

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING OF THE PLANNING BOARD
Thursday, June 12, 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 – present
Anthony Cataline – absent
Christopher Parlow – present
Barbara Brown – present
Vincent Marino – present

T. Brady, Esq. – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Workshop meeting of June 12, 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

The Chairman asked for a moment of silence to honor the memory of Joy Grosko.

Review & Approval of Minutes:

Due to several corrections needed to the May 22, 2014, minutes, the Board unanimously moved to review and approve them at the June 26, 2014, Planning Board meeting.

Resolutions to be Memorialized:

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

Michele Donato, attorney representing Mr. & Mrs. McCarthy of 1400 Baltimore Ave., Unit A, addressed the Board to request a two-week adjournment on memorializing this resolution.

Mr. Brady advised the Board that this is not a legal decision but rather a judgment of the Board. He further stated that we are not here to revisit the application or change the decisions that have already been made. He also cautioned that this discussion was not noticed and therefore, should not be taking place.

Mr. Howard addressed the Board members as to whether or not they agreed with the facts noted in the resolution. Mr. Calderaro made a motion to memorialize the resolution, seconded by Mrs. Brown. Roll vote to memorialize: Calderaro, yes; Brown, yes; Parlow, yes; Marino, yes.

Application #10-14, Kathleen Diffley, 104A President Ave., Block 33.01, Lot 9.02 – Elevate & Rebuild Non-Conforming Use and Undersized Lot – approved to comply with 5/14/14 drawings

Application #3-14, Anita Zalom, 103 President Ave. - Block 32.01, Lot 8 – Use & Bulk (Rear House) – approved with conditions

New Business:

Chairman Howard told the Board that the revised Variance Checklist was accepted by Mayor and Council. He is revising the remaining checklists and will present them for adoption.

Public Hearing:

Mrs. Brown will sit for Mr. Cataline who is absent.

Application #12-14, Sandlaing Realty, LLC, 1501 Grand Central Avenue/Unit 1 – Block 16, Lot 29.01 – Minor Site Plan – Use and Bulk

The site is located on the southeast corner of Grand Central Avenue and New Brunswick Avenue. The site is located in the B-1 District and contains 5,000 square feet. The lot contains a one story masonry commercial building (Unit 1) that fronts Grand Central Avenue and a one and a half story residential frame dwelling (Unit 2) that fronts New Brunswick Avenue. The applicant is proposing to raise the existing finished floor by 2 feet and construct a second story residential apartment above Unit 1.

Michael York, Esq., applicant's attorney, addressed the Board and introduced Randall Lang, owner of Sandlaing Realty. Mr. Lang was sworn in and stated his address as 130 Route 9, Pine Beach, NJ 08741.

Mr. Lang testified that his construction firm, CHAP, has been doing work within Lavallette and the barrier island for twenty years or more. The property at 1501 Grand Central Avenue will be used as a location for CHAP Construction.

He further testified that:

- the property was storm damaged
- he has owned the property for the past 4 months
- the building in the rear is not a part of this application

Once it was established that the property is a condominium ownership, Mr. Howard advised Mr. York that the Board will need the condominium association's approval before we can continue hearing this application. Mr. York referenced the letter on file from the other condominium owner, however, Mr. Howard requested something more specific; i.e., Master Deed or other condominium documents.

At his point Mr. York asked if he could contact Mr. Brady directly in order to provide the appropriate paperwork.

Chairman Howard moved for a vote to adjourn this application to the June 26, 2014, Planning Board Meeting. Mr. Howard also added that no further notice is required.

A motion was made by Mr. Zylinski to approve the adjournment to the June 26 meeting seconded by Mr. Calderaro with all eligible members voting in favor.

Application #7-14, 2 Brooklyn Avenue, LLC, 2 Brooklyn Avenue – Block 15, Lot 5 – Addition to Single Family Dwelling

The property is located on Brooklyn Avenue approximately 650 LF east of Route 35 northbound in the Residential District A and contains 5,000 square feet. The site contains a two story single family dwelling.

The applicant is proposing to add a second story deck directly above the covered porch.

Michele Donato, Esq., the applicant's attorney described the property and the purpose of the application.

Paul & Sue Fremont were sworn in as the owners of 2 Brooklyn Ave., LLC, and testified that:

- they purchased the property in 2013
- their son is disabled and is in a wheelchair
- there is an existing easement for their neighbor to park in the driveway
- pavers were pre-existing

Chairman Howard questioned why the ramp was not shown on the survey; the owners produced a construction permit dated March 7, 2014, for the ramp.

The following Exhibits were submitted:

- A-1 Copy of Construction Permit Notice #14-00109 dated 3-7-14
- A-2 Color Photograph of property at 2 Brooklyn Ave.
- A-3 Photographs of neighboring properties with 2nd floor porches
- A-4 Color photograph of 1 New Jersey Ave.
- A-5 Color photograph of 4 Princeton Ave.
- A-6 Color photograph of 14 Brooklyn Ave.

Carol C. Hewit, PE AIA, of 800 Kimball Ave., Westwood, NJ, applicant's architect, was sworn in and submitted Exhibits A-3 through A-6. Ms. Hewit gave further explanation of the proposed construction to create a second story porch. She also confirmed that there are two small second story balconies that are pre-existing. She further testified that the proposed plan is to eliminate these two existing balconies and construct a three foot high open railing across the entire length of the first floor porch roof.

Ms. Hewit verified that:

- There is already a 2nd floor
- Neighbors were consulted
- No additional roof is proposed

- The depth of the proposed deck would be approximately 8 ft.

Mr. Howard opened the meeting for public comment at approximately 8:50 p.m.

Chris and William Scurzo of 4 Brooklyn Ave., were sworn in, presented Exhibit O-1, and gave testimony objecting to this application.

Chairman closed the public portion at approximately 9:01 p.m.

Mrs. Fremont addressed the Board stating that it was never their intention to ruin anything for their neighbors. She also stated that they do not want to irritate their neighbors or invade their privacy; and that perhaps they will simply join the two small upper balconies.

Additional information:

- the existing balconies are approximately 4 feet in depth
- the existing step down to the balconies is approximately 1 to 2 inches

A motion to approve the application allowing the existing balconies to be joined on the second level at their current depth was made by Mr. Calderaro, seconded by Mr. Parlow. Roll call vote: Calderaro, yes; Parlow, yes; Sauer, yes; Filippone, yes; Palinsky, yes; Zylinski, no; Zaccaria, yes; Brown, yes; Howard, yes.

Mrs. Zaccaria left the meeting and Mr. Marino sat in for her.

Application #13-14, Zarrilli Homes, LLC, 135 Princeton Avenue – Block 60, Lot 18 – Minor Subdivision

The site is located on the north side of Princeton Avenue, approximately 350 feet west of Baltimore Avenue in Residential District A. The site contains 10,000 square feet and is currently vacant. The applicant is proposing to subdivide the property into two (2) 5,000 SF lots each measuring 50 feet by 100 feet.

Mrs. Brown recused herself from hearing this application.

Richard Butz, the applicant's attorney, gave testimony describing this application as a minor subdivision.

Mr. Butz answered yes to Mr. Howard's question about building residential properties within the building envelope and would be in compliance with required curb cuts.

Mr. Robert Burdick, PE, of Pt. Pleasant, NJ, testified that these lots were actually identified as Lot 17 and 18 and are located in Residential Zone A. He proceeded to explain that this application is for a conforming minor sub-division.

Chairman Howard opened the meeting for public comment at approximately 9:35 p.m. Having none, the public portion was closed.

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

Ms. Filippone and Mr. Sauer left the meeting since they were not eligible to hear the next application.

Application 14-14 EXP, Kathleen & John Daura, 113 Virginia Avenue – Block 42.02, Lot 20 – Elevate Non-conforming Use – “fast track”

The property is located on the northwest corner of Virginia Avenue and Route 35 southbound in Residential District A. The site contains 5,000 square feet and a 1 ½ story frame multi-family dwelling.

The applicant is proposing to demolish the existing dwelling and construct a new 1 ½ story multi-family dwelling elevated to comply with the FEMA minimum base flood elevation.

Kathleen and John Daura of 113 Virginia Ave., were sworn in and explained the nature of the application.

Mr. Brady requested proof of the two-family unit prior to 1987. The Daura’s testified that they were not told about having to provide such proof; and took the recommendation from Mr. Brady to adjourn to the June 26, 2014 meeting. It was also noted that they are not required to re-notice property owners.

A motion to continue this application to the June 26, 2014, meeting was made by Mr. Palinsky, seconded by Mr. Zylinski, with all eligible voters in favor.

Open Discussion:

N/A

Adjourn:

A motion to adjourn was made by Mr. Parlow, seconded by Mrs. Brown with all present voting in favor. The meeting was adjourned at approximately 10:12 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary