

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, June 27, 2012 – 7 P.M.**

Chairman Lionel 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 - present  
Barbara Brown – present

Terry F. Brady, Esq., - present

**Public Notice Announcement:**

This is the Borough of Lavallette Regular Planning Board meeting of June 27, 2012. 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.

**Mr. Palinsky will be sitting in the absence of Mrs. Zaccaria**

**Mrs. Brown will be sitting in for Mr. Zylinski on Application No. 2-12-Steve and Kim Atno, 109 New Brunswick Avenue.**

**Flag Salute:**

Chairman Howard deferred the flag salute to the public portion of the meeting.

**Review and Approval of Minutes:**

The Board reviewed the Minutes of the Workshop Meeting of June 13, 2012.

A motion was made by Mr. Palinsky, seconded by Mr. Cataline to approve the Minutes of the June 13, 2012 meeting. All present voting in favor.

**Review and Adoption of Resolutions to be Memorialized:**

None

**Review of Cases:**

**Application No. 1-12 – Michael & Carol Gasko, 2302 Oceanfront, Block 24, Lot 2**

The property is located on the oceanfront approximately 50 feet south of Newark Avenue in Residential District A and contains 5000 square feet. The site currently contains a two story frame dwelling with walkout basement and first and second story decks. A timber bulkhead runs north and south along the front property line. The applicant is proposing to demolish the existing dwelling and construct a new two story dwelling with first and second story decks. The timber bulkhead will remain in place as required by NJDEP.

This application was heard on April 25, 2012 and continued to May 23, 2012.

Applicant's attorney forwarded a letter requesting the application be carried to the August 22, 2012 meeting with time frames waived until October 1, 2012.

There was discussion about cases being carried so many times and the assumption that the requests will be granted. Mrs. Filippone is concerned about public notice since it has been carried several months at the request of the applicant feels there should be re-service.

Chairman Howard agreed about the public having a right to know.

Mr. Brady discussed concern for the times frames.

Ms. Donato was present and was asked what the reason is for the delay and is there going to be a revised plan. She responded that her client told her the mayor told him that there may be a change in the ordinance that may affect the application and the application is the same and will not be changed.

Mrs. Filippone who is Chairman of the Ordinance Committee stated there is no ordinance pending.

Ms. Donato stated she will look further into the matter.

Mr. Brady concluded that the last time this matter was convened, revised plans were going to be submitted and in the event new plans are filed it may require new notice but stated Ms. Donato implied there won't be new plans filed but she is unsure. Mr. Brady advised that speculation on an ordinance, publication reading etc. is unlikely to take place by August 22<sup>nd</sup>.

Ms. Donato stated applicant will re-serve notice even if the application is not revised.

A member of the public asked to what the mayor had to do with this matter and that doesn't sound right.

Again, Mrs. Filippone stated there is no ordinance pending.

A motion was made by Mrs. Filippone, seconded by Mr. Cataline to carry this application to the August 22, 2012 meeting with application re-serving public notice. All present voting in favor. Motion carries.

**Application No. 2-12 – Steve & Kim Atno, 109 New Brunswick Avenue, Block 41.01, Lot 14**

The property is located on the north side of New Brunswick Avenue approximately 34 feet east of New Jersey State Highway Route 35 (southbound) in residential A and contains 5000 square feet. The site currently contains a two story, two- family dwelling in the front of the lot and a rear one story single family dwelling with a detached shed. The applicant is proposing alterations to the front dwelling in the front of the lot that will convert it to a single family dwelling. The rear single family dwelling will remain unchanged.

This application was heard on April 25, 2012 and carried to June 27, 2012 at applicant's request with all time frames waived.

**Application No. 4-12 – Richard and Jane Lally, 114 Magee Avenue. Block 36.02, Lot 21**

The property is located on the south side of Magee Avenue, approximately 66.7 feet west of the New Jersey State Highway Route 35 Southbound in Residential District A and contains 3,333 square feet. The site currently contains a two-story single family dwelling. The applicant is proposing to remove the existing rear deck and construct a first and second floor addition.

**New/Old Business:**

**Adjournment:**

On motion, made and seconded, the workshop portion of the Regular meeting was adjourned at 7:25 p.m.

**The Board took a 5 minutes recess.**

**PUBLIC MEETING**

Chairman Howard presiding

**Roll Call:**

Vincent Marino-Mayor Walter LaCicero's Designee- present  
 Lionel Howard, Chairman- present  
 William Zylinski – Vice-Chairman- present  
 Councilperson Joanne Filippone- present  
 Christopher Parlow, Business Administrator- present  
 Joseph Baginski-present  
 Leonard Calderaro- present  
 Roseangela Zaccaria- absent  
 Anthony Cataline- present

Joseph Palinsky- present  
 Barbara Brown- present

Attorney: Terry Brady, Esq.- present

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of June 27, 2012. 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 Borough newspapers.

**PUBLIC MEETING:****Application No. 2-12 – Steve & Kim Atno, 109 New Brunswick Avenue, Block 41.01, Lot 14**

The property is located on the north side of New Brunswick Avenue approximately 34 feet east of New Jersey State Highway Route 35 (southbound) in residential A and contains 5000 square feet. The site currently contains a two story, two- family dwelling in the front of the lot and a rear one story single family dwelling with a detached shed. The applicant is proposing alterations to the front dwelling in the front of the lot that will convert it to a single family dwelling. The rear single family dwelling will remain unchanged.

This application was heard on April 25, 2012 and carried to June 27, 2012 at applicant's request with all time frames waived.

Michele Donato, Esq., represented the applicant. She stated applicant is reducing the lot coverage by 4%; the existing lot coverage is 64.3% and it will be 61.6 by removing sheds and the hot tub; it will be 3% on structure and .09 on ground coverage. She stated the only change in the existing footprint will be the bay window that comes out approximately 2 ½ feet. Ms. Donato stated the existing height is 24 feet and proposed is 30 feet.

Mr. Parlow stated there is no variance request for the attic height. Ms. Donato replied a collar beam will be put in and it will be 6 feet and comply.

Kim Atno, 109 New Brunswick Avenue was sworn in. She testified the condenser for the rear house has been removed and placed on the roof and for the front house it would be on the roof of a shed attached to the house. There was discussion regarding parking and Mrs. Atno stated she has four parking spaces, three cars are stacked and the fourth parks in the front of the house. Mrs. Atno took pictures that were introduced in evidence as AA-1 ,2 and 3 showing the parked cars.

She stated she purchased the house in 1996 with her dad who has passed away and house was listed as a three family house. Exhibits AA-4, 5, 6 & 7 were introduced in evidence consisting of the real estate listing, water & tax bills and certificate of occupancy. She further stated she rents the rear house and relies on that income. The rear house does not have heat.

Mrs. Atno testified she is caretaker for her mother who has Alzheimer's and she wants to make house more comfortable for her. She plans on upgrading the plumbing, electricity etc. to code and insulating the house. She stated the computer room on the plans has no closet and it cannot be used as a bedroom because it is so small. She will remove the front fence and pavers.

Ms. Donato stated that two of the parking spaces are undersized at 8.6 and 8.7 but the spaces are existing and applicant is looking to decrease the non-conformity by eliminating a dwelling unit, one bedroom and reducing coverage.

Chairman Howard opened the hearing to the public.

No one spoke.

Chairman Howard closed the public portion of the meeting.

A motion was made by Mr. Baginski, seconded by Mr. Cataline to approve the application, subject to the following conditions: (1) the shed and hot tub will be removed; (2) the rear shed removed; (3) the lot coverage will not be increased and will be decreased; (4) attic space will comply to the 6 foot requirement; (5) the front house will be converted from two units to a single unit removing one kitchen; (6) 5 feet of pavers will be removed; (7) the front and rear houses will match in color. On roll call: Messrs. Baginski and Cataline, yes-, Mr. Calderaro, yes-, Messrs Parlow, and Palinsky, yes-, Mrs. Brown, yes-, Mr. Howard, yes. Motion carries.

**Application No. 4-12 – Richard and Jane Lally, 114 Magee Avenue. Block 36.02, Lot 21**

The property is located on the south side of Magee Avenue, approximately 66.7 feet west of the New Jersey State Highway Route 35 Southbound in Residential District A and contains 3,333 square feet. The site currently contains a two-story single family dwelling. The applicant is proposing to remove the existing rear deck and construct a first and second floor addition.

E. Allen MacDuffie, Esq., represented the applicant. He introduced in evidence as A-1 a photo of the house. He stated this is a modest single family house; There is no bathroom on the first floor and the washer and dryer are in the basement and subject to flooding which did happen. He stated there are three bedrooms upstairs; it is an undersized lot of 33 x 100 and he has 28% lot coverage and the house is 26 feet in height and right side yard is 3.1 feet whereas 5 is required.

Richard Lally, 114 Magee Avenue was sworn in. He testified he has three children including a 13 year old daughter and another bathroom is needed. The addition will include a bathroom and some kitchen space. He stated when he bought the house there was water in the basement and he has replaced the windows and upgraded the kitchen. He stated the unconnected outside shower will be removed.

Mr. Zylinski inquired why applicant did just not move the addition over and then would not require a variance. Applicant responded this is how his wife wants to do it,

Chairman Howard opened the meeting to the public.

William Glowatz, 905 Bay Blvd., stated he was okay with plan.

Gerry Skinner, lives next door to applicant. He stated the Lallys' have made improvements, put in a French drain and the plan will enhance the neighborhood and he is in favor of it.

Chairman Howard closed the public portion of the meeting.

A motion was made by Mr. Calderaro, seconded by Mr. Parlow to approve the application subject the following condition (1) the chimney on the west side of the property is to be removed. On roll call: Messrs. Calderaro and Parlow, yes-, Mr. Marino, yes-, Mrs. Filippone, yes-, Messrs. Baginski, Cataline and Palinsky, yes-, Mr. Zylinski, no-, Mr. Howard, abstain. Motion carries.

**OLD/NEW BUSINESS:**

None

**Adjournment:**

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

Respectfully submitted,

Rosemary Robertson  
Secretary