

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, June 24, 2009 – 7 P.M.**

Chairman Howard presiding

Roll Call:

Vincent Marino, Designee of Mayor LaCicero -present
Councilwoman Joanne Filippone, - present
Lionel Howard, Chairman – present
William Zylinski – Vice-Chairman - present
Christopher Parlow, Borough Administrator - present
Joseph Baginski, - present
Rosangela Zaccaria - present
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown – absent

Brian Rumpf, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of June 24, 2009. 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 newspapers.

Flag Salute:

Chairman Howard deferred the flag salute to the public portion of the meeting.

Review of Minutes:

The Board reviewed the minutes of the Regular Meeting of April 22, 2009 and the Workshop Meeting of May 21, 2009. There were corrections made to the roll call of the May 21st, 2009 minutes.

Review of Cases:

Application No. 9-08- Robert Astorino, 2 Elizabeth Avenue, Block 23, Lot 5

Applicant was granted an extension of a non-conforming use, including existing variances and proposed variance by Resolution memorialized on April 8, 2009. One of the conditions of the granting was condition number 6 stating “the attic will be six (6) feet to the ridge with scuttle and there will be no stairs leading to it.”

Correspondence received from Michele Donato, Esq., applicant’s attorney requests an administrative modification to change the Resolution since applicant’s testimony was based on plans for a cathedral ceiling. After analyzing the costs of same and recognizing the need for storage, applicant wants to revise the plan to provide a half-story attic area with access by pull down stairs.

Mr. Cataline referred to the Resolution and the size of the parking spaces; and Mr. Astorino who was in the audience advised revised plans were going to be filed.

Application No. 1-09 Gary and Gail Ashby, 105A Grand Central Avenue, Block 2, Lot 31.02

The property is located on the east side of Grand Central Avenue (New Jersey State Highway No. 35N) approximately 50 feet north of the intersection of White Avenue. The property contains 2500 square feet and is located in the B-1 Commercial District. The site currently contains a single family dwelling. The applicant is proposing to demolish the existing structure and construct a new single family dwelling.

Chairman Howard mentioned the insufficient side yards; Mr. Calderaro stated if this passes, it should be delayed since it is the middle of summer and the property is in the business district. He was advised there is nothing by which to enforce a delay. There was discussion regarding a potential two-family and that a 5 bedroom house on an undersized lot makes intensity a factor.

Mr. Rumpf stated applicant will probably take the position they are reducing the existing violations.

Mr. Parlow stated that ground coverage does not apply in a B-1 zone.

New/Old Business:

Mr. Calderaro stated he thinks the Board should do something regarding the passing of Vince Marrone, a former Board member. The Board agreed and decided to make a collection and do something in memory of Mr. Marrone.

Chairman Howard stated the Board members had received another draft of the proposed business zone ordinance for review and if there was time this evening it can be discussed.

Correspondence:

Thank you card received from the family of Olga Petitti was circulated.

Workshop portion of meeting adjourned at 7:40 p.m.

PUBLIC MEETING (To commence at 7:40 p.m.)

Chairman Lionel Howard presiding.

Roll Call:

Vincent Marino, Designee of Mayor LaCicero -present
Councilwoman Joanne Filippone, - present
Lionel Howard, Chairman – present
William Zylinski – Vice-Chairman - present
Christopher Parlow, Borough Administrator - present
Joseph Baginski, - present
Rosangela Zaccaria - present
Anthony Cataline - present
Len Calderaro - present

Joseph Palinsky - present
Barbara Brown – absent

Brian Rumpf, Esq. – Board Attorney

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Flag Salute:

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

Approval of Minutes:

A motion was made by Mrs. Zaccaria, seconded by Mr. Zylinski, to approve the minutes of the April 22, 2009 meeting. All present voting in favor, with the exception of Mr. Baginski who was absent for that meeting.

A motion was made by Mrs. Filippone, seconded by Mr. Baginski, to approve the minutes of the

May 21, 2009 meeting, with corrections. All present voting in favor, with the exception of Mr. Cataline who was absent for that meeting.

Public Hearings:

Application No. 9-08- Robert Astorino, 2 Elizabeth Avenue, Block 23, Lot 5

Applicant was granted an extension of a non-conforming use, including existing variances and proposed variance by Resolution memorialized on April 8, 2009. One of the conditions of the granting was condition number 6 stating “the attic will be six (6) feet to the ridge with scuttle and there will be no stairs leading to it.”

Correspondence received from Michele Donato, Esq., applicant’s attorney requests an administrative modification to change the Resolution since applicant’s testimony was based on plans for a cathedral ceiling. After analyzing the costs of same and recognizing the need for storage, applicant wants to revise the plan to provide a half-story attic area with access by pull down stairs.

Michele Donato, Esq., represented the applicant. She stated that during the testimony at the variance hearing her client stated that the attic with scuttle access would be suitable and this was included in the Resolution of approval. She stated at the time he intended to put in a cathedral ceiling and now realizes that is too expensive and also recognizes the need for storage space. He would like to have access to the attic with pull down stairs.

Mr. Astorino stated he would like this change regarding the stairs and he intends on filing revised plans that will also address the size of the parking spaces that have been reduced to 16 feet in length whereas 18 feet is set forth in the Resolution of approval.

Mr. O’Donnell reviewed the requested changes and the Resolution of approval and advised the two parking spaces in front of the dwelling have been relocated to eliminate the conflict with the front stairs but have been reduced in size to 16 feet that does not meet the Resolution and in addition the door to the outside shower should be shown.

Ms. Donato had the revised plans and filed them with the Board Secretary.

A motion was made by Mr. Calderaro, seconded by Mr. Cataline, to approve the requested Administrative Approval. On roll call: Messrs. Calderaro and Cataline, yes-; Mrs. Zaccaria, yes- Mr. Parlow, yes-; Mr. Howard, yes. Motion carries.

Application No. 1-09 Gary and Gail Ashby, 105A Grand Central Avenue, Block 2, Lot 31.02

The property is located on the east side of Grand Central Avenue (New Jersey State Highway No. 35N) approximately 50 feet north of the intersection of White Avenue. The property contains 2500 square feet and is located in the B-1 Commercial District. The site currently contains a single family dwelling. The applicant is proposing to demolish the existing structure

and construct a new single family dwelling.

Kim Pascarella, Esq., represented the applicants. He stated applicant proposes to demolish the existing one-story house and requests variance relief for construction of a new two-story single-family dwelling. The lot is 25 feet in width and the existing house was built about 1955 in bungalow style. The Ashbys are getting to retirement age and hope to move to Lavallette full time. Before proceeding he stated that applicant had met with the next door neighbor Mr. McKinnon and as a result he was making a small accommodation on the right side by changing the proposed side yard from 1.8 feet to 2.4 feet. He further stated that currently there is no off street parking and if the proposal is approved, there will be two off street parking spaces but they will need a more than normal size driveway. He stated the footprint will actually be a little smaller and the rear setback and the height will conform and it will also conform to the flood elevation and the current house does not.

Gary and Gail Ashby were sworn in. Five photographs of the current house taken by Mrs. Ashby were introduced in evidence and marked A-1 through A-5. Mrs. Ashby stated they were a true depiction of what exists. Mr. Ashby stated the house was built in the 30's and they took possession in the 50's and the current house does have heat. She stated she has spent every summer here since she is 7 years old and she wants to improve the property, it will look better and be an improvement to the town. Mr. Ashby testified that they hope to retire here in 2 years and they have used it as a winter rental and he agrees to modify the plan to make the side yard 2.4 feet on the right side next to Mr. McKinnon which is currently 0".

Mr. Ashby testified there is no off street parking presently and the proposal will provide two gravel off street parking spaces subject to DOT approval. He also stated he realizes if approval is not obtained from the DOT, he would have to come back to the Board and that there are four on street parking spots in front of the house now. He further stated the plan will conform to the 30 feet in height; the flood elevation and the rear setback will be 20 feet. He stated the proposal will be a great improvement over what is there now.

Mrs. Filippone confirmed there is presently two bedrooms and one and one half baths and The owner stated she they would like to have an outdoor shower.

Mr. Parlow stated that storage (shed), outside shower, air conditioners etc., are all part of lot coverage and should be shown on the plans.

Mr. Pascarella stated the lot coverage proposed is less than what is there presently.

Chairman Howard stated based on the plans, the Board does not know the side yards of adjacent lots, etc.

Mrs. Filippone stated there are several items that need to be shown: 1. The impact of the new curb cut on parking on Route 35; 2. the floor plan of the current house in order to compare density with the proposal; 3. items such as the outside shower, the air conditioner condenser, pavers etc. should be show on the plans; 4. the adjacent properties.

It was stated that French doors are shown on the plan but there are no steps or landing, deck etc. shown on the plans.

Brenda McCann, 131 Shelborne Rd. Pennsylvania was sworn in. She stated she is applicant's daughter and they need more rooms to accommodate the family not just her parents.

Mrs. Filippone explained that the variances go with the property, not the owner and it is the Board's mission to decide if there is justification for the variances on the property

Chairman Howard opened the meeting to the public.

No one from the public spoke.

Chairman Howard closed the public portion of the meeting.

There was discussion regarding the filing of revised plans and Mr. Pascarella advised applicant would do so and asked the application be carried to July 22, 2009, with all time frames waived to permit the filing of revised plans.

Mr. Rumpf suggested that perhaps they may want to provide a planner to show alternatives and other lots in the area etc.

A motion was made by Mr. Parlow, seconded by Mrs. Filippone to carry the application to the Regular July 22, 2009 meeting, to file revised plans and with all time frames waived and without notice. All present voting in favor. Motion carried.

Chairman Howard stated he thinks the Engineer will have to be a little more careful in advising what is ready to be heard and he will speak to him.

In referring to the Ashby application, Mr. Calderaro asked that in terms of safety would it not be better to have the 5 feet on the one side.

Chairman Howard stated the final proposal needs to be reviewed.

Mr. Rumpf suggested there be no further discussion regarding the application.

Chairman Howard commended Mrs. Filippone on her questions.

New/Old Business:

Chairman Howard discussed the proposed ordinance regarding the Business District and stated Mr. Brady had reviewed it and added a section regarding existing hotels.

The Board fully reviewed the Ordinance and made some changes. Chairman Howard will again re-draft in accordance with those changes.

Mrs. Zaccaria stated she is happy the Board has come this far.

Adjourn:

On motion by Mr. Parlow, seconded by Mrs. Zaccaria, with all in favor, the public meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary