

**MINUTES
BOROUGH OF LAVALLETTE
MEETING OF THE PLANNING BOARD
Thursday, February 27, 2014 -7 P.M.**

Chairman Howard presiding

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

Vincent Marino – present
Barbara Brown - present

T. Brady, Esq. – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of February 27, 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.

Flag Salute: Chairman Howard

New Business:

The Board voted in favor of scheduling an additional Workshop Meeting on Thursday, March 20.

A motion was made by Mrs. Brown, seconded by Mr. Marino to adopt the amendments to Ordinance No. 2014-01 (1126) with all present voting in favor.

A motion was made by Mr. Parlow, seconded by Mr. Palinsky to approve the Disclosure Statement addition to the official check list. All present voted in favor.

Review & Approval of Minutes:

A motion was made by Mr. Zylinski, seconded by Mr. Palinsky to accept the minutes of the January 23, 2014, Regular Planning Board meeting. All members who attended the January 23rd meeting voted in the affirmative.

A motion was made by Mr. Parlow, seconded by Mrs. Brown to accept the minutes of the January 23, 2014, Executive Session. All members who attended the January 23rd session voted in the affirmative.

Resolutions to be Memorialized:

Resolution of the Planning Board of the Borough of Lavallette awarding a conflict engineer professional services contract to Frank Baer, PE, of WSB Engineering without competitive bidding or fair and open advertising.

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

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

Public Hearing:

Application #27-13, Irene Brunt, 124A Elizabeth Ave. - Block 62, Lot 7.02 – Reconstruction on a Non-conforming lot

The property is located on the south side of Elizabeth Ave. approximately 175 feet west of Baltimore Ave. in the Residential District A. The property contains 2,500 sq. ft. with a one-story frame dwelling. 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.

Philip G. Mylod, Esq., introduced himself as the new attorney representing the applicant. He outlined the purpose of this application, highlighting the fact that the new structure will be compliant with both the front and rear yard setbacks; and the side yard setbacks will become more compliant.

Mrs. Irene Brunt of 124A Elizabeth Ave. was sworn in and gave testimony regarding the amount of storm damage to her property and verified the accuracy of the photos submitted by Mr. Mylod.

The following Exhibits were presented:

- A-1: Photograph – front view of 124A Elizabeth Ave.
- A-2: Photograph – rear view of 124A Elizabeth Ave.
- A-3: Photograph – street view of property facing west
- A-4: Photograph – surrounding properties to the north
- A-5: Photograph – surrounding properties to the south

The following items were addressed:

- Confirmation that the air conditioning unit will not be in set-back
- Confirmation that the new interior configuration will be two bedrooms
- Confirmation of undersized lot (25 X 100)
- Confirmation of one curb cut
- Confirmation of sole ownership

The Chairman opened the hearing for public comment at approximately 7:50 p.m.

Tonette Tinnirello Thiele of 2200 Baltimore Ave., Lavallette, was sworn in and testified in favor of this application.

Mr. Andrew Feranda, 3 ½ Princeton Ave., Lavallette was sworn in and asked if the two proposed exterior staircases are a zoning requirement. Chairman Howard explained that it is a part of the construction code.

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

A motion to approve this application was made by Mr. Parlow, seconded by Mr. Sauer. Roll call vote: Parlow, yes; Sauer, yes; Palinsky, yes; Zylinski, yes; Cataline, yes; Brown, yes; Marino, yes; Howard, yes.

Application #28-13 EXP, Timothy & Karen Furey, 10 Princeton Ave. (Rear House) – Block 22, Lot 13 – Elevation and Alteration of Non-Conforming Use within the same footprint

The property is located on the south side of Princeton Ave. approximately 450 feet east of Route 35 northbound in the Residential District A and contains 5,000 sq. ft. The site contains a two-story frame dwelling on the front of the property and a one-story dwelling in the rear of the property. The applicant is proposing to demolish the existing rear dwelling and construct a new elevated two-story dwelling.

Mr. Timothy Furey introduced himself to the Board and gave background information stating that he has owned the property since 1996. He explained the storm damage sustained to the rear house and his intention to demolish and rebuild within the same configuration and footprint.

The following items were addressed:

- Confirmation that the owner had read and understands the Engineer's Review
- Confirmation that the existing shed will be removed
- Confirmation that applicant does have base flood elevation certificates for both houses
- Confirmation that the proposed new construction will be raised to allow a two-car garage beneath the home
- Confirmation that heat for the rear house become part of this application
- Confirmation that the attic space on the new construction will be no higher than 6 ft. to the ridge in accordance with the Borough Ordinance limitations

The Chairman opened the hearing to the public at approximately 8:15 p.m.

Andrew Feranda, 3 ½ Princeton Ave., was sworn in and testified in favor of this application.

The public portion was closed at approximately 8:17 p.m.

There was a brief discussion lead by Mr. Brady regarding proof of the non-conformity; and the Board accepted the tax record information.

Mr. Parlow moved to approve the application, seconded by Mr. Cataline. Roll call vote: Parlow, yes; Cataline, yes; Palinsky, yes; Zylinski, yes; Brown, yes; Marino, yes; Howard, yes.

Application #21-13, Philip & Francine Delli Santi, 1400 Baltimore Ave., Unit B – Block 54, Lot 1.02 – Elevate & Rebuild Non-Conforming Use

The property is located at the south west intersection of Baltimore Ave. and Brooklyn Ave. in the Residential District A and contains 5,000 square feet. The site contains two condominium units, Unit A which is a one story dwelling that fronts on Baltimore Ave. and Unit B which is a one story dwelling that has access from Brooklyn Ave.

The applicant is proposing to demolish Unit B, which was damaged in super storm Sandy and rebuild a new one story dwelling with a ground floor garage. The existing dwelling is 480 sq. ft. in area, and the proposed dwelling is 740 sq. ft. which is an increase of 260 sq. ft.

Mr. Palinsky excused himself from hearing this application since he was noticed as a property owner within 200 ft. of applicant's property.

Mr. Gregory Hock introduced himself to the Board as the newly assigned attorney for the application. Mr. Hock asked if the Board would consider this application without the consent of Mr. McCarthy, the other condominium owner. At this point, Mr. Brady asked if Mr. McCarthy could come forward and voice his concerns.

Mr. McCarthy explained that his only concern is how close the new construction will be to his property. Mr. Brady asked if he objected to the process of having this application heard. Mr. McCarthy responded that he had no objection to the process.

At this time Mr. Hock consulted with his clients regarding the fact that there were six eligible voting members in attendance. Mr. Hock requested a continuance to the March 20, 2014, Workshop meeting.

A motion to approve the request for continuance was made by Mr. Parlow, seconded by Mr. Zylinski. Roll call vote: Parlow, yes; Zylinski, yes; Cataline, yes; Brown, yes; Marino, yes; Howard, yes.

Adjourn:

A motion to adjourn was made by Mr. Marino, seconded by Mr. Cataline with all present voting in favor. The meeting was adjourned at approximately 8:50 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary