

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Thursday, October 10, 2013 - 6 P.M.**

Chairman Howard presiding

Roll Call:

Mayor Walter LaCicero - absent
Councilwoman Joanne Filippone - absent
Lionel Howard, Chairman - present
William Zylinski, Vice-Chairman - present
Christopher Parlow, Borough Administrator - present
Rosangela Zaccaria - present
Anthony Cataline - present
Len Calderaro - present
Joseph Palinsky - absent

Barbara Brown – present
Vincent Marino – present

Terry Brady, Esq. - present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of October 10, 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.

Salute to the Flag – deferred to the public hearing portion.

New Business:

Presentations by: Gary Royer, Zoning/Code Enforcement Official for the Borough of Lavallette, and Mike O'Donnell, Board Engineer, regarding new height ordinances and other zoning questions. Presentation data is attached.

This discussion began with a brief clarification of the current V zone being mostly oceanfront properties and some along the bay.

Mr. Calderaro stated that since there are so many exceptions to the old 30 ft. height rule, could Mr. O'Donnell include the height requirement for each of the applications in his Engineer's Report stipulating the allowable height for each individual case.

Mr. Royer explained grade height; using an example that if grade is at 4 ft. in an AE-8 zone, then the height elevation can go an additional 5 feet above grade or BFE plus 1.

Mr. O'Donnell led a discussion about the space under the home; explaining that if the house is to be raised with no garage doors underneath, the height would be 7 feet above grade. If, however, the house is to be raised with garage doors, the minimum height would be 8 feet. Gary Royer verified that garage doors come in either 7 or 8 foot heights.

Mr. Royer further stated that a one and one-half storied home would allow for a garage underneath. He further pointed out that home owners wanting to put garages or parking areas under the house should be encouraged...thus eliminating on-the-street parking. He reiterated that the current zoning issues are about the garages under the structures.

Mrs. Brown suggested that the Council prepare the ordinance according to the look that they want. Mr. Parlow explained that the current ordinance was developed when there was still a significant V zone.

Mrs. Filippone and Mr. Palinsky arrived at approximately 6:45 and 6:50 p.m. respectively.

Mr. Brady asked if home owners can go lower than grade. To which Mr. Royer added that the crawl space cannot be below grade level. Mr. Royer further explained that if the property has an 8 ft. Base Flood Elevation, residents must go to 9 ft. If the grade is at 4 ft. they can go 5 ft. above; however, they are still 2 ft. shy for a garage.

The discussion continued verifying that the 28 ft. structure height is measured from the sill plate, and Mr. Parlow confirmed that the freeboard is measured from the finished floor.

Mr. O'Donnell agreed that if he is not sure how the applicant has measured the height, the plan cannot be considered "complete."

The Special Workshop portion of the meeting ended at 7:10 p.m., and Board members asked if this presentation could be continued. Mr. Howard called a five minute recess.

Public Meeting convened at 7:15 p.m.

Chairman Howard presiding

Salute to the Flag

Roll Call:

Mayor Walter LaCicero - absent
Councilwoman Joanne Filippone - present
Lionel Howard, Chairman - present
William Zylinski, Vice-Chairman - present
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Salute to the Flag

Mrs. Brown will sit for Mayor LaCicero who is absent.

Resolutions to be memorialized:

Application # 9-13, Rolando & Maureen Cibischino, 113B New Jersey Ave., Unit 2, Block 45.02, Lot 20 (continuance) – denial

Review & Approval of Minutes:

A motion was made by Mrs. Zaccaria, seconded by Mr. Palinsky to accept the minutes of the September 26, 2013 Planning Board Meeting. All members who attended the September 26 meeting voted in the affirmative.

Application #19-13, Wayne & Lisa Howell, 301 Bay Boulevard, Block 30.02, Lot 23 (reconstruction on a non-conforming lot)

The property is located on the south corner of Kerr Ave. at Bay Boulevard in the Residential District A. The property contains 2,557 square feet with a two story frame dwelling. The property was created as a result of a minor subdivision filed in 1981. The applicant is proposing to demolish the existing dwelling and construct a new two story single family dwelling elevated to comply with the FEMA minimum base flood elevation.

E. Allen MacDuffie, Esq. testified that in his opinion this is a classic hardship case due to the irregular size of the property. He further stated that the reconstruction will provide two off-street parking spots where only one currently exists.

Mr. MacDuffie submitted the following Exhibits:

- Exhibit A-1: Block and Lot Map highlighting the applicant's property
- Exhibit A-2: Photographs of the applicant's property
- Exhibit A-3: Map of 1981 Subdivision
- Exhibit A-4: Kerr Avenue view of applicant's property
- Exhibit A-5: Typed list of previous variances and attached site maps of existing and proposed dwelling

Mr. Wayne W. Howell of 137 Brandon Court, Neshanic Station, NJ, was sworn in and gave testimony explaining how he researched the best way to reset his house without exacerbating the pre-existing setbacks.

The following issues were addressed:

- The air conditioning condenser being moved in order to relieve the setback problem
- The reason for the expansion of square footage is due to replacing the existing spiral staircase with a regular staircase
- The proposed structure to be placed within the sight triangle
- The concern regarding the house only having one door for ingress and egress
- A height variance not requested; therefore, none granted

The meeting was open to the public at approximately 8:17 p.m.

Maria Bartnichak, 117 Bond Ave., Lavallette spoke in favor of the application and pointed out the safety aspect of replacing the spiral staircase within the home.

The public portion was closed at 8:18 p.m.

After Mr. MacDuffie's summation, a motion was made to approve this application with conditions by Mr. Parlow, seconded by Mr. Calderaro. Roll call vote: Parlow, yes; Calderaro, yes; Filippone, yes; Palinsky, yes; Zylinski, yes; Zaccaria, yes; Cataline, yes; Brown, yes; Howard, yes.

Application # 4-13, George & Karen Reinhardt, 101 New Brunswick Ave., Block 41.01, Lot 6 (expansion of non-conforming use)

The property is located on the north side of New Brunswick Ave., 100 feet west of Grand Central Ave., in the Residential District A. The property contains 5,000 square feet and two (2) single family dwellings, a two (2) story frame dwelling at the front of the property and a one (1) story frame dwelling at the rear of the property. The applicant is proposing to construct a 54 square foot addition to the front dwelling. The addition is to be located at the southeast corner which will square off the building.

Mr. Zylinski was noticed as a property owner regarding this application and stepped down. Mr. Marino sat in his place. Mrs. Zaccaria had to leave the meeting, and Mrs. Brown sat in her place.

Mr. MacDuffie, legal counsel for this applicant introduced Mr. Peter Serpico, Architect.

Mr. Peter Serpico, 1201 Boynton Ave., Westfield, NJ, was sworn in, and his qualifications were accepted by the Board. The following Exhibits were submitted:

- Exhibit A-1: Photos of the applicant's property – street view, front house, and rear house
- Exhibit A-2: Photos of the proposed 54 sq. ft. first floor addition and highlighted area on survey
- Exhibit A-3: Block & Lot Map highlighting certain lots and photos of neighboring properties with Front and rear dwellings
- Exhibit A-4: Photos of the downstairs area currently under construction

Mr. Parlow asked the architect if the downstairs area currently under construction is a living room or an enclosed porch. It was concluded that the area is, in fact, a closed porch.

Mr. George C. Reinhardt, Jr., 73 North Livingston Ave., Livingston, NJ, and owner of 101 New Brunswick Ave., Lavallette, NJ, was sworn in and testified that he has owned the home since 1999. The downstairs is as it was when he purchased the property.

The following issues were addressed:

- The entranceway between the front porch and the living area is to be no more than 6 ft. wide
- The front bay window be eliminated
- Remove the vinyl storage locker at the rear of the property
- Remove the pergola noted on the plans
- Front porch shall not be heated

The meeting was opened for public comment at approximately 9:10 p.m.

Mr. Albin Enquist, 1406 Grand Central Ave. (corner of New Brunswick) was sworn in and testified in favor of this applicant and their application.

Public portion closed at approximately 9:12 p.m.

After a summation by Mr. MacDuffie, a motion to approve this application with conditions was made by Mr. Palinsky, seconded by Mr. Marino. Roll call vote: Palinsky, yes; Marino, yes; Calderaro, no; Cataline, yes; Parlow, yes, Brown, no; Howard, yes.

**Application #20-13, William & Elizabeth Davis, 7 Princeton Ave., Block 21, Lot 12
(elevate & alterations - non-conforming use)**

The property is located on the north side of Princeton Avenue approximately 500 feet east of Route 35 northbound in the Residential District A and contains 5,000 square feet. The site contains a 1 ½ story frame dwelling on the front of the property and a 2 story dwelling in the rear of the property. The applicant is proposing to elevate the front dwelling and make alterations to the interior of the dwelling and to the roof.

Mr. William Davis, 43 Rights Middle Rd., Armonk, NY, and owner of 7 Princeton Ave., Lavallette was sworn in and introduced his contractor, Mr. Caesar Alvarez. Mr. Alvarez of ERS General Contracting, 612 Brielle Ave., Brielle, NJ, was sworn in and gave testimony regarding the proposed renovation to the front dwelling.

Mr. Alvarez fielded questions regarding room count, attic height, and front porch proposed for the front house renovation. Mr. Parlow asked if the rear house was also substantially damaged and if there was a determination as to whether or not it has to be elevated.

Mr. Brady asked if the owner was expanding the rear house and explained the Board would be concerned about a piecemeal application.

Mr. Davis testified that he wasn't going to do anything to the rear house at this point in time.

Mr. Parlow pointed out that the crawl space is below grade and that it must be brought up to grade; and if so, there would be no need for the Bilco door shown on the proposed plan. Mr. Howard pointed out that the lot coverage would be reduced by eliminating the Bilco door.

The meeting was opened for public comments at approximately 9:50 p.m.

Mr. Michael Plosica, 16 Bayonne, Monmouth Beach and 9 Princeton Ave., Lavallette, testified there was significant flooding on their block.

John DeGrande, 5 Jersey City Avenue, Lavallette, asked Mr. Davis if the rear house is a two family and the front house is a one family dwelling.

Mr. Marino asked how many kitchens were in the back house, to which Mr. Davis answered, two.

At this point it was noted that the Engineer's Report was not correct, since it did not state that the back dwelling was two family.

Mr. Andrew Feranda, 3 ½ Princeton Ave., Lavallette, testified in favor of the application and point out that the area suffered a strong storm surge.

The public portion was closed at approximately 10:01 p.m.

There was further discussion about altering the proposed plans and what could be done to reduce the non-conformities.

Conchetta Alvarez, 612 Brielle Ave., Brielle, NJ, was sworn in and asked if the applicant decided not to include a porch, would the board rule favorably. Mr. Howard responded that it was too broad a condition.

Mr. Calderaro stated that he would prefer looking at the entire property not just the front house. He also stated that in his opinion, any expansion to a three family should not be approved other than to raise the house.

Mr. Brady explained to the applicant and the contractor that non-conforming property owners should try to eliminate some of the non-conformities when rebuilding.

After a lengthy discussion; Mr. Howard suggested that the applicant ask for a continuance. A motion was made by Mr. Parlow, seconded by Mr. Brown to continue this application to the November 14 Planning Board Meeting. All present voted in favor.

Adjourn:

A motion was made by Mr. Cataline, seconded by Mr. Palinsky to adjourn with all present voting in favor.

Meeting was adjourned at 10:35 p.m.

Respectfully submitted,
Joyce Deutsch, Secretary