

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, March 27, 2013 - 7 P.M.**

Chairman Howard presiding

Roll Call:

Vincent Marino, Designee of Mayor LaCicero - absent
Councilwoman Joanne Filippone - absent
Lionel Howard, Chairman - present
William Zylinski – Vice-Chairman – present
Christopher Parlow, Borough Administrator – absent
Joseph Baginski - absent
Rosangela Zaccaria - present
Anthony Cataline - absent
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown - present

Terry Brady, Esq. - absent

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of March 27, 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

Review & Approval of Minutes:

A motion was made by Mrs. Zaccaria seconded by Mr. Zylinski to accept the Minutes of the Regular Meeting of February 27, 2013. All in attendance voted in the affirmative.

Mr. Howard suggested that since there were no cases to review for this session, that we go directly to the public meeting.

New Business:

Mr. Howard explained that Mr. Brady could not be with us for this meeting, but that he had asked if the Board members would consider a change in our meeting schedule. Due to a reduction in staff, Mr. Brady asked if our Planning Board meetings could be held on Thursday evenings.

Mrs. Brown asked if the Lavallette School would be available; and Mr. Howard answered that we had already cleared the availability for Thursday evenings in the school cafeteria.

Mr. Calderaro mentioned that the Republican Club meets on Thursday's, and it looked as though there were two dates that would conflict. After a brief discussion, the Board members established the new meeting calendar.

A motion to accept the new meeting schedule was moved by Mr. Palinsky and seconded by Mrs. Brown with all members present voting in favor. The new schedule is as follows:

| <u>Regular Meeting Dates</u> | <u>Workshop Meeting Dates</u> |
|-------------------------------------|--------------------------------------|
| April 25 | April 11 |
| May 23 | May 9 |
| June 27 | June 13 |
| July 25 | August 15 |
| August 29 | October 10 |
| September 26 | |
| October 24 | |
| November 14 | |
| December 12 | |

The Board Secretary asked for clarification of the procedures she should have to follow for the “fast track” applications; specifically: after receiving the zoning checklist, who reviews the application; and are the applicants required to submit 14 copies?

Mr. Howard explained that even though the new Resolution for the reconstruction of non-conforming properties waives the escrow fee, that it was his opinion along with Mr. Brady that the engineer should review the applications. It was decided that the Board Secretary would send these “fast track” applications to both the Board attorney and the Board engineer.

It was also determined that the applicants must supply 14 copies of their application.

Review and Adoption of Resolution to be Memorialized:

Application #8-12: RIMS Associates – 131 Princeton Ave. – Block 60 Lot 14

A motion was made by Mr. Zylinski, seconded by Mr. Calderaro to adopt the Resolution approving an alteration of an existing non-conforming use. All present voted in favor, with the exception of Mrs. Brown who did not hear the case, and Mrs. Zaccaria who was absent for that meeting.

Application #1-13: Joseph Rizzo, 2307 Baltimore Ave. - Block 50.02, Lot 32

A motion was made by Mr. Calderaro, seconded by Mr. Zylinski to adopt the Resolution denying the expansion of a non-conforming use and bulk variances. All present voted in favor with the exception of Mr. Marino and Mrs. Brown who did not hear the case and Mrs. Phillipone and Mr. Palinsky who were absent for that meeting.

Correspondence:

Mr. Howard discussed a letter he received from a resident who is appealing to the Toms River Municipal Authority regarding the construction of a sewer plant in the area of Morton Avenue. The residents believe that the way it is being constructed would devalue their property.

Mr. Palinsky mentioned that since it is a Municipal Utility it would be exempt from Borough Ordinances. Mr. Howard commented that he believed they sent the letter to him for informational purposes only. Mr. Calderaro asked if the Board should send a letter to the Mayor and Council stating that the Planning Board is in support of the resident’s opinion. Mr. Howard will supply a copy of the letter to the Board secretary who will draft a letter for the members to review.

Mr. Howard asked if there were any people present who had any questions.

Carol Dunn of 124 Newark Avenue asked questions about demolishing her 3 family home. Ms. Dunn wanted some verification as to why she should not demolish her home and then decide whether or not she wanted to replace it with another 3 family home or change it to a one family. It was reiterated to her that since she was unable to repair due to serious structural damage caused by the storm, she would require Planning Board approval to rebuild the 3 family home. Chairman Howard strongly advised her to have the property surveyed by an engineer. Mr. Zylinski once again advised her not to take it down until she decided on her plan of action.

Sandy D'Emidio of 147 Newark Avenue introduced himself to the Board as the owner of a two family home in Lavallette and also as a 23 year member of the Morris County Planning Board. Mr. D'Emidio explained that he came to the meeting to ask if the Board would be receptive to his expanding his pre-existing non-conforming property which was damaged by the storm. Currently, the property is a family summer residence with a rental property. The property is in a V Zone according to the FEMA Advisory Maps; and would therefore need to be raised as per specific guidelines. Mr. D'Emidio would like to demolish the house and rebuild a new two-family home adding bedrooms. Mr. Howard stated that whether or not his application would be approved depends on the details; Ms. Zaccaria added that each case is unique and stands on its own merit. Mr. Zylinski described a prior application for an expansion of a non-conforming property which was denied. Then, Mr. Howard pointed out that the variance goes with the property, not with the resident. Mr. D'Emidio thanked the board for their time and their effort.

Adjourn:

On motion by Mrs. Zaccaria, seconded by Mrs. Brown with all members voting in favor, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,
Joyce Deutsch, Secretary