

MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING OF THE PLANNING BOARD
Thursday, April 10, 2014 – 6:45 P.M.

Chairman Howard presiding

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

T. Brady, Esq. – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Workshop meeting of April 10, 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

Councilperson Filippone asked the Board if there were any rebuilding issues over the past few months that may require future ordinance changes or additions.

Mr. Howard answered that the Planning Board has been seeing a great deal of proposed expansions to non-conforming properties; and recently the Board has had to deal with the land use law and its implications to condominium ownership. Perhaps the Council could have further discussion regarding these properties in the Borough.

Mrs. Filippone repeated the Mayor's request to get people back into their homes. Mr. Parlow pointed out that special reasons drive these decisions, and he is not sure that there are a lot of special reasons in our town.

It was mentioned that perhaps the Council could address whether or not to continue to allow non-conforming uses and granting variances for them. Mrs. Filippone said that she would bring this question to the Mayor & Council.

Mr. Calderaro posed the question that, if it is illegal to grant exceptions for non-conforming properties, then why are we doing it? Mr. Brady explained that the homeowner does not have the right to expansion unless they come before the Planning Board.

Mr. Parlow added that there is a Sandy Planning Grant Plan, which may give the Borough funds for a professional planner to help us with our Master Plan for 2016.

Mr. Sauer commented that he had a recent discussion with the Zoning Officer who is concerned about the properties that need to be demolished and are still standing. He further explained that there are 150 properties in the Borough that need to be torn down, and that could be a big issue during the summer months. Mr. Parlow updated the Board that the Borough has applied for a grant from the State to demolish these properties. Mr. Sauer underscored that the properties that people have walked away from need to be addressed.

Mrs. Filippone suggested that our Property Maintenance Ordinance should allow us to assess a fine if there is no response from the homeowner. Mr. Parlow also mentioned the Borough's Unsafe Structure Ordinance. Mr. Brady commented that it could get pretty costly if the Borough starts demolishing properties; to which Mr. Sauer added that this service would have to be put out for a formal bid.

The workshop portion of the meeting concluded, and Mrs. Filippone left the meeting since she was not eligible to conduct any further Planning Board business this evening.

Review & Approval of Minutes:

A motion was made by Mr. Cataline, seconded by Mr. Parlow to accept the minutes of the March 27, 2014, Regular Meeting with 2 corrections noted by Mr. Howard. All members who attended the March 27th meeting voted in the affirmative.

Resolutions to be Memorialized:

Application #6-14, Timothy E. Ryan Home for Funerals – 706 Grand Central Ave. – Block 34.01, Lot 4.01 – Non-Conforming Lot – Approved

Public Hearing:

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 – present
Barbara Brown - present

T. Brady, Esq. – present

Application #8-14, William & Elizabeth Davis - 7 Princeton Ave. – Block 21, Lot 12 – Elevation & Alteration of Non-Conforming Use

Mr. Montenegro, applicant's attorney, requested a vote on the above application which was heard at the March 27, 2014, meeting.

A motion was made by Mr. Calderaro, seconded by Mr. Parlow to approve this application. Roll call vote: Calderaro, yes; Parlow, yes; Zylinski, no; Zaccaria, no; Cataline, yes; Brown, yes; Howard, no. The application was denied.

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 stepped down since he is an owner within 200 ft. of this property. Mrs. Brown will sit for Mr. Palinsky.

Gregory Hock, applicant's attorney, addressed the Board stating that the positive criteria outweighs the negative on this proposed elevation and minor expansion.

There were several questions regarding: whether or not there was a permit obtained for the fence, the amount of curb cuts, and driveways not being shown on the plans.

After consulting with his clients, Mr. Hock asked for another adjournment to the May 22, 2014, Board Meeting and waives all timelines.

A motion to approve the adjournment was made by Mr. Parlow, seconded by Mr. Zylinski. Roll vote: Parlow, yes; Zylinski, yes; Calderaro, no; Zaccaria, yes; Cataline, yes; Parlow, yes; Howard, yes; Brown, yes. The adjournment was approved.

Application #5-14, Cynthia Rogalski, 1406 Baltimore Ave. (Unit 1), Block 54, Lot 4.01 – Elevate & Rebuild Non-Conforming Use

The property is located at the northwest intersection of Baltimore Ave. and New Brunswick Ave. in the Residential District A and contains 5,000 sq. ft. The site contains two condominium units; Unit 1 is a one story dwelling and Unit 2 is also a one story dwelling.

The applicant is proposing to demolish Unit 1, which was damaged in super storm Sandy, and rebuild a new one and one-half (1 ½) story dwelling. The existing dwelling is 813 sq. ft. in area, and the proposed dwelling is 880 sq. ft., which is an increase of 67 sq. ft.

Mr. Palinsky rejoined the Board for this application.

Mr. J. David Adamek, applicant's attorney, introduced Frank J. Baer, Jr., of the WSB Engineering Group. Mr. Baer was sworn in and gave an explanation of the existing condominium property. He further testified that this is a three bedroom unit, showing 2 parking spaces, and the shed will be removed.

Mr. Howard commented that if there is a parking space for the rear unit, it is not shown on the plan; and there are no parking space measurements for the front unit. Mr. Baer said that he would add that information if required.

Mrs. Zaccaria questioned how to get to the parking spot for the rear unit. Mr. Baer replied that he will show the curb cut; and if there isn't one, he would put one in.

Mr. Howard and Mr. Baer reviewed the Board Engineer's letter. After some discussion, it was determined that this application proposed a 40% expansion.

Mr. Howard opened the hearing for public comment at approximately 8:35 p.m. Hearing none, the public portion was closed.

Before making a motion to approve this application, Mr. Cataline commented that he agrees that the Borough should seek out a change in legislation for creating condominium properties. However, as a resident, he feels we owe something to the applicant by not backing them into a corner.

A motion to accept this application was made by Mr. Cataline, seconded by Mr. Palinsky. Roll call vote: Cataline, yes; Palinsky, yes; Calderaro, no; Zylinski, no; Zaccaria, no; Parlow, no; Howard, yes. The application was denied.

Application #10-14, Kathleen Diffley, 104A President Ave., Block 33.01, Lot 9.02 – Elevate & Rebuild Non-Conforming Use and Undersized Lot

The property is located on the south side of President Ave. approximately 243 LF west of Route 35 No. (Grand Central Ave.) in the Residential District A. The site contains 3,571 sq. ft. with a one story, single family dwelling on the front of the property and a one story, single family dwelling on the rear of the property.

The applicant is proposing to reconstruct the damaged structures with a two (2) story, single family dwelling in the front of the property and a one (1) story, single family dwelling in the rear. The proposed houses will be elevated above the Base Flood Elevation.

Kathleen Diffley of 104A President Ave. was sworn in as the owner of the property. Mrs. Diffley explained that she purchased the property in 2007 and rents the rear dwelling in the summer months.

The Board had questions regarding:

- Location of parking spaces
- Common driveway with neighboring property – possible easement

Mr. Allen Robinson, Architect, was sworn in and testified on the proposed elevation. Mr. Parlow asked him to explain why the proposed structure is going from one story to two story; and had the applicant considered tearing down both properties and rebuilding a one family home. He also explained that to elevate and expand, the applicant would need to prove special reasons to do so and to satisfy negative criteria.

Mr. Robinson asked the Board for an explanation of why the addition of a second floor is considered an expansion. Mr. Brady answered that it is an expansion of living space and, therefore, intensifying the non-conformity.

At this point, the applicant decided to rethink the new construction and asked for an adjournment to the May 22, 2014 meeting.

A motion to approve the adjournment was made by Mr. Palinsky, seconded by Mrs. Zaccaria. Roll call vote: Palinsky, yes; Zaccaria, yes; Calderaro, yes; Zylinski, yes; Cataline, yes; Parlow, yes; Howard, yes. The adjournment was approved.

Open Discussion:

N/A

Adjourn:

A motion to adjourn was made by Mr. Parlow, seconded by Mr. Marino with all present voting in favor. The meeting was adjourned at approximately 9:25 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary