

**MINUTES
BOROUGH
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, October 23, 2024 – 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
Jennifer DeRienzo – present

Also Present: Terry Brady, Esq.
Millis Looney, PE

Flag Salute: Chairman Cataline

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of October 23, 2024. 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 # 08-2024 – Rizzo Family Lavallette Trust, 2307 Baltimore Ave., Block 50.02, Lot 32 – Home lift and renovations

The applicant is proposing to raise their existing home and construct a second-floor addition composed of two new bedrooms, one new bath, a new office and a second-story rear deck. The applicant is seeking variance relief for an existing front and side yard setback, ground coverage and structure coverage.

Applicant's attorney, Robert C. Shea, Esq., sent a letter requesting to carry the application to the November 13, 2024, meeting waiving any statutory time frames. A motion to continue the application to the November 13 meeting was moved by Mr. Shenewolf, seconded by Mr. Marino. Roll call vote: Shenewolf, yes; Marino, yes; Barletta, yes; Bennett, yes; Filippone, yes; Hartman-Sica, yes; Palinsky, yes; Chyb, yes; DeRienzo, yes; Cataline, yes.

Application # 12-2024 – Eric Ramirez, 110 Virginia Ave., Block 43.01, Lot 15 – Proposed Outdoor Cooking Facility & Pergola

The applicant has proposed to remove the existing frame shed and concrete patio in the rear and is proposing to construct a paver patio and an outdoor cooking facility with a pergola. The applicant requires variance relief for exceeding the maximum structure coverage.

Gregory Hock, Esq., applicant's attorney, described the property as being undersized and is over on structure coverage partially due to the fact that the house was raised. He then introduced Mathew Hockenbury, PE, PP, of MCH Engineering in Toms River, who was sworn in and submitted the following for Board review:

- Exhibit A-1: Aerial Photograph (taken by Google Maps) of property and surrounding area.

Mr. Hockenbury described the existing conditions:

- 34 X 100 lot size
- 2,300 sq. ft. dwelling
- three staircases
- storage shed

He continued by outlining the proposed changes:

- erect a 10 X 10 pergola with a one foot overhang – flood compliant
- outdoor cooking facility

Mr. Hockenbury gave his opinion that the size of the lot creates a hardship, and he does not see any detriment to the surrounding area. The structure (pergola) is made of white wrapped vinyl with slats 16" apart. The cooking facility will require gas and electric, no water or sewer services.

There was discussion regarding:

- size of counter
- no visual or proposed cooking facility was supplied
- agreement not to enclose the pergola
- pergola maximum height at 9 ft.
- removal of 6 X 10 shed

Mr. Brady reinforced the fact that any variance goes with the land, and if the house were to be completely destroyed, it will need to be reconstructed within the Borough's structure limitations for the dwelling.

At approximately 5:50 p.m. Chairman Cataline opened the hearing for public comment.

Kate Solta of 101 Virginia Avenue was sworn in and gave testimony in favor of the application.

Barbara Klauf of 108 Virginia Avenue was sworn in and testified in favor of the application.

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

At approximately 6:35 p.m. the Board took a five minute recess. The hearing reconvened at approximately 6:41 p.m.

Application # 13-2024 – Patrick & Joanne Capone, 18 President Ave., Block 7, Lot 21 – Second-story addition

The applicant has proposed to construct a second-floor addition, front covered landing, composite deck with a wood pergola and open rinse station in the rear --- all with proposed stairs to grade. The applicant is seeking variance relief for a one side setback and front setback to the existing and proposed front porch. The applicant will also require variance relief for accessory structure setback, and depressed curb width.

Lynne Dunn, applicants' attorney introduced Matt Hockenbury, of MCH Engineering in Toms River, NJ, who was sworn in and described the existing property and the proposed changes. He reviewed Sheet A-1 of the PDR Designs Architectural Plans showing the cut into the second floor for the A/C unit and how the proposed extension will follow the existing footprint adding coverage for the porch and stairs on the side of the house.

Mr. Hockenbury explained that the proposed addition is at the rear of the house to allow for a larger kitchen, laundry closet and half bath. Upstairs will contain a master bedroom and large closet. He mentioned that 4 ½ feet of the neighbors' driveway is on their property. In his opinion, this is a modest expansion in order to modernize the home. There was discussion regarding:

- existing continuous curb cut
- 1998 easement
- compliance with base flood elevation
- porch floor able to be raised if necessary
- not substantially damaged
- fire-rated walls on 3.5 ft. side
- detached garage remaining
- enclosed porch to be flood plain compliant

Joanne Capone, owner of 18 President Ave., was sworn in and testified that they did get water in the crawl space after hurricane Sandy; it was remediated, and there have not had any water problems.

Chairman Cataline opened the hearing for public comment at approximately 6:35 p.m. and hearing none, closed the public portion.

A motion to approve the application as submitted with a notation regarding flood compliance was made by Mrs. Filippone, seconded by Mr. Barletta. Roll call vote: Filippone, yes; Barletta, yes; Bennett, yes; Hartman-Sica, yes; Marino, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes; Cataline, yes.

Resolutions Memorialized:

Application # 10-2024 – Rob & Kelly Roesler, 205 Newark Ave., Block 964, Lot 14 – Home Lift and Renovation – approved with conditions

Review & Approval of Minutes:

Mr. Barletta made a motion to accept the minutes from the Regular Planning Board meeting of September 25, 2024, seconded by Mr. Marino with all who were present at that meeting voting in favor.

New Business:

N/A

Discussion:

- Mr. Brady informed the Board that AT&T is interested in 5G placements.
- Mr. Brady reviewed the DCA Affordable Housing Obligations for 2025-2035 and made his recommendation for the Borough. Mrs. Filippone asked if he could prepare a letter to Mayor and Council.

Adjourn:

Mr. Barletta moved to adjourn the meeting, seconded by Mr. Cataline. The meeting adjourned at approximately 6:55 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary