

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

**Wednesday, August 27, 2008 - 7 P.M.**

Chairman William Zylinski presiding.

**Roll Call:**

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

Joseph Palinsky – present  
Barbara Brown - present

Attorney: Terry F. Brady, Esq.

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board meeting of August 27, 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.

Vincent Marrone arrived 7:05 p.m.

Mr. Palinsky will sit in the absence of Mr. Marino.

**Flag Salute:**

The flag salute was deferred to the public portion of the meeting.

**Review and Approval of Minutes:**

The Board reviewed the minutes of the Regular Meeting of July 23, 2008.

On motion by Mr. Baginski, seconded by Mr. Parlow, the Minutes of the Regular Meeting of July 23,

2008 were approved, with one typographical correction. All present eligible to vote voting in favor.

**Review of Resolution to be Memorialized:**

Application #7-07 – Joseph & Mary Chyb, 1106 Oceanfront, Block 12, Lot 4

**Review of Cases:**

**Application No. 3-08- Thomas Restaino, 113 White Ave., Block 28.02, Lot 20**

The subject property is located at the northwest intersection of White Avenue and New Jersey State Highway Route 35 southbound in the Residential District A. The site contains 5,000 square feet and there currently exists a two family one-story dwelling. The applicant is proposing to demolish the existing two family dwelling and replace it with a one family two-story dwelling that will require bulk variances for front yard setback and an overhang that is 10 inches into the proposed 5 foot setback along Route 35 south.

**Other Business:**

Mr. Parlow stated he had received the contract from Mr. Scangarello, of Planning Design Collaborative Design Planner and that it contains the standard information. He stated his only comment was that before signing the contract perhaps the Board would like to bring in the second bidder while there is the opportunity. Upon inquiry, Mr. Parlow stated there is approximately \$8000. in funds and that he would prefer to do it on a contract by contract basis.

Mr. Calderaro stated he doesn't know what's to be gained and the Board has been told by the businesses that with only two uses, they cannot survive.

Mr. Parlow responded that the one proposed ordinance needs to be resolved and as lay people the Board was unable to resolve it and he is hoping a professional will come up with language that can be adopted.

Mrs. Filippone stated the Board proposed 650 square feet, but what is the appropriate number and what is the criteria for that number. Mr. Cataline agreed that someone is needed who works regularly in this arena.

Mr. Marrone stated he was against hiring Mr. Scangarello because he didn't feel he showed work that he actually did and merely showed brochures.

There was a discussion between Mr. Calderaro and Mrs. Filippone in reference to the need for a planner.

Mrs. Brown stated the Board has agreed that it wants a planner and now has to decide who it will be and if it wants someone else.

Chairman Zylinski asked who was in favor of hiring Mr. Scangarello and only one member was in favor.

Mr. Brady mentioned any contract must comply with the statutes and Mr. Parlow responded that

requests for proposals had been advertised including the necessary statutory compliance.

It was the consensus of the Board and Chairman Zylinski directed the Board Secretary to communicate with Birdsall Engineering who also will attend a workshop without cost and check the availability for September 10<sup>th</sup> Workshop Meeting or in the alternative October 8<sup>th</sup>.

Workshop portion of the meeting adjourned at 7:27 p.m.

**PUBLIC MEETING: (commenced at 7:30 p.m.)**

Roll call:

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

Joseph Palinsky – present  
Barbara Brown – present

Attorney: Terry Brady, Esq., Board Attorney

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**Flag Salute:**

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

**Resolution to be Memorialized:**

Application #7-07 – Joseph & Mary Chyb, 1106 Oceanfront, Block 12, Lot 4

A motion was made by Mrs. Filippone, seconded by Mr. Cataline to approve the Resolution granting variances for the premises 1106 Oceanfront to construct a two-story single-family dwelling. On roll call: Mrs. Filippone, yes-, Mr. Cataline, yes-, Mr. Baginski, yes-, Mr. Calderaro, yes-, Messrs. Parlow,

Marrone and Zylinski, yes. Motion carries.

**Public Hearings:**

**Application No. 3-08- Thomas Restaino, 113 White Ave., Block 28.02, Lot 20**

The subject property is located at the northwest intersection of White Avenue and New Jersey State Highway Route 35 southbound in the Residential District A. The site contains 5,000 square feet and there currently exists a two family one-story dwelling. The applicant is proposing to demolish the existing two family dwelling and replace it with a one family two-story dwelling that will require bulk variances for front yard setback and an overhang that is 10 inches into the proposed 5 foot setback along Route 35 south.

Michele Donato, Esq., represented the applicant. She stated the property is on the corner of White Avenue and Route 35 South and as such requires two front yards. She stated the corner lot presents a hardship in designing a house; and further there will be no usable yard area and the proposal is a better zoning alternative. Ms. Donato further stated that many of the surrounding properties do not comply and if the proposal is granted the existing two-family house will be made into a one-family dwelling.

Thomas Restaino, Cedar Grove was sworn in. He stated he purchased the house in 1985 and it is a two-family and is set back just over 4 feet on Route 35 S. and has been used as a summer residence. He testified that he has retired and next year his wife is retiring and they intend to live here full time. He stated his wife is an avid gardener and the rear yard is very important to her and they do a lot of outdoor living and he would like to be further back from Route 35 as his grandchildren play by the house. He stated the plan would put the house further away from the noise and pollution of the highway. He further testified the present house has a good air flow and if the ordinance is complied with the houses will be closer together rather than having open space and the closeness on the westerly side will cut off the breeze and air flow. He stated the upstairs is a smaller footprint than downstairs because of the porch; he also stated if he installed an outside shower it would be on the porch and thus would be included in the given lot coverage and it would be tied into the sewer system. He testified that the present house has four bedrooms in each apartment and he will abandon the two family use and there will be 4 bedrooms in the proposed house.

The plan prepared by Mr. Post was marked in evidence as A-1.

Gordon Gemma, Licensed Planner, 68 Seneca Place, Oceanport was sworn in and submitted his qualifications as an expert witness and they were accepted. He stated he visited the site, reviewed the plans, the Master Plan and Mr. O'Donnell Review. He stated there are two variances, one for the side of the house and one for the front yard setback; the current house is 4.5 feet from Route 35 and the new house will be 5 feet and changing a two family to a one family makes it more conforming. He further stated that out of 46 properties in the area, only 7 conform and all others are in the front setback.

Photographs taken by Mr. Gemma were marked in evidence as A-2 and showed the property and surrounding properties and also an aerial view. He stated he reviewed the Master Plan and the goal is to recognize if this plan is consistent with what is presently there and page 31 refers to a A- zone conversion of a two-family dwelling to a one-family dwelling is a goal and objective of the Master Plan. He further stated there is an undue hardship on a corner lot on a highway front and there is a need to create a buffer and falls in line with a flexible C variance.

Mr. Gemma further stated that a two-family non-conforming use will be eliminated and the proposal is consistent with development patterns in the area, and there will be no negative impact on the zoning plan and it is not a detriment to the neighborhood and is a better zoning alternative.

Chairman Zylinski opened the hearing to the public.

George Von Hasso, Bay Blvd., Lavallette spoke about the intensity of the noise at this location and the traffic and was in favor of the plan.

Jim Watson, 112 Ortley Ave., Lavallette spoke in favor of the application.

Chairman Zylinski closed the public hearing.

Mr. Palinsky made a motion stating he would like to a three-foot sidewalk installed in the public right of way along White Avenue for pedestrian safety. The motion did not receive a second.

Mr. Marrone stated he agrees with the applicant but people can go around the block and he was told safety is not "our issue".

A motion was made by Mr. Calderaro, seconded by Mr. Cataline, to grant the application for variances subject to the following condition: (1) the outside shower, if any, shall be on the covered deck and will be connected to the sewer system. On roll call: Mr. Calderaro, yes-, Mr. Cataline, yes-, Mr. Baginski, yes, Mrs. Zaccaria, yes-, Mrs. Filippone, yes-, Messrs. Parlow, Marrone, Palinsky and Zylinski, yes. Motion carries.

**Adjourn:**

On motion by Mr. Palinsky, seconded by Mrs. Zaccaria, with all in favor, the meeting was adjourned at 9:00 P.M.

Respectfully submitted

Rosemary Robertson  
Secretary