

**MINUTES
BOROUGH
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, July 24, 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 – absent

Mary Chyb – present
Jennifer DeRienzo – present

Also Present: Terry Brady, Esq.
Michael Goldstein, PE

Flag Salute: Chairman Cataline

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of July 24, 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 George Shenewolf who is absent.

Application # 07-2024 – Michael Swartz, 146 Elizabeth Ave., Block 62, Lot 29 – Home Lift

The applicant is proposing to raise and renovate the northerly dwelling fronting Elizabeth Ave. The finished floor will be elevated above the design flood elevation and the enclosed area below the finished floor will provide two (2) parking spaces. The applicant had previously sought Board approval to add a second story, whereas this application is not proposing a second story. The rear dwelling is proposed to remain. The shed in the rear of the property is proposed to be removed. The applicant is proposing to eliminate four (4) of their five (5) existing non-conformities and is seeking D (2) variance relief for an expansion of a non-conforming use.

Mr. Brady read an e-mail sent to the Planning Board Secretary by the applicant's attorney, Gregory Hock. He requested that the case be adjourned to the August 28, 2024, Planning Board meeting. The Board voted in favor of the adjournment, and Mr. Brady made the announcement.

Time Extension for Application # 03-23 – Zelano Family Trust, 105 Reese Ave., Block 33.01, Lot 10

Applicant respectfully requests a one-year extension of the approvals memorialized in the Planning Board's resolution adopted on August 23, 2023.

Lynne Dunn, Esq., appeared on behalf of her client, Joanne Sweeney, Co-Trustee, to request a one-year extension of the Board's approval.

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

Application # 9-2024 – Danielle De Vita, 407 Bay Blvd., Block 31.02, Lot 32

The applicant is proposing to raise their existing home and construct an elevated front porch facing Bay Blvd. and Guyer Ave. The applicant is seeking variance relief for lot size, front yard setback on both frontages, side yard setback, structure/combined coverage, and building height. An application for this site was previously denied by this Board, and it is the applicant's claim that this new application is not substantially similar to the first.

Lynne Dunn, attorney for the applicant, described the differences between this new application and the previous Application # 5-2024, which was denied. Mr. Brady advised the Board that the new application presented a "new pitch" and a "new swing."

The Board then voted that the doctrine of res judicata did not apply to this application. A motion to hear the new application was moved by Mr. Bennett, seconded by Mr. Barletta. Roll call vote: Bennett, yes; Barletta, yes; Filippone, yes; Hartman-Sica, yes; Marino, yes; Palinsky, yes; Restaino, yes; Chyb, yes; Cataline, yes.

Ms. Dunn introduced Paul Rugarber, AIA, of PDR Designs, LLC, 501 Laurel Ave., Pt. Pleasant Beach, who was sworn in and provided testimony regarding:

- New dimensions of the upper deck
- Additional one foot of building height
- Increased drainage
- No change to dwelling
- Flood compliance

There was discussion regarding:

- Size of proposed deck
- Setback relief on Guyer Avenue
- Width of door opening
- Two front yards

The following exhibit was introduced:

- A-1: PDR Designs Floor Plans dated July 2, 2024, labeled A-3, Sheet # 2 of 4 highlighting in green marker the proposed change to the upper deck.

Matthew Hockenbury, PE and president of MCH Engineering, LLC, 1010 Commons Way, Toms River pointed out some details of the application:

- Property is undersized
- East side garage remaining
- A/C being moved to be compliant
- Pavers being removed to reduce coverage
- Significant reduction in ground coverage
- Drainage improvements
- Elevation for flood compliance
- Width of stairs – code compliant

Michael Goldstein, Planning Board Engineer, referred Board members to the Engineer Review letter dated July 15, 2024.

Chairman Cataline opened the hearing for public comment at approximately 6:15 p.m. Hearing none, the public portion was closed.

After Board deliberation, a motion to approve the application with conditions was made by Ms. Filippone, seconded by Mr. Marino. Roll call vote: Filippone, yes; Marino, yes; Barletta, yes; Bennett, yes; Hartman-Sica, yes; Palinsky, yes; Restaino, yes; Chyb, yes; Cataline, yes.

The Board took a five minute recess.

Resolutions Memorialized:

Application # 5-2024 – Danielle De Vita, 40 Bay Blvd., Block 31.02, Lot 32 - Denial

Application # 6-2024 – Drew and Tina Markewicz, 2101 Bay Blvd., Block 61, Lot 31 – approval with conditions

Review & Approval of Minutes:

Mr. Barletta made a motion to accept the minutes from the Regular Planning Board meeting of June 26, 2024, seconded by Mr. Marino with all who were present at that meeting voting in favor.

New Business:

N/A

Discussion:

There was a brief discussion about imposing time lines on conditions to resolutions. Mr. Brady explained that the applicant doesn't ever have to fulfill the conditions, however, conditions must be done before the Certificate of Occupancy can be issued. Mr. Bennett questioned that without a time limit, what relief does the applicant have?

Ms. Filippone had a question about people building without permits who fail their inspections. Mr. Brady responded that the Board does not get involved with code enforcement, "we are only involved with zoning." He further stated that the Board's expertise is in Zoning and Planning.

There was a question about the applicants' compliance with conditions. Mr. Brady stated that the applicant is free to come back and ask us to repeal the conditions.

Adjourn:

Mr. Barletta moved to adjourn the meeting, seconded by Mr. Bennett. The meeting adjourned at approximately 7:15 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary