

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Thursday, June 26, 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 – present
Christopher Parlow – absent
Barbara Brown – present
Vincent Marino – present

T. Brady, Esq. – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of June 26, 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 to be Memorialized:

Application #7-14, 2 Brooklyn Avenue, LLC, 2 Brooklyn Avenue – Block 15, Lot 5 – Addition to Single Family Dwelling – approved with condition to expand existing balconies

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

Review & Approval of Minutes:

A motion was made by Mrs. Brown, seconded by Mr. Zylinski to accept the minutes of the Regular Meeting of May 22, 2014 with all members who were present at the May 22 meeting voting in favor. A motion was made by Mr. Palinsky, seconded by Mrs. Brown to accept the minutes of the Workshop Meeting of June 12, 2014 with all members who were present at the June 12 meeting voting in favor.

Public Hearing:

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

Application #15-14, Kim & Lars Wegner, 1005 Bay Boulevard – Block 37.02, Lot 34 – Reconstruction on a non-conforming lot

The property is located on the east side of Bay Boulevard approximately 54 ft. north of Camden Ave. in Residential Zone A. The property contains 3,885 square feet 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.

Michael York, applicants' attorney, explained the nature of the application. He further testified that the residence was contaminated by hurricane Sandy.

Mrs. Kim Wegner described the proposed new construction:

- More conforming than the existing house
- Two stories
- Five bedrooms
- Three baths

Mr. York further testified that the plan is for the A/C unit to be placed in the attic, and that there is room for three or four off-street parking spaces.

Mr. Sauer asked for clarification of the rear yard setback, which was confirmed at 7 feet.

Mr. Howard asked for proof of substantial damage. The applicant agreed to submit this information as a condition of the resolution.

Mrs. Zaccaria questioned whether the proposed sitting room off of the master bedroom could be converted to an additional bedroom. Mrs. Wegner replied that it could not.

Mrs. Filippone asked for clarification on the amount of bedrooms to be sure there was no increase in the density. Mrs. Wegner answered that three bedrooms are existing.

Chairman Howard opened the hearing for public comment at approximately 7:25 p.m.; hearing none, the public portion was closed at approximately 7:26 p.m.

A motion to approve this application with the condition that proof of substantial loss be supplied was made by Mr. Zylinski, seconded by Mr. Calderaro. Roll call vote: Zylinski, yes; Calderaro, yes; Sauer, yes; Filippone, yes; Palinsky, yes; Zaccaria, yes; Cataline, yes; Brown, yes; Howard, yes.

At this point Mr. Sauer and Mrs. Filippone left the meeting since they were not eligible to vote on the remaining applications.

Application #12-14, Sandlaing Realty, LLC, 1501 Grand Central Avenue/Unit 1 – Block 16, Lot 29.01 – Minor Site Plan – Use and Bulk – (adjourned from June 12, 2014)

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.

Mr. York, applicant's attorney, verified that an affidavit from the DeJong Condominium Association stating their agreement with this application was presented to the Board. He further verified that:

- Increase in lot coverage due to ADA ramps
- No parking variance is requested
- No height variance is requested
- Use variance being requested

Mr. Calderaro asked for confirmation that the application is requesting two commercial units downstairs and two residential units upstairs for a total of four units.

Mr. Laing, owner of Sandlaing Realty, LLC, described the proposed new building.

Mr. Palinsky commented that the application is requesting an increase from three to four units.

Mr. Howard expressed his opinion that this is an extreme expansion of a non-conforming use and that the Engineer's report asked for testimony supporting same. Chairman Howard also asked for a copy of the "substantially damaged" letter.

Mr. York interjected that Mr. Laing would agree to change the second story above the front commercial building to a non-residential, commercial use.

Mr. Brady asked for clarification that the second floor commercial space would be open and contain a half bath and no kitchen.

Chairman Howard opened the meeting for public comment at approximately 7:47 p.m.; hearing none, the public portion was closed.

There was a brief discussion that the siding for each building should match. Mr. Brady cautioned that there is a possibility that the owner of the rear property may not want to change his siding. Mr. Laing offered that if the rear property owner does not agree to change his siding, he would change it at his own expense.

A motion to approve the application with the noted conditions was made by Mrs. Brown, seconded by Mr. Cataline. Roll call vote: Brown, yes; Cataline, yes; Palinsky, yes; Calderaro, no; Zylinski, yes; Zaccaria, yes; Howard, no. The application was approved.

Application 14-14 EXP, Kathleen & John Daura, 113 Virginia Avenue – Block 42.02, Lot 20 – Elevate Non-conforming Use – “fast track” (continued from June 12, 2014)

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.

Mr. & Mrs. Daura described the proposed new construction:

- Two family residence (side by side single building)
- Improving the side yard setbacks
- Same footprint
- One less bedroom

Mr. Marino asked that the garage have the same siding as the new construction to which the Daura's agreed.

At approximately 8 p.m., Chairman Howard opened the hearing for public comment.

Mr. Louis Peduto, 109 Virginia Avenue, testified in favor of this application.

At approximately 8:01 p.m. the public portion of the meeting was closed.

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

Application #24-13, Vallata Gardens, LLC c/o Emilio Gallo, 103 Magee Ave. – Block 35.01, Lot 8 – Elevate & Alterations Non-Conforming Use

The property is located on the north side of Magee Ave. approximately 150 ft. west of Rte. 35 North in the Residential District A. The site contains 5,000 sq. ft. with a 2 story multi-family dwelling. The applicant is proposing to demolish the existing dwelling and construct a new two-story four-family dwelling which would be relocated within the setback limits and elevated to comply with the FEMA minimum base flood elevation.

Robert Shea, applicant's attorney, presented proof that the property was a legalized non-conforming structure. The following exhibits were submitted:

- A-1 Zoning Denial
- A-2 Printout from Ocean County Tax Board for 103 Magee Ave.
- A-3 Original mortgage certificate (returned to Mr. Shea)
- A-4 Storm Damage Report dated 10 December 2012 from Frank D. Mileto, AIA
- A-5 Aerial view of 103 Magee Ave. and surrounding area
- A-6 Printout from Ocean County Tax Board for 12 Lavallette Ave.

- A-7 Printout from Ocean County Tax Board for 106 Magee Ave.
- A-8 Printout from Ocean County Tax Board for 105 Magee Ave.
- A-9 Printout from Ocean County Tax Board for 900 Grand Central Ave.
- A-10 Printout from Ocean County Tax Board for 104 Magee Ave.
- A-11 Plot Plan (previously submitted with application)

Mr. Shea testified that the proposed new structure:

- Less square footage
- Setbacks being brought into closer compliance
- Adequate off-street parking

Mr. Emilio Gallo of 87 Jersey Ave., Edison, NJ, was sworn in and testified that he has owned the property since 1984. Mr. Gallo explained that he wants to rebuild rather than repair the property.

Discussion followed regarding:

- Police and/or code enforcement issues
- One outdoor shower servicing all four apartments
- One apartment being reduced from a 3 bedroom unit to a 2 bedroom unit
- Parking configuration
- Less than 50% damaged from the 2012 hurricane

Mr. Howard opened the meeting for questions directed to Mr. Gallo at approximately 8:20 p.m.

Mr. Peter Dunn of 105 Magee Avenue had a question regarding the proposed two curb cuts. It was suggested that this question be held for the architect.

Cross examination closed at approximately 8:22 p.m.

Mr. Shea introduced Robert Romano of Ernst, Ernst and Lissenden of Toms River, who presented his engineering and planning credentials which were accepted by the Board.

Mr. Romano gave further testimony regarding Exhibits A-5 through A-11 and reviewed the proposed plan pointing out the benefits of the new construction. He testified that the existing structure coverage is 1,930 sq. ft. and the proposed structure coverage will be 1,720 sq. ft.

In Mr. Romano's opinion two curb cuts are necessary in order to provide sufficient off-street parking.

The Chairman opened the meeting to the public for questions at approximately 8:50 p.m.

Mr. Dunn of 105 Magee Ave. had a question regarding the configuration of the proposed parking spaces, and Mr. Shea replied that it is the same as the existing configuration and if it works now; it should work later.

Lorraine Gibney of 900 Grand Central Ave. asked how the owner will be able to control the size of the cars on the property? Mr. Shea responded that the owners will continue to handle this as they have for the past 25 years.

Mr. Brady clarified that currently there are 7 off-street parking spaces and they are proposing 8.

Mr. Frank D. Mileto, A.I.A., of Long Valley, NJ, was sworn in and presented his qualifications which were accepted by the Board.

Mr. Mileto testified that:

- He used assessed value when determining the amount of storm damage to the property
- All new construction will be more compliant to new building codes and improved fire safety
- Proposed construction will secure elements against flood hazards by elevating the building
- Architectural design creates improved light and air
- There is no expansion of existing footprint
- Wall hung A/C condensers on the side of the building for each unit are proposed
- Each unit will have 2 bathrooms (no tubs, showers only)

Mr. Howard pointed out that a design waiver will be needed for not having an internal staircase.

The meeting was opened for public comment at approximately 9:45 a.m.

The following residents were sworn in and testified:

Against the application:

1. Sheila Porcelli of 101 Magee Ave.
2. Nancy Daly of 11 Reese Ave.
3. Resident at 100 Magee Ave.

In favor of the application:

1. Peter Dunn of 105 Magee Ave.

Mr. Andrew Feranda of 3A Princeton Ave. asked a question regarding the height of the building. Mr. Melito answered that the proposed building will be 28 feet from the base of the sill plate and 32.3 feet above ground.

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

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

Mr. Marino will sit for Mrs. Zaccaria who had to leave the meeting. Chairman Howard requested a 5 minute recess. The meeting reconvened at approximately 10:15 p.m.

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 – absent
Barbara Brown – present
Vincent Marino – present

T. Brady, Esq. – present

Application #11-14, James and Frances Craig, 106A Princeton Ave. – Block 48.01, Lot 11.01 – Elevate and Rebuild non-conforming use

The property is located on the south side of Princeton Ave. approximately 84 LF east of Route 35 southbound in the Residential Zone A and contains 5,000 sq. ft. The site contains two condominium units, Unit A, a 1 story dwelling and Unit B, a 1 story dwelling.

The applicant is proposing to demolish Unit A, which was damaged in super storm Sandy and construct a new elevated two story dwelling.

Michele Donato, applicant's attorney, introduced Mr. Joseph Kociuba, KDA Engineering Services of Manasquan, NJ. The Board accepted Mr. Kociuba's credentials, and he presented the following:

- Exhibit A-1: Plot Plan dated June 23, 2014
- Exhibit A-2: Color photo of aerial view of neighborhood
- Exhibit A-3: Letter from Fred Klenk, A.I.A.P.E.P.P. regarding the height of the proposed construction
- Exhibit A-4: Colored photographs of the existing property

Mr. Kociuba also testified:

- New structure will be two-story
- Since home is being elevated, parking will be under the structure (garage)
- Air conditioning unit is not shown, but an area will be created on the roof at the rear of the home
- Outside shower is shown at ground level but will be raised onto the deck level
- Elevator from basement (garage) to first floor only

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

Mr. Richard Bachevski of 109 Virginia Ave. wanted clarification that 816 sq.ft. is being added to the dwelling.

The applicant, Mrs. Frances Craig of 531 Bennington Lane, Lakewood, NJ, was sworn in and testified that:

- The other condo owner did see the newest plans.
- They purchased the home in 1972.
- Due to hurricane Sandy, the home has been gutted.
- It is not currently a permanent resident, but is used as a summer home for the family.

Mr. Howard opened the meeting for public comment at approximately 11:00 p.m.

Michael Tornambe of 108 Princeton Ave. gave his full support to this application.

Andrew Feranda of 3A Princeton Ave. asked if the Craig's ever had issues with parking. Mrs. Craig answered, no.

The public portion of the meeting was closed at approximately 11:05 p.m.

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

Open Discussion:

N/A

Adjourn:

A motion to adjourn was made by Mr. Cataline, seconded by Mr. Zylinski with all present voting in favor. The meeting was adjourned at approximately 11:20 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary