

**MINUTES  
BOROUGH OF LAVALLETTE  
RE-ORGANIZATION & REGULAR MEETING  
OF THE PLANNING BOARD  
Wednesday, January 16, 2019 – 7:00 P.M.**

The following Board Members were re-appointed for the appropriate terms:

Richard Emery, Class I (Mayor's Designee)  
Robert Brice, Class II  
Joanne Filippone, Class III  
Anthony Cataline, Class IV  
Vincent Marino, Class IV  
John Borowski, Alternate #1

**Roll Call:** William Zylinski – absent  
Anthony Cataline – present  
Robert Brice – present  
Bobbie Brown – absent  
Len Calderaro – present  
Richard Emery – present  
Joanne Filippone – present  
Vincent Marino – present  
Joseph Palinsky – present

John Borowski – present

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

**Flag Salute:** Mr. Cataline

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Re-Organization meeting of January 16, 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 Borough Hall Planning Board office at 1306 Grand Central Ave., filed with the Borough Clerk, and supplied to the official Borough newspapers, the Ocean Star and the Asbury Park Press.

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.

**Re-organization:**

Anthony Cataline nominated William Zylinski for Chairman for the year 2019, seconded by Mr. Calderaro. Roll call vote: Cataline, yes; Calderaro, yes; Brice, yes; Emery, yes; Filippone, yes; Marino, yes; Palinsky yes; Borowski, yes.

Mr. Brice nominated Anthony Cataline for Vice Chairman for the year 2019 seconded by Mrs. Filippone. Roll call vote: Brice, yes; Filippone, yes; Calderaro, yes; Emery yes; Marino, yes, Palinsky, yes; Borowski, yes.

Mr. Cataline asked for a motion to appoint Joyce Deutsch as Planning Board Secretary for the year 2019. A resolution was moved by Mr. Palinsky, seconded by John Borowski. Roll call vote: Palinsky, yes; Borowski, yes; Brice, yes; Calderaro, yes; Cataline, yes; Emery, yes; Filippone, yes; Marino, yes.

Mrs. Filippone made a motion to approve a Resolution reappointing Brady & Kunz as the Planning Board Attorney for the year 2019, seconded by Mr. Marino. Roll call vote: Filippone, yes; Marino, yes; Brice, yes; Calderaro, yes; Cataline, yes; Emery, yes; Palinsky, yes; Borowski, yes.

Mr. Palinsky made a motion to approve a Resolution reappointing O'Donnell, Stanton & Associates, Inc., as the Planning Board Engineer for the year 2019, seconded by Mrs. Filippone. Roll call vote: Palinsky, yes; Filippone, yes; Brice, yes; Calderaro, yes; Cataline, yes; Emery, yes; Marino, yes; Borowski, yes.

Vice Chairman Cataline asked for a resolution to adopt the Procedures and Suggestions to Applicants for the year 2019. A motion to adopt was made by Mrs. Filippone, seconded by Mr. Calderaro. Roll call vote: Filippone, yes; Calderaro, yes; Brice, yes; Cataline, yes; Emery, yes; Marino, yes; Palinsky, yes; Borowski, yes.

The Vice Chairman asked for a resolution approving the meeting dates for the year 2019. A motion to approve the dates was made by Mr. Borowski, seconded by Mr. Marino. Roll call vote: Borowski, yes; Marino, yes; Brice, yes; Calderaro, yes; Cataline, yes; Emery, yes; Filippone, yes; Marino, yes.

Vice Chairman Cataline asked for a resolution approving the Ocean Star and the Asbury Park Press as the official Planning Board newspapers for the year 2019. A motion for approval was made by Mrs. Filippone, seconded by Mr. Brice. Roll call vote: Filippone, yes; Brice, yes; Calderaro, yes; Cataline, yes; Emery, yes; Marino, yes; Palinsky, yes; Borowski, yes.

### **Public Hearing:**

#### **Application # 14-18, Neeti Kakar, 2004 Oceanfront – Block 21, Lot 3 – Appeal of Zoning Decision**

The Code of the Borough of Lavallette states no person shall erect, alter or reconstruct a fence on property in any zone in the Borough of Lavallette without first having obtained a zoning permit from the Zoning Official.

Michael York, attorney for the applicant, introduced Chris Cooper, 3135 Quarry Road, Manchester. Mr. Cooper identified himself as the builder of 2004 Oceanfront and confirmed that no approvals were requested previous to the construction. Mr. Cooper submitted the following exhibits:

- A-1: Black and white photographs of West Point Island properties showing similar brick columns and stone fences.

Mr. Marino asked if Mr. Cooper had taken any photographs of any other waterfront properties and did CAFRA have to approve the two brick posts? Mr. Cooper answered that, no he had not taken any photos of waterfront properties and that CAFRA had no interest in the posts.

Mr. York asked Mr. Cooper if the posts were considered par of the fence; to which he replied, yes.

There was discussion regarding the following:

- Proper setbacks
- Zoning ordinances for oceanfront properties
- Working without a permit

At approximately 7:40 p.m., Vice Chairman Cataline opened the hearing for public comment.

Anthony Iorio, 6 Princeton Ave., was sworn in and testified that this appears to be ignorance of Borough Code and that the applicant is asking for forgiveness rather than permission. Mr. Iorio is hoping for a proper resolution.

Sal Conte, 17 and 21 Princeton Ave., was sworn in and testified against this application citing work being done without permits.

The public portion of the hearing was closed at approximately 7:50 p.m.

Michael York requested an adjournment to the March 6 meeting in order to make application for a variance. A motion to approve the adjournment to the March 6 Planning Board Meeting was made by Mrs. Filippone, seconded by Mr. Borowski. Roll call vote: Filippone, yes; Borowski, yes; Brice, yes; Calderaro, yes; Cataline, yes; Emery, yes; Marino, yes; Palinsky, yes.

**Application # 5-18, Donald & Maria Fricchione, 7 Pershing Blvd. - Block 961, Lot 36 – Request for Certificate of Non-conformity**

Owner wishes to establish the legality of impervious coverage in the driveway and patio.

Both Mr. Emery and Mrs. Filippone were recused from this hearing due to the fact that they are property owners within 200 ft.

Michele Donato, attorney for applicant, explained to the Board that her client was interested in obtaining a Certificate of Nonconformity regarding work that was allowed in 2003 and prohibited by ordinance in 2007. Mrs. Donato stated that in December, 2017, our Construction Official cited Dr. Fricchione for violating our ordinance regarding the construction of a driveway and patio. Her client thought that he did not need a permit to do this repair work after superstorm Sandy. Mrs. Donato added that in 2003 all CAFRA and DEP approvals were obtained.

Donald Anthony Fricchione, owner of 7 Pershing Blvd. was sworn in, testified that he purchased the property in 1995 with a pool, deck, concrete patio, and driveway. The bulkhead and pool were replaced with all the appropriate State approvals.

Copies of following exhibits were submitted:

- A-1: NJDEP Permit dated 2-28-03
- A-2: Approved Site Map dated 2-28-03
- A-3: Ordinance No. 98-25 (833)
- A-4: Invoice showing payment for Fricchione deck dated 6-27-03
- A-5: Proposed Plan from Concrete Concepts, Inc. dated 3-15-03
- A-6 - 8: Delivery receipts from Central Concrete dated 6-25-03
- A-9: Invoice from Westmont Electric, Inc. dated 7-10-03
- A-10 & 12: Photos of overhead views of Fricchione property
- A-11: Survey of Property prepared by Ronald W. Post dated 2-13-18
- A-13: Zoning Permit for concrete retaining wall dated 11-19-18
- A-14: Certification of Donald Fricchione dated 12-20-18
- A-15: Certification from Brian Gomez of NuWave Pools in Support of Certificate of Nonconformity of the Fricchione Patio and Driveway dated 12-28-18
- A-16: Certification of Edward Nelson of Oceanside Contracting in Support of Certificate of Nonconformity of the Fricchione Patio and Driveway dated 12-28-18

There was brief discussion regarding the wall adjacent to the driveway and the amount of damage from hurricane Sandy.

Brian Gomez, 628 Route 9, North, Tuckerton, NJ, pool installer for over 21 years, was sworn in, and Mrs. Donato ascertained that he received permits for the pool. Mr. Gomez testified that town officials visited the property often during the installation.

Edward Nelson, 264 Sheridan Ave., Seaside Heights, owner of Ocean Contractors, was sworn in and testified that he removed the wooden deck from around the pool.

Mrs. Donato included this testimony to show proof of the legal installation in 2003.

Vice Chairman Cataline opened the hearing for public comment at approximately 8:50 p.m.

Mark Hardy, the son-in-law of the owner of 9 Pershing Blvd. was sworn in.

At approximately 9:05 p.m. Vice Chairman Cataline requested a short recess. At approximately 9:15 p.m. the hearing was called back to order.

Mr. Hardy presented the following:

- Exhibit O-1: A 37-page document refuting some of the applicant's testimony and objecting to the application

At this time, Mrs. Donato lodged an objection that the exhibit was not relevant to the nature of the application. She would object to this testimony several more times during the course of the hearing. Mr. Brady allowed Mr. Hardy to continue.

Patricia Hardy, daughter of the owner of 9 Pershing Blvd. was sworn in and gave brief testimony against the application.

The public portion of the hearing was closed at approximately 10:10 p.m.

A motion to approve a resolution granting a certificate of non-conformity for the driveway and patio was made by Mr. Borowski, seconded by Mr. Palinsky. Roll call vote: Borowski, yes; Palinsky, yes; Brice, yes; Calderaro, yes; Cataline, yes; Marino, yes.

**Resolutions Memorialized:**

Application 13-18: Jay Bea Condominium Association, 1806 Grand Central Avenue, Block 45.01, Lot 4 – Minor Site Plan – approved with conditions

**Review & Approval of Minutes:**

A motion was made by Mrs. Filippone, seconded by Mr. Borowski to approve the minutes of the December 5, 2018, executive session, with all present at that meeting voting in favor. A motion was made by Mr. Cataline, seconded by Mr. Brice to approve the minutes of the December 5, 2018, regular meeting, with all present at that meeting voting in favor.

**New Business:**

A motion to approve the 2018 Annual Report and distribute to Mayor and Council was made by Mr. Brice, seconded by Mr. Borowski.

**Adjourn:**

A motion to adjourn the meeting was made by Mr. Borowski, seconded by Mr. Brice with all present voting in favor. The meeting was adjourned at approximately 10:25 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary