

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, November 7, 2018 – 7:00 P.M.**

Chairman Zylinski presiding

Flag Salute

Roll Call: William Zylinski, Chairman – present
Anthony Cataline, Vice Chairman – present
Mayor Walter La Cicero – absent
Joanne Filippone – present
Robert Brice – present
Bobbie Brown – present
Len Calderaro – present
Joseph Palinsky – present
Jack Sauer – absent

Vincent Marino – present
John Borowski – present

Terry F. Brady – present
Mike F. O'Donnell - present

Public Notice Announcement:

This is the Borough of Lavallette Regular Planning Board meeting of November 7, 2018. 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 was posted on the bulletin board located in the Borough Hall Planning Board office at 1306 Grand Central Ave., filed with the Borough Clerk, and supplied to the Ocean Star and the Asbury Park Press, the official Borough newspapers.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

Public Hearing:

Application 11-18: August & Nancy Manzo, 500 Oceanfront, Block 6, Lots 1 & 2.02 –
Reconstruction on a Non-Conforming Lot

Michele Donato, applicants' attorney, testified that this is a simple application for a very unusual property, explaining that there are two parcels combined. One lot is a house lot and the other a garage lot, and there are easements in place to allow access to the garage lot.

Mrs. Donato specified that the applicants were requesting a variance for the rear yard setback only. Since the height of the proposed construction would be calculated from the height of the boardwalk, the applicants are withdrawing any request for a height variance.

Mrs. Nancy Manzo, 41 Philhower Rd., Lebanon, NJ, and the owner of 500 Oceanfront, Lavallette, was sworn in and testified that the Manzo's purchased the property two years ago. Both lots were covered on one deed. She further indicated that the house lot contains a single-family, two-story home, which was built in 1945. The garage lot include a four-bay garage. Three of the bays are on the Manzo property, there are easements for access to the garage, and there are two parking spaces on the sand.

Mrs. Manzo went on further to explain that the garage area is very cramped, and therefore, they have proposed placing a paved driveway in the front of their new home.

Exhibit A-1: Photo of existing garage was submitted. The Board inquired about the following:

- Condition of the garage
- Ownership
- Existing easements deeded to neighbors
- Responsibility for payment of taxes, insurance, and maintenance

Mrs. Donato attested to the fact that the applicants are not questioning the existing easements, but rather trying to address the problems with access by proposing to add a driveway that would accommodate one car.

Mr. Brice voiced his concern about the proposed driveway being too close to the gas meter. Mrs. Donato addressed that concern by asking Mrs. Manzo if they could shorten the proposed driveway, to which she answered, yes. It was also determined that they would install bollards.

The attorney representing the Campbell Trust of 2 Guyer Avenue, Philip G. Mylod, expressed their objection to the addition of the driveway.

At this point in the hearing, Mrs. Brown had to leave, and Mr. Borowski sat in for her.

Mrs. Donato introduced James David Peck, Architectural Assistant at PDR Designs, 501 Laurel Ave., Pt. Pleasant, NJ. The Board accepted him as a factual witness. Mrs. Donato asked him if the proposed house was designed as an elevated house? He answered yes, the height of the house would be measured from the boardwalk, thus eliminating four inches. And Mrs. Donato confirmed with him that the plans would be revised accordingly.

Mr. Mylod presented an objection regarding the proposed lot coverage and questioned the merger of the two lots. He argued that the applicants could not use this lot to expand their coverage. Mrs. Donato responded that the prior owner created this situation of ownership on this unusually shaped lot. Mr. Brady offered that the applicants have indicated that the two lots were merged and are to be used separately and accordingly to that testimony, they are together.

August Manzo, 41 Philhower Rd., Lebanon, NJ, and the owner of 500 Oceanfront, Lavallette was sworn in and answered Mr. Calderaro's question asking, "What condition is the present house in?" He answered that the home was built in the 1940s and the structure and possibly the foundation was not good.

Mr. Brady asked if the Manzo's were proposing a new curb cut along Guyer Ave. Mr. Manzo said that they were proposing to install an entirely new sidewalk. Mrs. Filippone confirmed that there is no existing curb cut on Guyer Ave. and mentioned the proposed curb cut would eliminate a parking spot on the street.

Brian Leff, President of BML Studio in Barnegat, was sworn in and gave testimony pertaining to the total square footage of Lots 1 and 2.02. He testified further that:

Property in flood hazard area

Requesting a rear yard setback variance

Eliminating the front yard and side yard setback non-conformities

C-1 variances due to the configuration of the lot

Ten yards between homes is consistent with the rest of the block

No expansion with exception of gable roof

No change in density

Unique conditions of the tract

Mr. Mylod asked a variance for the coverage was necessary, and Mr. Leff answered, no, and Mrs. Donato pointed out that this is not a combined lot.

Chairman Zylinski opened the meeting for public comment at approximately 8:50 p.m.

Ms. Kathleen J. Campbell of 12 St. John Drive, Far Hills, NJ, and 2 Guyer Ave. in Lavallette gave testimony in opposition to this application.

Mr. Robert Campbell of 40 Lake Drive, North Brunswick, NJ, and 402 Oceanfront in Lavallette provided some further testimony as to the property owners arrangement over the past 40 years.

The meeting was closed for public comment at approximately 9:05 p.m.

Mrs. Donato delivered her summation, after which Mr. Cataline added that there has been a certain degree of neighborly sensitivity over the years, and he hopes that there will be some sort of compromise contingent upon the applicant to see that it works.

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

Resolutions Memorialized:

Application 12-18: Patricia & Thomas Letson, 97 Bay Blvd., Block 27.02, Lot 13 – Addition to a Non-conforming Use.

Review & Approval of Minutes:

A motion was made by Mrs. Filippone, seconded by Mr. Brice to approve the minutes of the October 3, 2018, meeting with all present at that meeting voting in favor.

New Business:

Review of 2019 Planning Board Meeting calendar. Changes were noted and will be made by the Board Secretary.

Correspondence:

Discussion:

Mr. Borowski voiced his concern that if during an applicant's testimony it is revealed that a mistake was made by zoning, the Board should not be prejudiced by that evidence.

Adjourn:

A motion to adjourn the meeting was made by Mr. Borowski, seconded by Mr. Palinsky with all present voting in favor. The meeting was adjourned at approximately 9:35 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary