

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING
OF THE PLANNING BOARD
Wednesday, SEPTEMBER 20, 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 – absent
John Bennett – absent

Barbara Brown – present
Vincent Marino – absent

Terry F. Brady – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Workshop meeting of September 20, 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:

N/A

Review & Approval of Minutes:

A motion was made by Mr. Palinsky, seconded by Mr. Zylinski to approve the minutes of the September 6 meeting. All present at that meeting voted in favor.

Resolutions Memorialized:

Application # 3-17, Jacques Nadeau - 109 Pennsylvania Ave., Block 43.01, Lot 14 – Elevate and rebuild non-conforming use – continued from the May 3 and the June 7 meetings - denial

Application # 6-17, Sherry & Augustine Vivenzio – One Hines Court, Block 972, Lot 26 – Reconstruction of dwelling with variances - approval

New Business:

Mrs. Filippone notified the Board that the new Sign Ordinance has been approved and will be

implemented. She will ask the Code Enforcement Officer to go around and notify the contractors about the new ordinance. Mr. Borowski asked if a flag with the builder's name on it is considered a sign? Mrs. Filippone responded, no, and that we have a flag ordinance.

Discussion:

Mrs. Filippone brought up the fact that Mr. Brady has cautioned us on more than one occasion not to redesign the applicants work. Mrs. Filippone pointed out that if a member of the Board is going to make a suggestion, they need to be aware of the legality of the suggestion. She reaffirmed that it is not our job to make the request work and that we should be voting on the application before us.

Mr. Brady added that there may be a suggestion made by a Board member that not everyone on the Board agrees with. He remembers hearing an applicant say, "I did what the Board wanted me to do," and that statement was not accurate.

Mr. Calderaro asked if our attorney or our Chairman could caution the Board when they are starting to offer re-design suggestions?

Mrs. Filippone added that if anyone on the dais is aware that something being suggested is a violation to our code, why wouldn't you make the Board member aware of it? Mr. Howard said that Mr. Brady's job is to keep this Board out of trouble, and therefore, he believes he has every right to caution the Board.

Mr. Brady mentioned the issue of partial destruction or total destruction. He explained that case after case says percentages are not applicable. Mr. Brady stated that the Planning Board makes the determination of partial or total destruction. Mrs. Filippone commented that she does not have the expertise to determine that.

Mr. Brady further stated that from a zoning perspective, it is a qualitative decision and property value has nothing to do with it.

Chairman Howard asked how the Board is supposed to determine the value, and Mr. Brady answered, on a case by case basis. Mr. Brady also told the Board that when dealing with non-conforming structures, you do not use percentages.

Since there are no applications scheduled for the October 4 meeting, the Board asked to continue this discussion at that time. A motion to change the October 4 meeting from a Regular meeting to a Workshop meeting was made by Mrs. Filippone, seconded by Mrs. Brown with all present voting in favor.

Adjourn:

A motion to adjourn the meeting was made by Mrs. Filippone, seconded by Mr. Sauer with all members in favor. The meeting was adjourned at approximately 7:55 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary