

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, APRIL 5, 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 – absent
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
Michael O'Donnell - present

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of April 5, 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. Cataline, seconded by Mr. Palinsky to approve the minutes of the March 15, 2017 meeting with all present at that meeting voting in favor.

A motion was made by Mr. Calderaro, seconded by Mr. Zylinski to approve the minutes of the February 1, 2017 meeting with all present at that meeting voting in favor.

Resolutions Memorialized:

N/A

Correspondence:

Letters from Lindstrom, Diessner & Carr, P.C. providing legal notice that a request for a Waterfront Development Permit will be submitted to the NJ Dept. of Environmental Protection for:

- 77 Pershing Blvd.
- 79 Pershing Blvd.

- **2202 Bay Blvd.**
- **2200 Bay Blvd.**

The Board members discussed the 77 and 79 Pershing Blvd. proposals and formed a consensus that the lengths of these docks are excessive and could create serious safety hazards. The Board Secretary was asked to prepare a memo to Mayor & Council with copies to the DEP regarding their concerns.

New Business:

The Board elected to make a recommendation to Mayor & Council for a Zoning definition and requirements for a “cabana.” The Board Secretary will follow through by preparing a memo to Mayor & Council.

Discussion:

Mr. Howard consulted with Mr. O’Donnell and asked if our Variance Checklist could be changed to request that all future Plot Plans submitted for Planning Board approval be drawn to the scale not greater than one inch equals 10 feet. The Board Secretary was directed to make the change and submit to Mayor & Council for approval.

The Code Enforcement Officer reported to the Board Secretary that an illegal second-story deck had been constructed at 102 New York Ave. Mr. O’Donnell confirmed that the deck did not appear on the approved plans. Therefore, Mr. Brady will send a letter advising the homeowner of the breach and request compliance.

Public Hearings:

Mrs. Brown will sit for Mr. Bennett.

Application # 2-17, Gregory Marotta – 202 Oceanfront, Block 3, Lot 2 & 5.02 – Addition to Non-conforming use

Mr. Gregory Marotta of 37 Palomino Trail, Vernon, NJ, was sworn in as the owner and legal representative for the family trust. He testified that the property is a grandfathered two-family, and they would like to add a second story deck. The Marotta’s have owned the home since 1977 and at that time there were no dunes in front.

Mr. Marotta introduced his architect, Paul S. Moore, who submitted photos of the existing house. While reviewing the Plot Plan, he pointed out the existing violations: side yard setback and two-family residence. He further explained that they are not proposing to increase building coverage because they are proposing to build above an existing area.

At this point, Chairman Howard challenged the special reasons for this application.

Mr. Marotta explained that losing the ocean view was a special reason to which Mr. Howard replied that it was not according to State law. Mr. Brady also explained that this variance would not serve the purposes of zoning but rather solely affect the occupants of the dwelling.

The following exhibits were presented:

- A-1: Plot Plan
- A-2: Aerial Photo of Oceanfront
- A-3: Photo of view from 202 Oceanfront before dunes
- A-4: Photo of south side view of property
- A-5: Photo of second story decks on either side of 202 Oceanfront
- A-6: Photo of north side view of property
- A-7: Aerial print of property fronting the ocean

Mr. Sauer made it clear to the applicant that the homes on either side of 202 Oceanfront were one-family dwellings where second story decks are permitted.

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

Mr. Sauer moved to deny this application, seconded by Mr. Zylinski. Roll call vote to deny: Sauer, yes; Zylinski, yes; Palinsky, yes; Calderaro, yes; Cataline, yes; Brown, yes; Howard, yes.

Application # 1-17, 114 Reese Ave. Condominium Assoc., Inc. – 114 Reese Avenue, Block 34.02, Lot 21 – Alterations to a Non-conforming use

Emily Fitzgerald of Mylod and Fitzgerald testified that Stephanie Hrvatin was the president of the 114 Reese Ave. Condominium Association which owns the property. Although Mrs. Fitzgerald submitted 6 Exhibits, only Exhibit A-3 was not among the paperwork given previously to the Board. (Exhibit A-3: Elevation Certificate)

Mrs. Fitzgerald attested that the property had been damaged by hurricane Sandy and had also been partially destroyed by arson fire. She introduced Mrs. Hrvatin of 114 Reese Ave., who was sworn in and testified that she has owned the property since 1990. Mrs. Hrvatin confirmed that the property was renovated after hurricane Sandy, and she decided to raise it. Then the home was set on fire, and emergency roof repairs had to be made.

After further review of the proposed plans, there was discussion regarding:

- Two curb cuts
- Existing shed
- Clerestory – (In architecture, a clerestory is a high section of wall that contains windows above eye level. The purpose is to admit light, fresh air, or both.)
- Placement of stairs
- Second story deck with roof

Chairman Howard opened the hearing for public comment at approximately 8:55 p.m. and hearing none, closed the public portion of the meeting.

A motion to approve the application with specific conditions was made by Mr. Sauer, seconded by Mr. Calderaro. Roll call vote: Sauer, yes; Calderaro, yes; Palinsky, yes; Zylinski, yes; Cataline, yes; Brown, yes; Howard, yes.

New Business:

A question came up about when the Permit Extension Act expires. Mr. Brady explained that it expired in December, 2016 but homeowners were allowed 6 months past that date. June 30, 2017 is the official expiration date.

Adjourn:

A motion to adjourn the meeting was made by Mrs. Brown, seconded by Mr. Zylinski with all members in favor. The meeting was adjourned at approximately 9:20 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary