

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, February 1, 2017 – 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 – present

Barbara Brown – present
Vincent Marino – absent

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

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of February 1, 2017. 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 Planning Board Office, filed with the Borough Clerk, and supplied to the Asbury Park Press and the Ocean Star the official Borough newspapers.

Review & Approval of Minutes:

A motion was made by Mr. Zylinski, seconded by Mrs. Filippone to approve the minutes of the January 4, 2017, meeting with changes as noted to the Board Secretary.

Resolutions Memorialized:

Application # 13-16, Eric & Susan Reith – 102 Kerr Ave., Block 30.01, Lot 7 – Elevation and Addition to Non-Conforming Use – approved with conditions

Application # 14-16, Sherry & Augustine Vivencio – One Hines Court, Block 972, Lot 26 – Elevation and Addition with Variances – Non-Conforming Lot – approved with conditions

Correspondence:

Letter received January 4, 2017, from Kim Dixon Environmental Consultant, LLC giving notice that an application for a CZM Permit for waterfront development at 40 Dickman Drive. The applicant is planning to construct in addition to the existing dwelling, gabion wall, to extend the

existing dock, legalize the existing pilings, install a pool, cabana and boat lift.

The Board asked the Secretary to check with our Zoning Officer regarding permits for 40 Dickman and to notify the owner that borough permits are required for some of the work mentioned in the above letter.

Discussion:

There was a conversation regarding 12 – 14 Dickman Drive. There were questions about:

- whether or not these two lots had been joined
- the definition of a “cabana”
- missing garage doors

Mr. Bennett said that he will investigate and get back to the Board.

Public Hearing:

Application # 16-16, Gloria Russomanno – 216 & 218 Westmont Ave., Block 1113, Lot 9 – Minor Subdivision

The site is located on the south side of Westmont Ave. approximately 415 ft. west of NJ State Highway No. 35 south. The site is located in the Residential C Zone and contains 8,500 sq. ft. with two one-story, single-family dwellings currently existing. The applicant is proposing to subdivide the property into two conforming lots (9.01 and 9.02) of 4,250 sq. ft. The existing dwellings will be removed in order to complete the subdivision.

Mrs. Donato, applicant’s attorney, introduced Patrick Shea of 631 Clinton Ave., Haddonfield, NJ who is Mrs. Russomanno’s nephew who was representing her at this hearing.

Mrs. Donato addressed Comment 2 of the Planning Board Engineer Review letter dated December 29, 2016, stating that the legend on the Minor Subdivision drawings will be revised to indicate side yard setbacks of 4ft. and 8 ft.

Mr. Howard asked if there were two houses presently on the property. Mrs. Donato responded that there are, but they will be demolished prior to signing a new deed. At this time, Mrs. Donato asked the Board and Mr. Brady if the applicant could be granted an extension of time for the filing of the subdivision deed. It was agreed that the resolution shall reflect the requested extension.

A motion to approve this application was moved by Mrs. Filippone, seconded by Mr. Cataline. Roll call vote Filippone, yes; Cataline, yes; Borowski, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Bennett, yes; Howard, yes.

Application # 15-16, 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 ft. 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.

Mr. Mylod, applicants’ attorney, asked if he could be allowed to re-introduce the exhibits

previously submitted. At approximately 7:40 p.m. there was a brief recess so that the Board Secretary could bring in Exhibits A-1 through A-7 from Application # 8-16.

The hearing resumed at approximately 8:45 p.m.

Richard Taylor of 1202 Oceanfront, and a member of 2 Philly, LLC, was sworn in and outlined the uniqueness of the lot. He asked that the Board consider the scale of the proposed dwelling as it compares to other neighboring homes.

Mr. Brady questioned Mr. Taylor as to their disclosure information on the application showing that R & A Taylor were the 100% owners of 2 Philly, LLC. Mr. Taylor was unable to confirm that, and therefore, Mr. Brady requested that the disclosure of ownership of 2 Philly, LLC, be made a condition of the resolution.

Mike Melillo of Melillo Architecture, 402 Higgins Ave., Brielle, NJ was sworn in and testified that the average square footage of the neighborhood dwellings is approximately 2,850 sq. ft. The applicant is proposing to build a 2,047 sq. ft. dwelling. He then reviewed the previous exhibits:

- A-3 Google photos of 1 Kerr
- A-4 Google aerial photos of 1 Kerr
- A-5 Photo of the view from 4 Philadelphia
- A-6 Photo of the proposed front elevation
- A-7 Photo of empty lot to the east of 2 Philadelphia

There was discussion regarding:

- the placement of the air conditioning units
- the new dune structure
- first floor elevation at 15 ft. – second floor elevation 25 ft.
- proposed second-story deck

There was a brief recess at approximately 8:40 p.m.

The public hearing resumed at approximately 8:45 p.m.

Mr. Mylod informed the Board that the second-story deck can be eliminated if necessary for approval of the application. He then called Christine Cofone, Professional Planner to be sworn in and give testimony.

Christine Cofone of Cofone Consulting Group, 125 Half-Mile Rd., Suite 200, Red Bank, NJ, was sworn in and her credentials were accepted by the Board.

Ms. Cofone explained the uniqueness of the lot size, and in her opinion, was clearly a hardship. She expressed her opinion that she did not want the entire application to go down because of the proposed second-story deck.

At this point, Mr. Mylod introduced the following exhibits:

- A-8 through A-20: Photos of neighboring properties

Ms. Cofone further testified that in her opinion:

- the size of the lot creates a hardship
- the benefits of this application far outweigh any deficits
- compliance with borough ordinances would create a much smaller house, which would not be in keeping with the neighborhood
- Lavallette Master Plan specifying more year-round living

The Board continued discussions regarding:

- Reduction of the rear yard set-back 7 ft. would allow compliance
- Ownership of the property
- Number of bedrooms existing and proposed
- Southeast easement

At approximately 9:40 p.m. the hearing was open to the public.

Gary Hunsinger of 8 Philadelphia Ave. testified in favor of this application.

Public portion of the hearing was closed at approximately 9:42 pm.

A motion to approve this application with conditions was made by Mr. Calderaro, seconded by Mr. Cataline. Roll call vote: Calderaro, yes; Cataline, yes; Borowski, no; Filippone, yes; Palinsky, yes; Zylinski, yes; Sauer, no; Bennett yes; Howard, yes.

New Business:

Review of 2016 Annual Report for submission to Mayor & Council.

Review of Mr. Brady's Discussion Topics. This item will be carried to the March 1 or March 15 meeting.

Discussion of the computation of quarterly tax bills. Mrs. Filippone mentioned that there is a standard for re-assessment, and we are almost close to it. Mr. Calderaro was concerned that the 70/30 rule may not allow us to get our fair share especially with the new bigger houses. Mr. Bennett added that the new Tax Assessor will be addressing the Council about some of these issues.

Adjourn:

A motion to adjourn the meeting was made by Mr. Borowski, seconded by Mr. Zylinski with all members in favor. The meeting was adjourned at approximately 10:05 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary