

**MINUTES  
BOROUGH  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, July 26, 2023 – 7:00 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 July 26, 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:**

Chairman Cataline asked for a moment of silence for deceased member Len Calderaro.

**Procedural issue regarding pending Application # 7-22: Brooklyn Ave., LLC - 2 Brooklyn Ave. Block 15. Lot 5**

Mr. Brady informed the Board that there are two procedural issues with this pending application: (1) duplicity of the previous application for a bulk variance in 2014 (2) applicant has not provided an updated survey as requested by our Engineer and is requesting a submission waiver. The application has been deemed incomplete.

Michele Donato, attorney for Fremont (Brooklyn Ave., LLC) addressed the issue by stating that the Board must hear the application in order to determine whether or not it is similar to the previous application. After explaining the reason for the new application, Ms. Donato said that this procedure is inappropriate. She argued that only the Planning Board could grant a waiver.

Gregory Hock, attorney for William Scurzo of 4 Brooklyn Ave., explained to the Board that the court had ordered a stay from July, 2022, through December, 2022, and the application is still not complete.

Mr. Brady stated that an application for a variance before the Planning Board does not warrant a stay. He added that this application had been deemed incomplete by the Planning Board Engineer on January 24, 2023, April 5, 2023, and June 1, 2023.

Mrs. Filippone added that there is no procedure for this Board to grant a waiver, and that we have not formally adopted a procedure. Ms. Donato cited New Jersey Zoning & Land Use Chapter 40:55D-10.3, Certification of complete application. Mr. Bennett made a motion that the waiver request be denied; it was seconded by Mr. Palinsky. Roll call vote: Bennett, yes; Palinsky, yes; Barletta, yes; Filippone, yes; Hartman-Sica, yes; Marino, yes; Restaino, yes; Shenewolf, yes; Cataline, yes. At this time, Ms. Donato agreed to obtain a current survey as required.

Mr. Hock then asked that a two-week time limit be placed on this, and that the application be added to the August 23, 2023, Planning Board Meeting agenda. The Board agreed, and the Board secretary was asked to follow up.

#### **Application # 04-22 – Christopher & Judy Lee, 11 Magee Ave. – Block 9, Lot 16**

Request for time extension for one year.

Mr. Christopher Lee of 11 Magee Avenue was sworn in and gave testimony that since the resolution approval expires in August, he wished to get an extension since he plans to begin work in this fall.

A motion to grant the extension was made by Mr. Marino, seconded by Mr. Palinsky. Roll call vote: Marino, yes; Palinsky, yes; Barletta, yes; Bennett, yes; Filippone, yes; Hartman-Sica, yes; Restaino, yes; Shenewolf, yes; Cataline, yes.

#### **Application # 04-23 – Marc A. Kowtko, 210 Bryn Mawr Ave. – Block 115, Lot 5**

The property is located on the south side of Bryn Mawr Ave., 240 ft. west of NJ State Highway Rte. 35 south in Residence C. The property contains 4,250 sq. ft. The site currently contains a 2-story frame dwelling and deck. The applicant is proposing to raise and renovate the existing 2-story dwelling. The proposal includes rebuilding the foundation and moving it towards the front property line and removal of the existing deck and some ground coverage.

Ms. Donato, applicant's attorney introduced Mark Kowtko of 163 Lexington Court, Red Bank, NJ. Mr. Kowtko was sworn in and gave testimony that the home was built in 1964 and has been in the family since that time. The house was damaged by hurricane Sandy, and the entire first floor of the dwelling was destroyed.

At this time Mr. Marino recused himself. Ms. Chyb sat for Mr. Marino.

Matthew Hockenbury, PE, President of MCH Engineering, LLC, was sworn in and outlined the following:

- Currently below BFE
- Existing side yard set back
- Current ground coverage

- Combined coverage
- Removal of shed
- Storage below the dwelling
- Moving house forward 2.5 feet with rear stairs
- Fifth bedroom in former garage
- Four off-street parking spaces
- Elevated stone replacing pavers
- Reduction in lot coverage
- Curb cut

Chairman Cataline opened the hearing for public comment at approximately 8:07 p.m. and hearing none, the public portion of the meeting was closed.

A motion to approve the application was made by Mr. Palinsky, seconded by Mr. Barletta. Roll call vote: Palinsky, yes; Barletta, yes; Bennett, yes; Filippone, yes; Hartman-Sica, yes; Restaino, yes; Shenewolf, yes; Chyb, yes; Cataline, yes.

At approximately 8:10 p.m., Chairman Cataline called a five-minute recess. The hearing resumed at approximately 8:15 p.m.

**Application # 03-23 – Joanne Sweeney, Trustee of Zelano Family Trust, 105 Reese Ave. – Block 33.01, Lot 10**

The property is located on the north side of Reese Ave., approximately 134 ft. east of NJ Route 35 So. In Residence District A. The property contains 5,000 sq. ft. The site currently contains a 2 ½ story frame dwelling in the front of the property and a 1-story frame dwelling in the rear of the property.

The applicant is proposing to raise the existing front enclosed porch to meet the existing finished floor, add a second story deck above the dwelling in the front.

Lynne Dunn, applicant's attorney, introduced Matthew Hockenbury, who described the existing dwelling:

- Front elevation
- Six off-street parking spaces
- Front and rear yard compliance

Mr. Hockenbury went on to describe the proposed work:

- Modify front
- Full flood compliance
- Two thirds of the enclosed porch will be converted to living space
- Front stairs landing
- Open floor plan
- Four bedrooms to three bedrooms
- Addition of an A/C unit
- Remove paver grill
- Add rinse station at rear of property
- Structure coverage 35.6%
- Filling in basement and adding flood vents

The applicant is seeking a variance for the front yard setback and for the ground coverage.

Paul Rugarber, RA, AIA, of 501 Laurel Ave., Point Pleasant Beach, was sworn in and testified that they will be bringing the home to flood compliance and gave an explanation of the proposed plans. He also submitted Exhibit A-1, which was a color photo of the front view and rear view of the dwelling.

The following items were discussed:

- Opening up a portion of the porch
- Attic height and access
- Two driveways
- Finished floor elevation

Joanne L. Sweeney, Trustee, of 811 Brooklyn Ave., Raritan, was sworn in and answered questions from Board members.

At approximately 9:00 p.m., Chairman Cataline opened the hearing for public comment and hearing none the public portion was closed.

A motion to approve the application with conditions was moved by Mr. Palinsky, seconded by Mr. Barletta. Roll call vote: Palinsky, yes; Barletta, yes; Bennett, yes; Marino, yes; Restaino, yes; Shenewolf, yes; Cataline, yes.

**Application # 05-23 – Joseph & Geraldine Lopez, 18 Morton Drive – Block 966, Lot 12**

The property is located on the south side of Morton Drive, approximately 410 linear feet west of the intersection at Dickman Drive, in the Residential District B. The property contains 7,000 sq. ft. The site currently contains a 2-story dwelling with a rear enclosed porch, an in-ground swimming pool and a detached 2-story garage.

The applicant is proposing a 110 sq. ft. second story addition in the rear of the dwelling, a reconstructed front porch, a new rear deck, and other miscellaneous improvements to the dwelling.

Harvey York, applicants' attorney, introduced Matthew Hockenbury, PE, who described the existing structure and outlined the proposed improvements.

There was discussion regarding:

- Chimney
- Garage second story
- Removal of rooftop deck
- Addition and elevation of A/C unit
- Swimming pool non-compliance
- Side yard non-compliance

Mr. York introduced Paul Rugarber, RA, and asked him to explain the alterations:

- Replacing outdoor fireplace
- Addition of A/C unit on the same side as the current unit
- Removal of roof-top deck

- Two foot overhang at front of house

The following exhibit was submitted:

Exhibit A-1: Color photo of the front and rear of dwelling  
Color photo of the west side of dwelling and view of the detached garage  
Color photo of west property line<sup>3</sup>

After a discussion about reducing the overhang across the front of the house, eliminating the second A/C, installing a smaller/shorter chimney, and a deed restriction for the garage, a motion was made by Mr. Filippone to approve the application, seconded by Mr. Cataline. Roll call vote: Filippone, yes; Cataline, yes; Barletta, no; Bennett, yes; Hartman-Sica, yes; Marino, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes.

**Review and Adoption of Minutes:**

Mr. Barletta asked that the minutes of the June 28 meeting be corrected to reflect that he joined the hearing at 7 p.m. and Mr. Marino pointed out a correction to page 3. With these corrections noted a motion to approve was made by Mrs. Filippone, seconded by Mr. Cataline with all who were present at the meeting voting in favor.

**New Business:**

**Discussion:**

**Adjourn:**

Mrs. Filippone moved to adjourn the meeting, seconded by Mr. Bennett and the meeting adjourned at approximately 10:20 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary