

**MINUTES**  
**BOROUGH OF LAVALLETTE**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**Thursday, December 12, 2013 – 7 P.M.**

Chairman Howard presiding

**Roll Call:**

Mayor Walter LaCicero - absent  
Councilwoman Joanne Filippone - absent  
Lionel Howard, Chairman - present  
William Zylinski, Vice-Chairman - present  
Christopher Parlow, Borough Administrator - present  
Rosangela Zaccaria - absent  
Anthony Cataline - present  
Len Calderaro - present  
Joseph Palinsky - present

Barbara Brown – present  
Vincent Marino – present

Terry Brady, Esq. – present  
Joseph Coronato, Jr. – present

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board meeting of December 12, 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 salute to the public portion of our meeting.

**New Business:**

Board Members reviewed the draft of the 2014 meeting dates and had no changes.

Board Members reviewed the proposed contact sheet for distribution.

Jack Sauer was sworn in by Mr. Brady as the Mayor's Designee for the remainder of 2013.

**Correspondence:**

Mr. Howard asked the Board Secretary to draft a letter to RCC Environmental Professionals.

Mr. Brady will respond to Joseph Stancato's letter of November 14, 2013.

With regard to Mr. MacDuffie's letter regarding DelliSanti, the Board Chairman advised Mr. Brady to issue a subpoena to Mr. Mc Carthy to appear at the DelliSanti hearing when it is scheduled.

**Resolutions to be memorialized:**

Application #20-13, William & Elizabeth Davis, 7 Princeton Avenue (Front House), Block 21, Lot 12 (elevate non-conforming use and alterations) – denial

Application #23-13, Riccardo & Tracey Botti, 22A New Jersey Avenue, Block 20, Lot 25 (elevate & alter non-conforming use) – approved with conditions

**Review & Approval of Minutes:**

A motion was made by Mr. Palinsky, seconded by Mr. Parlow to accept the minutes of the November 14, 2013 Planning Board Meeting with a correction to page 4. All members present who attended the November 14 meeting voted in the affirmative.

**PUBLIC MEETING**

**Roll Call:**

Jack Sauer, Mayor's Designee – present  
Councilwoman Joanne Filippone - absent  
Lionel Howard, Chairman - present  
William Zylinski, Vice-Chairman - present  
Christopher Parlow, Borough Administrator - present  
Rosangela Zaccaria - absent  
Anthony Cataline - present  
Len Calderaro - present  
Joseph Palinsky - present

Barbara Brown – present  
Vincent Marino – present

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**Flag Salute:** Chairman Howard

**Application #22-13, Robert Shoemaker, Lavallette Hardware, 1601 Grand Central Ave., Block 17, Lots 29 & 30 – relief from permitted use – proposing a second story mixed use**

The site is located on the southeast corner of Grand Central Ave., and Virginia Ave. The site is located in the B-1 District and contains 10,000 square feet. The lot contains a one story masonry building. The applicant is proposing to construct a second story residential apartment above the hardware store and enlarge the existing garage behind it. The proposed second story also includes an office and a workshop separate and apart from the residential apartment.

Mr. Richard Ramirez, applicant's engineer, introduced himself to the Board and presented his credentials.

Exhibit A-1 was presented which consisted of:

Current photograph of Lavallette Hardware  
Architectural rendering of the proposed renovations including 2 Building Elevation Studies  
Architectural rendering of the proposed First Floor Plan and Second floor Plan

Mr. Ramirez discussed the proposed renovation explaining that since the applicant's son and his family were displaced by the October storm, the second story apartment will become their new home. The plan is also to have a workshop on the second floor.

Mr. Brady questioned that the existing building is outside the Virginia Avenue property line, and how can the Board approve an application that is outside the applicant's property line. Mr. Ramirez answered that this is pre-existing. Mr. Howard explained that we cannot grant approval on the Borough's property. Mr. Brady offered that approval has to be conditional on the Borough granting the right to exist on their property. Mr. Ramirez agreed to accept this condition.

Robert Shoemaker, applicant, was sworn in and gave testimony that Lavallette Hardware is an important part of the town and he and his family wish to remain part of this community.

After proposing a few questions regarding the expansion of floor space, ceiling height, the corner window, the proposed tower, the overall height, and the attic height; the applicant's architect was sworn in.

Mr. Thomas Kocubinski, 8 Dolphin Court, Forked River, presented his credentials which were accepted by the Board and proceeded to give testimony. Mr. Kocubinski fielded further questions regarding position of mechanicals, reduction of tower height, space for duct work and air handlers, roof overhang onto municipal property, etc.

Mr. Brady pointed out that if the height of the tower is at 42 ft. that would be more than a 10% increase in the overall height necessitating an additional variance. Mr. Ramirez and Mr. Shoemaker agreed to drop the tower height 5 feet.

There were discussions regarding:

- Marked parking spaces
- Proposed flood plan for the downstairs
- Position of air conditioning condenser
- Access to proposed tower
- Sound proofing in the rear of the building
- The height of the fence along the proposed pergola

At approximately 9:00 p.m., Mr. Howard opened the meeting for public comment.

Raymond Bober of 1600 Grand Central Ave. viewed his two major concerns: (1) lights are currently on all night and (2) parking. Bob Shoemaker explained that he was unaware that the light timer was not working and would address it immediately. Mr. Bober explained that his second concern had already been addressed.

Anita Zalom, 103 President Ave., testified in favor of this application.

The public portion was closed at approximately 9:10 a.m.

A motion was made by Mr. Calderaro, second by Mr. Zylinski to approve this application with the conditions noted. Roll call vote: Calderaro, yes; Zylinski, yes; Palinsky, yes; Cataline, Yes; Parlow, yes; Brown, yes; Howard, yes.

There was a 5 minute recess, and the hearing reconvened at approximately 9:15 p.m.

**Application #26-13 EXP, Joseph & Teresa Russo, 204 Bryn Mawr Ave., Block 1115, Lot 2 (east dwelling) Mallard Lagoon Condominium Association – expedited application – demolition and replacement of non-conforming structure due to storm damage within the same footprint**

The property is located on the south side of Bryn Mawr Ave. approximately 69 feet west of Route 35 southbound in the Residential District C. The property contains 6,035 sq. ft. and a one (1) story single family dwelling on the east of the property and a two story multi-family dwelling on the west of the property. The applicant is proposing to demolish the east dwelling that was damaged in super storm Sandy and construct a single family dwelling with a finished floor of 13.0 (AE-7).

Mrs. Russo was sworn in and explained the demolition and proposed rebuilding plans.

Mr. Howard verified that the proposed plans would be the same as the existing and the house will be raised.

Mr. Palinsky needed verification that 202 Bryn Mawr is the same as 204 Bryn Mawr Unit C, and Mrs. Russo answered, yes.

Mr. John Lord, 877 Oeanview Rd., Toms River, was sworn in and gave testimony regarding the proposed finished floor height and confirmed the construction as a single family, single story.

Mrs. Russo explained that the first set of plans submitted to our engineer contained a typo which improperly showed an minor expansion. Therefore, the plans were revised to show the correction, and Mrs. Russo handed them out that evening. Mr. Brady advised that the Planning Board Engineer needed to review the revision before a Resolution could be approved.

Mrs. Russo agreed to submit a copy to Mike O'Donnell for Resolution Compliance.

The meeting was opened for public comment at approximately 9:35 p.m. There was no public comment.

A motion to approve this fast track application with the condition that the engineer's review the revised plan was made by Mr. Parlow, seconded by Mr. Cataline. Roll call vote: Parlow, yes; Cataline, yes; Palinsky, yes; Zylinski, yes; Calderaro, no; Brown, yes; Howard, yes.

**Adjourn:**

A motion was made by Mr. Zylinski, seconded by Mrs. Brown to adjourn with all present voting in favor. Meeting was adjourned at approximately 9:35 p.m.

Respectfully submitted,  
Joyce Deutsch, Secretary