

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING OF THE PLANNING BOARD
Wednesday, January 16, 2013 - 7 P.M.**

Chairman Howard presiding

Roll Call:

Mayor Walter LaCicero - present
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 - present
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown - present

Thomas Kuntz, Esq. - present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Workshop meeting of January 16, 2013. 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 one of the official Borough newspapers, the Ocean Star.

Flag Salute: Chairman Howard lead the salute to the flag.

Review & Approval of Minutes:

A motion was made by Mr. Baginski, seconded by Mr. Cataline to approve the Minutes of the January 9, 2013 Reorganization Meeting. With the exception of Mrs. Zaccaria who was unable to attend the January 9 meeting, all present voted in favor. Motion carries.

New Business:

A review of Ordinance No. 2013-03 (1118) began with Mayor LaCicero giving the reasons for this new ordinance. The Mayor pointed out that we are all aware of the changes that are about to occur especially with the issuing of the new flood maps. It is the Council's intent to help work this out to allow development and redevelopment of damaged properties as quickly as possible. He also wanted the board to know that we need to allow non-conforming uses to rebuild within the same footprint on the same or a new foundation or pilings, depending upon which zone they are in, but we need to get the standards in place before that can happen.

Further, the Mayor explained the ordinance is intended simply to change the way in which we measure building height. These changes will help us to be ready to allow homeowners to move as quickly as possible now. If there are changes needed, we can deal with them later.

Mayor LaCicero pointed out that the ordinance also mentions adding 2 feet of freeboard for the A type construction and no additional freeboard for the V type construction. This was done in an effort to even out the elevation differences between the two zones.

Another issue addressed in the new ordinance is lot coverage. In order to accommodate the addition of steps that will be needed due to the higher elevations, overall lot coverage has been increased from 37 to 38%.

Mr. Howard conducted a page by page review:

- page 1, bottom of paragraph B refers to “Coastal A, AO, and AE and V type construction” recently been divided into only two zones (A or V), he questioned the inclusion of Coastal A, AO, and AE type of construction. Mr. Parlow answered by stating that FEMA keeps the old zones in order to determine which is the most restrictive.

- page 1, bottom of paragraph B, the word “inhabitable”

Mr. Zylinski asked if that shouldn’t be change to “habitable”.

- page 2 Section 3 (3)

Mr. Howard questioned references made to the municipal boardwalk in front of the oceanfront properties and would this apply to the oceanfront properties where there currently is no boardwalk due to storm damage. Mayor LaCicero assured Mr. Howard that by the time people are ready to build, there will be a boardwalk. Therefore, the current wording will stay in the ordinance. Mr. Parlow also mentioned that curbs will also be restored that had been washed away by the storm.

- page 2 (a) (b) and page 3 (c)

Mr. Howard stated that we were covering the same information that was covered on page 1; and Mr. Parlow answered by saying the Mr. George wanted these points to be abundantly clear.

- page 3 (4)

It was decided to remove the words “any lot” from the third line of item (4).

During a discussion of the ordinance, Mr. Howard cautioned about lowering the Base Flood Elevations in the future, and that perhaps we should leave freeboard in for the V zone. Mr. Parlow added that if FEMA drops the elevations again as they did in the past, then the Council can react to FEMA’s recommendation by adding freeboard.

Mr. Calderaro was concerned about how the people of Lavallette can get their individual needs addressed. Gary Royer, Zoning Official, explained that most people go to the construction office for guidance. Mr. Royer explained that he and the construction officer try to give the best advice they can and advised that the best thing to do right now is to wait it out if you can. However, he understands that people want to get back onto their homes.

Recently Lavallette was notified that there is a moratorium on building at this time. Mrs. Brown asked if someone could elaborate on the moratorium. The Mayor explained that the recent maps were withdrawn because Lavallette was declared an A Coastal Zone. This would require all homes in the town to be up on pilings. The Mayor has requested the State to rethink this, and added that whatever they decide will result in changes to the building code; i.e., pilings or no pilings.

Mr. Calderaro said that is exactly his point. He is seeing hundreds of houses under construction. Mrs. Filippone responded that people do not have to raise their houses if there is less than 50% damage. Mr. Calderaro asked if there would be any legal ramifications if you do not raise your house. Mr. Parlow explained that the only legal requirement to raise your house is if there was more than 50% damage from the storm. If people decide not to raise their homes once the advisory maps become law, their flood insurance premiums will be adjusted upward for every foot they are under the adopted recommendations. Mr. Parlow said the risk of not putting money into a property now will cost them a lot in premiums later. Mr. Calderaro asked if they will be non-conforming; the Mayor responded, not until the advisory maps have been adopted.

There were brief discussion about flood insurance premiums, calculating fair market values, itemizing damages, and the determination of 50% or more in damages. Mr. Royer explained that Mr. Kiseli, our Construction Officer, signs off on the percentage of damage, and FEMA will probably not disagree with him. If Mr. Kiseli signs off on it, Mr. Royer said, that's good enough for FEMA.

Mr. Royer also mentioned that if people are waiting for the \$30,000 from FEMA to raise their homes, perhaps they should go ahead, do the work, and look for reimbursement later.

Mr. Howard commented that many people want to get back into their homes, but the Federal Government doesn't act quickly. Mayor LaCicero recommended that we pass this ordinance and get the designs down. He thinks the elevations are going to remain. The Mayor also thinks that the V zone designation on West Point Island will not change, however, the mainland V zone designations could be subject to change. Therefore, he recommends to those people who must rebuild to go with the V zone type of construction.

The Mayor reiterated that the problem right now is the A Coastal designation. Mr. Howard asked when will this happen. The Mayor is confident that the State understands our problem, and we will get this answered sooner rather than later. He also said that the problem of building will not be with the town, but rather with the insurance. The Mayor wants to be ready when they are.

There was a brief discussion about the ocean front being designed as an A zone, not a V zone. Mr. Royer pointed out that even the oceanfront in the south end of town, where the damage was greatest, is an A zone. Mr. Parlow commented that the flood ordinance can address this; not the zoning ordinance and that the municipality has the right to adopt higher standards.

At this point Mr. Parlow asked for a recommendation from the Planning Board to proceed with this ordinance with the changes discussed, seconded by Mr. Zylinski, with all members voting in the affirmative.

Mr. Howard opened the meeting to the public at 8:20 p.m.

Mr. Waladkewics of 2102 Oceanfront told us that the Governor said at his Town Meeting that he was going to make his own decision about elevations and maps next week because he is tired of waiting.

Adjourn:

On motion by Mrs. Brown, seconded by Mrs. Filippone, the meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary