

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING  
OF THE PLANNING BOARD  
Wednesday, June 6, 2018 – 7:00 P.M.**

Chairman Zylinski presiding

**Flag Salute**

**Roll Call:** William Zylinski, Chairman – present  
Anthony Cataline, Vice Chairman – present  
Mayor Walter La Cicero – absent  
Joanne Filippone – absent  
Robert Brice – present  
Bobbie Brown – absent  
Len Calderaro – present  
Joseph Palinsky – present  
Jack Sauer – absent

Vincent Marino – present  
John Borowski – present

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

**Public Notice Announcement:**

This is the Borough of Lavallette Special Planning Board meeting of June 6, 2018. 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 Planning Board office at 1306 Grand Central Ave., filed with the Borough Clerk, and supplied to the Ocean Star and the Asbury Park Press, the official Borough newspapers.

**Public Hearing:**

Mr. Marino will sit for Mrs. Brown, and Mr. Borowski will sit for Mr. Sauer.

**Application 8-17: Vallata Gardens, LLC, 103 Magee Ave., Block 35.01, Lot 8 – Legitimize expansion after lift of pre-existing, non-conforming four-family dwelling.**

An e-mail from the applicants' attorney, James J. Gluck, was read by the Board Secretary requesting an adjournment of the hearing on June 6 to the next meeting with no additional notice required. A motion was made by Mr. Palinsky, seconded by Mr. Marino to allow one final postponement to the July 11 meeting. Roll call vote: Palinsky, yes; Marino, yes; Brice, yes; Calderaro, yes; Cataline, yes; Borowski, yes; Zylinski, yes.

**Application 3-18: James Donahue & Louise Malatesta, 1805A Bay Boulevard, Block 58, Lot 9 – Expansion of Non-conforming use**

The property is located on the east side of Bay Boulevard, 55-feet north of New Jersey Avenue in Residential District A and contains 5,759 square feet. The site currently contains two condominium units, Unit A 2-story frame dwelling in the front of the property and Unit B a 1-story frame dwelling in the rear. The applicant is proposing to add a covered porch to the front of Unit A.

James Malatesta of 1805-A Bay Boulevard was sworn in and testified that he wishes to convert his front patio into a covered porch.

Mr. Malatesta introduced Jim Giordano, PE, of TEC Engineering, Pt. Pleasant, NJ, who was sworn in and presented his credentials to the Board, which were accepted. Mr. Giordano gave testimony that the applicant has owned the pre-existing non-conforming property for 18 years and is proposing an 8 X 22 covered porch addition. He presented that the project would not intensify the non-conformity since there are no bedrooms being added.

Mr. Giordano addressed the issues noted in the Second Engineer's Review letter dated April 24, 2018. He stated that all other non-conformities noted in this letter were pre-existing.

Discussions followed regarding:

- Off-street parking
- Property easements
- Access to rear house
- Presentation or lack of "special reasons"
- Changing the drawings so that no side yard setback variance is being requested

Mr. Malatesta spoke to the Board regarding:

- The desire to make this their permanent home
- Porch is aesthetically pleasing
- Willingness to remove a shed
- Eliminate hardship of having to bring furniture on and off the existing patio.

Chairman Zylinski opened the meeting for public comment at approximately 7:50 p.m. and hearing none the public portion of the meeting was closed.

The Board had further questions regarding:

- Removal of trees
- Grade height of the porch
- Gutter drainage

Vice Chairman Cataline cited the fact that there are a number of variances already on this property.

A motion to deny this application was made by John Borowski, seconded by Mr. Calderaro. Roll call vote: Borowski, yes; Calderaro, yes; Brice, no; Cataline, yes; Palinsky, no; Marino, yes; Zylinski, yes. The application was denied.

At approximately 7:55 p.m., there was a five-minute recess. The meeting resumed at approximately 8:00 p.m.

**Resolutions Memorialized:**

N/A

**Review & Approval of Minutes:**

A motion was made by Mr. Palinsky, seconded by Mr. Calderaro to approve the minutes of the May 16, 2018, meeting. Roll call vote: Palinsky, yes; Calderaro, yes; Marino, yes; Zylinski, yes.

**New Business:**

N/A

**Correspondence:**

Ocean Beach Playground permit information on file in the Planning Board office.

**Discussion:**

Regarding the discussion at our May 16 meeting on the proposed dock at 81 Pershing, the Board Secretary explained that although the Planning Board receives copies of the notices of application, they do not receive a copy of the final permit showing any conditions. The Board Secretary had a conversation with John Hanf, Compliance and Code Enforcement Officer for the DEP, who validated that lights and reflectors were made a condition of this permit. A copy is on file in the Planning Board Office.

**Adjourn:**

A motion to adjourn the meeting was made by Mr. Borowski, seconded by Mr. Cataline, with all present voting in favor. The meeting was adjourned at approximately 8:10 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary