

**MINUTES
BOROUGH
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, October 25, 2023 – 5:00 P.M.**

Roll Call:

Alex Barletta – present
John Bennett – present
Anthony Cataline – present
Joanne Filippone – present
Jennifer Hartman-Sica – present
Vincent Marino – present
Joseph Palinsky – present
Thomas Restaino – present
George Shenewolf – present

Mary Chyb - present

Also Present: Terry Brady, Esq.
Michael Goldstein, PE, CFM

Flag Salute:

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of October 25, 2023. 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 # 06-23: Verizon Wireless – Small Cell Wireless Facility Installations

Edward W. Purcell, Esq., of Price, Meese, Shulman & D'Arminio, told the Board that Verizon has provided requested revisions that are compliant with our Small Cell Code.

Mrs. Filippone went on record to state that the revised location from 2201 Baltimore to 122 Newark Avenue constitutes a new application and would need to be reviewed under our new ordinance. Mr. Purcell stated that since the Planning Board is not acting on this, if the Council feels the new address is not compliant, then Verizon would proceed with 2201 Baltimore Ave. He then requested that the Board move on with discussions on the other five locations.

Mr. Purcell pointed out that the 2201 Baltimore proposed site was changed at the Board's request. Mr. Barletta read off the survey that this was on Elizabeth Ave. to which Mr. Purcell replied that there was no street address available. Mr. Brady added that it is important that the applications identify the properties fairly and accurately; and that discrepancies can be impactful.

Mr. Purcell introduced Colleen Connolly, PE, and Partner/CEO at Scherer Design Group. The Board accepted Ms. Connolly's credentials, and she proceeded with her review of our Engineer Review Letter (Van Cleef Engineering) dated October 20, 2023.

She stated that they were able to lower some of the poles, and performed structure analysis on each of them. Ms. Connolly then led a review of the changes/clarifications made as requested by the Planning Board since the meeting of September 27.

There was discussion regarding:

- Pole height being in compliance with Zoning
- Zoning codes not being applicable to these applications
- Cabinet locations
- Beach access for emergency vehicles
- Guidewires
- Weight of canisters and cabinets
- Hold harmless agreement
- Flood elevation issues

Mr. Andrew Petersohn, owner DBM Engineering testified that each location was FCC Safety compliant.

At approximately 6:40 p.m. Chairman Cataline opened the meeting for public comment.

Skyler Streich, 1606 Ocean Avenue, was opposed to anything on the oceanfront that will destroy the character of the town.

Barbara Susinno of One Pennsylvania Avenue read a prepared statement opposing the approval of these applications.

Marianne Geer of 104 Brown Avenue is not in favor of these small cell nodes being added to our town.

Chairman Cataline closed the public portion at approximately 6:50 p.m.

The Board members considered all facts presented and additional information regarding the lack of participation in other Shore towns. There were remaining concerns about pole locations and height, the weight of the equipment, and the amount of nodes to be placed in the Borough.

A motion to recommend that the Council deny all of the applications was moved by Mr. Bennett, seconded by Mr. Barletta. Roll call vote: Bennett, yes; Barletta, yes; Filippone, abstain; Hartman-Sica, yes; Palinsky, yes; Marino, yes; Restaino, yes; Shenewolf, yes; Cataline, yes. The Board directed the secretary to prepare a memo to Mayor & Council.

Application # 07-23: Nick & Lisa Mento, 107 Bryn Mawr Ave., Block 944.05, Lot 10 – Elevation and Renovation

The property is located on the north side of Bryn Mawr Ave., approximately 40 linear feet east of the intersection at Sterling Ave., in the Residential District C. The property contains 4,000 sq. ft. The site currently contains a two-story frame dwelling with a front first story porch, front second story balcony, and a rear deck. The Applicant is proposing elevation of the existing dwelling and associated site improvements, including renovation of the front and rear deck.

Lynne Dunn, applicants' attorney, introduced Matthew Hockenbury, PE, of MCH Engineering, 1010 The Commons, Toms River, who gave a description of the existing property and the proposed changes along with the variances being requested.

There was discussion regarding:

- Front yard and rear yard setbacks
- Building height
- Rolled curb
- Interior heights on first and second floor
- Shed removal (deck area)
- Placement of A/C condensers
- Off-street parking
- Ground floor storage area

The applicants' architect, Paul Rugarber, RA, of 501 Laurel Ave., Pt. Pleasant Beach, was sworn in and gave testimony that it is a four bedroom, three bath dwelling. There was further discussion about:

- Adding a garage
- Relocation of A/C
- Explanation of separate storage areas under the house
- Height of the attic
- New siding to match the existing siding

Chairman Cataline opened the hearing for public comment at approximately 8:20 p.m. and hearing none, the public portion was closed.

A motion to approve the application with conditions was moved by J. Filippone, seconded by V. Marino. Roll call vote: Filippone, yes; Marino, yes; Bennett, no; Barletta, yes; Hartman-Sica, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes; Cataline, yes.

Resolutions Memorialized:

N/A

New Business:

Mr. Bennett proposed changing the Planning Board's Rules & Procedures Meeting Schedule to reflect a new start time of 5:00 p.m., and no new cases will be heard after 9:00 p.m. All present at the meeting voted in favor of this proposal. The Board secretary was directed to change the Rules & Procedures accordingly for adoption at the January, 2024 Re-Organization Meeting.

Discussion:

Review and Adoption of Minutes:

A motion was made by Mr. Shenewolf, seconded by Mr. Marino to accept the minutes of the September 27, 2023, regular meeting with all present at that meeting voting in favor.

Adjourn:

Mr. Shenewolf moved to adjourn the meeting, seconded by Mr. Cataline, and the meeting adjourned at approximately 8:35 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary