

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

Wednesday, December 10, 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 - present
Councilwoman Filippone – present
Christopher Parlow, Business Administrator – present
Anthony Cataline – present
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 December 10, 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.

Mr. Calderaro was on a planned trip and was unable to return in time for the meeting.

Flag Salute:

Chairman Zylinski deferred the flag salute to the public meeting.

Resolutions to be Memorialized:

None

Review of Minutes:

None

Old/New Business:

Mr. Marino inquired about the date for the Reorganization Meeting. Chairman Zylinski responded it is scheduled for Wednesday, January 14th, 2009 and the Regular Meeting is on for January 28, 2009.

Workshop portion of the meeting adjourned at 7:05 p.m.

PUBLIC MEETING: (commenced at 7:15 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 - present
Anthony Cataline - present
Vincent Marino - present
Leonard Calderaro – absent
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Chairman Zylinski led the audience in the salute to the flag.

Old/New Business:

Chairman Zylinski stated this meeting was specifically set for discussion with the planner, Thomas J. Scangarello of Planning Design Collaborative and that is the only matter on the agenda. He stated the Board has asked that he address specific land uses ordinances i.e. multiple uses in the business zone and the provision regarding liquor licenses and the distance between them, etc. Chairman Zylinski stated that after Mr. Scangarello's presentation there will be time for public comment or questions.

Mr. Thomas Scangarello began his presentation by stating that he had reviewed the ordinances

regarding the proximity of the buffer zone between liquor licenses. The Borough has three licenses, two are active (Crab's Claw and Gabriella's) and one is inactive. He advised there are two ways you can regulate licenses, either by proximity (distances) or by zoning. He stated that when a municipality utilizes distance, it is the simplest way to protect residential neighborhoods regarding noise, parking, littering and loitering. He added that the standard distance from one liquor license establishment to another is 1500 feet and using proximity is the easiest way to govern where liquor licenses should be. He further stated that while this may work in most municipalities but in a small municipality like Lavallette that number may not be feasible.

Mr. Scangarello also stated that a second option was to determine liquor licenses by zoning and to do so, the Board would have to establish provisions for a conditional use. A certain number of conditions would be set that an applicant for a liquor license would have to meet before it would be issued a license. He defined conditional use for example, you are permitted to have a gas station provided you are within 1000 feet of another station or any other condition you set and anything as a condition as long as it is "reasonable". Mr. Scangarello suggested that both options be considered and would likely recommend a combination of both but that whatever is done, the reasoning behind the decision must be explained and it has to be specific.

Mrs. Filippone asked if different conditions could be imposed on different establishments within the town and Mr. Scangarello responded that all conditions must be applied to all establishments across the board. He also suggested that all the existing establishments be looked at and used as standards in order to not "zone out" existing establishments.

Mr. Scangarello further reported that parking and safety factors should be utmost important when it comes to considering whether or not the existing 1500 feet buffer zone should be changed. He stated that some other small shore towns similar in size to Lavallette have a zero foot buffer zone and that he sees nothing wrong with zero feet if there are conditions set. Mr. Scangarello reported that other towns that have a zero buffer do well and have their own parking and valet parking.

At this time, Mr. Scangarello discussed formation of a transportation trust fund to address the lack of parking in the town. Under such a fund, for each required parking space that an establishment cannot provide, it must contribute a predetermined fee to the trust fund. He stated he believes the businesses would take advantage of the trust fund and "buy out" of the parking requirements. He stated that from a business prospective, the best thing you can have is a parking problem as it means business is thriving and the best thing is to accept it and assist the business owners that have insufficient parking and assess a reasonable fee for the trust fund.

Mr. Scangarello then addressed the Board's question about the term "use" in a proposed Borough code. He stated he had reviewed the proposed ordinance regarding the uses in the business district and he then discussed the definition of use (multiple and mixed). He stated that multiple means more than one use which is the same within the same structure; and mixed use is different uses within the same structure. For example, he stated a retail store on the first floor and an apartment on the second floor would be considered a mixed use and four apartments within one building would be considered a multiple use. He stated the Board must determine whether or not it wants to govern the two types of uses and in his opinion he didn't think it was a bad thing to have multiple and mixed uses.

Vice-Chairman Baginski advised Mr. Scangarello that the Board recognized that the people of the borough would like to see more restaurants and retail stores in the business district based upon the

results of a conducted town-wide survey. He then referred to the property of the former movie theatre wherein the Board granted an application to convert the mostly vacant building into a “mini-mall” and someone filed an appeal and the decision was overturned in court due to the vague wording in the ordinance.

Mr. Scangarello confirmed that the Borough’s ordinance needs help with definitions that are clear, exact and up to date regarding accessory, mixed and multiple uses.

Mrs. Zaccaria asked Mr. Scangarello to comment on the importance of a viable business community. He responded that it is always beneficial to have a balance between residential and commercial uses in the town and being able to walk to a business makes it even more viable. Mrs. Zaccaria mentioned the businesses having to succeed within a ten week season to which Mr. Scangarello responded that the town has to go beyond that 10 week season and not stop at Labor Day by scheduling events right through November in order to draw people to the town.

Chairman Zylinski opened the meeting to the public.

Cory Wingerter, 20 Bond Ave., Lavallette thanked the Board for looking into these matters. He stated parking, noise and safety are big issues and referred to two prior restaurants that went to condos and he would like to see quality of life be part of the process and parking has to be addressed when you are looking at defining uses.

Anita Zalom, 103 President Ave., Lavallette stated she thought this was a great idea and it was nice to hear someone from outside the community commenting on it.

Irene Kelly, Pershing Blvd., Lavallette asked Mr. Baginski if there was a parking plan since he was in favor of bringing more business into town. She stated there are 225 parking spaces in Bay Head; and that her tenants have trouble parking because of the Crab’s Claw. She stated Lavallette does not draw year round visitors and that will not change.

Mr. Baginski responded that on the contrary, he feels there are places that draw people year round and that places like Red Bank do fine because they have a viable business district. Mrs. Kelly disagreed that Lavallette could develop like Red Bank.

Clem Boyers, Kerr Ave., Lavallette stated there is a parking committee and they are working on several issues including a jitney. He assured the Board that the committee was working hard and that some steps will be taken next year to help resolve the parking problem.

Kim Samarelli, President of the Lavallette Business Association thanked the Board for their efforts and asked if there was any shore community that didn’t have a parking issue in the summer stating that is just the way it is in shore communities.

Chairman Zylinski closed the public portion of the meeting.

Mr. Cataline commended Mr. Scangarello on his presentation and thanked him for his input in resolving difficult issues in town.

The Board members concurred.

The Board Secretary stated the proposed meeting dates for January are January 14th (Re-organization) and the Regular Meeting on January 28th, 2009.

Mr. Scangarello stated he will be preparing a written report within the next few weeks and will provide it to the Board Secretary in time for the January 28th meeting of the Board.

Adjourn:

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

Respectfully submitted,

Rosemary Robertson
Secretary