

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, October 3, 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 – present

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 October 3, 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 8-17: Vallata Gardens, LLC, 103 Magee Ave., Block 35.01, Lot 8 – Legitimize expansion after lift of pre-existing, non-conforming four-family dwelling.

Mr. Brady advised the Board and the public that he was notified by the applicant's attorney of their wishes to withdraw without prejudice the application currently pending.

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

The property is located on the east side of Bay Blvd. approximately 50 feet north of Ortlely Ave. in Residential Zone A. The site contains 5,673 sq. ft. with a two-story, two-family dwelling. The applicant is proposing to add a first-floor covered porch and a second-floor deck on top of the porch at the front of the dwelling as well as alterations to the interior of the dwelling.

Since Vice Chairman Cataline is a homeowner within 200 feet of this property, he had to recuse himself and left the meeting. Mr. Marino sat in for Mr. Cataline.

Christopher Hanlon, Esq., applicants' attorney, explained that the building already exists, and there had been a prior settlement from the Federal District Court. He further testified that the applicants are asking for permission to build two decks that will not increase the footprint. He then presented Exhibit A-1, a colored rendering of the proposed residence. Chairman Zylinski asked for clarification that there were no decks on the original building.

Mr. Hanlon introduced Salvatore Santoro, R.A., 65 East County Line Road, Lakewood, NJ, whose credentials were recognized by the Board. Mr. Santoro indicated that he is responsible for the internal renovations, and he had suggested adding the decks. He then submitted Exhibit A-2, a black and white photo of the residence prior to renovations.

Mr. Hanlon submitted Exhibit A-3, Architectural Plans, and commented that if the addition of the decks is not approved, the building will still require a stairway and landings. Mr. Santoro described the position of the stairs.

There were discussions regarding:

- Attic height – below six feet
- Off-street parking – room for twelve cars – white washed stone surface
- Storm damage - none
- Legal two-family home
- Number of kitchens and number of bedrooms per unit

Mr. Sauer asked about the special reasons for granting this variance, to which Mr. Hanlon replied that it will advance the purposes of zoning and promote a desirable aesthetic improvement citing *Burbridge v. Mine Hill tp.* and *Grasso v. Borough of Spring Lake Heights*.

Since the home was purchased eight months ago, Mr. Sauer questioned why the Letson's were just now coming before the Board. Thomas Letson, 215 Second Street, Keyport, was sworn in as the owner of 97 Bay Boulevard. Mr. Letson replied that he was under the impression that if he answered five specific questions, his zoning permit for the decks would be approved. However, after submitting the requested information in June, 2018, he was told that he had to come to the Planning Board. The following Exhibits were submitted:

- A-4: Construction Permit and Subcode Inspection Sheets
- A-5: Response dated 6-18-18 by Salvatore W. Santoro, Architect, to Permit Denial
- A-6: Denial of Permit dated 5-31-2018
- A-7: Signed Settlement Agreement for *Sitkowski v. Zoning Board of Adjustment* – September/October, 1991

At approximately 7:50 p.m. Chairman Zylinski opened the meeting up for public comments.

Lynne Cafone of 99 Bay Boulevard was sworn in and gave testimony in favor of the application.

Hearing no further comments, the public portion of the hearing was closed at approximately 8:00 p.m.

A motion to approve the application was made by Mr. Palinsky, seconded by Mrs. Brown. Roll call vote: Palinsky, yes; Brown, yes; Brice, yes; Calderaro, yes; Sauer, yes; Marino, yes; Zylinski, yes.

Resolutions Memorialized:

Application 10-18: James & Ellen Jacobsen, 9A Brooklyn Ave. – Block 14, Lot 14.02 – Reconstruction on a non-conforming lot – approved with condition.

Review & Approval of Minutes:

A motion was made by Mrs. Brown, seconded by Mrs. Filippone to approve the minutes of the September 5, 2018, meeting with all present at that meeting voting in favor.

New Business:

Mrs. Filippone pointed out an error in the evening's Agenda, and the Board Secretary will make the appropriate correction.

Correspondence:

The letter dated September 5, 2018, from Acer Associates, LLC, regarding NEPA Survey – Cellular Antenna Facility was discussed, and the Board Secretary was asked to make a copy for Mr. Brice, Borough Administrator.

Discussion:

Adjourn:

A motion to adjourn the meeting was made by Mrs. Filippone, seconded by Mrs. Brown with all present voting in favor. The meeting was adjourned at approximately 8:15 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary