

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING  
OF THE PLANNING BOARD  
Wednesday, September 4, 2019 – 7:00 P.M.**

**Roll Call:** Anthony Cataline, Chairman – Present  
Alex Barletta - Present  
John Borowski - Present  
Robert Brice - Present  
Bobbie Brown - Present  
Len Calderaro - Present  
Joanne Filippone - Present  
Vincent Marino - Absent  
Joseph Palinsky - Present

Richard Emery - Present  
Thomas Restaino - Absent

**Also Present:**

T. Brady, Esq.  
M. O'Donnell

**Flag Salute**

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular Meeting of September 4, 2019. 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 Planning Board Office in Borough Hall 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.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

**New Business:**

**Public Hearings:**

Mr. Emery will sit for Mr. Marino who is absent.

**Application # 2-19, Vincent & Adele Mattone – 806 Grand Central Ave., Block 35.01, Lot 4 –  
Modification to Non-conforming Use**

The site is located on the northwest corner of Grand Central Ave. and Magee Ave. in the B-1 district and contains 5,000 sq. ft. The lot contains three condominium units in a two-story dwelling

on the east side of the property and one unit in a 1 ½ story dwelling on the west side of the property. Both dwellings front Magee Ave.

The applicant owns the unit in the west dwelling and has installed a second air conditioning platform within the side yard setback area. The purpose of the application is to legalize the construction of the additional air conditioning platform.

Michele Donato, Esq., the applicants' attorney, described Mr. Mattone's disability and need for an additional air conditioner. She gave further testimony that A. J. Perri was the contractor who supposedly applied for the necessary permit, and went ahead with the work prior to receiving zoning approval.

Mrs. Donato deduced that the side yard setback was the only area that could be used for the additional air conditioning unit. She also explained that replacing the current unit with a large one would not help with the ventilation that Mr. Mattone needs.

At this point, there was a brief discussion between Mrs. Donato and Mr. Brady regarding the type of variance being sought. It was determined that this is a D variance, and therefore, Mrs. Filippone and Mr. Barletta were asked to step down.

Mr. Mattone was sworn in and testified that the property was purchased in 2017. He is a retired NYC firefighter who lives in Queens, and this is their summer home. He also gave a brief description of the disabilities he suffers as a result of responding to the September 11, 2001, bombing. He and his wife hired A.J. Perri to install an additional platform to accommodate a new condenser. A.J. Perri submitted a proposal stating that their permit coordinator would take care of processing and sending all information to the township. The work was done before A.J. Perri applied for the appropriate permit. The permit was then denied due to setback requirements and the work had already been done.

Mrs. Donato submitted the following Exhibits:

- A-1: A copy of the Notice of Participation in the World Trade Center Rescue, Recovery or Clean-up Operations
- A-2: A copy of the A.J. Perri Proposal dated January 13, 2018
- A-3: Color photos of the existing A/C units
- A-4: A copy of the Construction Permit Application date stamped January 29, 2018
- A-5: Color photo of the back of Unit B
- A-6: Color photo of other condo A/C units in the side yard setback
- A-7: Color photo of A/C units in side yard setback at 1704 Grand Central Ave.
- A-8: Copy of the Condominium Survey for Magee Avenue Condominium Association

When asked why he could not just replace the current unit with a larger one, Mr. Mattone explained that the duct work could not accommodate the output from a larger unit. He further stated that the new unit is for the upstairs only, and it was ascertained that the second air handling unit is mounted on the wall in the upstairs bedroom.

Mrs. Donato summarized the salient points of the hearing:

- The unit is not visible from the street
- The unit is not noisy (as witnessed by J. Palinsky)

- The placement is consistent with the current pattern of development in the area.

She further stated that the applicants only mistake was hiring the wrong contractor.

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

Mr. Gerald Fitzgerald of 806B Grand Central Avenue, was sworn in and testified against the application. He also submitted the following Exhibit:

O-1: Copy of a letter from Michele R. Donato dated November 27, 2018

Mrs. Sara Dimartino Ardito of 109 New Jersey Ave. testified in favor of the application.

At approximately 8:35 p.m., Chairman Cataline closed the public portion of the meeting.

A motion to approve this application with the condition that the proper inspections be conducted by the Borough was made by Mr. Calderaro, seconded by Mrs. Brown. Roll call vote: Calderaro, yes; Brown, yes; Brice, yes; Borowski, yes; Palinsky, yes; Emery, yes; Cataline, yes.

**Resolutions to be Memorialized:**

N/A

**Review and Adoption of Minutes:**

A motion was made by Mr. Borowski, seconded by Mrs. Brown to accept the minutes of the May 1, 2019, regular meeting, and the July 11, 2019, workshop meeting, with all present at the meetings voting in favor.

**Correspondence: (On file in the Planning Board Office for Your Review)**

Certified letter from Kim Dixon Environmental Consultant LLC with application package for waterfront development at 124 Dickman Drive. Applicant is proposing to demolish the existing single-family dwelling and construct a new single-family dwelling, to legalize the existing floating dock and to install a floating PWC dock.

**Open Discussion:**

Mr. Palinsky brought up the fact that some time ago all of Route 35 was considered commercial properties and the setback requirements were nearly non-existent. Mrs. Filippone commented that after 2007, the setbacks were changed, and prior to that, the condominiums in the area were built to commercial standards.

There was a brief discussion about the guidelines for people with disabilities as they apply to land use. Mr. Brady reminded us that variances run with the land, but reasonable accommodations for the individual should be made.

Mrs. Brown asked if there was any news regarding the 5G application. Mr. Brice answered that the Borough has not received a complete application.

Mrs. Brown mentioned that the WPICA has notified homeowners that there is a tidelands hearing scheduled for November 6 to resolve the continual matter of pier extensions. Also, Mrs. Brown informed Mr. Calderaro that lights are now a requirement on the longer docks, and congratulated him for his efforts.

**Adjourn:**

On motion by, Mr. Borowski, seconded by Mrs. Brown, the meeting was adjourned at approximately 8:55 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary