

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, July 27, 2011 – 7 P.M.**

The testimony was prepared by the Acting Secretary.

Chairman Howard presiding

Roll Call:

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

Joseph Palinsky - present
Barbara Brown – present

Terry Brady, Esq. -absent

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of July 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.

Review of Minutes:

The Board reviewed the Minutes of the Regular Meeting of May 25th minutes not complete.
Table the vote

Review of Resolutions to be Memorialized:

Application No. 9-10- Anthony & Susan Saggese, 121 Virginia Avenue, Block 42.02, Lot 28

This application was approved at the 6/8/2011 at the workshop meeting. Len Calderaro: we received a letter from this gentleman. Do we need to discuss or respond. Lionel Howard: Since the application is completed and memorialized they cannot make another application on the same premises. The letter is meaningless. Letter is dated July 5, 2011.

They are concerned because they were denied a variance. They premise almost all their comments on the last census quoting the Asbury Park Press, that the shore population has declined by 30 percent. Joanne Filippone: Can we send a letter that under the law the case as is cannot be represented. If they would like to present a case it would have to be a different case. Lionel Howard: There is nothing we can do about the letter. Discussion regarding the census.

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

This application was approved 3/23/11

Application No. 3-11 Thomas & Ellen Monahan, 12 Newark Ave. Block 24, Lot 15

Lionel Howard: Hearing no comments we will put this on the agenda for the regular meeting

Application No. 4-11 Greg Delli Santi, 111 New Jersey Ave., Block 45.01, Lot 16

Lionel Howard: We do have a revised plan and it did come in after the June meeting. They are looking for 5' and 5' instead of 5' and 10'. Does anyone have any other concerns? Hearing none we will move on.

New/Old Business:

Review of new ordinance 2011-05 (1095)

It addresses the definition of the ½ story. Question: Does the driveway need to be paved. Discussion. Lionel Howard: No it can be stone like so many in town. Discussion of 3rd floor living space.

Len Calderaro: We all got a letter regarding the property on the left side going to West Point Island. Lionel Howard: the record should show that it is not up to the Planning Board to enforce anything it is up to the Mayor and Council. The 3 properties are clearly under construction. Discussion. The property in question is owned by one of the new homes.

Adjournment:

On motion by Anthony Cataline, seconded by Barbara Brown, the workshop meeting was adjourned at 7:35 p.m.

PUBLIC MEETING (to commence at 7:35 p.m.)

Chairman Howard presiding

Roll Call: Vincent Marino-Mayor Walter LaCicero’s Designee
 Lionel Howard, Chairman
 William Zylinski – Vice-Chairman **Absent**
 Councilperson Joanne Filippone
 Christopher Parlow, Business Administrator
 Joseph Baginski
 Leonard Calderaro
 Roseangela Zaccaria
 Anthony Cataline

Joseph Palinsky
 Barbara Brown

Attorney: Terry Brady, Esq.

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Flag Salute: Chairman Howard lead the audience in the salute to the flag.

CORRESPONDENCE:

Approval of Minutes: Minutes of the May meeting are not completed to date

OLD/NEW BUSINESS:

Resolution to be Memorialized:

Application no. 3-11 Thomas & Ellen Monahan, 12 Newark Ave., Block 24, Lot 15
 A motion by Mrs. Filippone, seconded by Mr. Calderaro , to approve the Resolution. On roll call: Mr. Marino, yes-, Mrs. Filippone, yes-, Mr. Baginski, yes-, Mr. Calderaro, yes-, Mr. Zylinski, absent-, Mrs. Zaccaria, yes-, Mr. Cataline, yes-, Mr. Parlow, yes-, Mr. Howard, yes-, the motion is passed.

Review of Cases:

Application No. 4-11 Greg Delli Santi, 111 New Jersey Ave. Block 45.01, Lot 16

Mr. Parlow: let the record reflect the absence of Mr. Zylinski.

Mrs. Donato, Esq. would like some insight on the census. Before the census was taken she received a telephone call that one of the census takers used Mrs. Donato's name and reported that a number of properties were used on a seasonal basis only. They wanted to know how she knew that. She said no one asked her any questions and she had no idea. They did look into it and she has no idea what happened. She thinks they had census takers who were breezing thru neighborhoods and saying it was summer occupants only.

Mrs. Donato, Esq. this is an application that has only one variance. A side yard setback, an undersized lot along Route 35 Southbond. It is a corner lot on New Jersey and the highway. It is an old house in bad condition. It has been in the same family since 1947 and the family built the house. Mr. Dellisanti would like to be added to the census roll since he will be moving here. It remains a single family home, updating all the building codes. It will also be in compliance with FEMA. It is going to be 3 bedrooms. It has off street parking. It meets all of the requirements of the zone except for one the side yard setback. She knows the board has recognized the dilemma of these under sized lots. This setback is going to be considerably larger than what is currently there. It will go from 2 feet to 5 feet. It is not feasible to reach the 10 foot setback. She has only one witness Mr. Delli Santi.

Mr. Howard comments: For many, many years he has said that when a property is taken by the County or the State for a hospital or a highway, the owners should be allowed as if it were a regular sized lot. Unfortunately he has not been able to convince the right people to change the ordinance. Discussion if the property was taken before the highway or the train.

Greg Delli Santi is sworn in. Address 934 Mountain Avenue, Mountainside, NJ 07092
 Re: 111 New Jersey Ave. Mrs. Donato asked when was the house built. Mr. Delli Santi replies the property was purchased in 1946 and his grandfather, his father and his uncles began building in 1947. Mrs. Donato states the house was owned by Mr. Delli Santi's family. She asks him did he come to purchase the house. He responds that as family members died off and he stills keeps the house for the family. Mrs. Donato asks him did you ever have occasion to see the survey or a deed of the property size at the time your family purchased it in 1946. Mr. Delli Santi: He has a survey that pretty close to the new one. Mrs. Donato: The property is the same size has when you purchased it. Mr. Delli Santi: Absolutely. Size 34 by 100'. Mrs. Donato is there any property adjacent that you could by. Mr. Delli Santi: No. Mrs. Donato: Please describe the house. Mr. Delli Santi: It is a single family house 25 ½' wide and 42' plus an additional 6' roofed in porch so the house is 48' long. Cinder block. Mrs. Donato asks: How far is the house set back from the western part of the highway. Mr. Delli Santi: Right now 2,29'. Mrs. Donato: The blocks themselves, do they have a problem? Mr. Delli Santi: The house has metal lentils which are failing and the blocks are so porous that he is having a mildew problem. It has a crawl space underground hard rain would literally fill up the crawl space. Now he has a problem with the rotting of the main beams. Mrs. Donato: The house is not in compliance with the flood requirements. Mr. Delli Santi: Absolutely not. Mrs. Donato: so that you have water entering the crawl space. Mr. Delli Santi: When we get a driving rain it fills right to the beams with the road flooded. Mrs. Donato: What about the plumbing system? Mr. Delli Santi: we updated the electrical service but we didn't do any other work. Original wiring is there. Mrs. Donato: Do

you stay in the house? Mr. Delli Santi: No. Mrs. Donato: You have decided to demolish and build new. Mr. Delli Santi: Absolutely. Mrs. Donato: The current house has 5 bedrooms. What are you proposing? Mr. Delli Santi: 3 bedrooms. Mrs. Donato: What is the size of the house? Mr. Delli Santi: The new house will be 24' X 50'. Mrs. Donato: So it is not as wide as the current house. It is slightly longer. Mr. Delli Santi: Yes. Mrs. Donato: You have a garage incorporated in, so you will have parking in a closed garage. Mr. Delli Santi: Yes. Mrs. Donato: Do you know how much less you will have in land coverage? Mr. Delli Santi: About 5 o/o. Mrs. Donato: The new house will be compliant, it must be with the FEMA reg.s so you won't have the problem you are having currently. Mrs. Donato: Have you looked at the setbacks of other houses? Mr. Delli Santi: Yes, and have noticed quite a few. The Della Santo house on Bond Ave. had a variance for a setback of 5' along the highway. Neighbors support and encourage to build new. Mrs. Donato has no further questions.

Mrs. Zaccaria states that the 2 air conditioning units only have 2 feet left to property line. Discussion about moving them to the North side. Mr. Howard states that if you keep them where they are shown, another variance would be needed. Mrs. Filippone asks if an addendum to the current variance request to allow the a/c to be on the 5' setback from the highway. Mr. Howard asks what about when you put up the screening? Mrs. Filippone states that there is no ordinance to say screening is needed. Mrs. Donato states that Mr. Delli Santi is willing to put up a new looking wooden fence. This location makes the most sense since it will bother the least amount of people. Mr. Baginski agrees with this since it is the highway. Mr. Howard disagrees because riding down the highway it is a distraction. Mr. Delli Santi is willing to do what is necessary. Mr. Brady states the variance will read that the a/c units remain in the 5' Westerly setback screened with perimeter fencing and or landscaping and there should be no other encroachments in the 5' setback. Parking is questioned. One spot is in the garage does the homeowner plan to pull sideways in front of the house. Discussion of the 15' instead of 18' for parking. Mr. Baginski asks that no landscaping is in the line of sight to the highway. Mr. Howard asks the public if they would like to be heard. Wm Brady states the house is a mess and would like to see a new house. Mr. Lanegan, Bay Beach Way this is long overdue. Harry Clooney 108 New York Ave. states Mr. Delli Santi has a boat back there and it is always in the way. The house is in bad shape. The boat is the big problem. Mrs. Donato states the boat is not Mr. Delli Santi's and it will not be there in the future. Mr. Howard asks if the public has any more questions, hearing none he closes the public meeting. Mrs. Donato states it is an upgrade to the neighbor and asks that the board accept. Mr. Baginski would like to make a motion to accept with the provisions including the line of sight and the A/C be covered with a fence and shrubs to protect the vision of people passing by. Vote taken: Mr. Marino, yes, Mrs. Filippone, yes, Mr. Baginski, yes, Mr. Calderaro, yes, Mrs. Zaccaria, yes, Mr. Cataline, yes, Mr. Parlow, yes, Mr. Howard, yes, Mr. Palinsky, yes.

Old/New Business:

Consideration of ordinance 2011-05 (1095)

Mr. Howard asks for comments. Hearing none

On motion by Joe Palinsky, seconded by Joseph Baginski

Vote: Mr. Marino, yes, Mrs. Filippone, abstain, Mr. Baginski, yes, Mr. Calderaro, yes, Mrs.

Zaccaria, yes, Mr. Cataline, yes, Mr. Parlow, yes, Mr. Howard, yes, Mr. Palinsky, yes, Mrs. Brown, yes.

Open Discussion:

Mrs. Filippone states she and Mr. Parlow checked out sheds and the change was made to be 9' in height since no sheds were available at 6' high.

Mrs. Filippone also stated the appeal on 11 Bullard is supposed to be withdrawn. Mr. Parlow stated there is no official word at this time.

Adjournment:

On motion by Mr. Marino, seconded by Mrs. Filippone the public meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Sgd. Arleen Maglionico

Arleen Maglionico
Acting Secretary