

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING OF THE PLANNING BOARD
Wednesday, January 28, 2009 – 7 P.M.**

Chairman Lionel Howard presiding.

Roll Call:

Vincent Marino, Designee of Mayor LaCicero -present
Councilwoman Joanne Filippone, - present
Lionel Howard, Chairman – present
William Zylinski – Vice-Chairman - absent
Christopher Parlow, Borough Administrator - present
Joseph Baginski, - present
Rosangela Zaccaria - present
Anthony Cataline - absent
Len Calderaro - present

Joseph Palinsky - present
Barbara Brown – present

Terry F. Brady, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of January 28, 2009. 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, filed with the Borough Clerk, and supplied to the Ocean Star one of the official newspapers.

Flag Salute:

Chairman Howard led the audience in the salute to the flag.

New Business:

Vincent Marino, Mayor LaCicero's Designee was sworn in and the oath of office was administered by Terry Brady, Board Attorney.

Approval of Minutes:

On motion of Mr. Baginski, seconded by Mrs. Zaccaria, the Minutes of the Re-organization Meeting of January 14, 2009 were approved, with a change of placement of the Mayor's comments. All present voting in favor, with the exception of Mr. Marino who was absent for that meeting.

New/Old Business:

Chairman Howard stated he was not a Board member when the planner was hired and asked Mr. Brady to make comments on the reports.

Mr. Brady reported that the Board was looking for advice regarding the codes covering the number of business uses on one lot and the distance between alcoholic beverage licenses. He stated he had read the planner's reports regarding the appropriate dimensions as to use and distance and was of the opinion that the planner had "missed the question". He thought the Board was looking for a dimension/square footage suggestion and he did not see that anywhere in the reports. Regarding the liquor license distance, the report indicates that the planner feels the 1500 foot standard should apply with the appropriate limitations as to churches, schools. Etc.

Councilwoman Filippone stated she disagreed and it was her recollection that if the Board was going to make a recommendation to the Mayor and Council, it was looking for a rationale so that the Board could determine what was appropriate so there was a basis for a number. Also, the planner had stated our ordinance could use clearer language so the word "use" would be clearly defined and he refers to "a standard". She stated she feels determination of the specific number is up to the Board to determine based on what is good for the community. She further stated as Board Liaison to the Council, she is looking for some measure upon which she can form an opinion.

Mr. Baginski stated he was disappointed in the reports and found inconsistencies regarding the liquor license distances for some shore communities referenced. He stated the reports lists among others, Seaside Heights and Stone Harbor but they both have 0 distances. He stated he prepared some data on his own and found that Seaside Heights, Seaside Park, Bay Head, Red Bank and Stone Harbor are all 0 feet and Pt. Beach, Margate and Spring Lake are 500 feet. He stated that the data collected by the planner does not support his conclusion. Mr. Baginski distributed a list showing his collected data, together with a list of reasons to consider rescinding the restriction that he prepared and both are attached hereto. He further stated that perhaps 0 is not the number but feels 1500 feet is definitely not the number when you have three licenses and two are being used it seems unreasonable and doesn't assist the business district.

Councilwoman Filippone responded she did not see the similarities between the communities Mr. Baginski listed in his data and Lavallette. Mr. Baginski disagreed.

Mrs. Brown stated she had a different opinion as to what the planner was to do and agreed with Mr. Brady stating the Board was looking for a number since he has the expertise. She stated she was disappointed with the reports and felt he did not provide what the Board was looking for as to floor areas, the number and the rationale for same.

Chairman Howard stated the planner uses the term commercial in one place and the term business in another but does not tell us what use is.

Mrs. Zaccaria stated the Board saw two problems and we still have the same two problems. She stated the problems have to be addressed so the Board can make a recommendation to the Mayor and Council as soon as possible.

Mrs. Filippone stated if the number is changed, you have to address the negative impact and read from the planner's report. She then referred to a past planner who made a presentation to the governing body using overlays wherein you could visualize which streets would be open under our 1500 foot buffer. She suggested something similar be done using various numbers and if it is going to be changed we want it to be better and address the quality of life issues.

Mr. Baginski stated no matter where, there will be the same issues.

Mrs. Filippone stated that at the prior council meeting, there was no evidence to support that a change to 450 feet distance would benefit the community and the positive comments favored the applicant.

Mr. Calderaro stated we can do nothing, or do we want to keep the distances between licenses or make it zero to promote business and let people do what they want but if no one cares about promoting business, then it should be kept at 1500 feet but someone on any block will complain.

There was a lengthy discussion regarding the past town-wide survey wherein the residents expressed the desire for more restaurants, some with liquor licenses.

Mrs. Zaccaria stated that while the board is dealing with two separate issues, both refer to the concern for encouraging businesses to locate in Lavallette. Referring to the present economy, she asked why anyone want to discourage business or make it more difficult for them to locate here. She stated if we want Lavallette to be a community where you can walk to everything it has to be decided if we are the pro-business district or not.

Mr. Calderaro agreed with Mrs. Zaccaria's comments stating that he feels if we want business to come to Lavallette something has to be done because they are not coming now.

Mr. Baginski stated the Lavallette Business Association supports the encouragement of visitors who can shop locally stating a local businessman Paul Kelly had been vocal about this support for local businesses. He further stated it must be remembered that we now have a Site Plan Ordinance wherein any changes will have to be looked at and meet the ordinances.

There was discussion by the Board concerning the value of the planner's report. Mr. Parlow stated that he did not think that the reports submitted were supposed to be considered final and suggested the Board go back to Mr. Scangarello and ask him for a recommendation on the square footage allowed. He further stated he believes the reports have some good points and brought the Board closer to the definition of mixed, multiple uses etc., but things like space for bathrooms, storage etc. have to be taken into account and conceded the reports were missing some elements.

Mr. Calderaro asked that before the Board goes back to the planner and spends any more money does the Board want to recommend a change or not.

Mr. Baginski stated he also had concerns about spending any further funds.

Mrs. Filippone inquired from Mr. Brady if it was possible to draft an ordinance stating that a certain amount of square footage for bathrooms, open space, storage etc. has to be for every proprietor.

Mr. Brady responded affirmatively.

Mr. Baginski stated in his opinion the demographics of the community have changed and feels parking is less of an issue since there are less tenancies.

Mrs. Filippone mentioned using a visual or sketch of 50 and 100 foot buildings would be helpful as you would be able to see what it looks like at 500 and 650 square feet.

Mr. Parlow stated he will speak to Mr. O'Donnell, the Board Engineer about drawing up sketches.

Mr. Baginski stated it should be per floor.

Chairman Howard opened the meeting to the public.

Clem Boyers, 20 Kerr Avenue was sworn in and stated Lavallette is a small town and the all Route 35 should be a business zone. He stated the Parking Committee is working on different options but a bar will make more parking problems.

Cory Wingerter, Bond Avenue was sworn in and stated when looking at parking you must consider deliveries and "you put all those condos up on Grand Central Avenue."

Mr. Parlow responded he did not put any condos on Grand Central Avenue.

Chairman Howard stated the condominiums across the street from the Borough Hall never came before the Planning Board since it complied and since then the ordinance has been amended to comply with other residential requirements.

Mike Festola, 19 Bond Avenue was sworn in and stated the 1500 feet for liquor licenses was put in years ago and that the business district is suffering because of a macro economic problem and the answer is not more planning; and you have to get investors who will write a check.

Joe Fastola, 15 Bond Avenue was sworn in and stated he will communicate with 40 different houses and asked if the Board wanted it to look like Seaside or like Bay Head and Mantoloking; and mentioned safety hazards with truck deliveries.

Greg Sharkey, 3 Bond Avenue was sworn in and stated agreed with prior speakers and stated the problem with the 1500 foot distance is Lenny's problem and the Mayor and Council decided not to change it and the Board should have left it alone.

Joe Palinsky stated that at the council meeting some members voted against it because the number may have been considered spot zoning.

Mrs. Filippone responded it was one person and it is not spot zoning and it was substantiated why the ordinance was voted down by the council and as liaison to the council she feels if the restrictions are going to be changed the reasons would have to outweigh the quality of life issues as we cannot do something to promote business and hurt the community. She stated the hearing went 50-50 and there was no support for the plan but there was reason to deny it.

Judy Farfella, 15 Bond Avenue was sworn in and stated she would like to increase business but feels it should not be confined to one area and the district should be spread out all along Route 35.

Anita Zalom, 103 President Avenue, was sworn in and stated she applauds the Board for their efforts and that two council members were told it may be considered spot zoning and that put them off. She stated she lives in the busiest part of town and that she was told by an ABC attorney that the old ordinance was put in to protect a bar owner. She stated whatever is decided, apply restrictions to it and give the Council some guidance.

Mr. Baginski referred to the town-wide survey being in favor of more business and keeping the business district and that is where businesses want to locate.

Mr. Calderaro stated there is no way this town can support a mile long business district and referred to Christina's Jewelry as an example and that spreading it out is not conducive to business.

Chairman Howard closed the public portion of the meeting.

Adjourn:

On motion by Mrs. Filippone, seconded by Mr. Palinsky, with all in favor, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary