

**MINUTES
BOROUGH OF LAVALLETTE
MEETING OF THE PLANNING BOARD
Thursday, January 23, 2014 -7 P.M.**

Chairman Howard presiding

Roll Call: Lionel Howard – present
Jack Sauer, Mayor’s Designee – absent*
Joanne Filippone – absent*
Joseph Palinsky - present
Len Calderaro - present
William Zylinski - present
Rosangela Zaccaria - present
Anthony Cataline - present
Christopher Parlow - present

Vincent Marino - absent

T. Brady, Esq. – present

*Mr. Sauer and Mrs. Filippone are absent for this portion of the meeting since they are ineligible to vote on either application. However, they will join the meeting for the Open Discussion portion.

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of January 23, 2014. 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.

New Business:

Mrs. Barbara Brown was sworn in as Alternate #1 for the 2 year term of 12/31/13 to 12/31/15.

Roll Call: Lionel Howard – present
Jack Sauer, Mayor’s Designee – absent*
Joanne Filippone – absent*
Joseph Palinsky - present
Len Calderaro - present
William Zylinski - present
Rosangela Zaccaria - present
Anthony Cataline - present
Christopher Parlow - present

Barbara Brown – present
Vincent Marino - absent

T. Brady, Esq. - present

*Mr. Sauer and Mrs. Filippone are absent for this portion of the meeting since they are ineligible to vote on either application. However, they will join the meeting for the Open Discussion portion.

Review & Approval of Minutes:

A motion was made by Mr. Cataline, seconded by Mr. Zylinski to accept the minutes of the January 9, 2014, Re-Organization meeting. All members who attended the January 9th meeting voted in the affirmative.

Resolutions to be Memorialized:

N/A

Public Hearing:

Application #1-14, Rolando & Maureen Cibischino, 113B New Jersey Ave., Unit 2, Block 45.02, Lot 20 – Expansion of Non-Conforming Use

The property is located on the northwest corner of New Jersey Ave. and Route 35 Southbound In the Residential District A and contains 5,000 square feet. The site contains two condominium units, Unit A, which is a two (2) story frame dwelling in the front of the property and Unit B, which is a one (1) story frame dwelling in the rear of the property. The applicant is proposing to demolish Unit B and rebuild a new one (1) story dwelling, elevated above the Advisory Base Flood Elevation with an enclosed storage area underneath the new house. The existing dwelling is 686 square feet in area and the proposed welling is 759 square feet, which is an increase of 73 square feet.

A previous application was submitted by the applicant in June 2013 to demolish Unit B and reconstruct an expanded two (2) story dwelling. That application (#9-13) was denied by the Lavallette Planning Board on October 10, 2013. Our engineer utilized the survey submitted with the previous application to calculate the existing structure and ground coverage.

Dr. Cibischino explained the new application. Mr. Howard asked what the differences were from the last application. Dr. Cibischino pointed out that the previous application was requesting the addition of a second story, and the condominium owners objected.

The following items were discussed and questions satisfied regarding:

- additional square footage
- verifications of the number of bedrooms (plot plan legend was incorrect)
- condominium association approval
- position of parking spaces and entrance to parking areas
- placement of air conditioning unit

Mr. Howard opened the meeting for public comment at approximately 7:20 p.m.

Mrs. Judith Leblein Josephs of 114 New York Ave., Lavallette, was sworn in and gave testimony in favor of this application. She wished to go on the record that these are fine people and should not be treated as second-class citizens because they are condominium owners.

Having no further comments, the public portion of the hearing was closed at approximately 7:28 p.m.

A motion to approve this application with conditions was made by Mr. Cataline, seconded by Mr. Calderaro. Roll call vote: Cataline, yes; Calderaro, yes; Palinsky, yes; Zylinski, yes; Zaccaria, yes; Parlow, yes; Howard, yes.

Application #2-14, Carol Saam, 16 Trenton Ave., Block 25, Lot 19 – Elevate & Reconstruction of Non-Conforming Use

The property is located on the south side of Trenton Ave. approximately 300 feet east of Route 35 Southbound in the Residential District A. The property contains 5,000 square feet with a 1½ story single family dwelling on the front of the property and a 2 story two family dwelling on the rear of the property. The Statement in Support of Application states that both houses were damaged during super storm Sandy. The applicant is proposing to reconstruct the damaged structures with a 2 ½ story single family dwelling in the front of the property and a 1 ½ story single family dwelling in the rear. The proposed houses will be elevated above the Base Flood Elevation.

Mrs. Donato, the applicant's attorney, addressed the board stating that her client wants to make everything better than it was before the storm. Mrs. Donato pointed out that the home owner will be reducing the property to two dwellings from three dwelling units.

Mrs. Saam of 68 McCosh Rd., Upper Montclair, NJ was sworn in, and testified that she has owned 16 Trenton Ave. since 1981 and purchased it as three dwelling units. She described the damage sustained by hurricane Sandy. Mrs. Saam further testified that she had researched the possibility of raising the houses, but found that it would be too difficult and too expensive.

Mrs. Saam intends to use the new front house for family; and the rear house will be a summer rental for repeat tenants who have been renting from her for years.

There was a discussion regarding the new proposed rear dwelling being heated, and it was concluded that a variance be requested. Mr. Parlow added that if this application is approved, it will be approved with the heat.

Mr. Frank Baer, of WSB Engineering Group, P.A., of 1018 Schenck's Mill Line Rd., Toms River, NJ, was sworn in and gave background information about himself. The Board accepted his credentials. Mr. Baer submitted the following:

Exhibit A-1: Plot Plan with added red markers

Mr. Baer also testified that the existing shed will be removed and remarked that although the structure coverage is over 38%, the total coverage is significantly less than the allowable 57%.

The following items were discussed and questions satisfied regarding:

- number of bedrooms and their configuration and purpose
- front dwelling to show ½ story as an attic only, not habitable space
- ample off-street parking
- front yard set-back
- repositioning the new dwelling on the lot

Mr. Joseph Burgis, Professional Planner, Burgis Associates, Inc., Westwood, NJ, was sworn in and presented his credentials which were accepted by the Board. Mr. Burgis submitted the following:

Exhibit A-2: An aerial view of the property and surrounding area pre-Sandy

Exhibit A-3: Color coded map outline of surrounding land uses

Mr. Burgis cited Lavallette's 2000 Master Plan and 2006 Re-examine Report and testified that Mrs. Saam's application complies with the philosophy.

Chairman Howard opened the meeting to the public on or about 9:00 p.m.

Mary Ann Baginsky, 3 Trenton Ave., was sworn and testified in favor of this application.

With no further public comments, the public portion of the meeting was closed on or about 9:03 p.m.

After enumerating specific conditions; i.e., attic space, side yard setbacks, front yard setback, structure coverage and heat variances, and shed removal; Mr. Cataline moved to approve the application, seconded by Mr. Parlow. Roll call vote: Cataline, yes; Parlow, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Zaccaria, yes; Howard, yes.

On motion by Mrs. Brown, seconded by Mr. Parlow, the meeting was recessed at 9:05 p.m. for Executive Session.

A motion to accept Frank Baer of WSB Engineering as the conflict engineer for Application #3-14 was made by Mr. Parlow, seconded by Mr. Zylinski with all present voting in favor

Adjourn:

A motion to adjourn was made by Mr. Parlow, seconded by Mrs. Brown with all voting in favor. The regular meeting was adjourned at approximately 9:30 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary