

**MINUTES  
BOROUGH  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, March 27, 2024 – 5:00 P.M.**

**Roll Call:**

Alex Barletta – absent  
John Bennett – absent  
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.  
Michael Goldstein, PE

**Flag Salute:** Mr. Shenewolf

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of March 27, 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:**

Mary Chyb will sit for John Bennett, and Jennifer DeRienzo will sit for Alex Barletta.

**Application # 10-23 - Eric Ramirez, 110 Virginia Ave., Block 43.01, Lot 15**

The property is located on the south side of Virginia Ave., situated on the southeastern corner of Rte. 35 S. and Virginia Ave. The site is located in the Res. Dis. A. The lot size is 3,400 sq. ft. and contains a two-story frame dwelling with a porch and deck on the front and rear of the house. A shed is located in the southeast corner of the lot. The applicant is proposing to remove the shed in the rear yard and construct an outdoor kitchen/cabana and associated site improvements, including updates to the patio, landscaping and lighting.

This will require an appeal from the Zoning Officer's decision on 11/3/2023 and a variance for lot coverage.

Harvey L. York, applicant's attorney, explained to the Board that this is a two part application. Part 1 is appealing the Zoning Officer's decision of 11/03/2023 to deny the project --- to construct a cabana in the rear of the property.

Mr. York began with the question, is the structure a permitted accessory use? He then cited Article 90-6 in our Code Book as part of his basis for the appeal: "*This chapter is intended to be permissive as to uses and purposes permitted within the hereinafter-designated zones, and any use or purpose not expressly designated for a particular zone or zones within the article setting out the same is hereby expressly prohibited unless a variance for same is granted pursuant to N.J.S.A. 40:55D-70, Chapter 291 of the Laws of New Jersey 1975.*"

Mr. York then moved on to cite Article 90:22 – *Permitted principal uses and buildings in Residence District A*, and mentioned things that are not listed as permitted uses. He and his client, therefore, feel that their request is a permitted use. Mr. York introduced Matthew C. Hockenbury, Professional Engineer, who was sworn in and described the existing property and answered questions from our Engineer about permanent utilities in the proposed structure.

Mrs. Filippone argued that the examples that Mr. York used are not structures.

There was further discussion about:

- the proposed grill vent
- postponing the application
- adoption of the new ordinance
- non-conforming lot
- coverage issue

Chairman Cataline opened the hearing for public comment at approximately 5:30 p.m. and hearing none, it was closed.

After Board deliberation, Ms. Hartman-Sica moved to uphold the Zoning Officers decision seconded by Mr. Palinsky. Roll call vote: Hartman-Sica, yes; Palinsky, yes; Filippone, yes; Marino, yes; Restaino, yes; Shenewolf, yes; Chyb, yes; DeRienzo, yes; Cataline, yes.

The decision was made by the applicant's attorney not to continue with Part 2 of the application for a use variance.

**Case # 027 - Substantial Damage Determination Appeal – Joseph & Vivian Mauriello – 1506 Baltimore Ave. – Block 55, Lot 4**

Applying the applicant's appraisal, the value of the building and not the value of the building damage is what is appealed – the appraised value of the building is \$210,000, which would make the building damage way under 50%.

Joseph Mauriello, of 1506 Baltimore Ave., was sworn in and testified that the professional appraisal of the property at the time of the storm was \$210,000 and the repairs totaled \$70,000. Mr. Brady verified that the information was received and that the cost of repairs is under 50%, therefore, granting relief from the Substantially Damaged Determination. Mr. Mauriello thanked the Board, Mr. Brady, and the Board Secretary for their time.

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

**Resolutions Memorialized:**

N/A

**Review & Approval of Minutes:**

Mrs. Filippone made a motion to accept the minutes from the Regular Planning Board meeting of February 28, 2024, seconded by Mr. Shenewolf with all who were present at that meeting voting in favor.

**New Business:**

Mr. Brady directed the Board's attention to page 13 in the January/February 2024 edition of The New Jersey Planner. This article outlines a bill pre-empting Municipal Land Use Controls over accessory dwelling units. Mr. Brady told us that he has written letters/resolutions to the Legislature on behalf of other municipalities opposing this bill. Mrs. Filippone recommended that he send a copy to Donnelly Amico, our Borough Clerk, to be included on the agenda for the upcoming Council Meeting.

**Discussion:**

**Adjourn:**

Mr. Palinsky moved to adjourn the meeting, seconded by Mr. Shenewolf. The meeting adjourned at approximately 6:05 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary