

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING
OF THE PLANNING BOARD
Wednesday, December 2, 2015**

Chairman Howard presiding

Roll Call: Lionel Howard, Chairman - present
Jack Sauer, Mayor's Designee - present
Joanne Filippone - present
Joseph Palinsky - present
Len Calderaro - present
William Zylinski, Vice Chairman - present
Anthony Cataline – present
Christopher Parlow – present

Barbara Brown - present
Vincent Marino - present

Terry F. Brady – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of December 2, 2015. 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, temporarily located in Trailer #1 at 125 Washington Ave., filed with the Borough Clerk, and supplied to the Ocean Star, one of the official Borough newspapers.

Flag Salute: Chairman Howard

Resolutions to be memorialized:

Application # 13-15, Joseph Manzo, 101 Haddonfield Ave. – Block 953, Lot 13 – Construction of a second story deck - denial

Review and Adoption of Minutes:

Typed copies of the minutes of the November 18, 2015, meeting were not yet available.

Public Hearing:

Application #14-15 – Sullivan, 5 Trenton Ave., Lavallette, NJ - Block 24, Lot 10 – request to remove conditions of 1999 variance approval

The property is located on Trenton Ave. approximately 550 LF east of Route 35 northbound in the Residential District A and contains 5,000 sq. ft. The site contains a two story, two family dwelling.

Mrs. Donato, the applicants' attorney, addressed the Board and explained the basis of the application is to remove previous conditions.

After some discussion, Mr. Brady and Mrs. Donato ascertained that this application should be heard as a "D", use, variance and the voting would be conducted accordingly.

Board members questioned whether they could reverse a deed restriction or if this request should go directly to the courts. Mr. Brady explained that this hearing was noticed and that the Board has an obligation to hear it.

Maureen Sullivan of 405 Beacon Landing, Tinton Falls, NJ, was sworn in as the owner of 5 Trenton Ave., Lavallette. She testified that the home was purchased as a two family in 1974. Mrs. Donato submitted the following exhibits:

- Exhibit A-1: Photos of 5 Trenton Ave. in 1974
- Exhibit A-2: Drawings from George Thompson, architect
- Exhibit A-3: Photos of existing house
- Exhibit A-4: Photo of existing garage

Mrs. Sullivan further testified that the improvements were made in order to address safety issues and to bring the residence into FEMA compliance.

She further testified that during the hearing in 1999 she and Mr. Sullivan were advised by their attorney that a deed restriction would be necessary in order to obtain the variances they were seeking.

Mrs. Donato established that the purpose of this application is to remove the deed restriction which states that upon transfer of title, the house reverts to a one family.

She also pointed out that in her opinion the Board was misled by both the applicants' attorney and the Planning Board attorney regarding the deed restriction.

Chairman Howard opened the hearing to the public at approximately 8:40 p.m.

Barry Wood, 5 Newark Ave., Lavallette, was sworn in and made a suggestion to the applicants that they seek litigation to remove the deed restriction.

Diana Rocco, 8 Trenton Ave., Lavallette, was sworn in stated that she did not understand the what was going on and offered her suggestion that the Sullivan's had received poor legal advice.

The public hearing was closed at approximately 8:50 p.m.

After a short deliberation by the Board, Mr. Brady explained their options:

1. Remove the condition and all else will stay the same
2. Don't remove and condition or the deed restriction

A motion to deny the removal of the condition was made by Mr. Parlow, seconded by Mr. Calderaro. Roll call vote to deny this application: Parlow, yes; Calderaro, yes; Zylinski, yes; Cataline, yes; Brown, yes; Palinsky, no; Howard, yes.

New Business:

The Board briefly discussed the bid proposals for Planning Board Attorney and Planning Board Engineer. Appointments will be announced at the January 6 Re-organization Meeting.

Adjourn:

A motion to adjourn was made and seconded with all present voting in favor. The Regular meeting was adjourned at approximately 9:50 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary