

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, July 22, 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 - absent
Anthony Cataline - present
Len Calderaro – present

Joseph Palinsky - present
Barbara Brown – present

Brian Rumpf, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of July 22, 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 Meetings of May 27 and June 24, 2009.

Approval of Minutes:

A motion was made by Mrs. Filippone, seconded by Mr. Calderaro, to approve the minutes of the May 27, 2009 meeting. All present eligible members voting in favor.

A motion was made by Mrs. Filippone, seconded by Mr. Cataline, to approve the minutes of the June 24, 2009 meeting. All present eligible members voting in favor.

Review of Resolution to be Memorialized:

Application No. 2-09, James & Janice Barrett, 133 Elizabeth Avenue, Block 61, Lot 16

There was discussion regarding the Resolution because it contained both the granting and the denial. The Board also decided to amend the Resolution, at page 3, paragraph 3 adding “at above 4.6 minimum throughout” referring to the base flood elevation. Mr. Rumpf advised that it would be best to have only one roll call on the entire Resolution and call only those eligible to vote.

Review of Cases:

Application No. 1-09 Gary and Gail Ashby, 105A Grand Central Avenue, Block 2, Lot 31.02

The property is located on the east side of Grand Central Avenue (New Jersey State Highway No. 35N) approximately 50 feet north of the intersection of White Avenue. The property contains 2500 square feet and is located in the B-1 Commercial District. The site currently contains a single family dwelling. The applicant is proposing to demolish the existing structure and construct a new single family dwelling.

This application was heard on June 24, 2009 and was carried to July 22, 2009, at applicant’s request with all time frames waived, in order to file revised plans.

Chairman Howard stated he thought there were conflicts in the dimensions on the revised plans and he was not sure this application should have been scheduled.

New/Old Business:

It was decided by the Board to cancel the August 12, 2009 Workshop Meeting and put discussion of the proposed ordinance on the Agenda for the Regular Meeting on August 26, 2009.

A motion was made by Mrs. Filippone, seconded by Mr. Palinsky to cancel the Workshop Meeting of August 12, 2009. All present voting in favor. The board Secretary will publish the Notice.

Correspondence:

None

Workshop portion of meeting adjourned at 7:40 p.m.

PUBLIC MEETING (To commence at 7:30 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 - present
Christopher Parlow, Borough Administrator - absent
Joseph Baginski, - present
Rosangela Zaccaria - absent
Anthony Cataline - present
Len Calderaro - present

Joseph Palinsky - present
Barbara Brown – absent

Brian Rumpf, Esq. – Board Attorney

Public Notice Announcement:

This is the Borough of Lavallette Planning Board meeting of July 22, 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.

Resolution to be Memorialized:

Application No. 2-09, James & Janice Barrett, 133 Elizabeth Avenue, Block 61, Lot 16

A motion was made by Mr. Baginski, seconded by Mr. Zylinski, to approve the Resolution as amended granting the flood elevation waiver and denying the setback variance request. On roll call: Mr. Baginski, yes-, Mr. Zylinski, yes-, Mr. Marino, yes-, Mrs. Filippone, yes-, Mr. Cataline, yes-, Mrs. Brown, yes. Motion carries.

Public Hearings:

Application No. 1-09 Gary & Gail Ashby, 105A Grand Central Avenue, Block 2, Lot 31.02

The property is located on the east side of Grand Central Avenue (New Jersey State Highway No. 35N) approximately 50 feet north of the intersection of White Avenue. The property contains 2500 square feet and is located in the B-1 Commercial District. The site currently contains a single family dwelling. The applicant is proposing to demolish the existing structure and construct a new single family dwelling.

This application was heard on June 24, 2009 and was carried to July 22, 2009, at applicant's request with all time frames waived, in order to file revised plans.

Kim Pascarella, Esq., represented the applicants. He stated applicant proposes to demolish the existing one-story house and requests variance relief for construction of a new two-story single-family dwelling. The lot is 25 feet in width and the existing house was built about 1955 in bungalow style. The Ashbys are getting to retirement age and hope to move to Lavallette full time. Before proceeding he stated in addressing the Board's concerns mentioned at the last hearing, the following items had been filed i.e. revised elevations showing revisions downsizing the size of the proposed dwelling by eliminating one bedroom and one bath; a floor plan of the current house; revisions to the plot plan showing movement of the side yard to 2.4 on the southerly side; elimination of the off street parking that requires a variance request and as a result three on street parking spaces will not be eliminated. He stated the current lot coverage is 72% and by eliminating the deck it will bring it down to 50%. He introduced a photograph of a similar building as proposed that was marked in evidence as A-6. He stated they will meet the rear setback by moving the house forward creating 18 foot front setback and a 20 rear yard setback.

Mr. Pascarella stated applicant will conform to Mr. Toth's building plan with a 2.4 and a 2.4 side setbacks, totaling 25 feet and nothing will be built in the side yard.

Mr. Baginski raised the safety issue and access using the side setbacks and questioned if they were adequate.

Walter Toth, 12 Madison Avenue, Toms River was sworn in and stated he is a licensed surveyor planner since 1978. The Board accepted his qualifications. Mr. Toth stated he saw the present house and he reviewed the proposed plans. He testified the existing footprint intensity will be reduced. He testified this plan will not be detrimental to the zone plan and neighborhood and the esthetics of the area will be improved. He stated he has looked at other undersized lots that have similar variance issues and a limit to the size of the house and in his opinion this plan will be even less intrusive.

Mr. Pascarella introduced the latest survey that moves the house forward toward Route 35N and will not require a rear or front yard setback shortage.

Mr. Marino asked if there was any way to build a house less than 20 feet wide and Mr. Toth responded no.

Mrs. Filippone confirmed that applicant is requesting side setback, parking and lot coverage variances.

Mr. Baginski again raised his concern over the safety issues regarding the side yards and would like to see 3 feet on each side which would also reduce the lot coverage from 50% to 47.4 % if the house was reduced by 1.2 feet. The applicant agreed to do so.

Chairman Howard opened the meeting to the public.

Mr. McKinnon, 27 White Avenue lives adjacent to the subject property and is very happy to have a 3 foot side yard.

Chairman Howard closed the public portion of the meeting.

A motion was made by Mrs. Filippone, seconded by Mr. Baginski to approve the application for variance requests, subject to the following: a three foot side yard on each side of the proposed property that will also reduce the lot coverage; moving the proposed dwelling forward to comply with the 20 foot rear yard setback. On roll call: Mrs. Filippone, yes-, Mr. Baginski, yes-, Mr. Marino, yes-, Mr. Calderaro, yes-, Mr. Zylinski, no-, Mr. Cataline, yes-, Mr. Palinsky, yes-, Chairman Howard, yes. Motion carries.

Chairman Howard stated the final proposal needs to be reviewed.

New/Old Business:

Chairman Howard discussed the proposed ordinance regarding the Business District and stated Mr. Brady had reviewed it and added a section regarding existing hotels.

The Board fully reviewed the Ordinance and made some changes. Chairman Howard will again re-draft in accordance with those changes.

The Board Secretary advised there were probably not going to be any cases ready to hear at the Regular Meeting on August 26, 2009. The Board decided to schedule its discussion on the proposed Ordinance for the Business District.

Adjourn:

On motion by Mrs. Filippone, seconded by Mr. Calderaro, with all in favor, the public meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Rosemary Robertson
Secretary

