

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Thursday, August 15, 2013 - 7 P.M.**

Chairman 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
Rosangela Zaccaria - present
Anthony Cataline - present
Len Calderaro - present
Joseph Palinsky - present

Barbara Brown - present

Terry Brady, Esq. - present

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of August 15, 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 – lead by Mr. Howard

Public Meeting:

Chairman Howard presiding

New Business:

Mr. Palinsky was sworn in by Mr. Brady as a new Class IV member of the Planning Board.
Mrs. Brown was sworn in by Mr. Brady as Alternate #1.

Mrs. Filippone suggested that the Planning Board alter their calendar again to include Workshop Sessions at 7:00 p.m. so that we can discuss business. She explained that the Council is working on hiring professionals to review our entire Code Book, and therefore, it is important that we include these Workshop Sessions.

Mr. Howard was in agreement, and it was decided to: (a) re-introduce the Workshop Sessions and (b) to add an additional meeting in September, specifically September 12, 2013. The Board Secretary was directed to prepare the public notice for the newspaper and Borough Hall.

After verification of available funds from the Borough's Chief Financial Officer, a motion to approve re-certification courses for the board secretary was made by Mr. Parlow, seconded by Mrs. Filippone with all present voting in the affirmative.

Resolutions to be Memorialized:

Application # 11-13, Suzanne DiGiovanni, 101A Vance Ave., Block 34.01, Lot 4.02 (approved with following conditions: (a) remove the existing shed and deck and (b) new dwelling will be six inches closer to the property on the east side)

The property is located on the north side of Vance Avenue approximately 65 feet west of Route 35 Northbound in the B-2 Downtown Business District. The property contains 1,750 sq. ft. with a 1 ½ story frame dwelling, shed, and wood deck. The applicant is proposing to demolish the existing dwelling and construct a new 2 ½ story single family dwelling in the same footprint.

Application #3-13, Charlotte Abajian, 20 Haddonfield Ave. (denied without prejudice)

Applicant appeals the decision of the Zoning Officer for refusing to enforce the bulk requirements and the coverage requirements of the zoning ordinance at 22 Haddonfield Ave.

Review & Approval of Minutes:

A motion was made by Mrs. Brown, seconded by Mr. Parlow to accept the minutes of the June 13, 2013 meeting. All members who attended the June 13 meeting voted in the affirmative.

A motion was made by Mr. Zylinski, seconded by Mrs. Zaccaria to accept the minutes of the July 25, 2013 meeting. Mr. Palinsky pointed out a change to be made on page 4 which was noted by the board secretary. All members who attended the July 25 meeting voted in the affirmative with the change to page 4.

PUBLIC MEETING

**Application # 7-13, NVR Holding Company, LLC, 109 Magee Ave., Block 35.01
Lots 12, 14 & 16 (Continued from July 25 Meeting)**

The property is located on the southeast corner of Magee Avenue and Route 35 Southbound, is in Residential District A and contains 13,400 sq. ft. The site contains a one story, 5,700 sq. ft. commercial use and a 4 bedroom, 1,900 sq. ft. residential use over the eastern portion of the building. The residential use has a 214 sq. ft. deck on the south side and a 476 sq. ft. deck on the north side. The site also contains an 11 car parking lot on the east side and 4 parking spaces including 1 handicap space on the south side. The applicant is proposing to change the layout of the residential unit, Apartment #1, to have 2 bedrooms. A new kitchen and living area are proposed to be constructed over the north deck and the 2 remaining bedrooms will be added to this unit, i.e., Apartment #2. Internal modifications will be made to the commercial unit below to accommodate entry to Apartment #2.

Mr. Mylod addressed the Board on two issues: (a) drainage and (b) light and space.

Mr. Sean A. Delany, of Omland Engineering Associates, Inc. was sworn in and gave testimony regarding proper drainage. Omland Engineering ran a test which established that the water in the parking lot did not affect any of the neighboring areas. Mr. Delany mentioned that the southeast corner of the property could accumulate; however, he was of the opinion that the volume of the run-off would not create a major problem. Mr. Mylod asked if the problem could be corrected, to which Mr. Delany suggested extending the concrete block wall to connect with the curb line; therefore making the impact on any adjacent properties negligible. Mr. Howard questioned if there were any aerial photos of the parking lot, to which Mr. Delany answered that he had none.

Further testimony was made by Mr. Delany addressing the light and space concerns by enclosing the second floor porch. After lengthy testimony with charts showing the shadow affects for the spring summer and fall seasons, Mr. Palinsky asked about the potential of a wind tunnel affect to which Mr. Delany explained that the exposure would not impact the air into that location due to the positioning of the expansion.

With no further testimony, Mr. Howard opened the meeting to the public.

Mr. Bob Deedy of 108 Vance Ave. was sworn in and testified that he does not know how anyone can determine runoff without aerial views. He doesn't want this expansion, citing privacy as a major issue plus infringement on his enjoyment of his space and an adverse affect on his property value.

The public portion of the meeting was closed at 8:15 p.m.

Mr. Mylod's summation referred to the testimony of the experts and to the fact that all the necessary criteria were addressed.

A motion was put before the Board to approve this application with the following conditions: (a) extending the concrete block at the corner of the property and (b) that the window facing the north side of the property be non-operational if it meets code.

The Board Chairman asked for a vote. A motion was made by Mr. Calderaro, seconded by Mr. Parlow to approve this application. On roll: Calderaro, yes; Parlow, yes; Palinsky, no; Zylinski, yes; Zaccaria, no; Brown, yes; Howard, abstain. This application failed to receive the five votes necessary for approval. Application was denied.

**Application # 12-13, William & Veronica Matthaei, 505 Bay Boulevard, Block 32.02
Lot 29**

The property is located on the east side of Bay Boulevard approximately 50 ft. north of President Avenue northbound in Residential A District. The property contains 4,624.18 sq. ft. with a two-story frame dwelling and attached garage. The applicant is proposing to demolish the existing dwelling and construct a new two-story single family dwelling elevated to comply with FEMA minimum base flood elevation.

Since Mrs. Zaccaria received notice as a property owner within 200 feet of this applicant, she disqualified herself, and Mrs. Brown stood in.

Mr. William Matthaei of 505 Bay Boulevard, Lavallette and 131 Ocean Grande Blvd., Jupiter, Florida was sworn in.

Before hearing any comments from the applicant, Mr. Howard informed Mr. Matthaei that the current application did not cover a variance for having two stories above the garage. Since the Borough is in the process of rewriting this ordinance, Mr. Matthaei could either wait or continue and request said variance. Mr. Matthaei chose to move forward with his current application.

Mr. Matthaei introduced himself and gave the Board historical background of the property at 505 Bay Boulevard.

Mr. John C. Amenchenko of 421 River Avenue, Pt. Pleasant, NJ was sworn in and testified that he is the architect for Mr. & Mrs. Matthaei. Mr. Amenchenko described the property and the non-

conforming lot measurements. He explained that they decided in order to comply with the new base flood elevations, the housing would be demolished and rebuilt.

Mr. Amenchenko clarified that when this application was submitted, the Matthaei property was in a V zone; and therefore, all of the building specs reflect an elevation of 12 feet. The proposed plans are to place the parking under the home, thus freeing the backyard space for the family's enjoyment. The plans also show an elevator and interior stairs. He went on to describe the exterior materials to be used in the construction.

He further stated that by repositioning the home on the lot, the structure would become compliant with certain bulk non-conformities and by eliminating the garage and the pavement, ground coverage would be reduced.

Since this property is now in an A 8 Zone, there was a discussion about the 12 foot elevation. Mr. Parlow asked if it was their intention to build to V Zone standards. The architect said no, only to the 12 foot height. When Mr. Parlow asked if he could bring the house down a bit since the 12 foot to the finished floor was more than is required, he answered that there would not be enough room for the garage.

Mr. Parlow reaffirmed that the proposed finished floor is at 12 ft. and the State is requiring 8 ft.; therefore the structure will be 4 ft. above what is required by FEMA. He further explained that they would need to apply for a height variance.

Mr. Palinsky asked what materials were going to be used for the construction of the garage. Mr. Amenchenko responded that reinforced concrete would be used and that the property would be built as a V Zone but with A Zone construction.

Mr. Parlow read the Borough's height ordinance, and explained that if they are using over 2 ft. of freeboard; the building height would need to be reduced.

Mr. Brady pointed out that since this application was not seeking a height variance, and if zoning denies the construction because of it, the applicant will have to come before the board again.

Mr. Calderaro commented that it would be to the applicant's advantage to reduce the height as was discussed. The architect argued that if the height of the home is reduced, they would not be able to park under the building.

Mr. Parlow made it clear that if the applicant does not request a height variance, he will be unable to get zoning approval. Therefore, the Board is not approving the submitted plans.

Mr. Brady explained that the Board could approve the application only; and suggested that we carry this application so that we can establish whether or not a height variance is necessary.

Mr. Howard opened the meeting for public comment.

Mr. Dick Mangan, 303 Bay Boulevard was sworn in and wanted to cast his vote in favor of this application.

Mr. Howard closed the public portion of the meeting.

A motion to continue this application to the September 12 meeting was moved by Mr. Cataline, seconded by Mr. Palinsky. On roll call: Cataline, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes, Parlow, yes; Brown, yes; and Howard, yes. Motion carried.

Mr. Howard opened the meeting for any questions or comments from the public.

Mr. Matthaei made a recommendation that the Borough consider having a separate Board of Adjustment since he felt it is almost impossible to do both zoning and planning together.

Ms. Audrey Hughes, 201 Haddonfield Ave., asked to read the correspondence from Mrs. Donato that was included in the agenda.

Mr. Howard closed the public meeting at 10:05 p.m.

Adjourn:

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

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,
Joyce Deutsch, Secretary