

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

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

Richard Emery - present  
Alex Barletta - present

**Also Present:** Terry Brady, Esq.

**Flag Salute:** Mr. Cataline

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Special meeting of October 5, 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.

Mr. Emery sat in for Mr. Marino who was absent.

Substantially Damaged Determination:

Chairman Cataline asked Bob Brice, Borough Administrator, to address the public regarding the new fee schedule for Substantially Damaged Determination Appeals as adopted at the October 4, 2021, Council Meeting. Refunds will be given accordingly.

Appeal Case # 004 – 1505 Grand Central Ave. – Unit 7 (continued from September 22, 2021  
Jane De Vincentis, homeowner, was sworn in and verified with Mr. Brady that he received seven sworn affidavits reporting the cost of repairs on the other condominium units. Mr. Brady acknowledged a total repair cost was determined.

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

Appeal Case # 005 – Four Liggett Road – Joseph Gomeringer

Mr. Joseph Gomeringer, homeowner, presented Exhibit A, which provided further explanation of the previously submitted documents. The information and testimony presented demonstrated that the repair cost calculations proved to be less than 50% of the pre-damaged value of the home. A motion was made by Mr. Shenewolf to grant the appeal and was seconded by Mrs. Filippone. Roll call vote: Shenewolf, Filippone, Brice, Borowski, Calderaro, Palinsky, Restaino, Emery, Cataline.

Appeal Case # 006 – 300 Grand Central Avenue, Unit B – Renee and Erich Herkloz

Richard Angowski, Jr., applicant's attorney, explained that his clients purchased the unit in 2018 and were unaware of an official letter regarding substantial damage. Paperwork sent to Mr. Brady by Mr. Angowski the morning of our meeting substantiated the pre-damaged value of the entire property and the repair costs. Based on these calculations, a motion was made by Mr. Brice to grant the appeal and was seconded by Mr. Calderaro. Roll call vote: Brice, yes; Calderaro, yes; Borowski, yes; Filippone, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes; Emery, yes; Cataline, abstain.

Mr. Cataline explained his reason for abstaining was that the new information was not received in time for the Board members to conduct a proper review. In the future, appeals will be placed on hold until the supplemental information can be reviewed not only by the Board attorney, but also by the members as well.

Appeal Case # 007 – 100 Westmont Avenue – Alan & Rosanna Frank

Mr. and Mrs. Frank were sworn in and introduced their professional appraiser, David Butz, of 12 New Castle Court, Toms River, NJ. Mr. Butz was sworn in and gave testimony regarding the adjusted value of the home. Mr. & Mrs. Frank presented Exhibit A-1 Proof of Loss showing the documented cost of repairs. Based on these calculations, 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; Restaino, yes; Shenewolf, yes; Emery, yes; Cataline, yes.

**New Business:**

Mr. Brice informed the Board that there is an attorney in town who is currently holding about eleven appeal cases. It was recommended that properties on the Substantially Damaged Determination list whose appeals cannot be determined by the current deadline of October 29, should indicate "appeal pending." Mr. Brady added that their applications should be complete by October 29.

Mr. Brady also suggested that we make it clear that the Board needs to see documentation of the repairs. Mr. Brice will compile guidelines for the appeal process and make it part of the Appeals Application Package.

**Review & Approval of Minutes:**

A motion was made by Chairman Cataline to accept the minutes of the Regular Meeting of September 22, 2021, with all who were present at the meeting voting in favor.

**Discussion:**

Mr. Brady suggested that if we receive additional appeals, we should start our next meeting (October 27) earlier. Board members agreed. The Board secretary will keep everyone informed.

Mr. Calderaro advised the Board to review their packages ahead of time.

**Updates:**

The Board secretary confirmed that there are two Land Use Applications on the agenda for the October 27 meeting.

**Adjourn:**

Chairman Cataline moved to adjourn the meeting, seconded by Mr. Borowski. The meeting adjourned at approximately 7:20 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary