

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, June 23, 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 - present
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - absent
Barbara Brown – present

Terry F. Brady, Esq. – Board Attorney

Public Notice Announcement:

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

Review of Cases:

**Application # 2-10, Dominick Tullo, 5 Camden Avenue, Block 11, Lot 10
Expansion of a Non-conforming Use**

The property is located on the north side of Camden Avenue 500 feet east of Route 35 northbound (Grand Central Avenue) in the Residential A District and contains 10,000 square feet. The site currently contains a 2 ½ story frame dwelling in the front of the lot, a 1 ½ story

frame dwelling in the rear of the lot and a framed garage. The applicant is proposing to construct a 28 feet x 16 feet swimming pool at the rear of the front dwelling. The proposed work is an expansion of a non-conforming use.

**Application No. 3-07, Pasquale Stancato, 1702 Grand Central Avenue
Request for Second Administrative Approval**

CORRESPONDENCE:

Correspondence from Michele Donato, attorney for applicant Pasquale Stancato setting forth reasons for request of second Administrative Approval.

OLD/NEW BUSINESS:

Workshop portion of the meeting adjourned at 7:35 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 - present
- Anthony Cataline - present
- Len Calderaro - present

- Joseph Palinsky - absent
- Barbara Brown – present

Terry F. Brady, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of July 28, 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 led the audience in the salute to the flag.

Resolutions to be Memorialized:

None

Public Hearings:

Chairman Howard asked the Board if they would agree to hear the Stancato application request first since the entire Board could vote on this request as opposed to the Tullo application. The Board was in agreement to alter the Agenda hearing the Stancato request first.

Chairman Howard explained that when the property was purchased by Stancato he was given an affidavit stating there was no oil tank on the property. Once the landscaping was started, it was discovered that oil had leaked and spread under the building. The Board can decide that the applicant can either proceed with the landscaping as per the site plan resolution or can request that a bond be posted to cover the cost. He stated if the Board grants a second Administrative Approval, it frees the Construction Official to say yes or no based on his opinion.

Mr. Brady stated the Board has no control over the Construction Official or construction issues, the Board would only be temporarily releasing the conditions for the landscaping, plantings, trees etc. from the site plan requirements.

Mr. Parlow stated there should be a stipulation that the Board is not granting any question of DEP issues.

Ms. Donato representing Stancato stated that the owner was told that the DEP has a plan and if the Board wants to guarantee the work will be done, a cash bond will be posted and that the owner has the money which may be about \$30,000.

Chairman Howard opened the public meeting.

Dominick Pascalli was sworn and in stated he is applicant's son-in-law. He stated the Construction Official wants clearance from the Planning Board regarding the postponement of the improvements set forth in the site plan approval for plantings, landscaping etc. He stated applicant's attorney will set up an amount and it can be approved by the Board Engineer.

Mr. Brady stated the ordinance calls for either a cash or performance bond. And it will cover the cost of all the incomplete requirements.

No one else spoke regarding the request.

Chairman Howard closed the public meeting.

Mr. Brady prepared the Resolution of Administrative Approval.

A motion was made by Mr. Zylinski, seconded by Mr. Baginski to adopt the Resolution granting the Administrative Approval, along with the letter dated June 23, 2010, from Michele Donato, Esq., attorney for the applicant which shall become part of Resolution No. 03-2007, adopted by this Board on October 11, 2006, subject to the following conditions: 1. No permanent Certificate of Occupancy shall be issued unless and until all required site improvements are completed, and no Temporary Certificate of Occupancy shall be issued unless and until a performance guarantee (cash deposit, as proposed by the applicant) in the amount determined by the Planning Board Engineer, is posted for all required site improvements which have not been completed, which Temporary Certificate of Occupancy may be for no more than one year. In the event that outside agency approval, such as the pending NJDEP jurisdiction over the site, has not been concluded within one year, then the applicant may apply for an additional extension of the Temporary Certificate of Occupancy at that time. Specifically, the Planning Board authorized the Construction Code Official to issue a Temporary Certificate of Occupancy once the guarantee conditions of this resolution have been met, subject to all other Uniform Construction Code standards and conditions; 2. This Administrative Change does not affect the jurisdiction of any other outside agency, including but not limited to the NJDEP, regarding the requirements for a Uniform Construction Code Certificate of Occupancy. This Administrative Change applies solely to the zoning and planning requirements within the jurisdiction of this Board; 3. The applicant shall also be required to deposit additional site plan escrows to pay for all Board professional fees associated with this application and approval. On roll call: Messrs. Zylinski and Baginski, yes-, Mr. Marino, yes-, Mrs. Filippone, yes-, Mr. Calderaro, yes-, Mrs. Zaccaria, yes-, Messrs. Cataline, Parlow and Howard, yes. Motion carries.

**Application # 2-10, Dominick Tullo, 5 Camden Avenue, Block 11, Lot 10
Expansion of a Non-conforming Use**

The property is located on the north side of Camden Avenue 500 feet east of Route 35 northbound (Grand Central Avenue) in the Residential A District and contains 10,000 square feet. The site currently contains a 2 ½ story frame dwelling in the front of the lot, a 1 ½ story frame dwelling in the rear of the lot and a framed garage. The applicant is proposing to construct a 28 feet x 16 feet swimming pool at the rear of the front dwelling. The proposed work is an expansion of a non-conforming use.

Michele Donato, Esq., represented the applicant. John Palus, Dynamic Engineering was sworn in. He stated he was a Professional Engineer and licensed Planner and has testified before various Boards. He testified this was a 100 x 100 foot lot with a 2 ½ story home centered on the property. The rear house is rental property. He stated applicant would like to install a 16 x 28 foot in-ground pool and after this summer, the applicant will no longer rent out the rear property and it will be used by the owner. There is a kitchen and heat in the rear house. He testified in his opinion the abandonment of the rental unit was a benefit to the community, the use will be less intense and a pool is a permitted use in the zone. He stated there is no detriment to the public good as the lot could be subdivided into two lots with two houses, a more intense use. He testified the pool equipment will be at the rear northwest corner of the house out of the setback and some of the pavers will be removed.

Mrs. Zaccaria asked if there was a proposed fence and locking gate. Mr. Paulus replied the entire pool will be enclosed as per the ordinance.

Chairman Howard opened the public meeting.

No one spoke regarding the application.

Chairman Howard closed the public meeting.

A motion was made by Mr. Zylinski, seconded by Mrs. Zaccaria to approve the application granting the extension of a non-conforming use subject to the following conditions: (1) a fence and locking gate will surround the pool; (2) the pool equipment will not be placed in the setback. On roll call: Mr. Zylinski, yes-, Mrs. Zaccaria, yes-, Messrs. Baginski and Calderaro, yes-, Messrs. Cataline, Parlow and Howard, yes. Motion carries.

Old/New Business:

Chairman Howard asked if the members had reviewed the ordinance regarding Bay Beach Way (2010-07) (1079). There was some discussion regarding the ownership of the street and beach as being private.

A motion was made by Mr. Baginski, seconded by Mr. Zylinski to recommend approval of the Ordinance. All present voting in the affirmative.

Adjourn:

On motion by Mr. Cataline, seconded by Mr. Calderaro, with all in favor, the public meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary