

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING OF THE PLANNING BOARD  
Thursday, September 25, 2014 – 7:00 P.M.**

Chairman Howard presiding

**Roll Call:** Lionel Howard – present  
Jack Sauer, Mayor’s Designee – present  
Joanne Filippone – present  
Joseph Palinsky – present  
Len Calderaro – present  
William Zylinski – present  
Rosangela Zaccaria – absent  
Anthony Cataline – present  
Christopher Parlow – present  
Barbara Brown – present  
Vincent Marino – absent

T. Brady, Esq. – present

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of September 25, 2014. 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, temporary located in Trailer #1 at 125 Washington Ave., filed with the Borough Clerk, and supplied to one of the official Borough newspapers, the Ocean Star.

**Flag Salute:** Chairman Howard

**Resolutions Memorialized:**

N/A

**Review & Approval of Minutes:**

A motion was made by Mrs. Brown, seconded by Mr. Palinsky to accept the minutes of the Regular Meeting of June 26, 2014, with all members present voting in favor.

A motion was made by Mr. Cataline, seconded by Mr. Calderaro to accept the minutes of the Workshop Meeting of August 14, 2014, with all members present voting in favor.

A motion was made by Mr. Palinsky, seconded by Mr. Calderaro to accept the minutes of the Executive Session of August 14, 2014, with all members present voting in favor.

**New Business:**

N/A

**Public Hearing:**

Mrs. Brown will sit for Mrs. Zaccaria.

**Applicant #19-14, Anthony & Lisa Carbone, 110 Philadelphia Ave. – Block 39.01, Lot 15 – Demolish & Rebuild Non-conforming Use plus set-back encroachment & lot coverage**

The property is located on the southeast corner of Philadelphia Ave. and Route 35 Southbound in the Residential District A. The property contains 3,400 sq. ft. with a one-story frame dwelling. The applicant is proposing to demolish the existing dwelling and construct a new two-story single family dwelling elevated to comply with the FEMA minimum base flood elevation.

Jason E. Shamy, applicants' attorney, introduced himself to the Board and presented the following Exhibits:     A-1: Modified drawings showing the placement of the A/C units  
                                  A-2: Modified plot plan

The applicant, Anthony Carbone of 11 Doering Way, Cranford, NJ, was sworn in and outlined the building plans for the proposed new dwelling.

Mr. Shamy asked Mr. Carbone about the current condition of the existing home; Mr. Carbone replied that the foundation was not sound as determined by his engineer.

Mr. Calderaro expressed his skepticism about the proposed construction having six bedrooms. Mr. Carbone said that he made the decision to have a downstairs bedroom for their older parents.

Mr. Sauer questioned whether the proposed overhangs encroached into the front and the side yard setbacks. He also asked that the parking spaces be shown specifically on the plot plan.

Mrs. Brown wished to clarify Mr. Carbone's intention to widen the home.

It was determined that there are two bedrooms in the existing structure. Mr. Carbone confirmed that the proposed new construction would have five bedrooms upstairs and one downstairs. Mrs. Filippone voiced her concerns about increased density on an undersized lot.

Mr. Howard pointed out that the new construction would be an expansion, i.e., second story and square footage.

Mr. Cataline's issue was that if you are building a brand new home; setback requirements should be observed. Mr. Carbone responded that he will conform with the front and rear yard setbacks and will submit new plans.

Mr. Howard questioned Mr. Carbone regarding the purpose of the 9'6" ceiling height on the second floor, the tower and the windows shown on the plan. Mr. Carbone explained that the windows are for light and will be stationary.

Mr. Brady received confirmation from Mr. Carbone that the home was not substantially damaged by hurricane Sandy. Mr. Carbone added that the existing height is not FEMA compliant.

The Board suggested that the number of bedrooms be reduced from six to four. The applicant agreed to accept that as one of the contingencies of the Resolution of Approval.

The meeting was opened for public comment at approximately 7:55 p.m.; hearing none the public portion was closed.

A motion to approve the application with revised plans showing the specific conditions was made by Mrs. Filippone, seconded by Mr. Calderaro. Roll vote: Filippone, yes; Calderaro, yes; Sauer, no; Palinsky, yes; Zylinski, no; Cataline, yes; Parlow, yes; Brown, yes; Howard, no.

Mr. Sauer and Mrs. Filippone left the meeting at approximately 8:05 p.m. since they were not eligible to vote on the subsequent applications.

**Application #17-14, Dario & Antoinette Marcelli, 14 Magee Ave. – Block 10, Lot 17 – Demolish and Rebuild Non-conforming Use**

The property is located on the south side of Magee Ave. approximately 365 feet east of Route 35 northbound in the Residential District A. The site contains 5,000 square feet with a two-story frame single family dwelling on the front of the property and a two-story two family dwelling on the rear of the property.

The applicant is proposing to demolish the existing dwellings and construct a new two-story single family dwelling on the front of the property and a new two-story single family dwelling on the rear of the property. The proposed dwellings will be elevated to comply with the FEMA minimum base flood elevation.

Mrs. Donato, applicants' attorney, described the owners plan to reduce the size of the rear building, to reduce the dwelling units from three to two, and to reduce the setback non-conformities.

Mr. Brady confirmed that the property was not substantially damaged by hurricane Sandy.

Mr. Dario Marcelli and Mrs. Antoinette Marcelli, 27 Oxford Drive, East Hanover, NJ, were sworn in. At this time, Mrs. Donato presented the following Exhibits:

- A-1: Copy of Certificate of Completion And Approval to Occupy dated 10-3-2013
- A-2: Property Maintenance Records for Unit 1 and Unit 2
- A-3 - A-5: Black & White photographs of existing property

Mr. Marcelli testified that the home was purchased for the purpose of rebuilding a new home for his family. He further testified that the proposed back house would be utilized by his family, specifically his children.

Mr. Zylinski expressed his opinion that the house should be rebuilt to conform to our ordinances. Mr. Marcelli then stated that if the application were turned down, he would not renovate, but rather rent it and use it as an investment property.

Mr. Robert Khune, PE, at Najarian and Associates was previously sworn in and testified that:

- the existing coverage is 59.4% and the proposed total coverage is 59.6% representing an increase of .2%
- there are four (4) off-street parking spaces on the left side of the property
- there is a 15 ft. front yard setback

Mr. Howard inquired about the distance between the front and rear houses; Mr. Khune took a measurement and stated that there is approximately 15 feet not including the steps.

Frank D. Mileto, A.I.A., of 14 Beaver Brook Drive, Long Valley, NJ, was sworn in and answered questions from Mrs. Donato regarding the proposed plans. Mr. Mileto testified that the current structures are not compliant; and even if rehabbed, would not meet the current building codes.

Mr. Mileto testified that:

- proposed front dwelling will have five bedrooms
- proposed rear dwelling will have two bedrooms
- A/C units will be applied to the outside walls (new technology which eliminates additional ground coverage)

Mr. Mileto outlined the positive criteria:

- both structures will be compliant with building, safety, and fire codes
- new construction will provide better air and light
- reduction in density (three dwelling units to two dwelling units)
- desirable visual improvement

Mr. Palinsky pointed out that the living space is being increased; Mr. Mileto confirmed that the square footage will be increased; however, the density is decreased.

Mr. Calderaro voiced his concern about the proposed roll-up door on the back house.

Mr. Parlow wanted to know if the existing buildings conform to existing flood elevations. He also asked for clarification that the proposed outdoor kitchen will be at ground level.

Mr. Mileto answered that it is an accessory, not a dwelling unit. Mr. Howard then explained that they might not get a building permit if submitted the way it is. Mr. Mileto said that they will meet all FEMA requirements.

Mrs. Donato then added that the owner agreed to remove the stove if that defines the rear structure as a dwelling unit.

Mr. Howard asked for a 5 minute recess at approximately 9:07 p.m.

Hearing resumed at approximately 9:12 p.m.

**Roll Call:** Lionel Howard – present  
Jack Sauer, Mayor’s Designee – absent  
Joanne Filippone – absent  
Joseph Palinsky – present  
Len Calderaro – present  
William Zylinski – present  
Rosangela Zaccaria – absent  
Anthony Cataline – present  
Christopher Parlow – present  
Barbara Brown – present  
Vincent Marino – absent

T. Brady, Esq. – present

Mrs. Donato resumed her presentation to the Board, and said that during the break, the owners decided to eliminate the kitchen in the rear building.

Mr. Parlow then questioned what the rear building would be; Mrs. Donato answered that there would be upstairs bedrooms above non-inhabitable space.

Mr. Howard's comment was that an accessory building cannot have sleeping units.

Mr. Parlow pointed out that the flood issue is a Zoning/Building decision.

Mr. Howard advised that the showers that are shown to be on the ground of the rear dwelling must be elevated.

Mr. Melito testified that he would supply a new plan showing a raised rear building.

Mr. Brady cautioned that it would be unfair to ask the Board to make a decision on an undefined structure, and that changes will need to be reviewed by the Board Engineer.

At this time Mr. Howard advised that since there are considerable questions to be researched and new plans to be submitted, the application should be held off until the October 23, 2014, meeting.

The meeting was open for public comment at approximately 9:26 p.m.

Salvatore Conte, 127 Englewood Drive, Florham Park, NJ, and the owner of 18 Brown Ave. in Lavallette testified in favor of the application stating that in his opinion, the benefits outweigh the detriments.

The public portion of the meeting was closed at approximately 9:35 p.m.

A motion to carry this application to the October 23, 2014, meeting was moved by Mr. Parlow, seconded by Mr. Cataline with all present voting in favor.

**Applicant #18-14 EXP, Cynthia Rogalski, 1406 Baltimore Ave. – Block 54, Lot 4.01 – Elevate & Rebuild Non-conforming Use (Condominium) – Approved for expedited hearing**

The property is located on the northwest corner of Baltimore Ave. and New Brunswick Ave. in the Residential District A and contains 5,000 sq. ft. The site contains two condominium units: Unit 1, a one story dwelling and Unit 2, also a one story dwelling.

The applicant is proposing to demolish Unit 1, which was damaged in super storm Sandy and rebuild a new elevated one story dwelling within the existing footprint.

David Adamek, the applicant's attorney, gave the details of the new application and introduced Frank Baer of WSB Engineering Group. Mr. Baer was sworn in and described the new construction and how the plan was modified from the previous application:

- four off-street parking spaces
- total coverage is at 53.2; after the rebuild, total coverage will be at 48.7
- two bedrooms existed and two bedrooms are proposed
- building will be constructed in the same footprint and elevated to comply with FEMA regulations

Mr. Brady verified that according to the Master Deed, the land is common, but the building units are separate.

Cynthia Rogalski, 506 Gainsboro Road, Drexel Hill, PA, was sworn in and thanked the Board for hearing the application. When asked if there were any changes to the outside of the structure, she answered that there will be a peaked roof and that the siding will match that of the Unit 2.

At approximately 9:50 p.m. the hearing was open for public comment; hearing none, this portion of the meeting was closed at approximately 9:51 p.m.

A motion to approve this application was moved by Mr. Parlow, seconded by Mr. Cataline. Roll vote: Parlow, yes; Cataline, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Brown, yes; Howard, yes.

**Closed Session:**

A motion was made by, seconded by adopting a resolution to enter into closed session to discuss pending litigation. All present voting in favor.

The Board entered into closed session to discuss pending litigation.

A motion was made by, seconded by to adjourn the closed session at approximately 10:05 p.m.

**Adjourn:**

A motion to adjourn the Workshop meeting was made by, with all present voting in favor. The meeting was adjourned at approximately 10:10 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary