

**MINUTES
BOROUGH OF LAVALLETTE
RE-ORGANIZATION & REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, January 6, 2016 – 7:00 P.M.**

Lionel Howard presiding

Roll Call: Lionel Howard - present
William Zylinski - present
Walter LaCicero - present
Len Calderaro - present
Anthony Cataline - present

Vincent Marino - present

Terry F. Brady - present
Mike O'Donnell - present

Flag Salute: Chairman Howard

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Re-Organization and Regular meeting of January 6, 2016. 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 the official Borough newspapers.

New Business:

The following Board Members were re-appointed for the appropriate terms:

Joseph Palinsky, Class IV
Jack Sauer, Class IV
Joanne Filippone, Class III
Barbara Brown, Alternate #1
Christopher Parlow, Class II

After the swearing in ceremony, the newly appointed members took their seats as Planning Board members.

Roll Call: Lionel Howard, Chairman - present
William Zylinski, Vice Chairman - present
Walter LaCicero - present
Joanne Filippone - present
Joseph Palinsky - present
Len Calderaro - present
Jack Sauer - present
Anthony Cataline - present
Christopher Parlow - present

Barbara Brown - present
Vincent Marino - present

Terry F. Brady - present
Mike O'Donnell - present

Mr. Howard asked for a nomination for Chairman for the year 2016. Mr. Palinsky nominated Lionel Howard, seconded by Mr. Marino. Roll call vote: Palinsky, yes; Marino, yes; LaCicero, yes; Filippone, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Cataline, yes; Parlow, yes; Brown, yes.

Mr. Howard took the Chair.

Chairman Howard asked for a nomination for Vice Chairman for the year 2016. Chairman Howard nominated William Zylinski, seconded by Mrs. Filippone. Roll call vote: Howard, yes; Filippone, yes; LaCicero, yes; Palinsky, yes; Calderaro, yes; Sauer, yes; Cataline, yes; Parlow, yes; Brown, yes; Marino, yes.

Chairman Howard asked for a resolution for Planning Board Secretary for the year 2016. Chairman Howard nominated Joyce Deutsch, seconded by Mrs. Brown. Roll call vote: Howard, yes; Brown, yes; LaCicero, yes; Filippone, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Cataline, yes; Parlow, yes; Marino, yes.

Chairman Howard asked for a motion to approve a Resolution appointing Brady & Kunz as the Planning Board Attorney for the year 2016. A motion was made by Mrs. Filippone, seconded by Mr. Cataline. Roll call vote: Filippone, yes; Cataline, yes; LaCicero, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Parlow, yes; Brown, yes; Marino, yes; Howard, yes.

Chairman Howard asked for a motion to approve a Resolution appointing O'Donnell, Stanton & Associates, Inc., as the Planning Board Engineer for the years 2016 through 2018. A motion was made by Mr. Zylinski, seconded by Mr. Parlow. Roll call vote: Zylinski, yes; Parlow, yes; LaCicero, yes; Filippone, yes; Palinsky, yes; Calderaro, yes; Sauer, yes; Cataline, yes; Brown, yes; Marino, yes; Howard, yes.

The Chairman asked for a resolution to adopt the Planning Board Rules & Procedures for the year 2016. Mrs. Filippone asked that the words (*unless otherwise noted*) be added to the Special Workshop Meeting schedule and the Regular Business Meetings schedule. A motion was made by Mrs. Filippone, seconded by Mr. Parlow to adopt with the noted words. Roll call vote: Filippone, yes; Parlow, yes; LaCicero, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Cataline, yes; Brown, yes; Marino, yes; Howard, yes.

The Chairman suggested adding an additional Workshop Meeting on January 27 and then asked for a resolution approving the meeting dates for the year 2016. A motion to approve the dates with the additional meeting was made by Mr. Cataline, seconded by Mr. Marino. Roll call vote: Cataline, yes; Marino, yes; LaCicero, yes; Filippone, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Parlow, yes; Brown, yes; Howard, yes.

Chairman Howard asked for a resolution approving the Ocean Star and the Asbury Park Press as the official Planning Board newspapers for the year 2016. A motion was made by Mr. Cataline, seconded by Mrs. Filippone. Roll call vote: Cataline, yes; Filippone, yes; LaCicero, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Parlow, yes; Brown, yes; Marino, yes; Howard, yes.

Mayor LaCicero welcomed everyone to the new building and said he would be happy to take any improvement suggestions. He explained that he does not have a candidate for Mayor's Designee at this time and would be happy to take recommendations.

Resolutions Memorialized:

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

Review & Approval of Minutes:

A motion was made by Mrs. Brown, seconded by Mr. Zylinski to approve the minutes of the November 18, 2015, meeting with all present at that meeting voting in favor.

A motion was made by Mr. Calderaro, seconded by Mr. Parlow to approve the minutes of the December 2, 2015, meeting with all present at that meeting voting in favor.

Public Hearing:

Application #11-15 – Frank Schilling, 80 Oceanfront, Lavallette, NJ – Block 956, Lot 20 – reconstruction with variances.

Mrs. Donato, applicant's attorney, informed the Board that the applicant has obtained a CAFRA Permit. She also stated that in her opinion this is a C-1 variance due to a topographic condition, namely the sand dune. She further testified that the proposed construction will be an overall improvement to the property, FEMA compliant, and will be far more consistent with the new construction throughout the Borough.

Mrs. Donato called on Ken Schlatmann, the applicant's Engineer and Planner. Kenneth F.X. Schlatmann of Schlatmann Engineering Associates, 1233 Fifth Ave., Toms River, NJ was sworn in. The Board Chairman accepted his professional credentials.

Mr. Schlatmann described the existing property conditions and the reason for the application, to request relief of the rear yard setback requirement. He explained that the property is in both a VE and an X zone as per FEMA.

Mr. Schlatmann went on to describe the proposed construction and the configuration of the lot, highlighting the fact that as per CAFRA and the DEP, the elevation was calculated to meet the FEMA criteria and flood insurance maps. They are proposing two separate garages. He also pointed out the unique conditions of the property; this is the portion of Lavallette that does not have a boardwalk area, and there is a sand dune that encroaches on the property. The dune was inspected by the DEP. Mr. Schlatmann testified that the house and setback is consistent with the other homes in the area with respect to lot sizes and location to the rear property lines; they fall within the 10 to 15 ft. rear yard, some even less than 10 ft.

Michele Donato added that the applicant is seeking a variance to retain the existing curb cut.

Mr. Parlow brought to our attention that Mr. O'Donnell, Planning Board Engineer, was in possession of a Survey revision that the Planning Board members did not have.

Exhibits submitted:

- A-1: CAFRA permit
- A-2: Survey of Property with Corrected Building Height revised 10-30-15
- A-3: Aerial view of 80 Oceanfront and neighboring beach front homes
- A-4 – A-11: Photos of neighboring properties
- A-12: Robert H. Morris Survey dated 2-2-15

Frank Schilling, 811Quarry Lane, Martinsville, NJ, was sworn in as the owner of 80 Oceanfront and testified that he worked closely with the Lavallette Zoning Officer to prepare the design for the proposed roof deck. He testified that he will make sure that the structure will be in full compliance. Mr. Schilling said that there are exterior stairs to access the deck, and Mrs. Donato also ascertained that the air conditioning units will be located on the roof.

There was some discussion regarding the house height calculation. Mrs. Donato reminded the Board that this is "V" zone construction, and there are major differences in computing the correct height. Chairman Howard asked if there was access to the attic. Mr. Schilling replied that there will be access, and as a condition, it will be shown.

Mr. Philip G. Mylod had some questions for the applicant as the legal representative for an objector, Ms. Andrecht, Trustee of the Forman Living Trust, which owns the property at 2 Haddonfield. Mrs. Donato objected to Mr. Mylod's questions. Mr. Brady added that the questions were not relevant since they dealt with individuals and not with the land.

Chairman Howard opened the meeting for public comment at approximately 9:30 p.m. Hearing none, the public portion of the hearing was closed.

A motion to approve this application with conditions was made by Mr. Calderaro, seconded by Mrs. Filippone. Roll call vote: Calderaro, yes; Filippone, yes; LaCicero, yes; Palinsky, no; Zylinski, yes; Sauer, yes; Cataline, yes; Parlow, yes; Mr. Howard abstained.

Adjourn:

A motion to adjourn the meeting was made by Mr. Palinsky, seconded by Mr. Zylinski with all present voting in favor. The meeting was adjourned at approximately 9:50 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary