

**MINUTES
BOROUGH OF LAVALLETTE
WORKSHOP MEETING OF THE PLANNING BOARD
Wednesday, October 14, 2009 – 7 P.M.**

Chairman Howard presiding

Roll Call:

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

Joseph Palinsky - present
Barbara Brown – present

Terry Brady, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of October 14, 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 deferred the flag salute to the public portion of the meeting.

Review of Minutes:

The Board reviewed the minutes of the Regular Meeting of September 23, 2009.

Review of Resolutions to be Memorialized:

None

Attorney Report:

Mr. Brady stated he received a fax today addressed to the Board Secretary requesting that the Zybulewski application (5-09 21 White Avenue) be carried to January 2010. The Board Secretary stated she had not received the letter and could not provide a definite date in January as the 2010 calendar is not yet prepared.

Mr. Brady also reported he appeared October 7, 2009, in the matter of Delli Santi v. Planning Board and that the Superior Court upheld the Planning Board's decision in denying the variance for premises 1400 A & B Baltimore Avenue, and agreed that a second house on one lot is a "d" variance and not a "c" as argued by plaintiff's attorney.

Review of Cases:**Application No. 4-09 John Buzzi, 504 Grand Central Avenue, Block 32.01, Lot 3**

The property is located on the west side of NJSH Route 35 North in the B-2 Zone. The site contains 5000 square feet. A 2-story commercial building exists on the property, which is currently vacant. The applicant is proposing improvements to the existing building and site, and third floor addition to the existing building. The first floor will continue as a commercial use and the second and third floors will be for a residential use.

New/Old Business:

Chairman Howard stated the continued discussion on the proposed amendment to the Business District will be discussed at the conclusion of the hearing on the Buzzi application.

Correspondence:

None

Workshop portion of meeting adjourned at 7:20 p.m.

PUBLIC MEETING (To commence at 7:35 p.m.)

Chairman Howard presiding

Roll Call:

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

Rosangela Zaccaria - present
Anthony Cataline - present
Len Calderaro - present

Joseph Palinsky - present
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Flag Salute:

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

The Secretary announced that Mr. Palinsky would be sitting for Mr. Parlow who was absent.

Approval of Minutes:

A motion was made by Mrs. Zaccaria, seconded by Mr. Zylinski, to approve the minutes of the September 23, 2009 meeting. All present eligible to vote voting in favor, with the exception of Mrs. Filippone who abstained from voting.

Resolutions to be Memorialized:

None

Public Hearings:

Application No. 4-09 John Buzzi, 504 Grand Central Avenue, Block 32.01, Lot 3

The property is located on the west side of NJSH Route 35 North in the B-2 Zone. The site contains 5000 square feet. A 2-story commercial building exists on the property, which is currently vacant. The applicant is proposing improvements to the existing building and site, and third floor addition to the existing building. The first floor will continue as a commercial use and the second and third floors will be for a residential use.

Michele Donato, Esq., represented the applicant. Prior to proceeding she raised a procedural issue as to Mr. Palinsky being unable to sit for Mr. Parlow who is a Class II member referring to the statute. A reading of the complete statute determined she was in error and she apologized for the error.

Ms. Donato stated this is an application for a mixed use in a B-2 zone. She further stated the building has been designed as energy efficient, with advanced environmental amenities and every effort has been made to make it evocative of the boat building business. She stated one variance is for the elevated vaulted ceiling of the first floor that extends up to the second floor which is where applicant would like to place the mechanicals. The other variance is for the side yard as the mansard roof will intrude further into the side yard by the post office.

John Amentchenko, 421 River Ave., Pt. Pleasant Beach was sworn in. He offered his qualifications as a licensed architect for 21 years having testified before numerous Boards and they were accepted. He testified he has worked with the owner on this project since 08 and the building is the Hankins boat building and described the surrounding property containing commercial and residential properties. It is a 50 x 100 foot lot and there are two parking spaces on the easterly side with an existing curb cut for the residential use; it a A-2 elevation and a 5 flood zone. He testified the premises is a two story masonry structure, with masonry walls and support beams and is 4300 square feet.

A drawing showing the existing building elevation was marked in evidence as A-1. The existing building has a large first floor with a shop/office, the second floor is storage space, half bath and small office and the two story space between them forms a cathedral ceiling. The existing setbacks are: front 23.7 conforming; rear 3.75- 5 feet required; side yards- 5.03 on the south, conforming and 3.53 on the north- 5 required. He stated it is below the flood zone and 4.6 is the base flood elevation.

The witness went on to testify that the second floor will be the owner's apartment above the first floor commercial use; he further testified that it is a reuse since tearing the building down puts added burden on the landfill, transportation costs and creates a negative impact on the environment; there will be a vegetated roof that limits runoff, underground water tanks for runoff, solar collectors that limit impact on the utility grid. He further testified that the footprint of the first floor is 2400 square feet and 1900 will be for commercial use and the balance in the rear for storage, a foyer and a means to the upstairs and access to the commercial use will be from route 35 north. He further stated that if the structure was town down a new structure could be 4400 square feet.

The color rendering of the 19 foot two story space on the elevation was marked in evidence as A-2. The ceiling will be 15 feet and four feet of the space would house the mechanicals.

He further testified there will be trash enclosures at the southwest corner primarily for the commercial use and they will be individual containers and there will not be dumpsters. There

will be a court yard and 2 underground 750 gallon tanks for irrigation and the grey water will be utilized and a landscape schedule has been added to the plan as requested by Mr. O'Donnell.

The issue of the grey water being metered for sewer charges will be addressed by meter installation.

Mr. Amentchenko introduced an exhibit showing the attic has been placed over the second floor has been placed in the middle section and it was marked as A-3 and he explained that it not technically three floors as there are only two usable floors. He further stated the northern side yard and rear yard is reconfigured mansard with an 8 foot ceiling on the back section of the second floor and a one foot knee wall and the mansard will be set on top of that and no part will measure over 30 feet. He stated the exterior wall of the master bedroom will have a sloped ceiling; there will be no loading zone as they do not feel it is needed and the two parking spaces are owner controlled for residential use. There will be a solid cedar fence in the rear and partially on the south and the solar panels will be below 30 feet. He further testified the existing sign will be renovated and the exterior lighting will be a coach type fixtures located on the front columns. There is a flag pole on the roof indicated on the exhibit and 40 foot flag poles are permitted in the commercial zone (40 feet from the ground up) it will be 10 feet up from the 30 foot roof making a total of 40 feet. He testified that the applicant will provide pavers in the area between the sidewalks and curb or match those placed by any plan carried out by the grant from the State as he does not want to be held responsible for curbing, lighting stations etc. He further stated that the applicant will replace the sidewalk since it is in deteriorated condition and to the extent that the Borough completes pavers and sidewalks and if not, he will install same.

The witness further testified that the commercial use will be a "vanilla box" with sheetrock etc. The flooring may be tiled or stamped concrete not certain.

Gregory Cox, 421 River Avenue, Point Pleasant Beach, Aquatecture was sworn in and presented his qualifications as a Professional Planner for 24 years and has testified before many Boards and his qualifications were accepted by the Board.

He testified that he familiarized himself with the B-2 zone and had reviewed the Master Plan. He stated the variances are for the rear and side yard and there are numerous mixed uses within some of the buildings in the immediate area of commercial and residential. He testified this zone permits a complete commercial use which could be two stories with 4400 square feet on each floor. He stated what is proposed is 1900 of commercial space which is only 21.9% of what is permitted in the zone; as to the residential component of 2800 square feet that totals about 54% of what could be put there under the ordinance. He stated the proposed use is less intense and is a reuse project which is encouraged and will fit the pattern of the neighborhood character and look. He testified that the one foot overhang does not impair the intent and purpose of the zone plan and that the positive criteria far outweighs the negative criteria and this is a non-conforming structure and that there is no impairment to the public good. He stated the second floor area is displaced and is an internal component of the building and has no impact whatsoever on how the building is used and there is no negative impact. He stated the proposed plan is a better zoning alternative when reviewing what could be put in its place and would present a difference in occupancy load of 200 people versus this plan at a occupancy load of 73. He stated keeping the

building is a better alternative and the plan is more consistent with the Master Plan.

John Buzzi, 169 Maple Avenue, Metuchen was sworn in. He is the owner of the building and when asked about the potential commercial use he stated he wants to get the right person since he will be living year round upstairs and he wants to maintain the character of the windows as planned etc.

There was some concern raised about the usage of the roof. Mr. Buzzi stated he will agree to no grilling or cooking on the roof.

Chairman Howard opened the meeting to the public.

No one spoke and he closed the public portion.

Chairman Howard reopened the public portion to make certain there was no one in the audience who wished to comment.

No one spoke and he closed the public meeting.

The Board discussed the application. Mr. Calderaro stated he thought this was a good plan for the town had some concern for building during the peak season of summer; Mr. Baginski stated he thought the design was unique and would fit the pattern of the area very nicely; Mr. Cataline stated he felt the proposed plan fit the intent and purpose of the Master Plan.

A motion was made by Mrs. Filippone, seconded by Mr. Baginski to approve the site plan application with variances subject to the following conditions: (1) there will be concrete sidewalks and pavers if not installed by the Borough plan; (2) the grey water will be metered for sewer charges; (3) the construction will not take place during the peak hours of the summer season; (4) there will be no grill or any cooking on the outdoor roof area; (5) a finding was made that the internal space is a displaced attic. On roll call: Mrs. Filippone, yes-, Mr. Baginski, yes-, Messrs. Marino, Calderaro, Cataline, Palinsky and Zylinski, yes-, Mrs. Zaccaria, yes-, Mr. Howard, yes. Motion carries.

Old/New Business:

Chairman Howard stated this is the final draft of the proposed business zone ordinance and Mr. Brady had stated it is as perfect as it can get.

There was discussion about the timing of it being forwarded to the Council. Mrs. Filippone stated there is a Council meeting November 9th and suggested a forwarding letter be prepared for that meeting and have Council review it. She stated the December meetings are the 7th and the 21st.

It was decided that Mr. Howard and Mr. Brady will prepare a cover letter.

On motion by Mrs. Filippone, seconded by Mr. Calderaro, with all in favor, the public meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary