

**MINUTES  
BOROUGH  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, May 24, 2023 – 7:00 P.M.**

**Roll Call:**

Alex Barletta – present  
John Bennett – present  
Anthony Cataline – present  
Joanne Filippone – present  
Jennifer Hartman-Sica – absent  
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 May 24, 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 # 13-22 – Michael Swartz, 146 Elizabeth Ave. – Block 62, Lot 29 – expansion of non-conforming use**

Michael York, Esq., of Novins York Jacobus and Dooley, the applicant's attorney, verified that his client is seeking a variance for an expansion of a non-conforming use. He introduced Matthew Hockenbury, PE and president of MCH Engineering, LLC, 1010 Commons Way, Toms River, NJ.

Mr. Hockenbury informed the Board of the current conditions on the property:

- Front house: 930 sq. ft. consisting of 2 bedrooms and one bath
- Rear house: 620 sq. ft. consisting of 2 bedrooms and one bath
- Base flood elevation of 4.79 ft.

He then outlined the proposed plans:

- Rear house will remain the same.
- Front house will be expanded to 1,788 sq. ft. consisting of 3 bedrooms and 3 baths.
- Eliminating seven out of nine existing non-conformities
- Request for a height variance has been eliminated.
- Attic height will not exceed six feet.
- Front porch will be reduced in width to meet setback requirement.
- Vertical expansion

Mr. Hockenbury further testified that:

- The proposed upgrades are consistent with other homes in the Borough.
- Proposed plan increases off-street parking.
- Update code requirements
- Flood compliance
- Positive impact on neighborhood

Mr. York fielded questions from Board members regarding:

- Placement of A/C unit – rear of front house on platform
- Compliance with BFE
- Square footage of second-story addition (855 sq. ft.)
- Roof height
- Access to second story
- Access to rear house

Michael Swartz, owner of 146 Elizabeth Ave., was sworn in and gave testimony that he has owned the home since 2014. He resides in the rear house and rents the front house for the season. After the expansion, Mr. Swartz plans to move to the front house and have the rear house available to his mother for the summer.

At approximately 7:35 p.m. Chairman Cataline opened the hearing for public comment. Hearing none, the public portion was closed.

There was some deliberation among Board members in which they concluded that no hardship was proven. A motion to deny the application was made by Mr. Palinsky, seconded by Mr. Barletta. Roll call vote to deny this application: Palinsky, yes; Barletta, yes; Bennett, yes; Marino, yes; Restaino, yes; Shenewolf, yes; Cataline, no. The application was denied.

**Application # 2-23 – Richard & Virginia Bender, 110 New York Ave., Block 45.01, Lot 15**

Rescheduled from April 26, 2023.

The property is located at the southeast intersection of New York Ave. and NJ State Highway Route 35 southbound in Residence District A. The property contains 3,400 square feet. The site currently contains a two-story frame dwelling, deck, covered porch and shed. The applicant is proposing an addition to the second story.

Ms. Chyb will sit for Ms. Hartman-Sica who is absent.

Gregory Hock, Esq., of D'Arcy, Johnson Day, the applicants' attorney, presented the application to the Board as an alteration/expansion of a non-conforming structure on a non-conforming lot. He then introduced Matthew Hockenbury, PE, who outlined the current conditions and proposed changes:

- Undersized parcel
- Raise existing dormer roofs
- No expansion of footprint
- BFE at 7 ft.
- Existing first floor and ½ second floor consisting of a loft and bath
- Proposed second floor expansion to house three bedrooms
- Currently two off-street parking spaces and one dedicated on-street space
- Five feet of storage under the house

There was discussion regarding:

- Dedicated on-street parking space
- Access to off-street parking in rear of house
- RSI requirements (Residential Sight Improvement Standards)

Virginia Bender, owner 10 New York Avenue, was sworn in and answered the Board's questions regarding:

- Rear gate
- Site triangle
- Designated on-street parking
- Existing curb cut on Route 35

Chairman Cataline opened the hearing for public comment at approximately 8:30 p.m. and hearing none, the public portion was closed.

After a brief deliberation by Board members who request revised plans and to grant a parking waiver, a motion was made to approve this application with conditions by Mr. Barletta, seconded by Mr. Bennett. Roll call vote: Barletta, yes; Bennett, yes; Filippone, yes; Marino, no; Palinsky, yes; Restaino, yes; Shenewolf, yes; Chyb, yes; Cataline, yes.

At approximately 8:40 p.m. Chairman Cataline asked for a ten-minute recess.

The Board reconvened at approximately 8:50 p.m.

**Application # 1-23 – Steven and Janine Kolinsky, 227 Westmont Ave., Block 1113, Lot 41**

The property is located on the north side of Westmont Ave., approximately 690 linear feet from New Jersey State Hwy. 35 South, in Residence District C. The property contains 4,250 sq. ft. The site currently contains a 2-story dwelling and deck.

The applicant is proposing to raise and renovate the existing 2-story dwelling. The proposal includes rebuilding the foundation to make the house square with the property. The existing deck will be removed. Two garages and two paver driveways are proposed.

A zoning permit was denied on 10/6/22 because “no increase in non-conformity allowed, addition in side yard setback.”

Chairman Cataline recused himself and assigned the Chairman duties to Co-chair, George Shenewolf.

Lynne Dunn, Esq., of Heiring, Dupignac, Stanzione & Dunn, applicants' attorney greeted Board members and introduced Robert Burdick, PE, PP of 1023 Ocean Road, Pt. Pleasant. Mr. Burdick attempted to explain the reason for the application.

- House lift will create eight feet under the house.
- Second floor deck will be expanded.
- Front deck will be expanded.
- Five foot side setback
- Structure coverage increase due to front and rear steps
- Squaring off the home
- Two driveways with garages on both sides
- Ground coverage from 51.4 to 78%

There were questions from the Board relating to:

- Curb cuts
- Existing curb height

Ms. Dunn introduced Scott Owen Graham, RA, AIA, of Muhlenberg, Greene Architects of Wyomissing, PA, was sworn in, and his credentials were accepted by the Board.

Mr. Graham gave testimony about the proposed renovation/addition. He described them as functional improvements. During testimony, there was discussion about:

- Two staircases
- First floor front door
- Proposed elevator
- Rear addition
- Placement of A/C
- Covered porch

Ms. Dunn asked for a brief recess to deliberate with her clients at approximately 9:35 p.m.

The hearing reconvened at approximately 9:45 p.m. at which time Mr. Graham attempted to present a revised plan for the Board's consideration. Mr. Brady cautioned Board members that our Board Engineer and the public would not have the opportunity to review this plan. It was recommended that the applicants request a postponement so that revised plans can be submitted and reviewed properly.

Chairman Cataline opened the hearing for public comment at approximately 9:55 p.m.

John Sorber of 220 Westmont Ave. was sworn in and commented in favor of the application.

The public portion was closed at approximately 10:00 p.m.

Ms. Dunn requested a postponement to our June 28, 2023, meeting. Once it was explained that the agenda was filled, she requested an earlier start. The Board approved and announced that this application will be presented on Wednesday, June 28, 2023, at 6:00 p.m.

**Resolutions Memorialized:**

N/A

**Review & Approval of Minutes:**

Mr. Bennett made a motion to accept the minutes from the Regular Planning Board meeting of April 26, 2023, seconded by Ms. Filippone with all who were present at that meeting voting in favor. Mr. Bennett made a motion to accept the minutes from the Workshop Meeting of May 10, 2023, seconded by Mr. Barletta with all who were present at that meeting voting in favor.

**New Business:**

Engineer to schedule a courtesy review of replacing Well No. 6

**Discussion:**

**Adjourn:**

Mr. Barletta moved to adjourn the meeting, seconded by Mr. Shenewolf. The meeting adjourned at approximately 10:30 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary