

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

Chairman Howard presiding

Roll Call:

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

Barbara Brown – present
Vincent Marino – present

Terry Brady, Esq. - present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of September 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.

Salute to the Flag – lead by Mr. Howard

New Business:

Mr. Marino was sworn in by Mr. Brady as Alternate #2 for the duration of Mrs. Brown's unexpired term.

A motion was made by Mr. Parlow, seconded by Mr. Calderaro to recommend adoption of the proposed Ordinance No. 2013-09 (1124) amending and supplementing Chapter 90 of the Borough Code, entitled "Zoning", to remove the amount of stories permitted above an attached garage. All present voted in favor, and the board secretary was asked to prepare a memo to the Mayor and Council.

Mrs. Filippone addressed the Board concerning Mr. Brady's recommendation regarding requests to adjourn an application. A motion was made by Mrs. Filippone, seconded by Mrs. Zaccaria to accept Mr. Brady's recommendation dated August 15, 2013, as written and that it be adopted as part of the Planning Board procedures. All present voted agreement.

Mrs. Brown made it known that the new height differences, etc, are somewhat confusing and asked if Gary Royer, Zoning Official, could come to a workshop meeting for an interpretation of some of the new ordinances. It was suggested that Mr. Royer attend the workshop portion of the October 10 Planning Board meeting. Mr. Parlow said that he would speak to Gary Royer about this. Mrs. Filippone requested that perhaps Mr. Royer could have a graphic to go along with his presentation.

Resolutions to be Memorialized:

Application # 14-13, Denise & William Apsey, 116 Vance Avenue – Front Dwelling – Block 35.02 Lot 23 (approval)

The property is located on the south side of Vance Avenue approximately 100 feet west of Route 35 southbound in the Residential District A. The property contains 5,000 square feet and two (2) single family dwellings, a two story dwelling on the front of the property and a one story dwelling on the rear of the property. The applicant is proposing to construct a 162 square foot second story addition on the front dwelling. The addition will be located within the existing footprint of the dwelling. Additionally, the existing wood walkways are being removed to accommodate four (4) off street parking spaces.

A previous application was received in April 2013 to demolish and reconstruct the rear dwelling in the same footprint but at a high elevation. As part of that application, 65 square feet of steps and landing were proposed for access to the rear dwelling. The additional information received from Mr. Mac Duffie indicates that the applicant is requesting an increase in the area of the deck and its appurtenances to 134 square feet from the previous area of 65 square feet.

Mr. Howard postponed this until the September 26, 2013 meeting.

Review & Approval of Minutes:

A motion was made by Mrs. Brown, seconded by Mrs. Zaccaria to accept the minutes of the August 29, 2013, meeting with a change to page 5. All members who attended the August 25 meeting with the exception of Mr. Zylinski voted in the affirmative.

Public Meeting:

Chairman Howard presiding

Mrs. Brown will sit for Mr. Zylinski who is absent from this meeting. Mr. Marino will sit for Mrs. Zaccaria who is a property owner within 200 feet of each of the applicants and had to step down.

Application # 12-13, William & Veronica Matthaei, 505 Bay Boulevard, Block 32.02 Lot 29 (continuance)

The property is located on the east side of Bay Boulevard approximately 50 ft. north of President Avenue northbound in Residential A District. The property contains 4,624.18 sq. ft. with a two-story frame dwelling and attached garage. The applicant is proposing to demolish the existing dwelling and construct a new two-story single family dwelling elevated to comply with FEMA minimum base flood elevation.

Mr. Matthaei was still under oath and testified to the Board that he is trying to clean up his property and he feels as though the proposed application will also protect his property.

Mr. John C. Amenchenko, applicants' architect who was also still under oath resubmitted the plans as A Zone construction. He explained that the plans show an elevation of 12 feet where the A Zone base flood elevation is at 8 feet. They have not altered the house height because the applicants wish to be able to stand up in the garage. The garage height is at 7'6.

Mr. Amenchenko reiterated that the house is proposed to be built 12 ft. above sea level and approximately 8 ft. above ground level and that the house from the top of the sill plate to the highest point of the roof measures 27.88 ft.

Mr. Cataline asked for an overall measurement from the ground; to which Mr. Amenchenko answered 35.3 ft. tall. Mr. Amenchenko later changed the measurement to 36.3 ft.

Board members made several suggestions to the architect that could possibly decrease the height of the building.

Mr. Parlow asked why the applicants could not comply with the height requirement. He pointed out that the old standard was 30 ft. overall structure height and asked if 36.3 ft. is the new normal.

Mr. Brady pointed out that the proposed height is an increase of over 10% of the prior standard.

Mr. Armenchenko admitted that there are things that they could do to bring the overall height down but that the preference is not to do it.

Mrs. Brown expressed the same concerns that Mr. Parlow had citing that the Council put a great deal of time and effort in order to keep the town more uniform. She then asked if there was a way to reduce the house height in order to comply with our ordinance.

More suggestions came from Board members regarding altering the house height.

Mr. Parlow stated that there were reasons that the applicant could have made for the height variance, however, he had not heard any yet.

Mr. Howard opened the meeting to the public at 8:30 p.m.

Maureen Manion Mills, 501 Bay Boulevard, was sworn in and gave testimony in favor of the applicants' proposed reconstruction. She added that in her opinion, "there has to be a new normal."

Jack Sauer, 405 Bay Boulevard, was sworn in and testified that he has been a full-time resident of Lavallette for the past two years and was a member of the Zoning Board in Caldwell, NJ. He pointed out that in his opinion, the property has no hardship nor did he hear the benefit to the community. He further stated that in his opinion aesthetics do not come into the equation, and asked if we are negating the new height ordinance the first time it is challenged and wouldn't this be setting a precedent. If the ordinance proves to be wrong, then the Council needs to revisit the ordinance.

Judy Ritter, 253 Westmont Ave., was sworn in and testified that in her opinion she would rather look at a house designed like the Matthaei's than a house with open storage space underneath. She pointed out that this house design would be beneficial to the community. She is concerned that since wind is a problem for this community, what will happen to the things stored underneath these open houses.

With no further comments, Mr. Howard closed the public meeting at 8:40 p.m.

Mr. Cataline spoke as a resident and pointed out that as a result of the storm, our Borough is changing and that all cases rest on their own merit. He said that this particular area of Bay Blvd.

is very low and that a lot of thought went into the applicants' proposed construction as well as to the new ordinance, but as a layman, he does not know what height we will be dealing with down the road. He thinks that there are reasons why we should grant this variance. Mr. Calderaro added that the owners should decide how to deal with the 2 foot reduction in the house height.

A motion was made by Mr. Calderaro, seconded by Mr. Parlow to grant approval for the structure coverage, lot coverage, and curb cut variances, but to deny approval of the height variance; leaving it up to the applicant to determine the two (2) ft. house height reduction. Roll call vote: Calderaro, yes; Parlow, yes; Palinsky, yes; Cataline, yes; Brown, yes; Marino, yes; Howard, yes.

Application # 17-13, Maureen & Robert Mills, 501 Bay Boulevard, Block 32.02 Lot 28

The property is located on the south corner of Guyer Avenue at Bay Boulevard in the Residential District A. The property contains 5,500 square feet with a two story frame dwelling with garage below. The Applicant is proposing to raise the existing house four (4) feet above the Base Flood Elevation.

Maureen Manion Mills was sworn in and testified that Mr. MacDuffie, Esq., was to represent this application, however, he could not get to the hearing due to the fire in Seaside Park. Mr. Brady explained that she had the right to postpone hearing the application until her attorney was available. She chose to proceed and explained that she and her husband purchased the property two years ago; they received two (2) feet of water in their home after the storm; therefore, they want to raise their home to become FEMA compliant and to be safe. She also explained that they are asking for a height variance in order to accommodate storage and a garage under the house.

Mr. Paul Moore, Architect, 4702 Spring Street, Wall, NJ was sworn in and confirmed that he had previously testified before this Board as an expert. Mr. Moore submitted a drawing showing the 1.83 foot height addition (A-1). Mr. Moore also submitted a photograph of the existing space under the house (A-2), and a photograph of the existing structure showing another angle of the hip roof (A-3).

He also explained that the applicant is seeking a lot coverage variance due to the addition of stairs.

Mr. Howard mentioned that it might be easier just to make a flat roof and therefore, the applicants' would not need the height variance.

Mrs. Filippone pointed out to the applicant that part of the issue of height has to do with fire safety. Mrs. Filippone asked the height of the attic to which Mr. Moore replied 6'8" at its highest point.

Mr. Marino verified that the height of the house from the sill plate is 27.7 ft.

Mr. Parlow wanted to know the head height in the garage; Mr. Moore answered 7.5 ft. He also confirmed that the house is being elevated.

Mrs. Filippone verified that there are 5 sets of steps and 4 entry doors. Currently, one set of steps goes into the side yard setback. Mrs. Filippone asked if one set of steps could be eliminated in order to remove a public safety issue.

Mr. Howard opened the meeting to the public at 9:35 p.m.

Mr. William Matthaei of 505 Bay Boulevard was sworn in and testified in favor of the application.

Ms. Molly Mangan of 303 Bay Boulevard was sworn in and testified that there is constant flooding in their area, and it is important to take that into consideration for both new construction and existing construction. She also stated that it is important to see people back in their homes and to bring property values back. Mrs. Mangan stated that she appreciates the case by case considerations.

With no further comments, Mr. Howard closed the public portion of the meeting at 9:40 p.m.

A motion to approve this application with the conditions to remove one set of steps in the rear of the dwelling and that the attic space not be used as living space was moved by Mrs. Filippone, seconded by Mr. Cataline. Roll call vote: Filippone, yes; Cataline, yes; Marino, yes; Palinsky, yes; Calderaro, yes; Parlow, yes; Brown, yes; Howard, no.

Mr. Howard opened the meeting to the public for any questions or comments at 9:45 p.m.

Mr. Matthaei asked about the difference between his application for height relief and the Mills application.

Mr. Cataline expressed his opinion that the Board needs some workshop time to make them better prepared for future cases.

Adjourn:

A motion was made by Mrs. Filippone, seconded by Mr. Parlow to adjourn with all present voting in favor.

Meeting was adjourned at 9:50 p.m.

Respectfully submitted,
Joyce Deutsch, Secretary