

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, February 23, 2011 – 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 - absent
Joseph Baginski, - present
Rosangela Zaccaria - present
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown – present

Terry F. Brady, Esq., Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of February 23, 2011. 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 flag salute.

Mr. Palinsky will be sitting in for Mr. Parlow.

Review of Minutes:

The Board reviewed the Minutes of the regular Meeting of December 22, 2010.

Review of Resolutions to be Memorialized:

None

Review of Cases:**Application No. 6-10- Anthony & Tina Volpe, 3 Bryn Mawr Ave., Block 952, Lot 15 (Hardship)**

The property is located on the north side of Bryn Mawr Avenue approximately 560-feet east of the intersection of New Jersey State Highway 35 Northbound in the Residential C District and contains 4000 square feet. The site currently contains a 1-story single family dwelling. The applicant is proposing to demolish the existing dwelling (including outside shower, shed and concrete walks) and construct a new 2-story single family dwelling with a garage.

This case was originally scheduled for November 10, 2010 and was postponed to December 22nd at the request of applicant's attorney. At the December 22, 2010 meeting, applicant's attorney requested another delay to January 26, 2011, citing an issue with service. The January 26, 2011 meeting was cancelled due to inclement weather.

CLOSED SESSION:

A motion was made by Mr. Cataline, seconded by Mrs. Zaccaria adopting a resolution to enter into closed session to discuss pending litigation. All present voting in favor.

The Board entered into closed session to discuss pending litigation.

The Board reopened the public meeting.

CORRESPONDENCE:**OLD/NEW BUSINESS:**

Workshop portion of the meeting adjourned at 7:28 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 - absent
 Joseph Baginski, - present

Rosangela Zaccaria - present
 Anthony Cataline - present
 Len Calderaro – present

Joseph Palinsky - present
 Barbara Brown – present

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Approval of Minutes

A motion was made by Mrs. Zaccaria, seconded by Mrs. Filippone to approve the Minutes of the Regular Meeting of December 22, 2010. All present voting in favor, with the exception of Mr. Marino and Mrs. Brown who were absent for that meeting.

Resolutions to be Memorialized:

None

Public Hearings:

Application No. 6-10- Anthony & Tina Volpe, 3 Bryn Mawr Ave., Block 952, Lot 15

The property is located on the north side of Bryn Mawr Avenue approximately 560-feet east of the intersection of New Jersey State Highway 35 Northbound in the Residential C District and contains 4000 square feet. The site currently contains a 1-story single family dwelling. The applicant is proposing to demolish the existing dwelling (including outside shower, shed and concrete walks) and construct a new 2-story single family dwelling with a garage.

This case was originally scheduled for November 10, 2010 and was postponed to December 22nd at the request of applicant's attorney.

Applicant's attorney requested an adjournment to January 26, 2011. The Meeting of January 26, 2011 was cancelled due to inclement weather.

Applicant was represented by Michele Donato, Esq., who stated the house is existing and the plan is to demolish it and build a new one at the same front setback and the existing house has FEMA issues that negate updating it. She stated the only variance request is for front yard

setback and there will be a 10% reduction in structure coverage with the new house going from 47% to 37%.

Michael Hubsham, 263 South Washington Avenue, Bergenfield, NJ was sworn in and submitted his qualifications to the Board as a licensed engineer and planner that were accepted. He testified that he did not prepare the plot plan but visited the site and is familiar with the plans. The property is in a C Zone and is 40 x 100 and the applicant will remove the shed and will be reducing the structure coverage from an existing 47% to a proposed 36.86%, and there will be no cantilever. The side yard requirements are 4 and 8 feet and applicant will have 4 and 9 foot side yards; the utilities are at grade and the new dwelling will be in conformity with all FEMA requirements. He stated the 6 foot front setback will be in keeping with the neighborhood; there will be a 9 foot driveway.

Anthony Volpe was sworn in. He testified he purchased the property in July 2010. The house is very old and he decided to build a new one. He stated the house will have an octagon looking front and by clipping the front he was able to preserve some of the neighbor's view.

Chairman Howard asked about the two largest side yards being on the same side.

Upon discussion, applicant stated he is willing to revise the plan by putting the larger side yard on the easterly side and there is no design why he could not except for his representation to his neighbor Mr. Shumaker. Mr. Volpe stated the area on the plan labeled as garage is not a garage and cannot be used as one since it is only 13 feet deep and it will be used only for storage space. He stated he has an alternate plot plan that was introduced in evidence and marked as Exhibit A.

Gordon Gemma, 68 Seneca Pl., Oceanport, NJ was sworn in and offered his qualification as a licensed professional planner which was accepted. He testified that he visited the site it is in a C Zone and the front yard setback requirement is 20 feet and the plan proposes tearing down the existing dwelling and erecting a new dwelling with the same 6.09 front yard setback as the existing dwelling. The new dwelling will comply with FEMA, reduce the lot coverage and in an area of small lots they are trying to build a house consistent with the existing setbacks. He stated he does not disagree with the side yards being reversed.

Mr. Gemma referred to page 4 of the last Re-examination of the Master Plan and stated the plan is consistent with the houses on the other side of the street and the majority are 9 feet setbacks and that is the development pattern as it exists. He testified the plan is also consistent with the Master Plan by allowing applicant to have a usable rear yard and provide parking in the rear that advances light, air and space and making a more esthetic appearance and there is no detriment. The plan advances the purpose of the Master Plan and there is no adverse impact. He testified that the property to the west has a 6.45 foot front setback and the easterly side has a 6.23 foot front setback. He further stated if applicant moved his house back 20 feet, his porch would be between two house blocking light and air.

Mr. Calderaro stated that on the north side all the houses are in 6 foot area and most of the street has very old homes but on the south side there are all new homes that comply with the 20 foot ordinance.

A photo board was marked in evidence as A-2 and an aerial photograph was marked as A-3 and a colored survey marked as A-4.

Chairman Howard opened the meeting to the public.

Robert Shumaker, 5 Bryn Mawr was sworn in. He stated he resides on the westerly side of the property and he confirmed Mr. Volpe's statement about the side yard placement; he stated he would prefer the driveway on his side or move the house back a couple of feet.

Ms. Donato stated her client is willing to move the house back one or two feet and shift it over.

No one else in the audience spoke on the application.

Chairman Howard closed the public portion of the meeting.

A motion was made by Mr. Cataline, seconded by Mrs. Filippone, to approve the variance subject to the following conditions: (1) the premises will have only one kitchen; (2) the plans will be revised to show a minimum 8 foot front setback; (3) the plans will be revised to re-label the garage to storage space; (4) the plans will be revised to relocate the proposed driveway from the westerly side of the property to the easterly side; (4 feet on the west; 9 feet on the east side) (5) the curb cut will be moved to the easterly side and the cut on the westerly side will be closed. On roll: Mr. Cataline, yes-, Mrs. Filippone, yes-, Mr. Marino, yes-, Messrs. Baginski and Calderaro, yes-, Mr. Zylinski, no-, Mr. Zaccaria, yes-, Mr. Palinsky, no-, Mr. Howard, yes. Motion carries.

Mr. Marino asked if the Board was interested in Birchler realtors making a presentation at the next workshop. Chairman Howard suggested perhaps someone out of town should do it.

Ms. Donato asked about the procedures regarding waivers from the checklist and was told to indicate what waivers were being requested when she files an application.

Adjourn:

On motion by Mrs. Zaccaria seconded by Mrs. Filippone, the public meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary