

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, February 24, 2010 – 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 - absent
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - absent
Barbara Brown – present

Terry Brady, Esq. – Board Attorney- present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of February 24, 2010. 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.

Mrs. Brown will be sitting in place of Mrs. Zaccaria.

Review of Resolutions to be Memorialized:

None

Review of Minutes:

The Board reviewed the Minutes of the Regular Meeting of January 27, 2010.

Review of Cases:**Application No. 5-09 –Adam Zybulewski, 21 White Ave., Block 2, Lot 26**

The property is located on the north side of White Avenue approximately 150 feet east of Route 35 northbound (Grand Central Avenue) in the Residential A District and contains 5,000 square feet. The site currently contains a one (1) story frame dwelling in the front of the lot and a one (1) story frame dwelling in the rear of the lot. The applicant is proposing a second story addition on the front dwelling along with a deck at the rear of the front dwelling and the proposal constitutes an expansion of a non-conforming use.

This application was filed July 13, 2009, heard on September 23, 2009 and carried to December 10, 2009 without date, at applicant's request.

Application No. 4-09 John Buzzi, 504 Grand Central Avenue, Block 32.01, Lot 3

The property is located on the west side of NJSH Route 35 North in the B-2 Zone. The site contains 5000 square feet. A 2-story commercial building exists on the property, which is currently vacant. The applicant is proposing improvements to the existing building and site, and third floor addition to the existing building. The first floor will continue as a commercial use and the second and third floors will be for a residential use.

The applicant filed an application for site plan review, with variance. Resolution of Approval was memorialized on November 12, 2009.

Applicant is now requesting an administrative change "regarding the storm water containment tank and solid waste management". The change provides a "combined change to the storage for solid waste as well as incorporating the tank for recycling of storm water". The information contained in the quotes is from Ms. Donato's cover letter regarding the request.

CORRESPONDENCE:

None

OLD/NEW BUSINESS:

Chairman Howard stated there was time to discuss the check list prior to the public meeting and asked the Board for their input. Mr. Howard stated he thought the plot plan should include the square footage of the area that is impervious. The following was decided by consensus of the Board:

Under the Variance check list the word "application" on the heading is to be removed Also, the items that appear under "Note" on the bottom of the other check lists are to be included on the variance check list on the bottom; Item "h" is to include the wording "and other impervious

coverage”.

Councilwoman Filippone raised the question of amending the Site Plan Ordinance to distinguish between minor and major site plan applications.

Mr. Parlow read from a portion of the present Site Plan Ordinance.

There was discussion regarding the Ordinance and it was decided by the Board not to recommend any changes to the current Site Plan Ordinance since the applicability of a minor or major site plan is determined at the time of filing.

The Chairman requested the Board Secretary contact Mr. O’Donnell regarding the changes to the “Checklists” and to prepare a letter to the Mayor and Council forwarding the final “Check Lists” Stating they were prepared by Mr. O’Donnell, reviewed by the Board which is recommending them for adoption.

Workshop portion of the meeting adjourned at 7:30 p.m.

PUBLIC MEETING (To commence at 7:30) 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 - absent
- Anthony Cataline - present
- Len Calderaro - present

- Joseph Palinsky - absent
- Barbara Brown – present

Terry Brady, Esq. – Board Attorney – present

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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 led the audience in the salute to the flag.

Approval of Minutes:

A motion was made by Mr. Baginski, seconded by Mr. Cataline to approve the minutes of the Regular Meeting of January 27, 2010. All present eligible to vote voting in the affirmative.

Resolution to be Memorialized:

None

Public Hearings:

Michele Donato, Esq., represented both applicants and requested that the Buzzi matter be heard first since it would take less time.

The Chair consented to her request.

Application No. 4-09 John Buzzi, 504 Grand Central Avenue, Block 32.01, Lot 3

The property is located on the west side of NJSH Route 35 North in the B-2 Zone. The site contains 5000 square feet. A 2-story commercial building exists on the property, which is currently vacant. The applicant is proposing improvements to the existing building and site, and third floor addition to the existing building. The first floor will continue as a commercial use and the second and third floors will be for a residential use.

The applicant filed an application for site plan review, with variance. Resolution of Approval was memorialized on November 12, 2009.

Ms. Donato stated this is a minor amendment to the site plan application and there are no variances. Applicant had proposed having an underground water tank picking up the storm water but had determined that it would require too much excavation beyond the property line. It is now proposed to have an up-ground storage tank in an enclosure, there will be no balcony just a decorative railing and is an administrative change to the plan.

John Almenchenko, 421 River Ave., A.I.A., Point Pleasant Beach was sworn in. He is the architect on the project and stated when looking into the under-ground storage tank it created excavation issues. It was decided to perch a 2000 gallon water tank, into an enclosed garbage

enclosure with a solid roof above it that will be partially obscured by a decorative railing that will be visually appealing. The tank will be sunk into the enclosure so instead of 6 or 7 feet of the tank poking up, there will be about 4 feet. The tank will be wrapped cylinder with cedar, will be galvanized steel with a liner and will be insulated and the volume of the tank itself will keep it from freezing. (Mr. Buzzi interjected that he will probably use slow water circulation also). This plan solves the water and garbage issues and it esthetically pleasing. There will be no balcony as there is no room and at the corner 2 feet to access from a ladder to the ground for maintenance. There will be no noise generated and the pump will be enclosed. He stated that no variances will be required.

Mr. Almenchenko further testified that a 2000 gallon tank weights about 17,000 pounds and the deck will be designed to withstand any weight and a structural engineer will examine it and who provide certification required by the Board Engineer.

Mr. Parlow advised Mr. Buzzi that the pavers in the streetscape will be done in the fall. Mr. Buzzi responded that he would like to coordinate that with his project and that he may start in the spring but will close down for the summer so as not to cause the Borough any problems.

Chairman Howard opened the hearing to the public.

No one spoke regarding the application.

Chairman Howard closed the public hearing.

A motion was made by Mr. Cataline, seconded by Mr. Calderaro to approve the application for an administrative change regarding the water tank. On roll call: Messrs. Cataline and Calderaro, yes-, Mr. Marino, yes-, Councilwoman Filippone, yes-, Mr. Baginski, yes-, Mr. Zylinski, yes-, Mr. Parlow, yes-, Mrs. Brown, yes-, Mr. Howard, yes. Motion carries.

Application No. 5-09 –Adam Zybulewski, 21 White Ave., Block 2, Lot 26

The property is located on the north side of White Avenue approximately 150 feet east of Route 35 northbound (Grand Central Avenue) in the Residential A District and contains 5,000 square feet. The site currently contains a one (1) story frame dwelling in the front of the lot and a one (1) story frame dwelling in the rear of the lot. The applicant is proposing a second story addition on the front dwelling along with a deck at the rear of the front dwelling and the proposal constitutes an expansion of a non-conforming use.

This application was filed July 13, 2009, heard on September 23, 2009 and carried to December 10, 2009 without date, at applicant's request.

The Board Secretary advised the applicant had reserved notice for this hearing to the property owners within 200 feet.

Michele Donato, Esq., represented the applicant. Ms. Donato stated this is a vertical expansion and as such should not be viewed negatively. She stated there will be no new bedrooms and if

not approved, applicant will make some minor changes to the house; the front and rear house do not have heat and the rear house was probably a garage. She further stated if the expansion is not allowed as proposed and looking at the 2006 Master Plan Re-examination, you cannot upgrade houses without heat and under UCC, you cannot put a second story addition on a house without heat and the footprint is not being changed.

Chairman Howard stated that he does not think it is a minor improvement and the new deck is part of the footprint.

Ms. Donato responded 29.6 is the total structure coverage including the porch and 7.7 for ground coverage and this will be a 34.1 increase. She stated the revised plan eliminates the enclosed porch and the second floor addition has been decreased to meet the eastern setback.

Mr. Calderaro stated the current rules say a house in the rear makes it non-conforming.

Gordon Gemma, 68 Seneca Pl., Oceanport, NJ was sworn in. He stated he has been a licensed professional planner for 25 years and is also an attorney. He testified he visited the site, reviewed the plans, ordinances, application, the 1999 Master Plan and the 2006 Re-examination of the Master Plan.

A board with photographs was introduced in evidence as A-2 (A-1 was property record card). It showed 4 properties and one map. Mr. Gemma stated most of the properties in the area have been upgraded with the exception of this property. He testified the property in the rear will remain and not be converted to a year round house. The front property will be brought up to code and there will be no increase in the number of bedrooms and will be a two-story house that is consistent with the neighborhood and all the deck does is permit use of the outside and does not make the property any more intense.

Mr. Gemma further testified that in the alternative, both house would be knocked down and applicant could build a larger one-family house with more bedrooms and two stories usually have more bedrooms. He then read from Section B of the 2006 Master Plan Re-examination and discussed the positive and negative criteria and the granting of other applications.

Mr. Baginski interjected that applications have been granted with specific circumstances involved, i.e. the number of units were reduced etc.

Ms. Donato cited the Summary Yearly Report of the Planning Board.

Mr. Brady asked if it was going to be introduced in evidence and that it is not what reasons other cases were granted that matter, but special reasons have to be presented on this application.

The 2006 Planning Board Yearly Report was introduced and marked as A-3 and the 2007-08 Planning Board Report was marked as A-4.

Mr. Gemma stated that in 2000 the Board at page 19 of the Master Plan referred to maintaining existing non-conforming uses.

Mr. Brady interjected that Mr. Gemma had left out the wording and “elimination of non-conforming uses”.

Mr. Gemma addressed the advancement of the purpose of zoning citing Section 2 of the Land Use Act; public safety, contributing to the well being of the neighborhood and then it goes to the goals and objectives of the Master Plan. He stated this plan has no negative impact; it will look nicer and more consistent with the neighborhood and will provide 4 parking spaces.

Mr. Baginski interjected and read excerpts from page 7 of the 2006 Re-examination of the Master Plan addressed the existing non-conforming residences and they “be allowed to maintain and upgrade the properties so long as there is no expansion of the use including the conversion of seasonal uses to year-round uses”.

Mr. Gemma disagreed with this statement.

Mr. Baginski replied that we refer to it as maintenance and upgrade.

Chairman Howard stated structural changes cannot be made but upgrades i.e. windows, doors are made.

Mr. Gemma stated there is no negative impact, no intensity and enhancing the area and converting 2 houses to year-round houses is not a detriment in his opinion and as a planner he does not feel a deck to the rear is an expansion to the front print.

Ms. Donato stated her client would eliminate the deck.

Mr. Baginski stated upgrades and maintenance have been permitted and as long as there is no expansion and this increase is over 40% and it more substantial than a 50% improvement. He stated he believes the Board has supported the Master Plan but also has to support the Borough’s ordinances and other rules.

Ms. Donato then stated the deck and one bedroom will be eliminated from the plan.

Mr. Gemma stated that if the Board leaves it as it is the property will probably be sold, knocked down and a one-family house built.

Chairman Howard opened the hearing to the public.

No one spoke regarding the application.

Chairman Howard closed the public hearing.

A motion was made by Mr. Zylinski, seconded by Mr. Calderaro to deny the application for variance for an expansion of a non-conforming use. On roll call: Messrs. Zylinski and Calderaro, yes-, Mr. Baginski, yes-, Mr. Cataline, no-, Mr. Parlow, yes-, Mrs. Brown, yes-, Mr.

Howard, yes. Motion carries.

Prior to voting Mr. Cataline stated that in this process, he is troubled by the possibility of condoization and doesn't feel the Board should give anything but maybe some concessions can be made and his may be an unpopular vote but thinks direction is needed.

Old/New Business:

None

Respectfully submitted,

Rosemary Robertson
Secretary