

**MINUTES
BOROUGH OF LAVALLETTE
SPECIAL MEETING
OF THE PLANNING BOARD
Tuesday, October 27, 2021 – 5:30 P.M.**

Roll Call: Anthony Cataline - present
Robert Brice - present
John Borowski – present
Len Calderaro - present
Joanne Filippone - present
Vincent Marino - present
Joseph Palinsky - present
Thomas Restaino - present
George Shenewolf - present

Richard Emery - present
Alex Barletta - present

Also Present: Terry Brady, Esq.
Mark Zelina, Eng.

Flag Salute: Mr. Cataline

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of October 27, 2021. 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.

Public Hearing:

Doug Erb, Borough Floodplain Manager, joined the panel for the rest of our meeting.

Substantially Damaged Determination:

Appeal Case # 008 – 175 Pershing Blvd. – Frank & Marie Cella
Philip Mylod, Esq., applicants' attorney, stated that the substantially damaged determination was erroneous. He introduced Francis Kamand, Jr., Certified Professional Appraiser, of Tony Kamand Realty, LLC, 200 Main Street, Toms River, NJ. Mr. Kamand presented his credentials, was sworn in, and testified that the fair market value at the time of Super Storm Sandy should be adjusted to \$420,000. Mrs. Filippone pointed out that the damage report showed repair costs of \$260,000, which included contents. Therefore, this figure was adjusted to \$190,000.

A motion was made by Mrs. Filippone to grant the appeal and was seconded by Mr. Calderaro. Roll call vote: Filippone, yes; Calderaro, yes; Borowski, yes; Brice, yes; Marino, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes; Cataline, yes.

Appeal Case # 009 – 16 Elizabeth Ave. – Joseph Sena

Pamela McGuire, daughter of the homeowner, was sworn in to give testimony on her father's behalf. Mrs. McGuire reviewed the submitted documentation showing the adjusted assessed value and cost of repairs. A motion was made by Mr. Borowski to grant the appeal and was seconded by Mr. Palinsky. Roll call vote: Borowski, yes; Palinsky, yes; Brice, yes; Calderaro, yes; Filippone, yes; Marino, yes; Restaino, yes; Shenewolf, yes; Cataline, yes.

Appeal Case # 010 – 177 Pershing Blvd. – John & Catherine Coghlan

Michele Donato, Esq., applicants' attorney explained that her clients never received the first substantially damaged determination letter sent by the Borough. However, the paperwork submitted showing the re-evaluation of the home at the time of the storm and the cost of repairs provided sufficient proof for the appeal. Based on these calculations, a motion was made by Mr. Palinsky to grant the appeal and was seconded by Mr. Borowski. Roll call vote: Palinsky, yes; Borowski, yes; Brice, yes; Calderaro, yes; Filippone, yes; Marino, yes; Restaino, yes; Shenewolf, yes; Cataline, yes.

Appeal Case # 011 – 117 Magee Ave. – 117 Magee, LLC

Mrs. Donato, applicants' attorney, presented the adjusted assessed value of the home at the time of the storm. This calculation along with the cost of repairs provided proof that the damage was under 50%. A motion was made by Mr. Cataline to grant the appeal and was seconded by Mr. Borowski. Roll call vote: Cataline, yes; Borowski, yes; Brice, yes; Calderaro, yes; Filippone, yes; Marino, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes.

There was a brief discussion about how the Borough will handle future appeals. Mr. Brice said that we will continue to accept applications for appeal after the October 29, 2021, deadline, but they will remain on the FEMA list.

There was a brief recess at approximately 6:40 p.m.

The public hearing resumed at approximately 7:00 p.m.

Application # 03-2021 – Clifford Vandermay, 14 Princeton Ave., Block 22, Lot 17 – Construction of Accessory Building – continued from July 28 and August 25, 2021, meetings

The property is located on the south side of Princeton Ave. approximately 350 LF east of the intersection of Route 35 North in Residential District A. The property contains 5,000 sq. ft. The site currently contains an elevated two-story, single-family dwelling. The applicant is seeking approval to construct a 12 X 14 shed in the rear of the property.

Written notification was received withdrawing this application.

Amended Application # 01-2020 – Highway 2 Ohana, LLC, 65 Grand Central Ave., Block 952, Lot 1 – Amended Minor Site Plan – Food Truck Accessory Use

The property is located on the east side of Grand Central Ave. (Route 35 North) at the intersection of Bryn Mawr Ave. in Business District B1. The subject property contains 7193 sq. ft. with a 2-story commercial building. Pursuant to the use breakdown table on the Site Plan, there are 2 residential units, a restaurant, and a retail use occupying the building.

The applicant is proposing a food truck to be located within the existing parking lot. The food truck would be used on summer weekends to serve breakfast when the truck is not at events. The front

deck will be used for seating.

Per the zoning permit application, which was submitted with the original application, the proposed use requires a site plan and accessory use approval from the Planning Board.

Robert Shea, applicant's attorney reviewed the particulars of the application as a minor site plan with variances. He introduced Matthew Wilder, Professional Planner at 130 Central Avenue, Island Heights, NJ. He presented the following exhibits:

- A-1: Color photos looking north and south
- A-2: Enlarged photo of A-1
- A-3: Series of photos of the sun-shade structure

Mr. Wilder elaborated that the proposed food truck service would be operational from April to October from 8 a.m. to 2 p.m. Customers would be allowed to use the restaurant bathrooms and the outdoor seating. The restaurant's parking lot would be closed off with cones for safety. He described the food service as a "grab and go" operation.

James Costello, applicant, business owner, and resident of 65 Grand Central Avenue was sworn in and gave testimony regarding:

- Parking
- Hours of operation for both the food truck and the restaurant
- Size of food truck
- Storage of food truck

Discussion followed regarding:

- Positioning of food truck in fire lane
- Shade pergola approval
- Water and power connections to truck
- Fire protection

Chairman Cataline opened the hearing for public comment at approximately 8:12 p.m.

Mr. Emil Manfredonia, 21 Bryn Mawr, testified that there are parking issues when the truck is in operation and where it is parked when it is not in operation. He was against the approval of this application.

Ms. Camille Manfredonia, 11 Bryn Mawr, gave testimony against this application.

Mr. Dominick Manfredonia, 11 Bryn Mawr, gave testimony against this application.

Mr. Mark Speaker, 111 Brown Ave., testified in favor of the approval of this application.

The public portion of the meeting was closed at approximately 8:30 p.m.

There was continuing discussion among the Board members followed by a motion to deny the application made by Mr. John Borowski, seconded by Mr. Calderaro. Roll call vote to deny: Borowski, yes; Calderaro, yes; Brice, yes; Marino, yes; Palinsky, yes; Restaino, yes; Cataline, yes. Mrs. Filippone and Mr. Shenewolf were not eligible to vote.

New Business:

N/A

Review & Approval of Minutes:

A motion was made by Mr. Borowski, seconded by Mrs. Filippone to accept the minutes of the Special Meeting of October 5, 2021, with all who were present at the meeting voting in favor.

Discussion:

N/A

Adjourn:

A motion to adjourn was made by Chairman Cataline. The meeting was adjourned at approximately 8:45 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary