

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, JULY 5, 2017 – 7:00 P.M.**

Chairman Lionel Howard presiding

Roll Call: Lionel Howard, Chairman – present
William Zylinski, Vice Chairman – present
John Borowski – present
Joanne Filippone – present
Joseph Palinsky – present
Len Calderaro – present
Jack Sauer – present
Anthony Cataline – present
John Bennett – present

Barbara Brown – absent
Vincent Marino – present

Terry F. Brady – present
Michael O'Donnell – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of July 5, 2017. 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 were posted on the bulletin board located in the Borough Hall Planning Board Office, filed with the Borough Clerk, and supplied to the Asbury Park Press and the Ocean Star the official Borough newspapers.

Public Hearings:

Application # 5-17, Robert & Monique Doidge – Six White Ave., Block 3, Lot 9 – bulk variances

The property is located on the south side of White Avenue approximately 550 ft. east of Route 35 North in Residential District A. The site contains 5,000 sq. ft. with a one and a half-story, single family dwelling currently being remodeled. The applicant originally received approval from the Lavallette Building Department to convert two dwellings into a single, one and a half-story dwelling with a 517-sq. ft. deck. The applicant is now proposing an in-ground swimming pool, converting the one and a half-story dwelling into a two-story dwelling and other modifications that require variances.

Christopher Healy of Bathgate, Wegener & Wolf, applicants' attorney, introduced Dr. Robert Doidge who was sworn in and testified that one of his main concerns is the backhouse configuration. He then introduced his architect, Peter Dorne of 105 Maple Ave., Morristown, NJ. Mr. Dorne was sworn in, and his credentials were accepted by the Board Chairman.

Mr. Dorne explained that when the Doidge's purchased the property, there were two separate houses on the lot. He also added that the backhouse was down on the ground and in major disrepair. At his suggestion, the Doidge's raised the rear building (backhouse) and created a

breezeway so that it would be the same elevation as the front dwelling, and the outdoor shower was eliminated. It is now a single-family home thus eliminating the non-conformity.

Referencing the architectural drawings, Mr. Dorne pointed out the proposed variances:

- second story deck
- position of pool (with slight modification not previously submitted)
- building height
- structure coverage

There were discussions regarding:

- curb cuts
- parking
- amount of bedrooms
- description of “bunk area”
- sleeping capacity
- existing non-conformities
- explanation of the newly presented pool configuration
- height of deck
- BFE compliance
- possible zoning decision error
- miscalculations of ground coverage and structure coverage

Mr. Palinsky pointed out that the new plans, showing the reconfiguration of the pool, were not presented to the Board or to the Board Engineer for his review prior to this meeting. Mr. Sauer expressed his opinion that the Board should rule on what is in front of them. Mr. Bennett suggested that we hear all of the proofs first and then have a discussion about the steps the Board will take.

Mr. Healy wanted to go on the record as saying that he thinks that Boards will often hear testimony on properties with pre-existing non-conformities, and he asked the Board to consider what is there now as pre-existing non-conformity.

Mr. Healy further stated that his clients would be okay with keeping the pool design that was previously submitted and stay with the variance as originally requested. He then introduced Tim Lurie, PE, PP, CME at D. W. Smith Associates, 1450 Route 34, Wall Township. Mr. Lurie was sworn in, and the Board Chairman accepted his professional credentials.

Mr. Lurie reiterated previous testimony about the requested variances and explained the typography of the property. At this point, Chairman Howard voiced his concerns that since the property is on the steepest slope of the dune, the drainage is going to be a problem. Mr. Lurie said that he could set up a dry wall system even though it is not part of the current plan.

As a planner, Mr. Lurie then itemized the positive criteria of this application.

During the hearing, the following Exhibits were presented:

- A-1: Revised drawing showing repositioning of pool
- A-2: 2000 and 2015 surveys of property

- A-3: Doidge/Hockenbury Agreement

There was a brief recess at approximately 8:37 p.m.

The meeting reconvened and was opened to the public at approximately 8:45 pm.

The Board Secretary called the roll, and all Board Members were still present.

The following homeowners were sworn in and gave testimony:

- Mr. Carl Hockenbury, 5 Kerr Ave., was in favor of the application.
- Richard Barone, 4 White Ave., voiced concerns about the proposed pool causing damage to his property.
- Maria Barone, 4 White Ave., asked for clarification of the ordinance regarding accessory structures.
- Jeffrey Vanderbeek, 3 White Ave., asked to see the Doidge/Hockenbury Agreement (Exhibit A-3). He also asked who approved the zoning and building, and requested the definition of ground coverage.
- Joe Cianciotta, 10 Ortlely Ave., testified that 6 White Ave. always had one curb cut, never two. He also testified that the proposed pool was already in place and showed a photo from his cell phone.

The public portion of the meeting was closed at approximately 9:07 p.m.

Mr. Bennett commented that he did a site inspection, and there is a hole in the ground. He further stated that he was having difficulty understanding why the pool is there; and asked if it was approved by Gary Royer or anyone else. Mr. Dorne said that they received a “stop work” order, but were issued a TCO based on a letter he submitted on June 14 to Tom Brihn, Construction Official and Gary Royer, Zoning Official.

The Board Members offered their comments on the application. At approximately 9:32 p.m. Mr. Healy asked for a brief recess so that he could speak with his clients. The meeting reconvened at approximately 9:37 p.m.

The Board Secretary called the roll, and all Board Members were still present.

Mr. Healy requested a postponement to the August 2 meeting so that plans could be revised. Mr. Calderaro questioned whether or not work could continue on the property, and Mr. Brady recommended checking with the Zoning Officer.

Chairman Howard made a recommendation to bring this application to the attention of the Mayor and Council. Mrs. Filippone moved to approve the recommendation, seconded by Mr. Borowski. Roll call vote: Filippone, yes; Borowski, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Cataline, yes; Bennett, abstained; Howard, yes; Marino, yes. Mr. Howard and Mr. Brady will compose a letter to Mayor & Council.

Review & Approval of Minutes:

After making a correction, a motion was made by Mr. Sauer, seconded by Mrs. Filippone to approve the minutes of the June 7 meeting. All present at that meeting voted in favor.

Resolutions Memorialized:

N/A

New Business:

N/A

Discussion:

Since there were no agenda items for July 19, the Members voted to cancel the meeting.

Adjourn:

A motion to adjourn the meeting was made by Mr. Sauer, seconded by Mrs. Filippone with all members in favor. The meeting was adjourned at approximately 10:05 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary