

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING
OF THE PLANNING BOARD
Wednesday, June 3, 2015**

Chairman Howard presiding

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

Barbara Brown - present
Vincent Marino - present

Terry F. Brady - present

Flag Salute: Vice Chairman Zylinski

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Workshop meeting of June 3, 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:

**Application # 24-13, Vallata Gardens, L.L.C. – 103 Magee Ave., Block 35.01, Lot 8
Supplemental Resolution of Denial – with correction to page 1 as noted by Mr. Brady**

Mr. Cataline moved to adopt and memorialize the Supplemental Resolution of Denial, seconded by Mrs. Brown. Roll call vote: Cataline, yes; Brown, yes; Calderaro, yes; Zylinski, yes; Parlow, yes,

Review and Adoption of Minutes:

A motion was made by Mrs. Brown, seconded by Mr. Cataline to approve the minutes of the May 20, 2015 Regular Meeting. All who were present at the meeting voted in favor.

Discussion:

Mr. Palinsky wanted to discuss how long a property owner has to act on the variance approval.

Mr. Brady explained that although our resolutions state that "this approval will expire one year after the date of approval if a building permit is required or, if a building permit is not required, a

certificate of occupancy has not been obtained”, there is no hard and fast rule in the Municipal Land Use Law. The Permit Extension Act continues to at least December, 2015. However, if conditions of the property change or if the zoning laws change, the one year limit would come into play. If someone had approval and has taken quite some time to build, and unless there is a change in zoning or property, the approval will run with the property.

Mrs. Filippone suggested that we be very careful with resolutions granted before 2012. These construction plans will need further review by the Zoning and Construction officials, and if need be, would have to come back to the Planning Board.

The Workshop portion of this meeting was adjourned at 7:10 p.m.

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.

Mr. Edward Stark of 8 Sterling Ave., Lavallette, was sworn in and presented his case. The following Exhibits were presented:

- A-1: Substantially damaged letter from Borough of Lavallette
- A-2: A set of six (6) photos of the existing conditions on the property

Mr. Stark pointed out that raising the deck would mitigate the risk of future flood damage and there are no rear yard neighbors since the proposed deck would face Route 35 South. He also testified that the proposed deck would be more accessible for the older members of his family.

Both Mr. Palinsky and Mr. Sauer pointed out that there was no testimony giving special reasons for this variance to be granted. Mr. Palinsky pointed out that the State does not give the Board the ability to grant variances for personal reasons.

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

Citing no benefit to the community and no proof of hardship, Mr. Sauer motioned to deny this application, seconded by Mr. Parlow. Roll Call Vote: Sauer, yes; Parlow, yes; Filippone, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Cataline, yes; Brown, yes; Marino, yes. Application was denied.

Vice Chairman Zylinski opened the meeting for public comment at approximately 7:50 p.m.; hearing none the public portion was closed.

Adjourn:

A motion to adjourn was made by Mr. Sauer, seconded by Mrs. Brown with all present voting in favor. The Regular meeting was adjourned at approximately 7:55 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary