

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, May 20, 2015**

Chairman Howard presiding

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

Barbara Brown - present
Vincent Marino - absent

Terry F. Brady - present

Flag Salute: Chairman Howard

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of May 20, 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.

Resolutions to be memorialized:

N/A

Review and Adoption of Minutes:

A motion was made by Chairman Howard to approve the following minutes:

- Special Meeting of April 9, 2015
- Regular Meeting of April 15, 2015
- Closed Session of April 15, 2015

All who were present at the above meetings voted in favor.

Public Hearing:

Application # 3-15, Edward & Catherine Stark, 8 Sterling Ave. – Block 944.06, Lot 21 – Construction of Elevated Deck – bulk variances for lot coverage and rear yard setback

The property is located on the west side of Sterling Ave. approximately 220 linear feet north of Bryn Mawr Ave. in Res. District C. The subject property contains 4,000 sq. ft. with an elevated one

story, single family dwelling currently under construction approved by the Lavallette Building Dept. The approved plans indicated a ground level deck was to be constructed on the rear of the dwelling. The applicant is now proposing to construct an elevated rear deck in lieu of the ground deck. Since the house has been previously approved by the Lavallette Building Dept., only the impact of the proposed rear deck will be considered in the engineer's review.

The 200 ft. radius for this property included Toms River. Since these residents were not noticed, the applicants have requested an adjournment to the June 3, 2015 meeting so that they can comply. Mr. Cataline moved to approve the adjournment, seconded by Mrs. Brown. Roll call vote: Cataline, yes; Brown, yes; Filippone, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes;

Remand Hearing:

Application #24-13, Emilio & Caterina Gallo aka Vallata Gardens, LLC – 103 Magee Ave. – Block 35.01, Lot 8 – Denial

Mr. Brady explained that the applicant appealed the Planning Board's decision to Superior Court. The court remanded the case to the Board for more specific fact finding and conclusions. Based on the information from this hearing, Mr. Brady will prepare a more specific resolution to give the court a better understanding of the Board's decision making process.

After eliciting comments from those members who voted on the application, Mr. Brady will prepare and send the Board a rough draft of the resolution for changes, comments, etc.

Discussion:

Mrs. Brown posed a question to the Board members regarding rooftop decks. She explained that there is no current ordinance prohibiting these decks, but is this something that the Board wants to address. Mrs. Filippone offered that if access to the rooftop deck is from the outside, there is nothing to prevent it.

Mrs. Brown asked if the Board could write a letter to Mayor & Council recommending that the ordinance be reviewed.

Mrs. Filippone began a dialogue about privacy issues as your neighbors raise their houses and their decks. The general consensus was that there really isn't anything that can be done about this.

There was also conversation regarding the signs for merchants on Rt. 35 South. Mr. Calderaro took exception to them citing that they are an eyesore and could be dangerous; the danger being a vehicle slowing down to read them.

Board members discussed the voting process and expressed their opinions on explaining the reasons for their vote. Mr. Palinsky quoted Robert's Rules, stating that once a vote is called for, all you do is vote. However, Mr. Cataline said that if we were more vocal and listened to our colleagues, it would be helpful. Mrs. Filippone said the NJPO encourages giving reasons for your vote. Mr. Calderaro suggested that the member making the motion (to approve or to deny) give reasons so that all subsequent votes will not have to be explained.

Mr. Brady reminded members that "special reasons" are necessary for each variance; and suggested asking the question, how does the Land Use Law comply with this application? Applicants need good reasons for not complying with the law.

Chairman Howard opened the hearing to the public at approximately 8:50 p.m.

Mr. Stark, of 8 Sterling Ave., addressed the Board and expressed his desire to get moving with his application, which was carried to the June 3, 2015, meeting.

The public portion of the hearing was closed at approximately 8:52 p.m.

Adjourn:

A motion to adjourn was made by Mr. Zylinski, seconded by Mrs. Brown with all present voting in favor. The Regular meeting was adjourned at approximately 8:55 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary