

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, January 23, 2013 - 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 - absent
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown - present

Terry Brady, Esq. - present

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of January 23, 2013. 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 one of the official Borough newspapers, the Ocean Star.

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

Review & Approval of Minutes:

N/A

Review of Cases:

Application #8-12: RIMS Associates – 131 Princeton Ave. – Block 60 Lot 14

The site is located on the north side of Princeton Avenue Approximately 300 feet west of Baltimore Avenue in the Residential A Zoning District and contains 5,000 square feet. The lot contains two (2) one (1) story frame dwellings, a detached shed and three (3) concrete patios. The applicant is proposing installation of a pavers patio and two (2) concrete walls, one to be utilized as a counter and the other as a grill enclosure.

Mrs. Brown disqualified herself from hearing this case due to a previous business affiliation.

Mr. Marino asked about RIM Associates and the reason we were hearing this case. It was explained that RIM was the owner of the property at 131 Princeton Ave. and that the two structures expanded the non-conformity. The Board reviewed the plans.

New Business:

Mrs. Brown asked about the status of the proposed “fast track” applications. Mr. Brady said that he is reviewing the checklist.

Mrs. Filippone explained that there are 3 categories of possibilities for this “fast track” application process:

1. Properties with existing variances whose owners just want to fix what they had – this would not require Planning Board approval.
2. Properties that may or may not have been damaged by the storm, but the owners want to raise their homes and either fix or rebuild a new structure on the exact same footprint, not expanding the non-conformity – this would require a stamp of approval by the Planning Board.
3. Properties where substantive changes are being made will require the full Planning Board procedure.

The first two possibilities would require a checklist to show what the property owner is doing and would not require an appearance before the Planning Board. Mrs. Filippone further stated that the checklist will include noticing the property owners within 200 feet, notice in the newspaper, engineer and attorney review.

These type cases could be brought to the Construction Office and the Planning Board would vote on these in bulk at either a Workshop Meeting or a Regular Meeting.

Mr. Cataline asked for a review of the first case scenario to which Mrs. Filippone replied that the owners will have to submit plans that show they are not changing anything inside.

Mr. Parlow reaffirmed that if a property has sustained damages of 50% or more, the flood ordinance says you must go up.

The workshop portion of the meeting ended at 7:35 p.m.

Public Meeting:

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 - absent
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown – present (disqualified herself from hearing this case)

Terry Brady, Esq. - present

Public Notice Announcement:

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Flag Salute: Chairman Howard led the salute to the flag.

Public Hearing:

Application #8-12: RIMS Associates – 132 Princeton Ave. – Block 60 Lot 14

The site is located on the north side of Princeton Avenue Approximately 300 feet west of Baltimore Avenue in the Residential A Zoning District and contains 5,000 square feet. The lot contains two (2) one (1) story frame dwellings, a detached shed and three (3) concrete patios. The applicant is proposing installation of a pavers patio and two (2) concrete walls, one to be utilized as a counter and the other as a grill enclosure.

Ms. Susan Winter, 132 Princeton Avenue was sworn in by Mr. Brady and explained that she was seeking permission from the Planning Board to allow her two structures to remain. Mr. Brady asked if Ms. Winter had the approval of the other RIMS Associates partners to speak on their behalf; to which she replied, yes.

Ms. Winter explained that she wanted to create a permanent structure on her patio so that the tables would not blow away. She further stated that she was unaware that the two structures added to the non-conformity. Ms. Winter received zoning approval for pavers and landscaping and submitted photos of the proposed structures at that time. Mrs. Filippone asked if she could see a copy of that permit for the record, and Ms. Winter produced a copy of the permit.

Mr. Cataline commented that the permit was for pavers and landscaping, not for walls. Ms. Winter said that she incorrectly assumed that they were part of the landscaping. At this point, Mr. Parlow verified that Ms. Winter was not questioning the Zoning Officer's decision, but rather requesting permission for the structures to remain on the property.

Ms. Filippone explained to Ms. Winter that being a non-conforming property, anything that is done to the property will have to come before the Planning Board. She also explained that if the board approves a resolution granting permission to keep the two structures, Ms. Winter will then have to go back to zoning to receive a permit so that she can have final inspections.

Mr. Marino asked if there was any electrical work involved with these structures to which Ms. Winter answered, no, and further explained that the barbecue is propane.

At this time, Mr. Brady asked to point out that there were differences from the sketch and the Engineer's letter; i.e., counters in front of the shed. Ms. Winter said that they may have been moved to the right a bit during construction, but it is correct as shown on the plan.

Mr. Howard opened the meeting to the public for comments at 7:50 p.m.

Receiving no comments from the public, the public portion of the meeting was closed.

A motion was made by Mr. Baginski, seconded by Mr. Cataline to approve the variance to allow the structures to remain with a condition that these structures must have the proper building inspection. On roll call: Mr. Baginski, yes; Mr. Cataline, yes; Mr. Marino, yes; Ms. Filippone, yes; Mr. Calderaro, yes; Mr. Zylinski, yes; Mr. Parlow, yes; Mr. Palinsky, yes; Mr. Howard, yes. Motion carries.

This portion of the Regular Planning Board Meeting ended at 7:55 p.m.

Mr. Howard, noticing members in the audience, asked if there were any questions regarding any other matters that the board could help with.

Sharon Rossi of 104 Trenton Avenue asked how she goes about repairing her home after the storm. Ms. Rossi has 2 houses on her lot and does not understand that she owns a non-conforming property and asked where that determination came from. Mrs. Filippone explained that it is part of our Master Plan. Ms. Rossi told the board that she is nervous about getting surveys and plans, raising or not raising, noticing property owners within 200 feet, etc. Mr. Marino suggested that she first get a determination of the extent of damage, and then she will know how to proceed. Mr. Howard recommended that she speak to the zoning and construction officials.

Mr. Brady pointed out that the entire process for fast track applications, allowing non-conforming properties to rebuild, has not yet been determined. A discussion followed about legal non-conforming properties. Mr. Howard cited the 1987 ordinance declaring certain properties to be non-conforming and that property owners were given one year in which to go before the Planning Board to make it a legal non-conformity.

Mrs. Filippone reassured Ms. Rossi that it is the Planning Board's intent to get property owners to rebuild as soon as possible.

Carol Dunn of 124 Newark Avenue voiced her concern since she owns a three-family home and did not go before the board in 1987 – 1988 to make it a legal non-conformity. Mr. Brady answered that the Planning Board would have to determine the legality of the property. Mr. Howard suggested that gathering the water and utility bills might be helpful to prove how long the building existed.

Mr. Brady reinforced the fact that once the “fast track” checklist is established, it will be a great help to the residents.

Mr. Calderaro wanted to make a point that we should not be giving advice at this time. In his opinion, we must tell residents that they must go to the zoning officer rather than giving off-the-hip answers. Mr. Calderaro said that the rules are still not clear enough for us to give advice in the street. He cautioned us not to guess because the residents will become more confused; and heartily recommended that residents go to the Zoning Office.

Mr. Calderaro questioned who is responsible for letting potential buyers know if they are buying a non-conforming property? Mr. Howard pointed out that it is a “buyer beware” situation.

Adjourn:

On motion by Mr. Marino, seconded by Mr. Zylinski with all voting members voting in favor, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,
Joyce Deutsch, Secretary