



MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE PLANNING BOARD
Wednesday, February 25, 2026 at 5:00 p.m.

ROLL CALL:

Alex Barletta – present
John Bennett – present
Anthony Cataline – present
Mary Chyb – absent

Jennifer DeRienzo – present
Joanne Filippone – present
Jennifer Hartman-Sica – present
Vincent Marino – present

Joseph Palinsky – absent
Thomas Restaino – present
Mark Speaker – absent

Also Present: Mr. T. Brady, Esq. and Michael Goldstein, PE, PP, CFM

Call to Order

The regular meeting of the Lavallette Planning Board was called to order by Chairman A. Cataline at 5:00 PM. The meeting opened with the Pledge of Allegiance.

Swearing-In of a Member

- J. Hartman-Sica was administered the Oath of Office and officially sworn in as a Class IV Planning Board member.

Roll Call

- The Board Secretary conducted the roll call, and a quorum was established.
- The Chair, A. Cataline, called the meeting to order. The Secretary, C. Nunziato, conducted the roll call. Board members Mrs. Chyb, Mr. Palinsky, and Mr. Speaker were noted as absent.
- C. Nunziato read the public notice announcement as required by Chapter 231, Public Law 1975, the Open Public Meetings Act (Sunshine Law), confirming that adequate notice of the meeting had been provided.

Public Hearings:

- **Applications #13 – 2025, 209 Haddonfield Ave., Steven Coscia, Block 1114, Lot 26**
 - G.Hock, esq., attorney for the applicant, provided an overview of the matter. The application seeks variance relief for an as-built in-ground pool on a lagoon-front property. The core issue is that the pool installer measured the setback from the bulkhead rather than the deeded rear property line.
 - The property line is approximately 2.5 feet landward of the bulkhead. As a result, the pool is located 1.4 feet from the rear property line, whereas the ordinance requires a 3-foot setback.
 - G.Hock, esq. noted that the pool is nearly 4 feet from the bulkhead, which he argued complies with the ordinance's intent.
 - This application is "asking for forgiveness", as the pool is already constructed and would be a monumental undertaking to move.
 - T.Brady, esq. responded with we are not the board of forgiveness or punishment.

WITNESSES:

1. Michael Hockenbury, PE, PP, BSCE; MCH Engineering, Inc., Toms River, NJ

- sworn in and provided two exhibits for the board and testimony regarding the following:
Exhibit A-1, MCH Engineering Photos of the property from various angles
Exhibit A-2, MCH Engineering Aerial Photo of the lagoon homes dated July 5, 2025
- reviewed the survey by R. Post
- Zone RC
- The property, recently underwent a house elevation and renovation.
- The pool was installed concurrently with these improvements.
- Confirmed the pool's location at 1.4 feet from the rear property line requires a variance.
- From an engineering standpoint, he stated there are no structural issues.
 - Helical piles were used both for the bulkhead tiebacks (running horizontally under the pool) and vertically under the pool itself to transfer its weight to deeper soils. This method is standard practice on waterfront properties and ensures the pool and bulkhead do not negatively impact each other.
- From a Planning perspective, M.Hockenbury argued that the bulkhead is the visually perceived end of the property, and the pool's nearly 4-foot setback from it provides adequate circulation space.
- The pool as very small (7.3 feet by 15.9 feet) and stated the applicant gained no advantage from the deviation.
- Concluded that the variance would have no substantial detriment to the zone plan or adjacent properties.

The board questioned the testimony and discussed the following key points:

- **Ownership of Land:** inquired about the ownership of the strip of land between the property line and the bulkhead and the relevance of a potential riparian grant.
 - **Surveying and Plans:** why was the pool not staked out by a surveyor, noting that the approved plan showed a 5-foot setback from the property line and an 8-foot setback from the bulkhead?
 - **Legal Standard for Variance:** the legal standards for a variance, noting that contractor error does not constitute a hardship (C1 variance) and questioned how the deviation represented a better zoning alternative (C2 variance).
 - **Primacy of Approved Plans:** the board must adhere to the property lines shown on the tax maps
 - The central issue was the failure to build according to the approved plan.
 - **Other Site Discrepancies:** several other discrepancies between the approved zoning plan and the as-built survey.
 - M.Hockenbury clarified that the other changes were part of a separate, approved plan for the home elevation, and only the pool's location remained unapproved.
2. Brian Gomez, NuWave pool contractor, 628 Rt. 9 N., Tuckerton, NJ was sworn in.
- Took responsibility for the error, stating he mistakenly measured from the bulkhead.

- Explained that moving the pool now would be extremely difficult and costly due to the completed home, landscaping, a new house built on the neighboring lot that blocks access, and the concrete footings tied to the helical piles.
- Stated that the building inspector had noted the incorrect location during an early inspection and instructed him to get a final as-built survey.

During questioning, the board discussed the following topics with the contractor:

- **Awareness of Approved Plans:**
 - Had submitted the original application and was aware of the approved 5-foot and 8-foot setbacks.
- **Contractor Practices:**
 - Why would an experienced contractor not verify the property line with survey stakes instead of assuming the bulkhead's location is the same as the property line?

The public portion was opened, then closed with no members of the public wishing to speak.

The board began deliberations.

Motion: Made by J.Bennett, seconded by J.Hartman-Sica, to **deny the application.**

The motion was based on the position that the relocation of the pool from its approved position required zoning approval which was not obtained, and that sufficient facts to warrant the variance relief had not been demonstrated.

Roll call vote: Bennett, Aye; Mrs. Hartman-Sica, Aye; Barletta, Nay; DeRienzo, Aye; Mrs. Filippone, Aye; Chyb. Ab; Marino, Aye; Palinsky, Ab; Mr. Restaino, Nay; Mr. Speaker, Ab; Cataline, Nay.

The motion passed by a vote of five (5) in favor to three (3) against. The application is denied.

The mistake was attributed to the contractor, and while unfortunate for the applicant, it did not justify the variance.

Review and Adoption of Minutes:

A motion was made by J.Filippone and seconded by A.Barletta to **approve the minutes of the January 28, 2026 meeting.** The motion passed, with two members (J.Bennett & J.Hartman-Sica) abstaining.

A motion was made by A.Barletta and seconded by V.Marino to **approve the minutes of the December 17, 2026 executive session.** The motion passed.

New Business: Master Plan Re-examination Report Kickoff

James Cavelli, PP, representing the consulting firm NV5, presented a kickoff for the Borough's Master Plan Re-examination Report. The board and the consultant discussed the following key aspects of the project:

- **Project Scope and Purpose:** The project is a "Re-examination Report" of the 2016 Master Plan, not an entirely new master plan.
 - this process satisfies the state's 10-year requirement and maintains the validity of the Borough's development regulations.

- **Timeline and Extension:** The current plan expires in June 2026.
 - The board discussed the need for a time extension from the New Jersey Department of Community Affairs (NJDCA). J. Cavelli confirmed he has initiated contact with the NJDCA and will assist the Borough in submitting a formal request.
- **Project Tasks:**
 - The project will include a review of existing documents, public outreach (including a digital survey and a public event), a needs assessment, and the preparation of the final report.
- **Key Considerations:** Board members highlighted the significant impact of new state regulations, particularly the REAL (Resilient Environments and Landscapes) rules, which will increase flood elevation requirements to BFE plus five feet.
- **Public Outreach:** The board discussed potential methods for public engagement, including a pop-up event at a community gathering, a dedicated public meeting, or a questionnaire mailed to all taxpayers.
- **Board Member Involvement:** Speaker 17 requested that board members compile notes on any recurring issues, patterns, or significant planning-related events that have occurred over the past ten years to inform the review.

Action Items

- The applicant, Case #13-2025, for 209 Haddonfield Avenue must bring the property into compliance with the zoning ordinance following the denial of the variance.
- The board's consultant, J.Clavelli, will **follow up with the NJDCA regarding a time extension** for the Master Plan Re-examination.
- Board members are to **compile notes on recurring issues and significant events** from the last ten years to inform the Master Plan review.
- The Board Secretary will **provide copies of the current Master Plan** to board members who requested one.

Adjournment

A motion to adjourn was made by A.Barletta and seconded by J.Filippone and approved with a unanimous vote. The meeting concluded at 7:02 pm.

The next meeting is scheduled for March 25, 2026.

Respectfully submitted,
C. Nunziato, Secretary