

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

**Wednesday, September 26, 2007 - 7 P.M.**

Chairman William Zylinski presiding.

**Roll Call:**

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

Joseph Palinsky – present  
Barbara Brown - absent

Attorney: Terry F. Brady, Esq., Board Attorney

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board meeting of September 26, 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 deferred the salute to the flag until the public portion of the meeting.

Mr. Palinsky, as Alternate #1 sat in place of Mr. Cataline.

**Resolutions to be Memorialized:**

None

**Review and Approval of Minutes:**

The Board reviewed the minutes of the Regular Meeting of August 22, 2007 and there was one correction.

A motion was made by Mr. Marino, seconded by Mr. Baginski, to approve the minutes of the Regular Meeting of August 22, 2007. All present voting in favor.

## **Old/New Business:**

Councilwoman Filippone reported the ground coverage Ordinance had passed the Mayor and Council and the members seemed amenable to increasing the Zoning Officer's hours for the enforcement of ordinances and perhaps in the spring as the construction season begins. She also reported that she is advised that the monies that had been set aside by the State for the improvements to Route 35 in 2010, have been used for other projects so the Borough will not be getting storm drains.

There was a general discussion regarding the extent of the enforcement of ordinances.

Councilwoman Filippone also stated there will be a meeting of the Ordinance Committee in late October or early November.

Mr. Baginski raised the issue of the existing single wall still standing at 23 Trenton Avenue and stated there is a ditch in the rear of the wall that is dangerous and asked what could be done.

Mr. Brady responded that the Planning Board does not have the authority to take action, but the Borough does and it can be removed and charged to the owner.

Councilwoman Filippone stated she would address this issue at the Council level and the L & R unregistered boats with Mr. Remy, the Zoning Officer.

There was some discussion regarding the potential retirement of the Construction Official.

Mr. Baginski stated that since the Route 35 improvements are off the table, he would like the sump pump situation addressed; he does not know the remedy, but considers it to be a real liability for the Borough.

Mr. Calderaro raised the issue of weed growth and dirtiness along Route 35.

Responding to an inquiry, Councilwoman Filippone reported the status of Lenny's liquor license application.

Mr. Palinsky stated that the Ordinance Committee may want to consider limiting construction in the summer months.

There was also a discussion regarding the use of the liquor license held by Kim Pascarella.

## **Review of Cases:**

### **Application No. 4-07, Joseph & Debroa LaSala, Renovations to Existing Dwelling with Variances, 1 Ortley Avenue, Block 1, Lot 3.01**

The property is located at the north side of Ortley Avenue approximately 650 feet east of the intersection of N.J. State Highway No. 35 northbound and contains 3,350 square feet. The site is located in Residential District A. The site currently contains a two-story dwelling that will remain. The applicant is proposing to cover/enclose the existing front porch and construct a second story deck above the porch. The new construction will require bulk variances.

The applicant is proposing to construct a second story deck over the porch. In accordance with Ordinance Section 90-24 H4c, a porch cannot have access to the roof above a porch. Therefore, by definition of the ordinance, the portion of the building below the deck is not considered a porch and therefore must meet the setback requirements of a dwelling which is 15 feet.

Chairman Zylinski stated that a last minute request for an adjournment had been received this afternoon and that he had requested that the applicant and/or his attorney appear this evening.

Workshop portion of the meeting adjourned at 7:35 p.m.

**PUBLIC MEETING: (commenced at 7:35 p.m.)**

Roll call:

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

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Chairman Zylinski led the audience in the salute to the flag.

**Application No. 4-07, Joseph & Debroa LaSala, Renovations to Existing Dwelling with Variances, 1 Ortley Avenue, Block 1, Lot 3.01**

The property is located at the north side of Ortlely Avenue approximately 650 feet east of the intersection of N.J. State Highway No. 35 northbound and contains 3,350 square feet. The site is located in Residential District A. The site currently contains a two-story dwelling that will remain. The applicant is proposing to cover/enclose the existing front porch and construct a second story deck above the porch. The new construction will require bulk variances.

The applicant is proposing to construct a second story deck over the porch. In accordance with Ordinance Section 90-24 H4c, a porch cannot have access to the roof above a porch. Therefore, by definition of the ordinance, the portion of the building below the deck is not considered a porch and therefore must meet the setback requirements of a dwelling which is 15 feet.

E. Allen MacDuffie, Esq., appeared representing the applicant. He stated that he had received a call from a Mr. Liston, an attorney representing an objector to the application who had asked for his consent to an adjournment. Mr. MacDuffie stated he is requesting the application be adjourned to October 24, 2007, with time frames waived.

A motion was made by Mr. Baginski, seconded by Mr. Calderaro to carry the application to October 24, 2007, with time frames waived by applicant. All present voting in favor.

There was a discussion regarding the last minute requests for adjournments and whether or not the Board could set some sort of policy.

**Old/New Business:**

There was a discussion as to the status of the proposed ordinance regarding the number of uses on one parcel of property. It was the consensus of the Board that a letter be sent from the Board Chairman making inquiring as to the status of the proposed ordinance and again encouraging it's adoption.

Mr. Baginski stated that one of the reasons the Board reached the figure of 650 square feet in the proposed ordinance was the discussion regarding Eckerds and the fact that the film department was sub-contracted space within the store which proved the point of the ordinance.

Mr. Calderaro suggested the both pending and passed Ordinances be reviewed.

**Adjourn:**

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

Respectfully submitted,

Rosemary Robertson  
Secretary