

MINUTES

BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, January 28, 2026 at 5:00 p.m.



ROLL CALL:

Alex Barletta – present
John Bennett – absent
Anthony Cataline – present
Mary Chyb – present
Jennifer DeRienzo – present
Joanne Filippone – present
Jennifer Hartman-Sica – absent
Vincent Marino – present
Joseph Palinsky – present
Thomas Restaino – present
Mark Speaker - absent

Also Present: Mr. T. Kunz, Esq. and Michael Goldstein, PE, PP, CFM

Flag Salute: Chairman Cataline

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of December 17, 2025. 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 Clerks 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.

Lavallette Planning Board Regular Meeting Minutes

Date: January 28, 2025
Time: 5:00 PM
Location: Lavalette Borough Hall

I. Call to Order

The regular meeting of the Lavalette Planning Board was called to order by Chairman T. Kunz at 5:00 PM. The meeting opened with the Pledge of Allegiance.

II. Attendance

Name	Title	Present/Absent
T. Kunz	Chairman	Present
M.Goldstein	Member	Present
J.Bennett	Member	Present
Speaker 8	Member	Present
J.Filippone	Member	Present (Recused from Application 12-2025)
Speaker 10	Member	Present
Speaker 11	Member	Present
Speaker 13	Member	Present
Speaker 15	Member	Present
Speaker 16	Member	Present
Speaker 17	Member	Present

Name	Title	Present/Absent
Speaker 18	Member	Present
Speaker 19	Member	Present
Speaker 20	Member	Present
Speaker 21	Member	Present
Speaker 23	Member	Present
Speaker 24	Member	Present
Speaker 25	Member	Present
Speaker 26	Member	Present
Speaker 27	Member	Present
T. Brady, Esq.	Board Attorney	Present
M. Goldstein, P.E.	Board Engineer	Present

III. Swearing-In of New Member

- J.Bennett was administered the Oath of Office and officially sworn in as a Class II Planning Board member.

IV. Roll Call

The Board Secretary conducted the roll call, and a quorum was established.

V. Applications

Application 12-2025: Rizzo Family Trust, 2307 Baltimore Avenue

- **Recusal:** J.Filippone recused herself from the application and stated her intention to remain in the audience as a member of the public.
- **Applicant's Counsel:** Robert Shea, Esq., appeared on behalf of the applicant, the Rizzo Family Trust.
- **Objection:** M.Goldstein noted an objection for the record regarding J.Filippone's presence in the audience, citing her participation in previous hearings on the matter. T.Brady advised that a recused board member retains the right to testify on facts as a member of the public.
- **Application Overview:**
 - M.Goldstein stated the application is before the board on remand from a court order (marked as **Joint Exhibit J1**), which vacated the board's previous denial and mandated a new hearing.
 - The current plan is a revised version intended to address the board's prior concerns.
 - Ground coverage has been reduced to a conforming 16.6%.
 - Total coverage has been reduced to a conforming 56.96%.
 - The only remaining variance requested is for structure coverage, proposed at 40.36% where 38% is permitted (an overage of 2.36 percentage points).
- **Project Details:**
 - The proposal involves raising the existing home and increasing the habitable space from 2,558 sq. ft. to 3,435 sq. ft. by expanding the second floor.
 - M.Goldstein emphasized that the building's footprint is not expanding; the additional structure coverage is a result of proposed stairs and decking.

- The applicant confirmed the building height would be made compliant with the ordinance.
- **Board Discussion:**
 - A discussion ensued regarding whether the expansion of a non-conforming structure required a separate variance.
 - The conversation shifted to the possibility of making the application fully conforming by reducing the proposed deck and stair area by approximately 118 sq. ft., which would bring the structure coverage into compliance.
 - M.Goldstein cited borough ordinance 90-33, which permits alterations to non-conforming structures without a variance, provided the changes do not create or extend existing violations.
 - A. Pagano, esq concurred that if the structure coverage were made compliant, the project could likely proceed with approval from the Zoning Officer without needing a variance from the Planning Board.
- **Action:** Based on the discussion, M.Goldstein requested the matter be carried to allow time to consult with his client and the Zoning Officer.

Motion: A motion was made by Speaker 20 and seconded by Speaker 18 to **carry Application 12-2025 to the February 25, 2025 meeting at 5:00 PM, with no further notice required.**
Vote: The motion passed on a roll call vote.

VI. Approval of Minutes

Motion: A motion was made by Speaker 23 and seconded by Speaker 21 to **approve the minutes of the regular meeting of December 17.**
Vote: The motion passed by voice vote, with one abstention.

VII. New Business

A. Selection of Professional Planner

- The board discussed proposals from three firms for professional planning services related to the master plan update.
- **Conflict Disclosure:** J.Filippone disclosed that her husband has a casual acquaintance with an owner of one firm, Insight. T. Kunz determined this did not constitute a statutory conflict.
- **Board Deliberation:**
 - Members Speaker 24 and Speaker 15 favored the firm NV5, citing the diverse educational background of its staff and its experience with waterfront communities.
 - Members Speaker 26 and T. Kunz also supported NV5, highlighting the firm's technological capabilities (e.g., digital surveying) and its larger pool of resources.
- **Decision:** Following an informal poll, the board reached a consensus to select **NV5** as the new Professional Planner. It was noted that the board must formally request an extension for its master plan review.

B. Legal Update from Board Attorney

- T.Brady informed the board of a recent court decision from Lakewood.

- The ruling affirmed that a planning board cannot deny a **conforming** subdivision or site plan application based on negative criteria, such as generalized concerns about traffic or density.
- T.Brady clarified that this ruling does not apply to variance applications, where the applicant must still prove the absence of negative impacts on the public good.

C. Discussion of New NJ REAL Rules

- Speaker 24 initiated a discussion on the new state "Resilient Environments and Landscapes" (REAL) rules, which became effective on January 20, 2025. Speaker 24 noted a plan to meet with local builders to discuss the rules' impact.
- **Board Engineer's Explanation:** A. Pagano, esq provided a detailed explanation of the new regulations:
 - The rules establish a "Coastal Adjusted Flood Elevation" (CAFIE), which effectively mandates building to BFE+5 feet (BFE+4 to establish the CAFIE, plus one additional foot to qualify for a state permit).
 - A new "Inundation Risk Zone" has been created, covering much of the bay side of the island.
 - Development within this new zone will now require a high-level Individual Permit from the NJDEP, a more stringent and lengthy process than previously required.
- **Impact:** The board acknowledged that its ordinances, particularly regarding building height, must be amended to align with these new state requirements.

VIII. Action Items

1. **Applicant (Application 12-2025):** To consult with the Zoning Officer to determine if a revised, fully conforming plan can be approved administratively.
2. **Board Attorney:** To contact NV5 to formally engage their services as the new Professional Planner.
3. **Board Administration:** To prepare and send a letter requesting an extension for the master plan review period.
4. **Speaker 24:** To meet with local builders to discuss the new NJ REAL rules and gather input for drafting a new town ordinance.

IX. Adjournment

Motion: A motion to adjourn the meeting was made and seconded.
Vote: The motion passed by voice vote. The meeting was adjourned.

Minutes Prepared By: Administrative Assistant AI
Minutes Approved On: _____