

**MINUTES  
BOROUGH OF LAVALLETTE  
WORKSHOP MEETING  
OF THE PLANNING BOARD  
Wednesday, August 5, 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  
Rosangela Zaccaria - absent  
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 Workshop meeting of August 5, 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 # 5-15, Peter & Laura Frampton, 103 Camden Ave. – Block 37.01, Lot 8 – Reconstruction on a Non-conforming Lot – application not considered based on the doctrine of *res judicata*

Application # 7-15, James Cresbaugh, 3A Guyer Ave. – Block 5, Lot 8.02 – Reconstruction on a Non-conforming Lot - approved

**Review and Adoption of Minutes:**

A motion was made by Chairman Howard to accept the minutes of the July 15, 2015, Board meeting. All who were present at the meeting voted in favor.

**New Business:**

N/A

**Public Hearing:**

N/A

## **Discussion:**

Mr. Brady presented his list of DISCUSSION TOPICS to the Board members.

The first topic presented was the “Jurisdiction of the Board” (authority over the application). Mr. Brady highlighted the importance of “notice” in giving procedural jurisdiction to the Planning Board. Without “notice” the Board does not have the authority to act. The Board secretary gives each applicant a sample notice.

Once an application has been submitted there are various time limitations for action; that is why when an application is carried, it is important to note in writing that “time limitations are waived.”

The Board had questions about what happens after they vote, and Mr. Brady gave details about the compliance process which is done prior to issuing any building permits.

There was a discussion of *res judicata*. Mr. Brady pointed out that this decision can only be made by the Board, and it is recommended that the doctrine should be “liberally construed in favor of the applicant.”

Mr. Howard asked what the procedure would be for removing a condition from a prior resolution, to which Mr. Brady answered that a new application has to be submitted and appropriate notice must be given. The Board may find that there are reasons to remove a condition, i.e. a change in circumstances around the property, a change within the property, or a change in the law.

The Board asked for clarification on when variances are required for undersized lots. Mr. Parlow quoted from our Ordinance 90:84 *Undersized Lots*.

There was a question about how to track deed restrictions. Mr. Brady clarified that deed restrictions must be recorded before the applicant can get any permits and that it becomes part of the *chain of title*.

Touching on the topic of Board members voting eligibility, the comments focused on the Mayoral designee and the councilperson.

Our discussion will continue at the October 7<sup>th</sup> Workshop meeting and will begin with fact findings and conclusions.

## **Adjourn:**

A motion to adjourn was made by Mr. Howard, seconded by Mr. Parlow with all present voting in favor. The Regular meeting was adjourned at approximately 8:35 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary