

PLANNING BOARD YEARLY REPORT – 2007-2008

**PREPARED BY: Rosemary Robertson, Secretary
Planning Board**

WHEREAS, pursuant to N.J.S.40:55D-70.1:

The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by Resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and Resolution to the governing body and Planning Board, and

WHEREAS, the purpose of the Statute is to bring to the attention of the Lavallette Council particular provisions of the zoning ordinance which created problems for the Board over the preceding year.

WHEREAS, the Joint Planning/Zoning Board of the Borough of Lavallette heard the following appeals in the calendar years of 2007 and 2008:

Car-Lou, Inc., 6-05, Block 51, Lots 1,2,3 and 4.02, 2400 Route 35 South, B-1 Business and R-A residential. Applicant is requesting relief from the Zoning Ordinance for approval of an amended site plan to construct a 10 x 10 refreshment area; Variances existing front and side yard setback and lot coverage. The site originally contained the Candlelight Motel that has been converted to condominiums and Gabriella's restaurant. Applicant was granted a prior variance and site plan application. **Result:** The variances were pre-existing; there was testimony that the patrons would be restricted to the condominium owners and guests and closed to the general public and there shall be no public access to the refreshment bar from Route 35 North; and the hours of operation would be restricted from noon to 8 p.m. daily; there will be no live entertainment; the height of the bar shall conform to the ordinances; the existing fence along the southeast of the property shall remain with a three foot rear access opening in the fence to permit access to the neighboring restaurant; it shall match the design and siding of the condominium complex; all refuse will be the responsibility of the refreshment bar operator and the plans are to be revised to reflect the location to the west adjacent to the existing building. The plans were also revised to make the refreshment bar 8 x 8.1.

A Resolution amending the Site Plan application was adopted June 27, 2007.

RamNetwork, LLC 1-07, Block 5, Lot 32, 27 Guyer Ave./407 Grand Central Avenue, B-1 District. **Variances:** (D variance and Bulk variances. The site contains a mixed use structure that fronts on Route 35 and a two family dwelling fronting on Guyer Avenue; applicant was proposing to expand the two family on Guyer Avenue which would increase the lot coverage variance and is an expansion of a non-conforming use. The two family dwelling on Guyer Avenue comprises one condominium unit and the other condominium unit contains the mixed use structure fronting on Route 35. **Result:** After seven hearing dates, the applicant amended the application for new roof framing renovation only that was granted subject to the prohibition of any air conditioning units that would expand lot coverage.

A Resolution of Approval was adopted on May 28, 2008.

Cyran (Eileen), 2-07 Block 57, Lot 6, 123 New York Avenue, Residential A-1. **Variances:** (D variance) Applicant is proposing to add a second story to an existing non-conforming use in violation of Section 90-9A(1)© and Section 90-9A(1)(d) where applicant seeks to substantially improve an already nonconforming structure. There are several existing variances that would not be altered by the proposed construction. The property contains two separate single-family homes and alterations are proposed to the front dwelling. The applicant represented that the proposed second story was in keeping with the neighborhood and the footprint of the dwelling with remain the same. The existing front house has three bedrooms and there will be no increase in the number of bedrooms in either the front or rear dwellings. **Result:** Application was granted subject to closet in den being removed; removal of outdoor shower; no heating or air conditioning to be installed in the front porch; porch on second floor to contain o heating or air conditioning and will not be enclosed in any manner; no central air to be installed in rear house; removal of the heating system and the shed from rear dwelling; air conditioning condenser for front dwelling shall not exceed 9 square feet and shall be located in the mid-rear of front dwelling and not in any side yard or setback area; and applicant shall prepare a Deed of Restriction reflecting that the number of bedrooms in front dwelling shall not exceed three.

A Resolution of Approval was adopted July 25, 2007.

Stancato (Pasquale and Rita) Block 44.01, Lots 1 & 2, 1702 Grand Central Avenue B-1 Business Zone. Applicant is seeking approval of a site plan with variances for the purpose of adding a second floor to the existing commercial building. The existing building contains an ice cream shop, a restaurant and a contractor's office. Sections 90-49D(1) minimum side yard setback 5 feet required, 1.6 feet existing; Section 90-49E maximum curb cut 20 feet allowed, 46 feet existing on Pennsylvania;

Proposed: Section 90-49C(1) maximum building height 30 feet allowed, 32.5 feet proposed. Plans indicate the second floor apartment is set back on the south side in excess of five feet as requested by the Board at the interpretation hearing. **There were four hearings held on this application. Result:** Application was granted subject to code requirements for ingress and egress, landscape buffer plans, removal of the rear garage, compliance with streetscape plan, no sign variance was granted, underground drainage leaders, matching of colors and materials, removal of all debris from lot, roof top vents to be located on the rear side of the roof ridge, a request to relocate the gas meters , redesign of the windows on the north side and all air handlers will be in the rear and screened from view.

LaSala (Joseph & Debra) Block 1, Lot 3.01, 1 Ortlely Avenue, Residential A-1 Zone. The site contains a two-story dwelling and applicant is proposing to cover/enclose the existing front porch and construct a second story deck above the porch that required bulk variances. Section 90-24A minimum front yard setback of 15 feet required and 7.6 feet was proposed Section 90-29 two off street parking spaces required, none provided, Section 90-24, a porch cannot have access to the roof above a porch. The application required bulk variances and a use variance. There were four hearings on this application due mostly to plan revisions. **Result:** The Board found that the applicant failed to sustain the burden of proof and the application was denied.

Iosue (Emmanuel, Lessee) (Oven Pizza) Block 2, Lot 32, 1907 Grand Central Avenue B-1 Business District Zone. The site contains three uses, a dwelling unit, restaurant and apartment. The applicant is proposing to utilize four (4) outdoor tables and 16 chairs which have been there for the past three years on the New Jersey Avenue side. They cannot be located in the front of the building due to the location of the handicap ramp. Due to an Ordinance placed in the Zoning Code in 2007 the uses violates Section 90-24 & Section 90-50 permitted accessory uses and buildings and outdoor food and beverage service. **Result:** Application was granted to allow four 42" tables with chairs to be located outside of the commercial building on the Jersey Avenue side of the property but they cannot extend beyond the property line or into the right of way of Jersey City Avenue

Burdi (Nicholas & Christina), Block 9, Lot 1, 800 Oceanfront, R-1 Residential District, Applicant received approval for variances for front yard setback from Vance Avenue; applicant is now proposing to demolish existing dwelling to be replaced with a new single-family home requiring bulk variances and are seeking a waiver from the requirements of Section 44-B. The proposed residence will be constructed in the general footprint of the existing dwelling and existing porch except the proposed porch will be beyond the footprint. Front setback 15 feet required; 8.41 **Result:** Application was granted and Resolution of Approval was adopted.

Chyb (Joseph & Mary), Block 12, Lot 4, 1106 Oceanfront, R-A Residential District. Property is oceanfront and currently vacant. Applicant is proposing to construct a 2-story frame single family residence requiring variances; there is an existing 15 foot access easement along the westerly property line. Section 90-24-a Front yard setback 11.5 proposed to Philadelphia; 15 feet required; Section 90-24H front setback to porch 7 feet required (later withdrawn); 6 feet proposed; Section 90-24-G one 12 foot curb cut permitted; two proposed; steps 5 feet required from side property lines; 2 feet proposed on north side; 3 parking spaces required; 2 provided. **Result:** Application granted subject to numerous conditions and Resolution was adopted.

West Point Island Civic Association, Block 960, Lot 25 Pershing Blvd., Residential B District. Property contains 7,340 square feet and is bordered to the west by Barnegat Bay. There currently exists a bulkhead along Barnegat Bay and a concrete boat ramp. Application is for approval to construct a monument located 25 feet from the property line, overall size including base 2,220 square inches or 15.4 square feet. Section 90-35 no use permitted other than single family dwelling existing boat ramp a non-conforming use. Special Reasons variance required. Section 90-9A(1)© and Section 90-25A & B. **Result:** Application was granted subject to several conditions and Resolution was adopted. As of September 2009 monument was not erected-variance expired.

Campbell (Robert), Block 6, Lot 11, 8 Guyer Avenue, Residential A District. Applicant was granted a variance that was adopted by Resolution dated September 24, 2003 that contained a deed restriction regarding the use of the property that is non-conforming; Applicant filed an application appealing the deed restriction and later withdrew the application.

Bori (William & Eileen), Block 16, Lot 11, 8 New Brunswick Avenue, Residential A District. Property contains 4500 square feet and contains a one story frame dwelling and garage. Applicant proposed a second floor addition and alterations to existing dwelling requiring proposed variances. Section 90-27 lot coverage of 37% permitted 44.3 % proposed. **Result:** Application was granted redesigning the porch to maintain the current lot coverage of 43.7% and other conditions and Resolution was adopted.

Cavallo (Salvatore & Patricia), Block 17, Lot 27, 24 Virginia Avenue, Residential A District-D variance expansion of non-conforming use. Property contains 5000 square feet and contains a 1 ½ story dwelling on the front of the lot and a one story dwelling in the rear of the lot. Applicant is proposing a second story addition to the front dwelling which is an expansion D variance. There are existing variances and the proposed are Section 90-9A(1)© no increase in non-conforming use; Section 90-9A(1)(d) no structural substantial increase to non-conforming use; Section 90-24A minimum front yard setback 15 feet required, 5.7 feet proposed. **Result:** Application was granted subject to conditions and Resolution was adopted.

D'Alessandro (William), Block 30.01, Lot 16, 111 Bond Avenue, Residential A District. The property is located on the northeast corner of the intersection of Bond Avenue and NJS 35S in a Residential A District and contains 3400 square feet (undersized corner lot). Application is to demolish existing dwelling and construct a two story single family dwelling that will require bulk variances. Section 90—24A minimum front yard setback required is 15 feet, 5 feet is proposed to Route 35S minimum side setback is 5 and 10 feet 2.125 and 33.9 feet proposed; Section 90-8A accessory uses (pools) not permitted in front yard, 15 feet minimum, 5 feet proposed to Rt. 35S and are not permitted in side yard setbacks (5 and 10 feet) 5 and 5 feet proposed; Section 90-24©(1); Section 90-24E overhang not permitted in front yard and are proposed within the Route 35 front yard Section 90-24D(2) the proposed ground coverage is 21% whereas 20% is permitted. **Result:** Application was granted subject to usual conditions and Resolution was adopted.

Restaino (Thomas), Block 28.02, Lot 20, 113 White Avenue, Residential A District. The property is located at the northwest intersection of White and NJ State Highway 35S in a Residential A District and contains 5000 square feet (corner lot). Application is to demolish the existing 2 family dwelling and replace it with a 1 family two story dwelling that will require bulk variances. Section 90-24A & F minimum 15 foot front setback required and 5 feet is proposed on Route 35 S; Section 90-24E building overhangs not permitted in front yard; proposed roof overhangs 10 inches into proposed 5 foot setback along Route 35S; lot coverage proposed 36.4%. **Result:** Application was granted subject to conditions and Resolution was adopted.

Costantino (John & Barbara), Block 1, Lot 16, 8 Westmont Avenue, Residential C District. The property contains 500 square feet and a two story frame dwelling and applicant is proposing an addition to the existing non-conforming use that has existing non-conformities. Section 90-44A 20 foot front yard setback required, 12.34 feet proposed and 4 and 8 feet minimum side yard setback required and 3.92 and 4.26 proposed; lot coverage is 37%. **Result:** Application was granted subject to usual and additional conditions including reduction of \$5 impervious coverage to within the 57% limit permitted and Resolution was adopted.

Abrahamson (Kenneth & Donna), Block 956, Lot 1,2,3,4 (condominium complex), 85 Grand Central Avenue, Units 10 and 11, B-1 Business District. The applicant proposes to combine two condominium units into one in the existing condominium building. There will be no exterior changes all alteration is interior. Multifamily dwellings are not permitted in the B-1 Zone and a variance is required to alter the non-conforming use. Section 90-9A(1)© no non-conforming use may be altered, enlarged, extended or increased; Section 90-A(1)(d) no structural alterations or substantial changes shall be made in any building containing a non-conforming use. **Result:** Application was granted subject to the usual conditions and Resolution was adopted.

Axcelson (Ralph & Sylvia), Block 54, Lot 10, 127 New Brunswick Avenue, Residential A District. The property is located on the north side of New Brunswick

Avenue and contains 5000 square feet and two single family dwellings. Applicant is proposing to make alterations to the roof of the front dwelling that requires variances to the existing non-conforming use. Property contains existing non-conformities. Section 90-9A(1)© no non-conforming use may be altered, enlarged, extended or increased; Section 90-A(1)(d) no structural alterations or substantial changes shall be made in any building containing a non-conforming use. **Result:** Application was granted subject to the usual conditions and provision for four off street parking spaces, windows to provide emergency egress from second floor and Resolution was adopted.

Mauriello (Joseph & Vivian), Block 55, Lot 4, 1506 Baltimore Avenue, Residential A District and contains 5000 square feet, an existing 1 ½ story dwelling and a garage. Applicant proposes to install an inground swimming pool in the front yard and construct a 6 foot PVC fence around the pool along the property line; vehicular traffic to garage will be blocked by pool, a variance is required for pool construction and a waiver for proposed fencing. Section 90-8A & 58-3 no accessory building (pool) shall be located in front yard; 15 foot setback is required and proposed pool setback is 5 feet; Section 90-24D91) 37% is maximum structure permitted, 41.7 proposed (Waiver) Section 26-2A for fence. **Result:** Application was heard on 6/25/08 and 7/23/08. The Board suggested the pool location be reconfigured. On July 23, 2008, applicant withdrew application by reason of reconfiguration of the pool location and variances were not required.

Delli Santi (Philip & Francine), Block 54, Lot 1.02, 1400B Baltimore Avenue, Residential A District and contains 5000 square feet and two single family houses which are two separate condominium units A and B. Applicant owns Unit B which is located to the rear of the lot behind Unit A and fronts on Brooklyn Avenue. Applicant proposing to demolish the existing dwelling and one shed and construct a new dwelling. Special reasons D variance is required because lot has two dwellings which is a non-conforming use. Section 90-9A(1)© no non-conforming use may be altered, enlarged, extended or increased; Section 90-A(1)(d) no structural alterations or substantial changes shall be made in any building containing a non-conforming use; Section 90-22 one single family dwelling allowed per lot; two single family dwellings proposed; Section 90-24H minimum setbacks to porch 7 feet permitted; 5.6 feet proposed. **Result:** Application had three hearings. Application was denied and Resolution of Denial was adopted January 28, 2009. ****

******This denial was appealed by the applicant in the Superior Court of New Jersey Ocean County and a decision was recently handed down upholding the Planning Board's denial of the application.**

Astorino (Robert & Margaret), Block 23, Lot 5, 2 Elizabeth Avenue, Residential A District and contains 5000 square feet. The site contains a 2 story frame dwelling in the front of the lot which contains 2 dwelling units and a 1 story frame dwelling in the rear of the lot which contains one dwelling unit. Applicant proposes to demolish the front dwelling and construct a single family dwelling resulting in the non-conformity

being reduced from three families to two families. There are existing non-conformities. Special reasons D variance is required because lot has two dwellings which is a non-conforming use. Section 90-9A(1)© no non-conforming use may be altered, enlarged, extended or increased; Section 90-A(1)(d) no structural alterations or substantial changes shall be made in any building containing a non-conforming use; Section 90-22 one single family dwelling allowed per lot. **Result:** Application was granted subject to usual conditions and reduction of non-conformity from three dwelling units to two dwelling units; and revised plan to show no interference by the front steps with the parking spaces; the removal of the heating system from the rear dwelling; utilities placed in attic and siding on rear house to be done to match front house. Resolution adopted April 8, 2009.

An administrative Approval request was also heard on June 24, 2009 to allow the half story above the living room to exist for storage and to allow the entrance stairs to be to the west to eliminate parking problems. **Result:** Application was granted and Resolution was adopted August 26, 2009.

NOW, THEREFORE BE IT RESOLVED, by the Joint Planning

Board/Board of Adjustment of the Borough of Lavallette on this 10th day

of December, 2009 that this Resolution be forwarded to the Borough Council

of Lavallette pursuant to N.J.S. 40:55D-70.1.

ROLL CALL VOTE

Moved by: Mr. Parlow

Seconded by: Mr. Marino

Affirmative Vote: Mr. Parlow, Mr. Marino, Mr. Baginski, Mr. Calderaro, Mr. Zylinski, Mrs. Zaccaria, Mr.

Cataline, Mr. Palinsky, Mrs. Brown and Mr. Howard

Negative Vote: ---

Abstaining: ---

Absent: Mrs. Filippone

CERTIFICATION

I, ROSEMARY ROBERTSON, Secretary to the Joint Planning Board/Board of Adjustment of the Borough of Lavallette, do hereby certify that the foregoing is a true copy of the Resolution duly adopted by the Joint Planning Board/Board of Adjustment on the 10th day of December, 2009.

ROSEMARY ROBERTSON, SECRETARY
Planning Board/Board of Adjustment
Borough of Lavallette