

**MINUTES
BOROUGH OF LAVALLETTE
REORGANIZATION MEETING OF THE PLANNING BOARD
Wednesday, January 9, 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 - present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of January 9, 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 lead the salute to the flag.

New Business:

Christopher Parlow had been reappointed as the Class II member, Councilperson Filippone as a Class III member, Lionel Howard was appointed as Class IV member, Barbara Brown was appointed as Alternate No. 2 member, and Vincent Marino was appointed as Class I member, Mayor LaCicero's Designee.

Mr. Howard asked the newly appointed members to step up and be sworn in. Mr. Brady swore in all the newly re-appointed Board Members. After the swearing in ceremony, the members took their seats as Planning Board members.

Mr. Howard opened the meeting by stating that if it weren't for the efforts of the Mayor, Mrs. Filippone, and Mr. Parlow, none of us would be here this evening. He further stated that Mayor LaCicero is one great man who deserves full credit for restoring the faith in the people of Lavallette after the storm.

Mr. Howard asked for a nomination for Chairman for the year 2013. Mr. Zylinski nominated Lionel Howard as Chairman, seconded by Mr. Baginski. Roll call vote was taken. Mr. Zylinski, yes, Mr. Baginski yes, Mr. Marino, yes, Mrs. Filippone, yes, Mr. Calderaro, yes, Mr. Cataline, yes, Mr. Palinsky, yes, Mrs. Brown, yes, Mr. Howard, yes. Motion carries.

Mr. Howard took the Chair.

Chairman Howard asked for a nomination for Vice-Chairman for the year 2013. Mr. Howard nominated William Zylinski, seconded by Mr. Baginski. Roll call vote was taken. Mr. Howard, yes, Mr. Baginski, yes, Mr. Marino, yes, Mrs. Filippone, yes, Mr. Calderaro, yes, Mr. Zylinski, abstain, Mr. Cataline, yes, Mr. Parlow, yes, Mr. Palinsky, yes, Mrs. Brown, yes. Motion carries.

Chairman Howard asked for a motion for Secretary for the year 2013. Mr. Calderaro nominated Joyce Deutsch, seconded by Mrs. Filippone, with all present voting in favor. Motion carries.

Chairman Howard asked for a resolution to nominate Terry Brady, Esq., of the firm Coronato, Brady & Kunz, 12 Madison Avenue, Toms River, NJ 08754, as Legal Counsel for the year 2013. A motion was made by Mrs. Filippone, seconded by Mr. Cataline. All present voting in favor. Motion carries.

Chairman Howard asked for a resolution to nominate Michael O'Donnell, of the firm O'Donnell, Stanton & Associates, 1705 Route 37E, Toms River, NJ 08754 as Planning Board Engineer for the year 2013. A motion was made by Mr. Zylinski, seconded by Mr. Parlow. All present voting in favor. Motion carries.

Chairman Howard asked for a resolution to adopt the Planning Board Procedures for the year 2013. The Board Secretary commented that the office hours had changed and will now be Wednesday's and Thursday's from 10 a.m. to 4 p.m. and that applicants to the Planning Board will no longer have to complete a W-9 as part of their packet. A motion was made by Mr. Parlow, seconded by Mrs. Filippone. All present voting in favor. Motion carries.

Chairman Howard asked for a resolution approving the meeting dates for the year 2013. Mrs. Filippone pointed out that a correction needed to be made for the Regular Planning Board Meeting in August. A motion was made by Mrs. Filippone, seconded by Mr. Cataline to adopt the schedule of meeting dates with the necessary corrections for 2013. All present voting in favor. Motion carries.

Review & Approval of Minutes:

A motion was made by Mr. Parlow, seconded by Mrs. Filippone to approve the Minutes of the December 12, 2012, Regular Meeting. With the exception of Mr. Calderaro who was unable to attend the December 12 meeting, all present voted in favor. Motion carries.

Old Business:

After reviewing the minutes from the December 12 meeting, Mr. Calderaro expressed concern over whether or not our fire equipment could handle the new building height. Mr. Zylinski explained that Seaside Heights Fire Dept. has sufficient ladder equipment. He also explained that Seaside Heights Fire Department is the ladder station and Lavallette is the pumping station.

New Business:

Mr. Parlow and Mrs. Filippone took this opportunity to inform the Board that a revised Zoning Ordinance concerning height and lot coverage in flood hazard zones has been written and will be forwarded to the Planning Board Members for their review during next week's workshop session.

Mr. Parlow explained that although it seems lengthy, the information is mostly duplicated for each zone.

At this point, Mrs. Filippone explained the Mayor's intent to streamline applications for non-conforming properties. Currently the Construction Official, the Zoning Officer, Mrs. Filippone, and Mr. Parlow are working on the criteria necessary to allow residents to proceed without creating a backlog of cases for the Planning Board. Mr. Howard asked about the escrow account deposit to which Mrs. Filippone replied that their intent is to establish a non-refundable fee for each of these "fast track" applications. This new procedure would apply only to those residents who had storm related damage. Mr. Howard pointed out that these applications still need to be reviewed by our Engineer; and Mrs. Filippone assured him that will be part of the process.

Mr. Calderaro asked if there was any reason why these applicants need to come before the Planning Board? Mrs. Filippone said they do because of the Land Use Law. Mr. Calderaro still didn't understand why the Planning Board has to hear these cases.

Mr. Parlow attempted to explain that the Borough Attorney is reviewing whether or not our Construction and Zoning Officials can make the call on certain cases. Mr. Howard commented that the people must have an opportunity to have their say through a public hearing.

Mrs. Filippone gave us details that these particular applications would be pre-screened by the Zoning Officer; and all this is being done in an effort to get these people building their homes.

Mr. Baginski asked what the fee for these "fast track" applications would be and suggested that it be minimal. Mrs. Filippone explained that everyone is working it out so that it just covers expenses. Mr. Baginski then asked if people meet the requirements, they will not need to retain an attorney. Mrs. Filippone said if there are major changes to the foot print, that will constitute a full-blown case; she further explained that "we do not care what you change within the four walls of your home, however you cannot expand the use; i.e., if you don't have heat now, you can't have heat later."

Mrs. Filippone expects that by our next meeting, there will be more details regarding this proposed process.

Mr. Brady expressed his desire to speak with the Borough attorney in an effort to assist with this "fast track" process. He explained that the Board has already signed resolutions for many of these properties; and there are some Land Use Laws that may help those properties to be able to rebuild by continuing an existing variance and not grating a new one.

At this point in the meeting, Mrs. Filippone addressed the issue of additional steps being added to a property that is being raised to meet the new base flood elevation requirements. She explained that the Mayor and Counsel feel that encroaching in the front or back setback is better than encroaching into the side yard setback; and that there is a proposal to increase lot coverage by 1%.

There was a brief discussion about the criteria being used by FEMA to calculate the percentage of damage to your home. Mrs. Filippone explained that the tax assessed value of the house is not what FEMA goes by. She believes that they take the tax assessed value and double it to come up with the fair market value before the storm.

There was some dialog regarding FEMA and flood insurance. Mr. Parlow took a moment to explain that if you don't raise your house and choose to have flood insurance, once the new maps are adopted, the further out of compliance you are, the higher the insurance premium. Mr. Marino stated that the insurance companies' maximum increase is limited to 25% per year.

At 8:05 p.m. Mr. Howard opened the meeting to the public.

Mrs. Karen Dunn of New York Avenue had a few questions about rebuilding her home. Her first question was if they choose to demolish their 2 family home and build a new 1 family home, will they have to make application to the Planning Board. Mr. Howard explained that there would be no need and that if they chose to rebuild their 2 family home, they have been grand fathered. In any case, Mrs. Dunn was advised to see the Zoning Officer first in order to have her plans reviewed for compliance. Mr. Brady cautioned her to get a zoning permit for the new house before destroying the old one.

At this point, Mrs. Dunn explained that her house is in the A Zone and her next door neighbor is in the V Zone. She asked if that would have any impact on how they should rebuild? Mr. Parlow said if you have the wherewithal to build to V Zone standards, you can do that. It probably would help with insurance and prepare you if anything were to change in the future.

Mr. Mike Tornambe of 108 Princeton Avenue has a grand fathered two family home and asked if his house has to be raised, would that expand lot coverage. Mr. Parlow explained that is exactly the "fast track" situation that Mrs. Filippone was explaining earlier. The question came up as to whether the determination of 50% damage is based on your tax assessed value or fair market value. Mr. Howard explained that the Lavallette Building and Zoning Department is going by assessed value; however, when that application goes to FEMA, they are using a different formula to determine 50% damage.

Adjourn:

On motion by Mrs. Filippone, seconded by Mr. Zylinski, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary