

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Thursday, May 22, 2014 – 7:00 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 - absent
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 Regular meeting of May 22, 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

Review & Approval of Minutes:

A motion was made by Mrs. Brown, seconded by Mr. Zylinski to accept the minutes of the April 24, 2014, Regular Meeting; all members who attended the April 24 meeting voted in the affirmative.

Resolutions to be Memorialized:

Application #4-14, Robert & Tina Hansen, 110 Brown Ave., Unit 1 – Block 37.01, Lot 15 – Elevate & Rebuild Non-Conforming Use – approved with conditions

The Board secretary pointed out that the original resolution was amended by Mr. Brady to change the language regarding Item #3 on page 3. After some discussion, the Board agreed to the following: “The applicant shall submit revised plans reflecting that the fence in the center of the property (running east and west) shall be removed, and the portion of the fence along the Route 35 sideline of the property (running north and south) that gives access to the mid-property designated parking area shall be removed.”

Application #9-14, Michael & Teresa Morano, 125 Magee Ave. – Block 35.02, Lot 34.02 – Reconstruction on a Non-Conforming Lot – approved with conditions

New Business:

Chairman Howard suggested an addition to the updated Variance Checklist to include the following statement: *“Applicants that may need to request an adjournment may verbally request one at their hearing or before. Any additional adjournments must be made in writing to the Planning Board with copies (regular mail) to all property owners within 200 feet at least five (5) business days prior to the assigned hearing date. Only a total of three (3) adjournments may be requested, except when emergent circumstances exist which make such advance notice impossible and the need for an adjournment is unavoidable.”* A motion was made by Mr. Parlow, seconded by Mr. Zylinski to adopt the updated Variance Application Checklist.

Mrs. Filippone will present the updated Variance Checklist to Mayor and Council.

Public Hearing:

Mrs. Brown will sit for Mrs. Zaccaria who is absent. Mr. Marino will sit for Mr. Palinsky who is a property owner within 200 ft. of the applicant’s property.

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.

The Board took a view minutes to review the revised plans and to read the 4th Engineer’s Review letter dated May 20, 2014.

Gregory Hock, applicant’s attorney, introduced Mr. Delli Santi, who was sworn in, and gave testimony that he purchased the property as a condominium in 1998.

The following Exhibits were presented:

- A-1: 1997 Resolution for Block 64, Lot 1.2
- A-2: Current photograph of Unit B at 1400 Baltimore
- A-3: Most recent rendering of proposed construction showing two-car garage

David R. Magno, Professional Engineer & Planner, 174 Pershing Boulevard, Lavallette, was sworn in and reviewed the May 20, 2014, Engineer’s Review Letter. Mr. Magno pointed out that the homeowner is proposing to:

- remove the existing shed
- improve side yard setbacks to conform with code
- eliminate curb cuts and reconstruct a new one
- create 4 parking spots

Mr. Hock qualified special reasons as:

- Safety
- Security
- Zoning compliance
- Light, air and open space

Michael Melillo, Architect, 402 Higgins Ave., Brielle, was sworn in and gave testimony that the current condition of Unit B has some egregious safety issues. He cited:

- Dwelling is uninhabitable
- Bedrooms are currently under ICC minimum square footage
- Lack of egress windows

He then said that the new construction will be code compliant. Mrs. Brown asked about the placement of the A/C units; Mr. Melillo answered that they will be tucked into the roof.

At approximately 8:38 p.m. Mr. Howard opened the meeting for public comment.

The following residents were sworn in and testified in favor of this application:

- Anita Zalom of 103 President Ave.
- Mr. John Peter Schardien of 221 Newark Ave.
- Mike & Lucille Jarosinski of 1305 Bay Blvd.

The hearing was closed to the public at approximately 8:43 p.m.

A motion to approve the application, based on the Plot Plan of May 14, 2014, and the architectural rendering labeled A-3, was made by Mr. Calderaro, seconded by Mr. Cataline. Roll call vote: Calderaro, yes; Cataline, yes; Zylinski, no; Parlow, yes; Brown, yes; Marino, yes; Howard, no. The application was approved.

At approximately 8:55 p.m., the Chairman called for a five minute recess.

The public hearing resumed at approximately 9:00 p.m. Mr. Palinsky returned to his seat on the panel.

Application #10-14, Kathleen Diffley, 104A President Ave., Block 33.01, Lot 9.02 – Elevate & Rebuild Non-Conforming Use and Undersized Lot (continued from April 10, 2014)

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.

Mrs. Kathleen Diffley, applicant, was sworn in and gave testimony that since the April 10 meeting she addressed the following issues:

- By moving the new construction one foot to the west, she will have sufficient off-street parking, however, she will need a rear yard set-back variance
- Ground level patio under 18 inches will address lot coverage issue

Mr. Allen Robinson, Architect, Wall Township, NJ was sworn in and reviewed the proposed new construction.

Mrs. Diffley cited the narrowness of her lot as special reasons for this variance.

Mr. Brady wanted to confirm the following:

Front House: Existing sq. ft. 821
Proposed sq. ft. 816

Rear House: Existing sq. ft. 547
Proposed sq. ft. 537

Mr. Howard opened the meeting for public comment at approximately 9:15 p.m.

The following homeowners testified in favor of this application:

- Robert Mara, 102 President Ave.
- Kathy Morolda, 102A President Ave.
- Eileen Steffen, 100 President Ave.
- Anita Zalom, 103 President Ave.
- Barbara Algozzini, 104 President Ave.

The public portion of the hearing was closed at approximately 9:20 p.m.

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

Application #3-14, Anita Zalom, 103 President Ave. - Block 32.01, Lot 8 – Use & Bulk

The subject property is situated on the northerly side of President Ave., approximately 150 ft. west of Route 35 No. (Grand Central Ave.) and is located in the Residential A Zoning District. The lot contains 5,000 sq. ft. of area and is occupied by one 2 story dwelling, one 1½ story dwelling, an above-ground pool, and decking at various elevations.

The applicant is seeking to remove the existing 1½ story dwelling in the rear of the property, damaged during the October 29, 2012 storm and replace it with a new 2 story residential

dwelling. The existing dwelling has a footprint of 730 sq. ft. and the proposed dwelling will have a footprint of 690 sq. ft. New steps and deck consisting of 55 sq. ft. will be added for access to the dwelling. Because the proposed dwelling is slightly less in area than the existing and access will replace existing deck and patio area, the net lot coverage for the site will be reduced by approximately 40 sq. ft.

Mr. Parlow recused himself from hearing this application, and Mr. Marino sat in for him.

Gregory Hock, applicant's attorney, gave a brief history of the property and outlined the proposed demolition and reconstruction. He verified with Ms. Zalom that the rear house currently has 3 bedrooms, and the proposed construction will also have 3 bedrooms. Ms. Zalom explained that a bathroom, office, and utility room are being added.

Mr. Hock pointed out that there are other two-family homes on President Avenue, and this property is not out of character with the neighborhood.

Ms. Zalom testified that all changes are as a result of storm damage.

Mr. Palinsky asked if the new construction would be a modular, and if so, was there an issue that would prevent moving the modules to the rear of the property.

Mr. William Stevens, Vice President of Professional Design Services, 1245 Airport Rd., Lakewood, NJ, was sworn in and answered Mr. Palinsky's question. Mr. Stevens testified that this type of work is done all the time, and a large crane is used in order to place the modules correctly. Ms. Zalom said that all the neighbors have been made aware that this type of large equipment will be used.

After addressing the issue of excessive lot coverage, Mrs. Brown asked what things are being considered for removal in order to reduce lot coverage. The following items were mentioned:

- Shed
- All existing pavers – with the exception of the pervious blocks between the houses
- Above ground pool and deck area surrounding the pool
- Steps leading to the pool
- Portion of the lower deck (westerly)
- Upper decks

There was some discussion regarding off-street parking, and it was pointed out that there are potentially 3 spaces.

Chairman Howard opened the meeting for public comment at approximately 10:15 p.m.

The following homeowners testified in favor of this application:

- Robert Marra – 102 President Ave.
- Kathy Morolda – 102A President Ave.
- Eileen Steffen – 100 President Ave.
- Janet Hayes-Del Tufo – 105 President Ave.
- Jane Germek – 406 Victoria St., Raritan Borough
- Kathleen Diffley – 104A President Ave.
- Barbara Florimont – 7 Sturgis Rd.

The public portion of the meeting was closed at approximately 10:23 p.m.

After Mr. Brady noted a list of conditions, a motion was made by Mr. Calderaro, seconded by Mr. Cataline to approve this application. Roll call vote: Calderaro, yes; Cataline, yes; Palinsky, yes; Zylinski, yes; Brown, yes; Marino, yes; Howard, yes.

Open Discussion:

N/A

Adjourn:

A motion to adjourn was made by Mr. Palinsky, seconded by Mr. Zylinski with all present voting in favor. The meeting was adjourned at approximately 10:28 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary