

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING OF THE PLANNING BOARD  
Thursday, June 27, 2013 - 7 P.M.**

Chairman Howard presiding

**Roll Call:**

Vincent Marino, Designee of Mayor LaCicero - present  
Councilwoman Joanne Filippone - absent  
Lionel Howard, Chairman - present  
William Zylinski – Vice-Chairman – present  
Christopher Parlow, Borough Administrator – absent  
Rosangela Zaccaria - absent  
Anthony Cataline - absent  
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 June 27, 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.

Salute to the Flag – lead by Mr. Howard

Mrs. Brown will sit for Mrs. Zaccaria.

**Public Meeting:**

Chairman Howard presiding

**Review of Resolutions to be Memorialized:**

**Application #6-13, Edward Hoagland, 107 Elizabeth Ave., Block 48.01, Lot 12**

A motion was made by Mr. Palinsky, seconded by Mr. Calderaro to adopt the Resolution of Approval with the specific revisions. On roll call: Palinsky, yes; Calderaro, yes.

**Application #8-13, Christopher & Janet Malzone, 103 Trenton Ave., Block 50.01, Lot 8**

A motion was made by Mr. Zylinski, seconded by Mr. Palinsky to adopt the Resolution of Approval with specific revision. On roll call: Zylinski, yes; Palinsky, yes; Calderaro, yes; Howard, yes.

**Application #3-13, Charlotte Abajian, 20 Haddonfield Ave.**

Applicant appeals the decision of the Zoning Officer for refusing to enforce the bulk requirements and the coverage requirements of the zoning ordinance at 22 Haddonfield Ave

A motion was made to approval the continuance of this application to the July 25 Planning Board Meeting by Mrs. Brown, seconded by Mr. Marino. On roll call: Brown, yes; Marino, yes; Calderaro, yes; Zylinski, yes; Palinsky, yes; Howard, yes.

This postponement was also announced during the public portion of this meeting.

**Review of Cases:**

**Application #10-13, Deborah & Michael Gilhooley, 114A President Ave., Block 33.02 Lot 21.02 (non-conforming lot)**

The property is located on the south side of President Ave. approximately 75 feet west of Route 35 southbound in the residential District. The property contains 2,500 square feet with a two-story frame dwelling with a detached garage. The Applicant is proposing to demolish the existing dwelling and detached garage and construct a new two-story single family residence with garage below. The lowest horizontal structural member of the residence will be constructed above the stated Advisory Base Flood Elevation (ABFE). The property is located in the V Zone of the new FEMA Maps.

Michael Gilhooley of 114A President Avenue was sworn in. He pointed out that currently there are (7) seven bulk variances on the property, and the new plans will reduce that to (5) five. The Gilhooleys have owned the property for the past two years. The property was damaged over 50% of its assessed value by the October storm; and the proposed construction will create a safer home. There are currently 3 bedrooms and 1½ baths which are also proposed.

Mr. Gilhooley further testified that they are proposing to put a parking space underneath the home. At this point, Mr. Howard above the garage you can only have one story, not two. Choice is don't use it as a garage, or ask for a variance.

The front porch currently extends 8 feet into the front yard; creating a front yard setback of 7 feet back of the property line instead of the required 15 feet. Mr. Howard explained that since he is starting fresh with new construction, why not place the house 15 feet back in order to be in compliance with the ordinance. Mr. Howard also explained that although a front porch is legal, it is not allowed to have a deck above it unless you seek a variance. Mr. Gilhooley replied that moving the house back would adversely affect their neighbors' privacy in their back yard.

Mr. Brady verified that the garage is being demolished. It was then pointed out that by demolishing the garage, the owners would have more than enough space to move the house back to comply with the 15 yard front setback requirement.

Mr. Howard acknowledged the letter from Mr. Gilhooley's attorney attesting that the survey that was submitted has not been changed.

After a discussion about the front yard setback; it was recommended that since this is a new structure, perhaps it should be placed 15 ft. from the property line.

Mr. Gilhooley testified that the platform for the A/C unit will be placed under the stairs in the rear of the house to which Mr. Howard suggested that it be raised in order to prevent future damage.

Mr. Marino questioned what the new FEMA height requirements were for this property to which Mr. Gilhooley replied that it is A8; and they are planning to add 2 feet of freeboard. Mrs. Brown verified that they will be raising the home to a total of 10 feet. The Plans currently reflect the previous V10 classification. Mr. Gilhooley confirmed that they will be at or above the new base flood elevation.

Mr. Zylinski questioned why they are proposing 9 foot ceiling heights, and Mr. Gilhooley explained that it will create the affect of having more room since the house is so narrow. Mr. Zylinski then asked if he would consider not enclosing the bottom of the house and having space to park two cars under the house. Mr. Gilhooley would consider it.

Deborah Gilhooley of 114A President Avenue was sworn in. Mrs. Gilhooley explained that the purpose of having the space under the house enclosed would be for secure storage. Mr. Zylinski reminded Mrs. Gilhooley that she is allowed to put a shed on the property; and that if the bottom of the house is enclosed, they must use break away walls.

Mr. Calderaro pointed out that the garage under the house measures approximately 25.9 feet which would accommodate 2 cars already. He also pointed out that the 20 feet in the back of the house would be enough room for storage.

Mr. Zylinski also pointed out that if the proposed garage was not enclosed, it would not be in violation of the height regulation.

If the house is moved back, Mr. Howard clarified that the proposed second story deck would be allowed. This would also address the parking space requirements. It was also brought to the owners' attention that currently their curb cut measures 15 feet only 12 feet is allowed. If it were made smaller, there would be room for another car. Again, Mr. Calderaro mentioned that if the house were moved back, there would be room for 2 cars in the garage and 2 more spaces in front of the house. Mrs. Gilhooley informed the board that they had already purchased one on-the-street parking spot from the Borough because they are an undersized lot.

Mr. Palinsky pointed out that the curb cut would have to be changed in order to line up with the garage opening and either way, they would have to go to a 12 foot curb cut. Mr. Howard said that the plans would have to be changed. Again, Mr. Howard reiterated that if the house was moved back, they could have an upper deck without seeking a variance; and they could enclose the proposed garage.

The Gilhooleys agreed to change the proposed plans placing the new construction 15 feet from the property line to comply with the front yard setback requirements.

At this point, Mr. Howard commented that the only two variances needed are now for the side yard setbacks, and Mr. Brady also cited a variance for building 2 stories above the garage.

A few more suggestions were made by Planning Board Members:

Mr. Calderaro suggested that the A/C be put on the plan. Mr. Howard voiced that the best place would be in the rear of the building, and he should consult his architect on this matter.

Mr. Palinsky reminded them that the outside shower needs to be piped in through the house.

At 7:50 p.m. the meeting was open to the public.

Harry Grow of 116 President Avenue was sworn in. He voiced his concerns about his home being damaged when the pilings are driven into the ground. Mr. Howard described to Mr. Grow that the new process is done with a vibrator which is quiet and safe.

The public portion of the meeting was closed at 7:55 p.m.

A motion was made by Mr. Calderaro, seconded by Mr. Palinsky to approve this application with the revisions/additions discussed. On roll call: Calderaro, yes; Palinsky, yes; Marino, yes; Zylinski, yes; Brown, yes; Howard, yes.

At 8:05 p.m. Chairman Howard opened the meeting to the public for comments.

A Licensed Architect practicing for over 25 years from Union, NJ informed the Planning Board that the power companies are now requiring that all meters be set six feet above the sand. He added that we are making extraordinary efforts to raise our properties out of the flood waves, and the electric companies have turned their backs on one of the most important issues of human safety. He, therefore, urged the Planning Board and the Attorney to write a letter in support of adding electronic devices to meters so that they can be read remotely and the meters can remain in the flood plain. Mr. Howard suggested that a letter be prepared by the Planning Board to the Mayor and Council and to JCP&L in support of this request. The architect also suggested that we contact other local Planning Boards. The Board asked that a copy of the letter that he has already circulated be sent to Mr. Brady and the Board Secretary.

Public meeting was closed at approximately 8:15 p.m.

Mr. Marino asked if a committee is being set up to fill the current vacancy created by Mr. Baginski's resignation? Mr. Howard explained that the process is already underway.

**Adjourn:**

A motion to adjourn was made by Mr. Zylinski, seconded by Mrs. Brown with all present voting in favor. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,  
Joyce Deutsch, Secretary