

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, JUNE 7, 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 June 7, 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.

Public Hearings:

Application # 3-17, Jacques Nadeau - 109 Pennsylvania Ave., Block 43.01, Lot 14 – Elevate and rebuild non-conforming use – **continued from the May 3 meeting.**

The property is located on the north side of Pennsylvania Avenue, 34 feet east of Route 35 Southbound in Residential District A and contains 5,000 square feet. The site contained a one-story, single family frame dwelling in the front of the property and a one-story, single family frame dwelling in the rear of the property. The applicant has demolished the front dwelling, which was damaged in superstorm Sandy and wishes to construct a new, elevated one-story dwelling generally within the existing footprint.

The applicant submitted a revised survey (5/18/17) and architectural plans (5/22/17) for a second Engineer's Review. The Engineer's comments in his letter dated June 1, 2017, state that the applicant originally proposed to construct an elevated front dwelling within the existing footprint, including the 1.5-foot bay window that extended from the enclosed front porch. However, the proposed dwelling would have required variances for front and side yard setbacks. **The revised Plot Plan indicates that the location of the dwelling has been shifted so as to eliminate the front and side yard setbacks. In addition, the revised Architectural Plan indicates that the**

bay window has been eliminated. As such the only required variance for the proposed improvements is for the non-conforming use.

Mrs. Donato, applicant's attorney, testified that the Nadeau's submitted revised plans; and that these plans comply with the setback requirements. She then made reference to the previous testimony given by planner, Gordon Gemma, that in his opinion this applicant is seeking a D(5) variance. Her letter to Mr. Brady dated May 17, provided citations in Mr. Gemma's testimony regarding ordinance provisions he felt were applicable to this matter.

In Mr. Brady's response dated May 23, he stated reasons whereby in his opinion, this application for a second single-family dwelling on a single conforming lot to be a use variance and not a density variance, and that the standard for a D(1) variance should be applied to the subject application.

Prior to this meeting, Mrs. Donato submitted a list of applications filed from 2013 to the present where the Board approved reconstruction of non-conforming properties. The information was compiled from Planning Board Annual Reports. Mr. Brady cited denied applications during that same period of time, and pointed out that each application stands on its own. Mr. Sauer added that there are specific criteria that the Board uses in order to grant variances.

Mr. Howard indicated that none of the above-referenced applicants demolished their dwelling (making it a single-family lot) prior to coming to the Planning Board.

Jacques Nadeau, owner of 109 Pennsylvania Avenue gave testimony regarding:

- Disconnection of utilities on the property
- Limited use of front house before demolition
- Original intent to repair front dwelling
- Recommendations from contractors
- Conversation with Zoning Officer regarding reconstruction and elevation
- Intention to comply with Borough Ordinances
- Review of Annual Reports from 2014 to 2016
- Proposed use of rear dwelling

Mr. Sauer asked if it was essential for the rear dwelling to have a kitchen, and a discussion pursued regarding the definition of a *dwelling unit* and an *accessory building*.

At approximately 8 p.m., Mrs. Donato requested a brief recess in order to speak with her clients.

The hearing reconvened at approximately 8:12 p.m. Attendance was taken by the Board secretary and testimony continued.

Mrs. Donato revealed that after speaking with the Nadeau's, they would be okay with removing the kitchen in the rear house.

Chairman Howard opened the hearing for public comment at approximately 8:20 p.m.

The following residents gave testimony in favor of granting a variance to rebuild the front dwelling:

Kevin Duffy, 110 Pennsylvania Ave.
Richard Bachefski, 109 Virginia Ave.

Dominic Esolda, 108 Virginia Ave.

The public portion of the hearing was closed at approximately 8:30 p.m.

There was discussion about submitting a new and/or amended application and whether or not notice would be required. It was recommended that Mrs. Donato seek further clarification regarding the removal of the kitchen from the rear dwelling.

A motion to approve carrying this application to the August 2 meeting was made by J. Bennett, seconded by J. Palinsky. Roll call vote: Bennett, yes; Palinsky, yes; Calderaro, yes; Zylinski, yes; Sauer, yes; Brown, yes; Howard, yes. Mrs. Donato and Mr. Brady will make a determination as to whether or not new notice is required.

After the vote, Mr. Bennett left the meeting.

Review & Approval of Minutes:

After making two corrections, a motion was made by Mr. Sauer, seconded by Mr. Palinsky to approve the minutes of the May 17 meeting. All present at that meeting voted in favor.

Resolutions Memorialized:

Application # 4-17, Alfonso Iervolino – 15 Westmont Ave., Block 956, Lot 31 – Structure coverage variance – approved with conditions

New Business:

The Board reviewed the Township of Lacey's Zoning Permits ordinance with regard to "grading plans" and recommended that Mrs. Filippone give a rough outline for consideration by the Borough's Ordinance Committee.

Discussion:

Mr. Calderaro wanted to follow-up on the investigation of excessively long docks lighting regulations. Mrs. Filippone indicated that the Municipality does not have the right to require lights and further that the Municipality has no jurisdiction beyond the bulkhead. Mr. Palinsky asked if Mrs. Filippone could convey the Board's concerns to the Council and request a "yes" or "no" ruling from the DEP.

Adjourn:

A motion to adjourn the meeting was made by Mr. Sauer, seconded by Mr. Zylinski with all members in favor. The meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary