

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING  
OF THE PLANNING BOARD  
Wednesday, November 9, 2016 – 7:00 P.M.**

Chairman Lionel Howard presiding

**Roll Call:** Lionel Howard, Chairman - present  
William Zylinski, Vice Chairman - present  
John Borowski - present  
Joanne Filippone – absent  
Joseph Palinsky - present  
Len Calderaro - present  
Jack Sauer - absent  
Anthony Cataline - present  
John Bennett – absent

Barbara Brown – present  
Vincent Marino – present

Terry F. Brady – present  
Millis Looney – present

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of November 9, 2016. 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 were posted on the bulletin board located in the Borough Hall, filed with the Borough Clerk, and supplied to the Ocean Star one of the official Borough newspapers.

**Flag Salute:** Lead by Chairman Howard

**Review & Approval of Minutes:**

N/A

**Resolutions Memorialized:**

N/A

**New Business:**

**Correspondence:**

Soil Erosion and Sediment Control Certification Notice for 1407 Bay Blvd.

**Public Hearing:**

**Application # 8-16, 2 Philly, LLC, 2 Philadelphia Ave., Block 13, Lot 5.01 – Reconstruction on a Non-conforming Lot**

The property is located on the south side of Philadelphia Ave. approximately 650 feet east of Route 35 North in Residential District A. The property contains 3,000 sq. ft. with a two-story single family frame dwelling. The applicant is proposing to demolish the existing dwelling and construct a new, elevated two story, single family dwelling.

Carried from August 17 to October 19, 2016. Adjourned to November 9, 2016.

The Board Secretary read a letter from Philip Mylod, applicant's attorney, requesting an adjournment to the December 7 meeting.

The Board voted to deny the application without prejudice. Moved by A. Cataline, seconded by J. Palinsky; roll call: Cataline, yes; Palinsky yes, L. Calderaro, yes; W. Zylinski, yes; L. Howard, yes.

**Application # 10-16, Michelle De Salvo - 102 New York Ave., Block 45.01, Lot 7 – Addition to non-conforming use**

The property is located on the south side of New York Ave. approximately 150 LF west of Rte. 35 northbound in the Residential District A and contains 5,000 sq. ft. The site contains a 1 ½ story single family dwelling in the front of the property and a 1 story single family dwelling in the rear of the property.

The applicant is proposing to construct a second-floor dormer on the western half of the front dwelling which would result in an increase of approximately 250 sq. ft. of living space.

Carried from September 21 to October 19, 2016. Requested adjournment to November 9, 2016

Anthony Pagano of Heagen, Pagano & Associates introduced himself to the Board as the applicant's attorney. Mr. Pagano went on record stating that in certain instances non-conforming properties are allowed to expand if the expansion is de minimis.

Mr. Pagano introduced Jeffrey J. Carr of Lindstrom, Deissner & Carr, PC. Mr. Carr was sworn in and presented his credentials as an engineer and planner for over 35 years in the State of NJ.

Mr. Carr gave the Board an overview of the proposed construction and presented the following exhibits:

- A-1 through A-4: Photos of existing dwellings at 102 New York Ave.
- A-5 through A-10: Photos of neighboring properties

Mr. Carr referenced our Second Engineer's Review letter dated August 24, 2016, and Mr. Pagano reinforced the fact that the proposed construction will meet the height requirements.

Michelle De Salvo, owner of the property was sworn in and provided testimony that both dwellings have heating and air conditioning and are used year round.

Further testimony was supplied regarding:

- Number of off street parking spaces
- Number of bedrooms currently in front house and in rear house
- Number of bedrooms proposed
- Difference between density and intensity
- Not expanding the footprint
- Information regarding base flood elevation
- Testimony regarding no negative impact to neighborhood or zoning plan
- Placement of air conditioning condensers and the shed

Chairman Howard opened the hearing for public comment at approximately 8:30 p.m. and hearing none, closed the public portion.

A motion was made by Mr. Cataline to approve the applications with specific conditions noted by Mr. Brady, seconded by Mrs. Brown. Roll call: Cataline, yes; Brown, yes; Palinsky, yes; Calderaro, no; Zylinski, no; Marino, yes; Howard, yes. The application was approved with conditions.

Since Mr. Pagano was representing both applicants this evening, he requested a brief recess at approximately 8:40 p.m. The hearing resumed at approximately 8:45 p.m.

**Application # 12-16, Anthony & Josephine D’Achille, 126 Jersey City Ave., Block 60, Lot 9 – Addition to non-conforming use**

The property is located on the south side of Jersey City Ave., 200 feet west of Baltimore Ave. in Residential District A and contains 5,000 sq. ft. The site currently contains a two-story frame dwelling in the front of the site, a one-story frame dwelling in the southeast corner of the site and a garage in the southwest corner of the site.

The applicant is proposing to construct a second-floor addition on the eastern half of the front dwelling which would result in an increase of approximately 435 sq. ft. of living area.

Anthony Pagano, applicants’ attorney and Jeffrey Carr, applicants’ engineer presented the following exhibits:

- A-1 through A-3: Photos of existing dwellings at 126 Jersey City Ave.
- A-2 through A-7: Photos of neighboring properties

Mr. Carr referenced our First Engineer’s Review letter dated October 18, 2016, and Mr. Pagano stated that the proposed improvements will not add to structure coverage and no height variance is needed.

Anthony D’Achille, owner of 126 Jersey City Ave., was sworn in and testified that the proposed addition would create a study, a sitting room, and deck.

Further testimony was supplied regarding:

- Number of off-street parking spaces
- No change in footprint
- No change in bulk variances
- No heat in rear dwelling

Garage placement  
Concern regarding use of additional rooms  
Verification of additional square footage to be 435 sq. ft.  
Verification that the variance goes with the property, not the owner  
Possibility of eliminating excess structure coverage

Chairman Howard opened the meeting for public comment at approximately 9:55 p.m.

Mr. Richard Gilmore of 122 Jersey City Ave. testified in favor of the application.

The public portion of the meeting was closed at approximately 9:57 p.m.

A motion to approve this application with specific conditions was moved by Mr. Marino, seconded by Mr. Howard to allow a vote on the application. Roll call: Marino, yes; Howard, no; Palinsky, no; Calderaro, no; Zylinski, no; Cataline, yes; Brown, no. The application was denied.

**Discussion:**

The Board Secretary read the e-mail response from the Environmental Specialist at the Division of Land Use Regulations to the Planning Board's letter expressing concern about the safety of a proposed 70-foot-long dock at 117 Pershing Blvd.

**Adjourn:**

A motion to adjourn the meeting was made by Mr. Zylinski, seconded by Mrs. Brown with all members in favor. The meeting was adjourned at approximately 10:10 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary