

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, April 27, 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 - present
Joseph Baginski, - absent
Rosangela Zaccaria - present
Anthony Cataline - absent
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown – present

Brian E. Rumpf, Esq., Board Conflict Attorney

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of April 27, 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 deferred the flag salute to the public portion of the meeting.

Mr. Palinsky will be sitting in place of Mr. Cataline and Mrs. Brown will be sitting in place of Mr. Baginski.

Review of Minutes:

The Board reviewed the Minutes of the Regular Meeting of March 23, 2011.

Review of Resolutions to be Memorialized:

None

Review of Cases:**Application No. 9-10- Anthony & Susan Saggese, 121 Virginia Avenue, Block 42.02, Lot 28 (Special Reasons)**

The property is located on the north side of Virginia Avenue, 100 feet east of Baltimore Avenue. The site contains 5,000 square feet and is located in the Residential A Zone. The site contains two single-family structures. The applicant is proposing to demolish the one story front dwelling and rebuild a new two-story structure on the same footprint.

Applicant requested this application be carried from the March 23rd to the April 27th meeting for a full Board.

Application No. 3-09- Nicholas Moore, 103 Vance Avenue, Block 34.01, Lot 8 (Special Reasons) Two-Family (Condo)

The property is located on the north side of Vance Avenue 150 feet west of Route 35 northbound and is located in Residential District A and contains 5000 square feet. The site currently contains two (2) units, Unit A and Unit B in a two story frame dwelling. The applicant is proposing a two-story addition to Unit A which is located on the west side of the property.

CORRESPONDENCE:**OLD/NEW BUSINESS:**

Chairman Howard discussed special reasons for the granting of a D variance and the difficulty in proving them under the law and voting with your head as opposed to voting with your heart. He asked Mr. Rumpf to make comment.

Mr. Rumpf read from “NJ Zoning and Land Use Administration” by William Cox, and enumerated the special reasons outlined in 7-4. Special Reasons, under the Purposes of Zoning listed in N.J.S.A. 40:55D-2 and these are to encourage municipal action in a manner which will promote the public health, safety, morals and general welfare, and stating personal hardship does not count. Mr. Rumpf advised the Board that with a special reasons variance there is an enhanced quality of proof and the standard is high. He advised the courts remind Boards that they engage in that analysis and keep in mind that the only “special reasons” which can be considered are those that promote those general purposes of zoning.

Councilwoman Filippone offered condolences on the passing of George Hoppe and his sister.

Mrs. Brown brought up a prior letter from Mr. Brady regarding the Gustafson appeal stating an

Order would be forthcoming and asked if it had been received. It was determined it was not received or signed.

Mr. Parlow excused himself as he had to be available in the Clerk's Office due to the school board election.

Workshop portion of the meeting adjourned at 7:25 p.m.

At the conclusion of the Workshop portion of the meeting Mrs. Filippone and Mr. Marino excused themselves as they were unable to vote on both applications because they are unable to vote on D variances.

PUBLIC MEETING (To commence at 7:30 p.m.)

Chairman Howard presiding:

Roll Call:

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

Joseph Palinsky - present
 Barbara Brown – present

Brian Rumpf, Esq., Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of April 27, 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.

Approval of Minutes

A motion was made by Mrs. Zaccaria, seconded by Mr. Zylinski, to approve the Minutes of the Regular Meeting of March 23, 2011, with one name correction. All present voting in favor.

Resolutions to be Memorialized:

None

Public Hearings:**Application No. 9-10- Anthony & Susan Saggese, 121 Virginia Avenue, Block 42.02, Lot 28 (Special Reasons)**

The property is located on the north side of Virginia Avenue, 100 feet east of Baltimore Avenue. The site contains 5,000 square feet and is located in the Residential A Zone. The site contains two single-family structures. The applicant is proposing to demolish the one story front dwelling and rebuild a new two-story structure on the same footprint.

E. Allen MacDuffie, Esq., represented the applicant. He advised the Board that with only 6 members present, he would like to carry the application with all time frames waived to the next Board meeting on May 25th, 2011, for a full Board

A motion was made by Mrs. Brown, seconded by Mr. Palinsky to grant applicant's request to carry the matter to May 25th, 2011, with all time frames waived. All present voting in the affirmative. Motion carries.

Application No. 3-09- Nicholas Moore, 103 Vance Avenue, Block 34.01, Lot 8 (Special Reasons) Two-Family (Condo)

The property is located on the north side of Vance Avenue 150 feet west of Route 35 northbound and is located in Residential District A and contains 5000 square feet. The site currently contains two (2) units, Unit A and Unit B in a two story frame dwelling. The applicant is proposing a two-story addition to Unit A which is located on the west side of the property.

Michele Donato, Esq., represented the applicant. She asked if all the testimony and proofs could be put on the record and the absentee members could later listen to the recording.

Mr. Rumpf advised he had never heard this kind of request. The Board discussed the request and concluded it was unable to speak or commit on behalf of absent members.

Mrs. Donato conferred with her client and changed her request asking that the application be carried to the Regular Meeting of May 25th, 2011, with time frames waived for a full Board.

A motion was made by Mrs. Zaccaria, seconded by Mr. Zalinsky to grant applicant's request to carry the matter to May 25th, 2011, with all time frames waived. All present voting in the affirmative. Motion carries.

Chairman Howard opened the meeting to the public.

No one spoke or appeared regarding both applications.

Chairman Howard closed the public meeting.

Old/New Discussion:

Chairman Howard brought up the topic of the 5 and 10 foot side yards requirements and the idea of some homes being built with the large side yards together as opposed to alternating so as to give a more spacious appearance. He suggested this possibility being discussed in the future. He also discussed swimming pools and their placement.

Open Discussion:

There was a general discussion by the board regarding zoning code enforcement.

Adjournment:

On motion by Mrs. Zaccaria seconded by Mr. Zylinski, the public meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary