

**MINUTES  
BOROUGH  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, September 25, 2024 – 5:00 P.M.**

**Roll Call:**

Alex Barletta – present  
John Bennett – absent  
Anthony Cataline – present  
Joanne Filippone – present  
Jennifer Hartman-Sica – present  
Vincent Marino – present  
Joseph Palinsky – present  
Thomas Restaino – absent  
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 September 26, 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:**

Ms. Chyb will sit for Mr. Bennett and Ms. DeRienzo will sit for Mr. Restaino.

**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.

The applicant submitted revised plans on September 11. The Second Engineer's Review was completed on September 24. A motion was made by Mr. Barletta, seconded by Mr. Shenewolf to

change the agenda order so that Board members would have an opportunity to read through the report. All members present voted in favor.

The Board recessed at approximately 5:55 p.m. in order to review the Second Engineer's Report dated September 24, 2024.

The hearing resumed at approximately 6:05 p.m.

Robert Shea, applicant's attorney, addressed the issue of res judicata arguing that the new Plot Plan is sufficiently changed. He made reference to the Second Engineer's Review letter dated September 24 citing:

- reduction of structure coverage
- reduction of total coverage
- reduction in the number of bedrooms
- removal of deck
- addition of 3 more off-street parking spaces
- A/C relocation
- removal of shed
- relocation of rinse station
- removal of portions of concrete

A motion to proceed with hearing the amended application was made by Mr. Palinsky, seconded by Mr. Barletta. Roll call vote: Palinsky, yes; Barletta, yes; Filippone, yes; Marino, no; Shenewolf, yes; Chyb, yes; DeRienzo, yes; Cataline, yes.

Mr. Shea indicated that the Rizzo family has owned the property for over forty years also stating that it was a two-family home, which was substantially damaged by hurricane Sandy. The following was submitted to the Board:

- Exhibit A-1: Substantial Damage Determination Letters from the Borough dated: March 7, 2013, February 23, 2021, and June 14, 2023

Edward S. Dek, PE, reviewed the revised plot plan showing existing and proposed conditions. The following items were discussed:

- Footprint remains the same
- Placement of A/C units
- Replacement of first floor deck with a small stairway and landing
- Building height compliant
- Maintaining current curb cut
- Total square footage at approximately 3,435
- Number of bedrooms from 9 to 7
- Additional 800+ square feet over the existing structure – vertical expansion

Mr. Dek entered the following:

- Exhibit A-3: Diagram showing existing and proposed conditions and the deck design

Mrs. Filippone pointed without the addition of the deck, there would be no need for the staircase and there would still be two egresses.

When Mr. Palinsky asked for an explanation of the hardship that rationalizes the +800 sq. ft. expansion, Mr. Shea deferred to Mr. Robert Hudak, PP, AICP, whose credentials were presented and approved. Mr. Hudak qualified the application as both C-1 and C-2. He cited the hardship as

being in a flood zone with the need to elevate, and that the proposed variance significantly benefits the community where the positive aspects outweigh any potential negative impacts.

Mr. Hudak submitted the following exhibits:

- A-5: Colored photo showing the overhead view of the neighborhood
- A-6: Colored photo of the existing neighboring blocks and lots
- A-7: Photos of adjacent houses

Mr. Hudak stated that the exhibits are an attempt to point out that the proposal will improve the neighborhood, plus make the dwelling flood compliant. When questioned by Mrs. Filippone about the increase in structure coverage, Mr. Hudak answered that the stairs are the, and that they are necessary due to the need to raise the structure.

There was further discussion regarding overdevelopment of the property, and Mrs. Filippone asked the applicant to reduce the non-conformity even further.

Attorney Shea said he would be happy to go back and review the plan to see where more reductions could be made. After requesting a continuance to the October 23 meeting, a motion to grant it was made by Mrs. Filippone, seconded by Mr. Shenewolf. Roll call vote: Filippone, yes; Shenewolf, yes; Barletta, yes; Marino, yes; Palinsky, yes; Chyb, yes; DeRienzo, yes; Cataline, yes.

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

The applicant is proposing to raise and renovate the single-story dwelling. The finished floor will be elevated above the design flood elevation, and the enclosed area below the finished floor will provide one (1) parking space and storage. The shed and concrete patio in the rear of the property is proposed to be removed, and a new in-ground swimming pool and paver patio is proposed.

Gregory Hock, applicants' attorney explained the purpose of the application, and introduced Matt Hockenbury of MCH Engineering in Toms River. Mr. Hockenbury described the topography of the property (50 X 96 X 118), enumerated the pre-existing non-conformities, and submitted the following:

- Exhibit A-1: Color photos of the Front View, Rear Yard View #1 and Rear Yard View #2

There was discussion regarding:

- BFE 14.71
- Reorganizing living space
- Removal of side door
- Shed removal
- Removal of roofed rinse station
- A/C units relocation to roof
- Clarification of structure coverage
- Pool 6 ft. from dwelling instead of the required 8 ft.
- Building height compliance

Chairman Cataline open the meeting for public comment at approximately 5:50 p.m., and hearing none, the public portion was closed.

After Board deliberation, a motion was made by Mr. Barletta to approve the application with conditions that the pool location be made compliant and the solid wall be removed from the proposed storage space. It was seconded by Ms. Filippone. Roll call vote: Barletta, yes; Filippone, yes; Hartman-Sica, yes; Marino, yes; Palinsky, yes; Shenewolf, yes; Chyb, yes; DeRienzo, yes; Cataline, yes.

**Resolutions Memorialized:**

Application # 07-2024 – Michael Swartz, 146 Elizabeth Ave., Block 62, Lot 29 – Home Lift and renovations. Approval with condition to revise plans to reflect the accurate house elevation height on both the east and west sides of the home.

**Review & Approval of Minutes:**

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

**New Business:**

N/A

**Discussion:**

**Adjourn:**

Mr. Barletta moved to adjourn the meeting, seconded by Mr. Shenewolf. The meeting adjourned at approximately 7:50 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary