

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, July 20, 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 - present
Joseph Palinsky - present
Len Calderaro - present
Jack Sauer - present
Anthony Cataline - present
John Bennett – absent

Barbara Brown - present
Vincent Marino - present

Terry F. Brady – present
M. O'Donnell – present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of July 20, 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 official Borough newspapers.

Flag Salute: Chairman Howard

New Business:

Chairman Howard presented John Borowski with The Department of Community Affairs certificate for completing the Basic Course in Land Use Law and Planning.

Chairman Howard commented that the August 3 meeting will be a Workshop only, and no applications have been scheduled.

Review & Approval of Minutes:

A motion was made by Mrs. Filippone to accept the minutes of the June 9, 2016, meeting with the recommended corrections; seconded by Mrs. Brown with all present at that meeting voting in favor. A motion was made by Mr. Cataline to accept the minutes of the June 15, 2016, meeting; seconded by Mr. Palinsky with all present at that meeting voting in favor.

Resolutions Memorialized:

Application # 1-16, Gerard and Lynne Cafone, 99 Bay Blvd., Block 27.02, Lot 14 – Elevation and addition to Non-conforming Use – approved with conditions

Mr. Palinsky recommended that wording be added to pg. 2 Item 1 (bold print). The Board Members were in agreement, and Mr. Brady will send an updated copy of the resolution for the Chairman's signature.

Public Hearing:

Application # 6-16, John & Joanne Sullivan, 125 Pershing Blvd., Block 959, Lots 1,2 & 1.01 – Riparian Subdivision

The site is located on the west side of Pershing Boulevard just south of the intersection with Morton Drive. It is located in the Residential District B and contains three lots: Lot 1 (7,250 sq. ft.), Lot 2 (7,250 sq. ft.), and Riparian Grant Lot 1.01 (6,036 sq. ft.). Lots 1 and 2 are currently vacant. The applicant is proposing to subdivide the Riparian Grant lot into two lots – 2.02 (2,750 sq. ft.), and 1.02 (3,286 sq. ft.)

Since Mr. Cataline is a neighbor of the Sullivan's who currently live on Westmont Ave., he excused himself from voting on this application. Mrs. Brown received notification of this application since she is a homeowner within 200 feet, and therefore, recused herself.

Mr. Marino sat for Mr. Cataline.

Richard C. Butz of Schuman & Butz, the applicants' attorney, introduced himself to the Board and described the purpose of the application.

Mr. Butz referenced Michael O'Donnell's Engineer's Review letter dated June 2, 2016, in which it was recommended by Mr. Brady that a letter of "no interest" from the NJDEP be obtained prior to Board approval. He clarified that the NJDEP Bureau of Tidelands informed him that if there were no title issues being raised by the title insurance company insuring the subject property regarding the validity of the Riparian Grant, a letter of "no interest" would not be necessary. Mr. Butz provided a copy of a letter dated July 19 from the Guardian Title Agency of Ocean County that they can affirmatively state that no claim exists.

Mr. Butz also submitted for the file:

- Recorded title deed for the riparian grant dated September 7, 1976
- NJDEP map showing lands under tide-water
- Recorded deed dated October 29, 1977

Matthew Wilder, PE, of 130 Central Ave., Island Heights, NJ, was sworn in and testified that although one lot is larger than the other, they are conforming.

Mr. Howard opened the meeting for public comment at approximately 7:40 p.m. and hearing none, closed the public hearing at approximately 7:41 p.m.

A motion to approve the application noting that the riparian grant be associated with the upland lot, was made by Mr. Sauer, seconded by Mr. Calderaro. Roll call vote: Sauer, yes; Calderaro, yes; Borowski, yes; Filippone, yes; Palinsky, yes; Zylinski, yes; Marino, yes; Howard, yes.

Application # 7-16, McCrae Family Trust, 1605 Grand Central Ave., Unit 5, Block 17, Lot 32.5 – Alterations and Change of use

The site is located on the northeast corner of Grand Central Ave. and Pennsylvania Ave. The site is located in the B-1 District and contains 10,000 sq. ft. The lot contains a one story and partial two story frame building with six (6) units: four (4) residential and two (2) commercial. The applicant is proposing to make alterations to the two (2) commercial units. Unit 5 will convert from a 540 sq. ft. commercial unit to a 1,615 sq. ft. residential unit and Unit 6 from a 2,502 sq. ft. commercial unit to a 1,427 sq. ft. commercial unit.

Mrs. Brown will sit for Mr. Bennett who is absent.

Philip G. Mylod, applicant's attorney, explained the nature of the application and why, in his opinion, this use would be beneficial in the zone.

Mr. Mylod introduced Allen MacDuffie, trustee of the McCrae Family Trust of 801 South Ocean Avenue, Seaside Park, NJ. He was sworn in and gave testimony in support of the application to change the use of Unit 5 in a zone that already allows mixed uses.

Mr. MacDuffie cited Coventry Square v. Westwood Zoning Bd. Of Adjustment in presenting the application.

Chairman Howard asked Mr. MacDuffie to stay on point and to address the issues:

- Expansion of non-conforming use
- Insufficient parking
- Building elevation
- Pre-existing setback issues

Mike O'Donnell, Board Engineer, went on the record to explain that there are only 6 legal parking spaces existing, the seventh space being referred to is blocking the egress.

Mr. Mylod submitted Exhibit A-1, a typed sheet listing the positive criteria.

Architect, Arthur Francis Margiotta of 112 Vance Ave., Lavallette, was sworn in and answered questions regarding the proposed 1,600 sq. ft. Unit 5.

Dr. Michael Ostapeck of 1605 Grand Central Ave., Unit 2, Lavallette, was sworn and testified that he has been a resident of this condominium for 15 years and has one designated parking spot. He also stated that he had no issues with changing the use of Unit 5.

Marie Seitz, 1605 Grand Central Ave., Unit 3, Lavallette, was sworn in and testified that she is the sole owner of her condominium unit and has owned it for one year. She is concerned about what goes into the commercial space within the building and would not want anything that would cause a disruption. She further testified that she had no ingress or egress problems.

Lisa Del Gaudio, 1605 Grand Central Ave., Unit 4, Lavallette, was sworn in and testified that she is the sole owner of her unit and has owned it for the past four years. She is a part-time resident, has no issues with the ingress or egress, and would actually welcome another residential unit in the building.

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

Ron Costello of Pt. Pleasant, NJ, who owns a share in the McCrae Trust, expressed his support of the application and added that there is plenty of extra parking on the side street.

After polling the Board, a motion to deny this application was made by Mr. Sauer, seconded by Mr. Calderaro. Roll call vote to deny: Sauer, yes; Calderaro, yes; Palinsky, yes; Zylinski, yes; Howard, yes; Cataline, no; Brown, no. The application was denied.

Adjourn:

A motion to adjourn the meeting was made by Mr. Sauer, seconded by Mrs. Brown with all present voting in favor. The meeting was adjourned at approximately 9:10 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary