

**MINUTES  
BOROUGH OF LAVALLETTE  
SPECIAL MEETING OF  
THE PLANNING BOARD  
Wednesday, July 11, 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 – present  
Robert Brice – present  
Bobbie Brown – present  
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 July 11, 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 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.**

Mr. Brady read an e-mail communication from Joseph Michelini, the new attorney for the applicant, requesting the Board's consideration to grant another adjournment in order for the professionals to prepare new plans. He anticipates submitting these revised plans within the next 30 days, and after completeness review will re-notice property owners.

A motion to allow the adjournment without a date specific and with re-notification required was made by Mr. Cataline, seconded by Mr. Palinsky. Roll call vote: Cataline, yes; Palinsky, yes; Brice, yes; Calderaro, no; Marino, no; Borowski, yes; Zylinski, yes. The motion was approved.

**Application 7-18: Jay Bea Condominium Association, 1806 Grand Central Avenue – Block 45.01, Lot 4 – Elevate and Reconstruct Non-conforming Use**

The site is located on the northwest corner of Grand Central Ave. and New Jersey Ave. in the B-1 District and contains 5,000 sq. ft. The lot contains the Jay Bea Condominium Association, which consisted of ten (10) units in a two-story building: five (5) units on the first floor and five (5) units on the second floor. In 2017, the condominium was partially destroyed by a fire. The second story has since been demolished. The applicant is proposing to elevate the existing first floor to comply with minimum FEMA base flood elevation and reconstruct the second story. The new ground floor will be used for storage.

Michele Donato, attorney for applicants, explained the circumstances surrounding the reasons for this application. The existing variances and proposed variances covered in the First Engineer's Review Letter dated June 13, 2018, were also discussed. There was some debate about the off-street parking both existing and proposed, and Comment 2 of the Engineer's letter.

Mrs. Donato stated that the proposed building will comply with height and the original non-conformities will remain. She then referred to her June 19, 2018, letter in which it was stated that: *"Jay Bea Condominium is seeking variance relief pursuant to the applicable provision of the MLUL and of the Borough conditional use standards for apartment buildings."*

Christopher Burchell, President of the Jay Bea Condominium Association, residing at 54 Wilson Avenue, Wayne, NJ, and the owner of Unit 4 was sworn in. Mr. Burchell testified that he has been an owner since 2008. He attested that the five downstairs apartments were destroyed after hurricane Sandy and then on March 25, 2017, a fire devastated the second-floor apartments. He stated that the applicants are asking to get back what they had; nothing more, and nothing less.

Mrs. Donato asked Mr. Burchell if there were ever any problems relating to the current parking set-up, and Mr. Burchell said, never once, and he understood the rule to be one car per unit. Mr. Burchell also attested that the building has always been well maintained and kept in immaculate condition.

Brian P. Murphy, PE, PP, with FWH Associates, 1856 Route 9, Toms River, NJ, presented his credentials, which were accepted by the Board Chairman. Mr. Murphy indicated that the structure was built in 1955 and converted to condominiums in 1984. He further indicated that since the building was over 50% damaged, they must comply with all current codes. Mr. Murphy submitted Exhibit A-1: a conceptual rendering of the property. There was dialog concerning the placement and dimensions of the off-street parking. Mr. Brady asked if specific parking spaces were assigned to specific units and if not, it should be stated in the Condominium's Bi-Laws. Mr. Cataline added that this should be made clear for the protection of their residents. Mrs. Donato assured Mr. Cataline that they would include whatever wording the Board requires.

There were questions regarding:

Q: the 1.7% increase in lot coverage with the addition of a covered egress

A: covered egress included in order to protect home owners from the weather

Q: since the building is being raised, couldn't the bottom remain open in order to accommodate parking

A: storage areas was deemed to be more important

Q: plans do not show any ground level flood vents

A: they will be shown on the construction plans

There was a review of the bulk variances, and Mr. Murphy addressed the positive and negative criteria.

Mr. Marino asked if the units were heated, and Mr. Burchell responded that they had electric heat and wall unit air conditioners.

Mr. Palinsky commented that the application has been well presented. And, if it is approved, the storage is a welcomed alternative to having plastic storage boxes outside the residence.

Mr. Brice questioned if it was an expansion of coverage due to the egress, and Mr. Murphy answered that he does not see access to the stairs as an expansion. Mrs. Brown questioned whether the walkways will remain the same, and Mr. Murphy answered, yes, but obviously the first floor will be different.

Mrs. Donato reassured that all current codes will be met.

Mr. Zylinski asked if the current foundation could support the project, and Mr. Murphy explained that it will be a new foundation.

Mr. O'Donnell requested a statement from RSIS (Residential Site Improvement Standards) regarding the parking situation. Mrs. Donato said they would comply with his request.

Mrs. Donato indicated that if the Board were to request any changes, they would be presented at a later date. Mr. Brady specified that the Board can rule on the requested variances rather than requiring a new site plan, and we are not prepared to determine that at this time.

At approximately 8:25 p.m. there was a five-minute recess.

The hearing resumed at approximately 8:30 p.m., and Chairman Zylinski opened the hearing for public comment.

The following residents testified in favor of the application:

Terry Futuyma, 1806 Grand Central Ave., Unit 9  
Angela Santelli, 1806 Grand Central Ave. Unit 3  
Nancy Jane Senario, 1806 Grand Central Ave., Unit 6  
Gene Sachs, 1806 Grand Central Ave., Unit 5  
Larry Pearly, 1806 Grand Central Ave., Unit 8  
Rosalie Faso, 1806 Grand Central Ave., Unit 2

The following residents testified in opposition to the application:

Chelsea Hess, 160 East 48<sup>th</sup> Str., NY, NY and 1804 Grand Central Ave., Lavallette  
Charlene Cerami, 300 Oceanfront, Lavallette  
Joe Cerami, 300 Oceanfront, Lavallette

The public portion of the hearing was closed at approximately 8:57 p.m.

Since the proposed height was an issue with some opposing the application, Mrs. Donato assured the Board that the proposed height is compliant.

A motion to approve the application with conditions was made by Mr. Calderaro, seconded by Mr. Cataline. Roll call vote: Calderaro, yes; Cataline, yes; Brice, yes; Brown, yes; Palinsky, yes; Marino, yes; Zylinski, yes.

**Resolutions Memorialized:**

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

**Review & Approval of Minutes:**

A motion was made by Mr. Borowski, seconded by Mr. Calderaro to approve the minutes of the June 6, 2018, meeting. Roll call vote: Borowski, yes; Calderaro, yes; Brice, yes; Cataline, yes; Palinsky, yes; Marino, yes; Zylinski, yes.

**New Business:**

Mr. Brady informed Board members that he will need to conduct a JIF (Joint Insurance Fund) training session. It was determined that we hold this session at one of our regular meetings.

**Correspondence:**

**Discussion:**

**Adjourn:**

A motion to adjourn the meeting was made by Mr. Borowski, seconded by Mr. Calderaro, with all present voting in favor. The meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary