Re-organization Meeting of January 4, 2012. All present voting in favor.

Review and Adoption of Resolutions to be Memorialized:

None

Review of Cases:

Application No. 4-09 – Interpretation of Resolution dated November 12, 2009 – Site Plan/Mixed Use Commercial/Residential, John Buzzi, 504 Grand Central Avenue, Block 32.01, Lot 3 B-2 Zone

Chairman Howard explained that the applicant had requested to change the printing on the sign in front of the premises and had been denied by the Zoning Officer due to lack of specificity in the Resolution granting the site plan and variance. Applicant wanted to change the wording on the sign for his first floor tenant. There were questions from Board members as to approval being required.

It was established that the sign was a permitted non-conforming use and the Board Attorney suggested that testimony be taken from the applicant as to his intention.

Jack Buzzi, 169 Maple Ave., Metuchen was sworn in. He stated the sign is the old sign from the Hankins Boat. He will not nor did he intend to change the sign itself, just the lettering on the one side to “Island Girl”.

It was decided by the Board to grant an Administrative Approval for the sign lettering.

A motion was made by Mr. Zylinski, seconded by Mrs. Filippone, to grant an Administrative Approval to the applicant for the change of lettering on the sign to the new first floor tenant “Island Girl”. Roll Call: Mr. Baginski, yes-, Mrs. Filippone, yes-, Messrs. Marino, Calderaro, Zylinski, Cataline, Parlow, Palinsky and Howard, yes. Motion carries.

Application No. 1-12 – Michael & Carol Gasko, 2302 Oceanfront, Block 24, Lot 2

The property is located on the oceanfront approximately 50 feet south of Newark Avenue in Residential District A and contains 5000 square feet. The site currently contains a two story frame dwelling with walkout basement and first and second story decks. A timber bulkhead runs north and south along the front property line. The applicant is proposing to demolish the existing dwelling and construct a new two story dwelling with first and second story decks. The timber bulkhead will remain in place as required by NJDEP.

Application No. 2-12 – Steve & Kim Atno, 109 New Brunswick Avenue, Block 41.01, Lot 14

The property is located on the north side of New Brunswick Avenue approximately 34 feet east of New Jersey State Highway Route 35 (southbound) in residential A and contains 5000 square feet. The site currently contains a two story, two- family dwelling in the front of the lot and a rear one story single family dwelling with a detached shed. The applicant is proposing

alterations to the front dwelling in the front of the lot that will convert it to a single family dwelling. The rear single family dwelling will remain unchanged.

New/Old Business:

None

Adjournment:

On motion, made and seconded, the workshop portion of the Regular meeting was adjourned at 7:25 p.m.

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- present

Joseph Baginski-present

Leonard Calderaro- present

Roseangela Zaccaria- absent

Anthony Cataline- present

Joseph Palinsky- present

Barbara Brown- present

Attorney: Terry Brady, Esq.-

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of April 25, 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 Borough newspapers.

PUBLIC MEETING:

Application No. 1-12 – Michael & Carol Gasko, 2302 Oceanfront, Block 24, Lot 2

Mrs. Brown sat in place of Mr. Baginski who stepped down and was a property owner within 200 feet.

The property is located on the oceanfront approximately 50 feet south of Newark Avenue in Residential District A and contains 5000 square feet. The site currently contains a two story frame dwelling with walkout basement and first and second story decks. A timber bulkhead runs north and south along the front property line. The applicant is proposing to demolish the existing dwelling and construct a new two story dwelling with first and second story decks. The timber bulkhead will remain in place as required by NJDEP.

Michele Donato, Esq. represented the applicant. She stated the dwelling is very old and applicant wants to demolish it and build a new home in its place.

Michael Gasko, 2302 Ocean Avenue, Lavallette was sworn in. He testified he purchased house in March 2011 and it has been his dream to love here. He said the house is old and first the roof needed replacing, the plumbing is a mess, furnace doesn't operate and there is a steep staircase. He has a brother with a disability issue. He wanted to rebuild a house in the same footprint but CAFRA told him to move it back 2 ½ feet to be 25 feet from the timber bulkhead which runs along four houses and cannot be removed. He testified there is a steep stairway up the side of the house and a very narrow entrance and the ceilings are low and the second level is angled.

George Thompson, Architect, Island Heights was sworn in and his qualifications were accepted. He testified that he reviewed the existing structure and pattern of the neighborhood. He stated the house really isn't viable to renovate since there are numerous deficiencies, 7 foot ceilings, some structural issues, egress issues etc. The special berming is unique to this property; the house on Newark Avenue abuts closely on the northern side of the property and on the south side there is a 2 ½ story home within 20 feet the property line so setting the applicant's house back 30 feet penalizes him because of the adjacent lot development. He further testified that the front overhang of the roof can be eliminated from the plan which will eliminate that variance request.

Ms. Donato stated the height is measured from the boardwalk height but because of the bulkhead this is what raises the property.

Mr. Parlow stated the grade of the basement at grade in the rear and below in the conversion to living space is a concern.

Gordon Gemma, Professional Planner was sworn in. He testified he visited the property and reviewed the plans, ordinances and the 2000 Master Plan and the Re-examination of 2006.

Nine (9) photos were introduced in evidence and marked A-1 showing the existing house, the bulkhead, the first floor, second floor, rear of the house, height and homes to the north and south of the property.

Nine (9) photos were introduced in evidence and marked A-2 showing the alignment and access points of surrounding properties. He stated the front yard requires a nine foot variance; seeking 33 foot height variance and structure coverage which he classifies as bulk variances "c" something unique about the property. Mr. Gemma claims the bulkhead is pre-existing structure and feels it causes exceptional hardship. He also addressed the goals in the Master Plan and the

setback of the porch and there was a lengthy discussion regarding the adverse effects of pushing the house back.

Mr. Calderaro stated this is a large house, it has 5 bedrooms and no one is saying it should be moved back.

Mrs. Filippone stated that the oceanfront is not the only property that has rules and pointed to West Point Island, the corner lots requiring 2 front yards setbacks of 25 feet.

Mr. Parlow stated the house is not in the same footprint applicant is putting a bigger, wider and taller house in the same place. Mr. Gemma agreed.

Chairman Howard opened the meeting to the public.

Mr. Keith McCann, 1 Trenton Avenue purchased his house in 4/12 and has concerns about the northeast view and is objecting.

Chairman Howard closed the public meeting.

Ms. Donato asked for a continuance of this application to May 23rd, 2012, with all time frames waived.

On motion made, and seconded, the application was carried to May 23, 2012, with all time frames waived. All present voting in favor. Motion carries.

Mrs. Filippone and Mr. Marino left the meeting at 9:55 p.m. since they were unable to vote on the following application.

Mr. Palinsky will be sitting for Mrs. Zaccaria who is absent and Mrs. Brown will be sitting for Mr. Zylinski who is a property owner within 200 feet.

Application No. 2-12 – Steve & Kim Atno, 109 New Brunswick Avenue, Block 41.01, Lot 14

Mr. Baginski sat on this case.

The property is located on the north side of New Brunswick Avenue approximately 34 feet east of New Jersey State Highway Route 35 (southbound) in residential A and contains 5000 square feet. The site currently contains a two story, two- family dwelling in the front of the lot and a rear one story single family dwelling with a detached shed. The applicant is proposing alterations to the front dwelling in the front of the lot that will convert it to a single family dwelling. The rear single family dwelling will remain unchanged.

Michele Donato, Esq., represented the applicant. Mark Zawacki, AIA, 1555 Zion Rd., Suite 204, Northfield, NJ was sworn in. He testified there are two units in the front house and one unit in the rear house and the rooms in the front unit are small.

A site plan marked A-1 was introduced in evidence showing the extent of the addition. The additional space is 200 square feet and it is all on the second floor and a bay window added. He stated the pre-existing non-conforming rear house is not being changed and the front house will go from 5 bedrooms to 4 bedrooms and a two-family use to a one-family use with no increase to the footprint. A-2 shows bay window and front porch and A-3 shows elevations. He testified it will be their year round home and the current structure coverage is 44.1% including the concrete block wall that is 50 square feet and the ground coverage is 21.5% . He testified the shed and block wall will be removed to reduce the coverage and also the hot tub making the coverage 41%. He stated there are four (4) parking spaces 8.67 and 8.6 shy of the width of 9 feet.

Steve Atno, 109 North Brunswick Ave., Lavallette was sworn in and testified he took the following photos. A-4 was marked in evidence showing a picture of the house; A-5 showed a picture of the rear house; A-6 is a picture of the house across the street that has two houses; A-7-8 the rear house; A-9 & 10 shows houses directly to the east; A-11 shows 101 New Brunswick with two houses; A-12 & 13 shows rear houses across the street and A-14 shows a rear house.

Gordon Gemma, Professional Planner was sworn in. He testified that he reviewed the Master Plan and the application and that by going from a 3 family to a two family, the only non-conformity being changed is the bay window and all the others currently exist. They have four parking spaces and need a waiver of a design standard on the size of two spaces.

Mr. Gemma addressed the Master Plan on the positive criteria control and reduce and encouraging the reduction of non-conforming uses.

Chairman Howard opened the meeting to the public

Richard Hoffman, 105 New Brunswick Avenue spoke in favor of the application.

Chairman Howard closed the public portion of the meeting.

Ms. Donato requested that this application be carried to June 27, 2012, with all time frames waived.

On made, seconded and carried this application will be carried to June 27, 2012 with all time frames waived.

OLD/NEW BUSINESS:

Mr. & Mrs. John Dolinaj appeared before the Board and read into the record their letter addressed to the Board Secretary and dated April 25, 2012 regarding the grant of a zoning permit for sheds on the West Point Island Beach.

Chairman Howard advised that the Board has no control over this matter.

Mr. Paul DeMassi appeared before the Board regarding 1702 Grand Central Avenue not complying with the Resolution of Site plan and variance. He stated the dumpster is located under

his kitchen window³ and there is an odor if he opens the window, and also trash, garbage and equipment still being on the property.

Chairman Howard advised Mr. DeMassi that the Planning Board is not an enforcement agency and his complaint should go to the Zoning Officer and/or Council.

Adjournment:

On motion by Mr. Cataline, seconded by Mrs. Brown the public meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary