

MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Thursday, October 23, 2014 – 7:00 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 – absent
Anthony Cataline – present
Christopher Parlow – present
Barbara Brown – present
Vincent Marino – absent

T. Brady, Esq. – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of October 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, temporary located in Trailer #1 at 125 Washington Ave., filed with the Borough Clerk, and supplied to one of the official Borough newspapers, the Ocean Star.

Flag Salute: Chairman Howard

Resolutions Memorialized:

Applicant #19-14, Anthony & Lisa Carbone, 110 Philadelphia Ave. – Block 39.01, Lot 15 – Demolish & Rebuild Non-conforming Use plus set-back encroachment & lot coverage – Approved with conditions

Application #20-14 - Michael & Antonietta Boeckel, 110 Vance Ave., Block 35.01, Lot 15 – Elevate & Rebuild Non-conforming Use – Approved with conditions

Review & Approval of Minutes:

A motion was made by Mr. Parlow, seconded by Mr. Zylinski to accept the minutes of the Workshop Meeting of October 9, 2014, with all members present voting in favor.

New Business:

- Board members agreed to support the candidates on the 2014 NJPO Official Ballot, and Chairman Howard instructed the Board Secretary to send in the completed ballot.

- Copies of the following documents were submitted by the Board Secretary for review by Board members and discussion at a future meeting:
 - 2015 Meeting Dates
 - Planning Board Application
 - Planning Board Rules & Regulations
 - Procedures And Suggestions to Applicants

Mr. Howard announced that any alterations to the above documents will be finalized at the November 20 meeting. The updated documents will be prepared for the January Re-Organization Meeting.

Public Hearing:

Mrs. Brown will sit for Mrs. Zaccaria.

Application #17-14, Dario & Antoinette Marcelli, 14 Magee Ave. – Block 10, Lot 17 – Demolish and Rebuild Non-conforming Use – application carried from 9/25/14 – new plot plan dated 10/11/14 and architectural plans dated 10/6/13

The property is located on the south side of Magee Ave. approximately 365 feet east of Route 35 northbound in the Residential District A. The site contains 5,000 square feet with a two-story frame single family dwelling on the front of the property and a two-story two family dwelling on the rear of the property.

The applicant is proposing to demolish the existing dwellings and construct a new two-story single family dwelling on the front of the property and a new two-story single family dwelling on the rear of the property. The proposed dwellings will be elevated to comply with the FEMA minimum base flood elevation.

Michele Donato, applicants’ attorney, explained the plan revisions for the rear house. Mrs. Donato noted the “special reasons” for this variance as:

- Reduction in density
- Reduction in bulk non-conformities
- Aesthetic improvement

She also pointed out that the rear building revisions now qualify it as a dwelling. It was also noted that the A/C units will be wall mounted and will not add to the ground coverage.

Mrs. Donato re-introduced the owner, Mr. Marcelli, who testified that he has made all of the changes that were requested by the Board at the September 25, 2014, meeting. Mr. Marcelli verified that they are proposing one bathroom with two showers.

Mrs. Brown asked for an explanation of a Dwyer Kitchen. Frank D. Mileto, A.I.A., answered that it is a compact kitchen consisting of a refrigerator, sink, and two burner stove.

Mr. Calderaro reiterated his concern about a downstairs Tiki bar. Both Mr. Marcelli and Mr. Mileto replied that it has been removed from the plan, and the area will be totally open.

Mr. Howard questioned the location of the bathroom; and it was explained that it will be raised a half story, and there will be one internal door and one outside door for access to the shower.

Mr. Parlow asked that the A/C units be shown on the plans (as per the Third Engineer's Review Letter, Item #7).

The hearing was opened for public comment at approximately 7:33 p.m.

Mr. Salvatore Conte of 127 Englewood Drive, Florham Park, NJ, and the owner of 18 Brown Ave. in Lavallette wished to recant his testimony of September 25, 2014. He apologized to the Board and explained that he had not reviewed the plans before he spoke at the September 25 meeting; he came as a favor for a neighbor. Mr. Conte testified against this application.

The public portion was closed at approximately 7:55 p.m.

Further testimony was given by Mrs. Donato and Mr. Mileto in response to Mr. Conte's objections.

Mr. Brady re-opened the public portion at approximately 8 p.m.

Mr. Conte testified and again expressed his objections to the variance.

The public portion was closed at 8:05 p.m.

After Mrs. Donato's summary, a motion to approve this application was made by Mr. Calderaro, seconded by Mr. Cataline. Roll call vote: Calderaro, yes; Cataline, yes; Palinsky, yes; Parlow, yes; Zylinski, no; Brown, no; Howard, no. The application was denied.

After a short recess, the Board was called to order:

Roll Call: Lionel Howard – present
Jack Sauer, Mayor's Designee – absent
Joanne Filippone – present
Joseph Palinsky – present
Len Calderaro – present
William Zylinski – present
Rosangela Zaccaria – absent
Anthony Cataline – present
Christopher Parlow – present
Barbara Brown – present
Vincent Marino – absent

T. Brady, Esq. – present

Application #21-14, Robert Marra, 102 President Ave. – Block 33.01, Lot 7.01 – Reconstruction on a Non-conforming Lot

The property is located on the south side of President Ave. approximately 135 feet west of Route 35 No. in Residential District A. The property contains 3,572 sq. ft. with a one story frame dwelling, a storage shed, and a greenhouse. 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 flood elevation.

Evan D. Hill of Dewberry Engineers Inc., 133 Gaither Drive, Suite F, Mount Laurel, NJ, presented

his professional engineering credentials which were accepted by the Board. Mr. Hill provided testimony on behalf of the Marra family.

He explained that the property was substantially damaged as a result of hurricane Sandy, and that the Marra's were approved for a RREM Grant. (Reconstruction, Rehabilitation, Elevation, and Mitigation)

Mr. Hill explained that the Marra's qualified for a three bedroom home, and that the proposed dwelling is most like the previous structure. The dwelling will be elevated to comply with FEMA requirements.

There was discussion concerning the lack of off-street parking and whether or not a driveway could be created. It was determined that the Marra's would continue to purchase a permit from the town for one on-street parking space.

Mrs. Filippone asked if the A/C compressors could be placed in the roof line; and Mr. Hill agreed to explore this option. Mrs. Filippone also suggested moving the dwelling back slightly.

Mr. Howard questioned where the greenhouse will be relocated; the Marra's agreed to move it back next to the shed (at the edge of the pavers).

The hearing was opened to the public at approximately 8:47 p.m.

The following residents testified in favor of this application:

- Kathleen Diffley, 104A President Ave.
- Anita Zalom, 103 President Ave.

The public portion was closed at approximately 8:50 p.m.

Mr. Brady reviewed the conditions for approval:

- Plans to show A/C units in roofline (if approved by RREM)
- Revised plans pushing the house back 3 ft.
- Revised plans showing new location of greenhouse

Mr. Calderaro added that if the roof cut is allowed to accommodate the A/C, that it be placed in the rear portion of the roof.

A motion to approve this application was made by Mrs. Filippone and seconded by Mr. Calderaro. Roll call vote: Filippone, yes; Calderaro, yes; Palinsky, no; Zylinski, yes; Cataline, yes; Parlow, yes; Brown, yes; Howard, yes.

Closed Session:

A motion was made to enter into closed session to discuss pending litigation. All present voted in favor. The Board entered into closed session at approximately 9 p.m.

A motion was made by Mr. Parlow, seconded by Mrs. Brown to adjourn the closed session at approximately 9:05 p.m.

Adjourn:

A motion to adjourn the regular meeting was made by Mrs. Brown, seconded by Mrs. Filippone with all present voting in favor. The meeting was adjourned at approximately 9:07 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary