

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING  
OF THE PLANNING BOARD  
Wednesday, September 22, 2021 – 7:00 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.  
Millis Looney, PE, CME

**Flag Salute:** Mr. Cataline

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of September 22, 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:**

Application # 03-2021 – Clifford Vandermay, 14 Princeton Ave., Block 22, Lot 17 – Construction of Accessory Building

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.

Michael York, applicant's attorney, addressed the Board stating that his client is seeking a variance for structural coverage. Kenneth Schlatmann, Professional Engineer and Planner, was sworn in to give testimony regarding the proposed shed. It was pointed out that the Engineer Review Letter dated June 21, 2021, cited that there are three variances proposed: detached shed dimensions, maximum structure coverage, and maximum combined lot coverage.

Mr. Borowski pointed out that the proposed size of the shed does not comply with our ordinance and that even if it were made smaller, it would still bring the property over the allowable lot coverage.

Mr. Cataline asked if there was any undue hardship to grant this variance and could the applicant satisfy the negative criteria. Mr. Schlatmann answered that there are no negative criteria.

Mr. Palinsky questioned whether there was room under the house for storage, and Mr. Borowski commented that the builders did not seem to plan ahead.

At this point Mr. York asked for a second postponement to the October 27, 2021, Planning Board Meeting. A motion to grant the postponement was made by Mrs. Filippone, 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.

Millis Looney, Planning Board Engineer, left the meeting.

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

Substantially Damaged Determination:

Appeal Case # 001 – 1105 Bay Blvd.

Mr. William Scott, property owner, was sworn in and testified as to the accuracy of the paperwork submitted with his application. Mr. Eric Birchler, a friend of Mr. Scott, was also sworn in and assisted Mr. Scott with his testimony. It was determined from the evidence presented that the damage to Mr. Scott's home was under 50%. A motion was made by Mr. Palinsky to grant the appeal seconded by Mr. Cataline. Roll call vote: Palinsky, yes; Cataline, yes; Shenewolf, yes; Brice, yes; Borowski, yes; Calderaro, yes; Filippone, yes; Marino, abstained; Restaino, yes.

Appeal Case # 002 – 26.1 Philadelphia Ave.

Mr. Steven Albin, property owner, introduced his attorney, Brian Giblin. Mr. Albin purchased the property in November of 2017 and produced paperwork, Exhibit A-1, as proof that the previous owners did not receive any State or Federal funds. It was further determined from evidence presented that the damage was under 50%. A motion was made by Mr. Borowski to grant the appeal, seconded by Mr. Shenewolf. Roll call vote: Borowski, yes; Shenewolf, yes; Brice, yes; Calderaro, yes; Filippone, yes; Marino, yes; Palinsky, yes; Restaino, yes; Cataline, yes.

Appeal Case # 003 – 100 Elizabeth Ave.

Mrs. Concetta Barraco, property owner and her son Salvatore Barraco of 2280 Overhill Lane, Toms River, were sworn in and gave testimony regarding the cost of repairs to Mrs. Barraco's home after Superstorm Sandy. It was determined from the evidence presented that the damage was under 50%. A motion was made by Mrs. Filippone to grant the appeal, seconded by Mr. Calderaro. Roll call vote: Filippone, yes; Calderaro, yes; Shenewolf, yes; Brice, yes; Borowski, yes; Marino, yes; Palinsky, yes; Restaino, yes; Cataline, yes.

Appeal Case # 004 – 1505 Grand Central Ave. – Unit 7

Jane and Anthony De Vincentis, homeowners, were sworn in and testified that they purchased their unit in 2018. They were the second owners since the storm. They testified that they were never aware of a substantially damaged determination. They also submitted the scope of work and cancelled checks in connection with storm repairs from the original owner, Anne Wolfe.

Mr. Brice verified that cleanup costs do not get factored into the cost of repair. Doug Erb testified that he did not find any other building permits for this property at that time.

Mr. William Pantale, condominium president, residing at 1505 Grand Central Avenue, Unit 5, was

sworn in and testified that he did not have any knowledge of a request for FEMA funds. He further stated that his approximated cost of repairs to his 502 sq. ft. unit was anywhere from \$10,000 to \$15,000. He told the Board that after the storm someone from our Construction Department drove through their parking lot while they were doing cleanup. Whoever it was told him that any internal work did not require permits.

Mr. Robert Desiato, owner of Unit 1 at 1505 Grand Central Avenue, was sworn in and testified that the repair costs to his 430 sq. ft. unit was somewhere between \$4,000 and \$5,000.

Ms. Lori De Luca, owner of Unit 4, was sworn in and testified that her repairs ranged from \$12,000 to \$15,000.

Mr. Brady, counsel to Planning Board, explained that the Board will require certified letters confirming the costs of repair and confirming that they have not and will not seek any State or Federal funds.

At approximately 8:55 p.m. the Board took a five-minute recess. The hearing resumed at 9:00 p.m.

The condominium owners of 1505 Grand Central Avenue agreed to submit these letters so that the appropriate calculations could be made.

A motion to carry the appeal to the October 5, 2021, meeting was made by Mrs. Filippone, seconded by Mr. Borowski. Roll call vote: Filippone, yes; Borowski, yes; Shenewolf, yes; Calderaro, yes; Palinsky, yes; rice, yes; Marino, yes; Restaino, yes; Cataline, yes.

#### **Review & Approval of Minutes:**

A motion was made by Mr. Marino to accept the minutes of the Regular Meeting of August 25, 2021, seconded by Mr. Palinsky with all who were present at the meeting voting in favor.

#### **Discussion:**

#### **Updates:**

Mrs. Filippone informed the Board that the Council indirectly denied all seven of the Verizon applications since the motion to approve with conditions did not receive a second.

#### **Adjourn:**

Mr. Borowski moved to adjourn the meeting, seconded by Mrs. Filippone. The meeting adjourned at approximately 9:15 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary