

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING  
OF THE PLANNING BOARD  
Wednesday, SEPTEMBER 6, 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 – present  
Vincent Marino – present  
  
Terry F. Brady – present  
Michael O'Donnell – present

**Flag Salute:** Chairman Howard

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of September 6, 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 # 3-17, Jacques Nadeau - 109 Pennsylvania Ave., Block 43.01, Lot 14 – Elevate and rebuild non-conforming use – **continued from the May 3, June 7, and August 2.**

The applicants re-noticed for this hearing stating that they were seeking approval to reconstruct the front house on the property and retain the rear house for living quarters with no cooking facilities.

Mrs. Donato, applicants' attorney, gave an overview of the previous appearances and testified that the Board had indicated a preference to remove the kitchen from the rear house. Mrs. Donato confirmed that new notice was provided and that all procedural issues were resolved, and therefore, they are here this evening for a vote. The applicants are seeking an amendment to allow a second structure for sleeping quarters, with the kitchen removed and to rebuild the front house which was demolished.

The Board voiced concerns about how the above-referenced amendment would be conveyed and

upheld for the life of the property. Mrs. Donato suggested a deed restriction.

There were questions regarding:

- the Borough's definition of an accessory structure
- the electric stove in the existing dwelling
- the gas supply to the existing dwelling
- enforcement of restrictions
- the special reasons for this variance

Mrs. Donato pointed out that:

- the proposed construction would be within the same footprint as the previous dwelling
- no negative impact since there are many single-family lots with two dwellings on the block
- the reason for purchasing the property was so that the Nadeau's daughter could occupy the rear house
- the Nadeau's have invested a considerable amount of money to repair the rear house

Chairman Howard opened the hearing for public comment at approximately 7:35 p.m. and hearing none, the public portion was closed.

Board member comments:

- Mr. Calderaro stated that the applicant has done a lot of things to fit our needs.
- Chairman Howard was concerned that he did not hear any "special reasons" to grant the variance.
- Mrs. Brown asked if Mr. Nadeau is going to build an entirely new home for his family, she cannot understand why that building could not be built to accommodate all of the family?
- Mr. Palinsky agreed with Mr. Calderaro, and pointed out that in his opinion, the Nadeau's will not be gaining one square inch of what was there previously.
- Mr. Sauer asked for verification on the number of bedrooms in each dwelling. Mr. Nadeau testified that the proposed front house will have two bedrooms and the rear house has two bedrooms. He also highlighted the fact that the previous front dwelling had three bedrooms.
- Mr. Bennett's opinion was that opening the door to allow sleeping in an accessory building would be ill advised. Also, in his opinion, the positive and negative criteria had not been proven to allow the two dwellings.

Mr. Palinsky moved to approve the application with specified conditions, seconded by Mr. Calderaro. Roll call vote: Palinsky, yes; Calderaro, yes; Zylinski, no; Sauer, yes; Bennett, no; Brown, no; Howard, no. The application was denied.

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

The property is located on the island formed by the intersection of Newark Ave., Dickman Drive and Hines Court. The property is located in Residential District B and contains 7,880 sq. ft. The applicant previously received approval to elevate, re-position and expand the one story, single family dwelling that existed on the property. However, a site visit confirmed that a majority of that existing house has been demolished and is currently being reconstructed. Since the applicant did not apply nor receive approval to reconstruct the house, it was decided that a new application needed to be filed.

Chairman Howard opened this hearing by clarifying that this applicant is not seeking a revision of their previous application (as stated on their application form), but in fact, this is a new application with variances.

Sherry and Augustine Vivenzio, owners of One Hines Court, currently residing at 1404 Grand Central Ave., were sworn in and gave testimony as to the current condition of their dwelling at One Hines Court.

The following exhibits were submitted:

- A-1: Photographs of property before and after recent reconstruction
- A-2: Photograph of pre-existing building parts
- A-3: Photographs of current construction site

There was discussion regarding:

- placement of utilities under the house
- height above base flood elevation
- set-back variances
- swimming pool set-back
- structure coverage and ground coverage
- clarification that the dwelling is to be renovated then elevated and turned prior to modifying
- type of pilings

Chairman Howard opened the meeting for public comment at approximately 8:25 p.m.

Michael Valeri, 107 Dickman Drive, testified in favor of the application.

The public portion was closed at approximately 8:27 p.m.

A motion to approve the application with specific conditions was made by Mrs. Filippone, seconded by Mr. Cataline. Roll call vote: Filippone, yes; Cataline, yes; Borowski, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Bennett, yes; Howard, yes.

### **Review & Approval of Minutes:**

After making a correction, a motion was made by Mr. Bennett, seconded by Mr. Palinsky to approve the minutes of the August 2 meeting. All present at that meeting voted in favor.

### **Resolutions Memorialized:**

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

### **New Business:**

The Board directed the Secretary to prepare a memo suggesting the approval of the amended Sign Ordinance 2017-17 (1177).

### **Discussion:**

The Secretary updated the Board on the continuing effort to find the agency responsible for implementing lighting regulations on excessively long docks.

**Adjourn:**

A motion to adjourn the meeting was made by Mrs. Filippone, seconded by Mr. Zylinski with all members in favor. The meeting was adjourned at approximately 8:50 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary