

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

**Wednesday, January 23, 2008 - 7 P.M.**

Chairman William Zylinski presiding.

**Roll Call:**

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

Joseph Palinsky – present  
Barbara Brown - present

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

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board meeting of January 23, 2008. 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.

**Resolutions to be Memorialized:**

None

**Review of Minutes:**

The Board reviewed the minutes of the Re-organization Meeting of January 9, 2008.

**Old/New Business:**

Mrs. Brown advised the Board Attorney that with regard to the West Point Island application on the Agenda, she is a property owner within 200 feet and asked if she should not only step down, but leave the room. Mr. Brady recommended that both she and Mr. Marino leave the room since he is an officer

of the Association.

Councilwoman Filippone stated she would leave the room also.

Mr. Brady advised the Board that briefs had been filed with the court in the Kay's Bakery appeal and there should be a decision in a few weeks.

Mr. Brady also reviewed the definition of special reasons under the law. He stated that any D variance application whether for use or expansion of a non-conforming use requires both positive and negative criteria that the use or expansion is no detriment to the zoning scheme and promotes the general welfare of everyone and the use or expansion is for the benefit of the entire town i.e. hospital, doctor's office, school, nursery etc. It does not include anything that is peculiar to the applicant such as personal situations; he stated there is only one reported case based on esthetics but it cannot be granted to "just look nice".

Mr. Baginski stated he still has concerns about the request before the Borough Council to use the Lavallette liquor license at the restaurant (Gabriella's) located in Ortley Beach. He read the minutes on the Car-Lou application and his concern for the issues raised by the neighbors that were present and it was indicated that there was no intention to utilize the Lavallette liquor license at Gabriella's restaurant in Ortley Beach; he also stated it is his understanding that only a very small portion of the restaurant straddles the boundary line between the two towns.

There was further discussion regarding enforcement for alcohol violations and there seems to be no benefit to Lavallette i.e. taxes etc. and it was decided to address these concerns in a letter to the Borough Council.

A motion was made by Mrs. Zaccaria, seconded by Mr. Baginski, to have the Planning Board, by the Chairman, forward a letter, attaching the Minutes and Resolution, to the Mayor and Council addressing concerns over this liquor license transfer request and urging that it be denied. All present voting in favor. Motion carries.

#### **Review of Cases:**

#### **Application No. 8-07, West Point Island Civic Association, Pershing Blvd., Block960, Lot 25 D Variance -Special Reasons.**

The property is located on the north side of Pershing Blvd. at the intersection of Morton Drive, in the Residential District B and contains 7,340 square feet. The property is bordered to the west by Barnegat Bay. There currently exists a bulkhead along Barnegat Bay and a concrete boat ramp. The applicant is seeking approval to construct a monument located 25 feet from the front property line. The overall size of the monument and base is 2,220 square inches or 15.4 square feet.

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, absent  
Councilwoman Filippone - present  
Christopher Parlow, Business Administrator - present  
Anthony Cataline - absent  
Vincent Marino - present  
Leonard Calderaro – absent  
Rosangela Zaccaria – present

Joseph Palinsky – present  
Barbara Brown - present

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

**Public Hearings:**

**Application No. 8-07, West Point Island Civic Association, Pershing Blvd., Block960, Lot 25  
D Variance -Special Reasons.**

The property is located on the north side of Pershing Blvd. at the intersection of Morton Drive, in the Residential District B and contains 7,340 square feet. The property is bordered to the west by Barnegat Bay. There currently exists a bulkhead along Barnegat Bay and a concrete boat ramp. The applicant is seeking approval to construct a monument located 25 feet from the front property line. The overall size of the monument and base is 2,220 square inches or 15.4 square feet.

Terence King, Esq., represented the applicant.

Councilwoman Filippone stated she was leaving as she could not vote on a "d" variance and also as a board member.

Mr. Marino will also step down as he is an officer of the West Point Island Association.

Mrs. Brown also stepped down because she is a homeowner within 200 feet of the site.

Chairman Zylinski advised Mr. King that there were only five members present to vote on the application and did he wish to proceed or carry the application to the February 27, 2008 meeting. Mr. King responded that he would prefer to carry the application to the next meeting.

Chairman Zylinski opened the meeting to the public.

No one spoke.

Chairman Zylinski closed the public portion of the meeting.

A motion was made by Mr. Parlow, seconded by Mr. Baginski to carry this application to the next meeting of February 27, 2008, with all time frames waived. On roll call: Messrs. Parlow and Baginski, yes-, Mrs. Zaccaria, yes-, Messrs. Palinsky and Zylinski, yes. Motion carries.

**Old/New Business:**

None

**Adjourn:**

On motion by Mr. Baginski, seconded by Mr. Parlow, with all in favor, the meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Rosemary Robertson  
Secretary