

**MINUTES  
BOROUGH  
REGULAR MEETING OF THE PLANNING BOARD  
Wednesday, November 29, 2023 – 7:00 P.M.**

**Roll Call:**

Alex Barletta – present  
John Bennett – absent  
Anthony Cataline – present  
Joanne Filippone – present  
Jennifer Hartman-Sica – present  
Vincent Marino – present  
Joseph Palinsky – present  
Thomas Restaino – present  
George Shenewolf – present

Mary Chyb - present

**Also Present:** Terry Brady, Esq.  
Michael Goldstein, PE, CFM

**Flag Salute:**

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board Regular meeting of November 29, 2023. 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 # 8-23 - Swan Point Partners, LLC – 120 Swan Point Rd., Block 71.01, Lot 3 – New-Single Family Dwelling and In-Ground Pool – undersized lot and structure coverage

The property is located on the south side of Swan Point Road, approximately 148 ft. west of the intersection at Bay Boulevard, in the Residential District A. The site currently contains a 1.5-story frame dwelling with a front first-story porch, a rear patio and deck.

The applicant is proposing to demolish the existing dwelling and construct a new two-story, single-family dwelling, in-ground pool, and associated site improvements, including a covered front porch, rear covered deck and patio.

Philip G. Mylod, attorney for Joseph and Barbara Lizza, owners of 120 Swan Point Rd., outlined the nature of the application, and introduced Jason Marciano, PE, PP, at East Coast Engineering, 508 Main Street, Toms River. Jason was sworn in and reviewed the Variance Plan dated August 9, 2023.

He explained that the existing structure is fifty years old, four feet below the required base flood elevation, and currently violates the rear yard setback requirement. The proposed construction will bring the rear yard and the base flood elevation into compliance. There was further discussion about:

- Stairway designs
- Elevator
- Shallowness of lot (67 ft.)
- Positive criteria
- Placement of A/C platform
- Garage and storage area

The following exhibit was presented:

- A-1: 16-page color booklet of surrounding properties

Mr. Mylod introduced Michael Melillo, AIA, 402 Higgins Ave., Brielle, who was sworn in and gave testimony describing the design and the problems working with the shallow lot (74 X 67). There was discussion regarding:

- Building height
- Location of HVAC/Heater
- Covered deck
- Storage room
- Reduction of lot coverage

At approximately 8:00 p.m., Chairman Cataline opened the meeting for public comment.

John Sorber of 220 Westmont, Thomas Letson of 97 Bay Boulevard, and Frank Giannini of 218 Westmont were sworn in and testified in favor of the application.

Barbara Lizza, owner of 120 Swan Point Rd., testified that repositioning the A/C platform on the roof would put it in the southern exposure, and therefore the units would work less efficiently.

Chairman Cataline closed the public hearing at approximately 8:07 p.m.

A motion to deny the application was moved by Mr. Barletta and seconded by Mrs. Hartman-Sica. Roll call vote to deny: Barletta, yes; Hartman-Sica, yes; Filippone, no; Marino, no; Palinsky, no; Restaino, no; Shenewolf, no; Chyb, no; Cataline, no. The motion to deny the application failed.

A motion to approve the application with conditions was moved by Mrs. Filippone, seconded by Mr. Shenewolf. Roll call vote to approve with conditions: Filippone, yes; Shenewolf, yes; Barletta, no; Hartman-Sica, no; Marino, yes; Palinsky, yes; Restaino, yes; Chyb, yes; Cataline, yes.

### **Resolutions Memorialized:**

Application # 07-23: Nick & Lisa Mento, 107 Bryn Mawr Ave., Block 944.05, Lot 10 – Elevation and Renovation – approval with conditions.

### **New Business:**

- Review draft of 2024 meeting calendar.
- Review changes to Planning Board Rules & Procedures.

**Discussion:**

Mrs. Filippone informed the Board that the Ordinance Committee will be reviewing and making changes to the Permitted Principal Use Buildings section of our Zoning Code. She asked if anyone had suggestions or comments to please let her know.

**Review and Adoption of Minutes:**

Chairman Cataline asked if Board members had reviewed the minutes of the October 25, 2023, meeting. All who were present at the meeting approved the minutes as submitted.

**Adjourn:**

Mrs. Filippone moved to adjourn the meeting, seconded by Mr. Shenewolf, and the meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary