

**MINUTES  
BOROUGH OF LAVALLETTE  
REGULAR MEETING  
OF THE PLANNING BOARD  
Wednesday, June 22, 2022 – 7:00 P.M.**

**Roll Call:** Anthony Cataline - present  
Robert Brice - absent  
John Borowski - present  
Len Calderaro - present  
Joanne Filippone - present  
Vincent Marino - present  
Joseph Palinsky - present  
Thomas Restaino - present  
George Shenewolf - present

Richard Emery - absent  
Alex Barletta - present

**Also Present:** Terry Brady, Esq.

**Flag Salute:** Mr. Cataline

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of June 22, 2022. 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 official Borough newspapers, the Ocean Star and the Asbury Park Press.

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 # 3-22, Lori Sempervive, 40 Dickman Drive - Block 974, Lots 11. 11.01, 12**

Michele Donato testified that she had been retained by the applicant on June 9, 2022. In a letter to the Planning Board dated June 15, Mrs. Donato requested an adjournment to our next regular meeting. The Board Secretary informed Mrs. Donato that she had not received the Affidavit of Service nor proof of publication from the applicant. Mrs. Donato said that she would submit all the required proofs.

Mr. Brady acknowledged the attorney from Meyner and Landis, LLP, Matthew Dolan, in the courtroom and allowed him to address the Board. Mr. Dolan explained that he is representing an objector, and his client would not be available for the next scheduled meeting. He, therefore, requested a postponement to the August 24 Planning Board meeting.

A motion to carry the application to the August 24, 2022, Regular Board Meeting was made by Mr. Barletta, seconded by Mr. Palinsky. Roll call vote: Barletta, yes; Palinsky, yes; Borowski, yes; Calderaro, no; Filippone, no; Marino, no; Restaino, yes; Shenewolf, yes; Cataline, yes.

Mrs. Filippone voiced her concern about the illegal structure and said that Code Enforcement will have to do whatever is necessary. Mrs. Donato answered that she had spoken with Tom Brihn and will advise him of the adjournment. Mr. Palinsky also voiced his concern about the structure, and Mr. Brady advised that these are issues for Zoning, Construction and Code Enforcement. Mr. Palinsky further stated his concern about electrical safety since no inspections were performed. Mrs. Donato replied that she will address this issue with Mr. Brihn.

### **Substantially Damaged Determination Appeals:**

#### Case # 018 – 114A + B Trenton Ave. – Roger & Soraida Wilson

Mrs. Donato, applicants' attorney, informed the Board that the applicants will be elevating the rear house and will submit their plan to the Borough Flood Plain Manager.

Eric Birchler, Real Estate Appraiser, of Birchler Realty, 1503 Grand Central Ave., Lavallette, was sworn in and testified that adjusted pre-damaged value of the front building is \$186,409. Documentation received showing repair costs of \$63,145 determined that the damage to the front building was less than 50%.

A motion to grant the appeal for the front dwelling was made by Mrs. Filippone, seconded by Mr. Borowski. Roll call vote: Filippone, yes; Borowski, yes; Calderaro, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes; Barletta, yes; Cataline, yes; Marino, abstain.

#### Case # 025 – 98 Newark Ave. - Gail Billings & Lloyd De Pope

Mrs. Donato, applicants' attorney, introduced Tony Kamand, licensed appraiser of Tony Kamand Realty LLC, 200 Main Street, Toms River, NJ. He was sworn in and gave testimony that the adjusted pre-damaged value of the building is \$133,700. Documentation received showing repair costs of \$44,720 determined that the damage was less than 50%.

Mr. Lloyd De Pope, 98 Newark Ave., was sworn in and testified that he and Ms. Billings purchased the home in August of 2013, it had already been repaired. He also said that they were totally unaware of any substantially damaged issues when they bought the property.

A motion to grant the appeal was made by Mr. Borowski, seconded by Mr. Palinsky. Roll call vote: Borowski, yes; Palinsky, yes; Shenewolf, yes; Calderaro, yes; Filippone, yes; Marino, yes; Restaino, yes; Barletta, yes; Cataline, yes.

### **Resolution Memorialized:**

N/A

### **Review & Approval of Minutes:**

A motion was made by Mr. Borowski, seconded by Mr. Marino to accept the minutes of the May 25, 2022, meeting. All who were present at that meeting voted in favor.

**New Business:**

Mr. Marino requested that the minutes reflect that he has abstained from voting on Substantially Damaged Determination Appeals involving testimony from Eric Birchler of Birchler Realty.

**Discussion**

**Adjourn:**

Mr. Borowski moved to adjourn the meeting, seconded by Mr. Barletta. The meeting was adjourned at approximately 7:50 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary