

**MINUTES
BOROUGH
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, May 22, 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 – absent
Jennifer DeRienzo – present

Also Present: Tom Kunz, Esq.
Michael Goldstein, PE

Flag Salute: Chairman Cataline

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of May 22, 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:

Chairman Cataline announced the passing of Bobbie Brown, former Board member, and asked for a moment of silence.

Application # 3-2024 – Rizzo Family Lavallette Trust, 2307 Baltimore Ave., Block 50.02, Lot 32

The applicant is proposing to raise their existing home and construct a second-floor addition composed of three 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.

Ms. Hartman-Sica was recused due to 200 ft. proximity, and Jennifer DeRienzo sat in for her. Robert C. Shea, Esq., applicant's attorney, gave testimony that the family has owned the residence since 1986 and that the proposed renovations will not increase the current footprint.

Mr. Shea introduced Edward S. Dec, PE, CME, of Guarriello & Dec Associates, LLC, who was sworn in and reviewed the existing conditions and the proposed changes to the property. There were discussions regarding:

- Second-story deck
- Change in structure coverage

Mr. Shea then introduced Robert Hudak, Senior Planner at InSite Engineering, LLC, 1955 Route 34, Wall, NJ. Mr. Hudak's credentials were accepted, and he gave an overview of the requested variances. The following was discussed:

- Amount of pavers
- Ground coverage
- Building height
- Number of bedrooms before and after proposed renovations
- Off-street parking requirements
- Total square footage
- Shed removal
- Relocation of A/C units

Mr. Joseph Rizzo, 212 North 21st Street, Kenilworth, was sworn in as owner/representative of the Rizzo Family Lavallette Trust. He testified that the additional square footage is going directly over the existing first floor, and that the existing 1 ½ stories will become 2 stories. Mr. Shenewolf pointed out that the square footage is being doubled.

Chairman Cataline opened the hearing for public comment at approximately 6:12 p.m. Bob Mikalouskas of 121 Trenton Avenue spoke in favor of the application. The public portion was closed at approximately 6:15 p.m.

After Board deliberation, a motion to deny the application was made by Mr. Bennett, seconded by Mr. Marino. A yes vote is in support of the denial. Roll call: Bennett, yes; Marino, yes; Barletta, yes; Filippone, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes; DeRienzo, yes; Cataline, yes.

Mr. Shea stated that he will submit a written request for reconsideration.

Application # 4-2024 – Mark & Gina Benaquista, 247 Westmont Ave., Block 1113, Lot 32

The applicant is requesting variance relief for an outdoor cooking facility and lot/structure coverage. The applicant recently constructed a new home on the property with a detached grill island, then received zoning violations for the nonconforming use of an outdoor cooking facility.

Chairman Cataline recused himself for personal reasons, and Ms. DeRienzo was recused due to 200 ft. proximity.

Michele Donato, Esq., applicants' attorney, addressed the Board and introduced Jason Marciano of East Coast Engineering. The following exhibits were introduced:

- A-1: Color photos of cooking facility (grill) and aerial photos of neighborhood
- A-2: Current color aerial photo of Block 1113, Lot 32

Mark Benaquista, property owner, was sworn in and testified that he purchased the property in August of 2021, broke ground in May of 2022, and moved into the residence in May of 2023.

Mrs. Donato asked Mr. Benaquista to describe the cooking facility. He stated that he had obtained approval for the gas line and assumed that he could install a grill. He explained that due to the narrowness of his property, there was no other place to put the grill. It was confirmed that there is electricity and water connected to the cooking island and that there were no inspections. Mrs. Filippone pointed out that the outdoor cooking facility was not on his original plans.

There was further discussion regarding:

- Criteria review under old ordinance
- Safety concerns due to lack of proper inspections
- Improvements not shown on the as-built
- Addition of pavers
- Drainage

Mr. Marciano submitted Exhibit A-3:

- A-3: final as-built dated 1/30/2023

Testimony continued concerning:

- Maximum structure coverage
- Two one-car garages
- Curb cut
- Lot size (4,200 sq. ft.)

In Mr. Marciano's opinion the 47 sq. ft. cooking facility is not a substantial detriment to the area, is aesthetically pleasing, the construction does not interfere with any view of the lagoon, and the application qualifies under a C-2 variance (advances the purposes of the Municipal Land Use Law).

Mrs. Donato added that her clients agreed to eliminating the extra ground coverage, all safety and FEMA and code requirements will be obtained, and that they are willing to install a dry well.

Co-Chairman Shenewolf opened the hearing for public comment at approximately 8:23 p.m. Hearing none, the public portion was closed.

After Board deliberation, Mr. Barletta made a motion to approve the application with specific conditions, seconded by Mr. Bennett. Roll call vote: Barletta, yea; Bennett, yes; Filippone, no; Hartman-Sica, yes; Marino, yes; Palinsky, yes; Restaino, yes; Shenewolf yes.

Application # 5-2024 – Danielle De Vita, 407 Bay Boulevard, Block 31.02, Lot 32

The applicant is proposing to raise their existing home, and construct a new grade level deck facing Bay Boulevard and a second-floor deck, facing both Bay Boulevard and Guyer Ave. The applicant is seeking variance relief for lot size, front yard setback on both frontages, side yard setback, structure coverage, combined coverage and building height.

Mr. Kunz and Chairman Cataline spoke with Lynne Dunn, attorney for the applicant, and explained that our rules state that our Board meetings will not continue past 9 p.m.

It was Ms. Dunn's decision to proceed, and she called Matthew Hockenbury, PE and president of MCH Engineering, LLC, 1010 Commons Way, Toms River, NJ. Mr. Hockenbury described the proposed work to be done on this undersized parcel and that they are seeking relief under a C-1 hardship variance.

A motion to allow the application to be continued at our June 26, 2024, Planning Board meeting was made by Mr. Barletta, seconded by Mr. Bennett with all present voting in favor. It was then announced that this application will be continued at our June 26 meeting.

Resolutions Memorialized:

Application # 1-2024 – 2022 Nancy J. Padovano Dynasty Trust, 103 Bay Boulevard, Block 28.02, Lot 23 – approval with conditions

Application # 2-2024 – Kelli Rabke, 18A Kerr Avenue, Block 4, Lot 21.02 – approval with conditions

Review & Approval of Minutes:

Mr. Barletta made a motion to accept the minutes from the Regular Planning Board meeting of April 24, 2024, seconded by Mr. Palinsky with all who were present at that meeting voting in favor.

New Business:

Discussion:

Adjourn:

Mr. Barletta moved to adjourn the meeting, seconded by Mrs. Filippone. The meeting adjourned at approximately 9:10 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary