

**MINUTES  
BOROUGH OF LAVALLETTE  
WORKSHOP MEETING OF THE PLANNING BOARD**

**WEDNESDAY, NOVEMBER 14, 2007**

Chairman Zylinski presiding

**Roll Call:**

Vincent Marrone, Mayor LaCicero's Designee - present  
William Zylinski, Chairman – present  
Joseph Baginski, - Vice Chairman - present  
Councilwoman Filippone – absent  
Christopher Parlow, Business Administrator – absent  
Anthony Cataline – present  
Vincent Marino - absent  
Leonard Calderaro – present  
Rosangela Zaccaria – present

Joseph Palinsky – present  
Barbara Brown - present

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board meeting of November 14, 2007. 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, filed with the Borough Clerk, and supplied to the Ocean Star one of the official Borough newspapers.

**Flag Salute:** Chairman Zylinski led the salute to the flag.

**Review and Approval of Minutes:**

The Board reviewed the minutes of the Regular Meeting of October 24, 2007 and made certain additions.

On motion by Mr. Baginski, seconded by Mr. Cataline, the Minutes of the Regular Meeting of October 24, 2007 were approved with additions. All present voting in favor to approve.

**Resolutions Memorialized:**

Application No. 3-07, Pasquale & Rita Stancato, 1702 Grand Central Ave., Block 44.01, Lots 1 & 2

A motion was made by Mr. Calderaro, seconded by Mr. Palinsky, to approve the Resolution for Site Plan and Variance approval, subject to the following conditions: 1. The applicant must strictly comply with

All applicable codes, especially building code requirements regarding safe ingress and egress from the residence. 2. The applicant shall provide landscape buffer plantings as shown on the plans, extended along the entire western property line and also eastward along the southern property line to the edge of the building. 3. The applicant shall remove the garage in the rear of the property, per the applicant's offer and agreement. 4. The applicant will meet the criteria of the Borough's Streetscape Plan along Grand Central Avenue, as well as along Pennsylvania Avenue. 5. The internal height to the inside ridge of the roof will be modified with rafters or otherwise so that there is no more than a height of six feet in the interior of the attic space. 6. The applicant's buffer plantings shall be with Japanese pine trees or such other species as recommended by the Borough Engineer, rather than the arborvitae species noted on the plans. 7. No sign variance is requested or granted, and there will be no sign on the north side (Pennsylvania Ave side) of the building, notwithstanding the applicant's drawings to the contrary. 8. The applicant has offered and agreed that the property will be deed-restricted to no more than three uses/units on the first floor of the existing building. The applicant must prepare a Deed of Restrictive Covenant for review and approval by the Board attorney and proof must be submitted to the Board that the Deed has been recorded at the Ocean County Clerk's Office, containing the following clause:

*The purpose of this Deed is to memorialize a conditions/restrictions set forth in the Resolution of Approval of the Planning Board of the Borough of Lavallette, New Jersey, Application No. 03-2007, adopted on \_\_\_\_\_, 2007, to which the Grantors have consented. Pursuant to the conditions of the Resolution, the Grantors/Grantees and/or their assigns herein are precluded from using the first floor of the building on the property for more than three commercial uses/units. This restriction shall inure to the benefit of the public interest.*

9. The southwest drainage leaders shall be led underground to the street, if approved by the NJDOT. 10. The exterior of both the commercial and residential areas of the building shall be improved in order that they shall both match in color and materials. 11. The applicant shall remove all garbage, trash, building materials and debris from the lot. 12. All rooftop vents shall be located on the rear side of the roof ridge. 13. The applicant will request the gas company to relocate the gas meters from the south side of the building, which request and response shall be documented to the Borough. 14. The windows on the north side of the residential addition will be redesigned to prevent a direct sight line into the neighboring property's windows. 15. All air handlers will be in the rear and will be screened from view.

#### **Adoption of Yearly Report:**

On motion by Mrs. Zaccaria, seconded by Mr. Baginski, the Board adopted the Yearly Report for 2006 as per N.J.S. 40:55D-70.1 and to forward to the Mayor and Council. All present voting in favor.

#### **Old/New Business:**

The Board Secretary stated that regarding Application No. 4-07, Joseph & Debra LaSala,, 1 Ortlely Avenue, the Board voted to carry this application to November 28<sup>th</sup>. She has received a request from the attorney for the applicant to carry the case to the December 12, 2007 meeting.

A motion was made by Mr. Palinsky, seconded by Mrs. Brown, to carry this application to the December 12, 2007 Regular Meeting. All present voting in favor.

Chairman Zylinski asked if everyone had received Mr. Brady's letter on the newly filed Campbell application. Everyone responded they had a copy.

Mr. Calderaro stated that the hearing on the liquor license distance is scheduled for Friday, November 16, and he feels that someone from the Planning Board should appear.

Mr. Baginski stated he was attending and planned to speak as a private citizen but thought the Board Chairman should speak. Chairman Zylinski stated he would be in attendance.

Mr. Baginski referred to the letter dated June 14, 2007 from Mr. Zylinski, the Board Chairman to the Mayor and Council, suggesting the 1500 foot restriction is excessive and requesting it be rescinded based on the attachments. The attachments were a list of reasons to consider rescinding the restriction and a list of similar shore communities and their restrictions on licenses. A copy of this letter and the attachments are made a part of these minutes.

Mr. Baginski also read a letter he prepared dated November 1, 2007, addressed to the Mayor and Council, setting forth his position in support of reducing the distance between plenary retail consumption licenses. Mr. Baginski set forth his reasoning referring to the town-wide 2006 Survey highlighting references to encouraging more commercial development, including higher quality restaurants with liquor licenses (not chains); the analysis and comparison of Lavallette's 1500 foot distance and other beach communities with similar demographics; the Borough's Ordinance Committee which also supported a change; the vitality of the business district being essential to maintaining a competitive edge and supporting high property values and keeping Lavallette a "destination of choice" offering a total package of amenities. Mr. Baginski also referred to the objections of residents on Bond and Guyer Avenue who have always resided adjacent to the Lavallette Business District; and referred to the long term detrimental affect on the Downtown business District and the discouragement of future business investment; he also stated that the interested business owner has done business in the Borough for 20 years without incident and that he has lived down the street from Gabriella's Restaurant and has experienced none of the dire concerns raised by his well meaning neighbors to the north.

Mr. Baginski also stated that there is a person who wants to invest money in the community and will go elsewhere and the Borough will be left with another empty store i.e. the Hankins building and the movie theatre. He further stated ordinances have been changed to control condo development and believes that property values will be negatively affected if there are empty stores or lots.

There was a discussion regarding a reasonable distance between liquor licenses as to what is restrictive. More than one Board member thought the present 1500 feet was too restrictive.

Mrs. Brown raised the question of the answering machine in the Planning Board office which was tabled for discussion when Mr. Parlow was present. She also raised the question about the difference of opinion between Mr. O'Donnell and Mr. Brady regarding the issue of the residential requirements as referred to in the Stancato application.

It was decided to refer this question to Mr. Brady at the November 28<sup>th</sup> meeting.

**Adjourn:**

On motion by Mrs. Filippone, seconded by Mrs. Brown, with all in favor, the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Rosemary Robertson  
Secretary