

VALLATA GARDENS, LLC

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
OCEAN COUNTY

Plaintiff,

DOCKET NO.: OCN-L-000630-19

v.

Civil Action

BOROUGH OF LAVALLETTE and  
JOHN DOE 1-3

SETTLEMENT AGREEMENT

Defendant(s).

The Plaintiff, Vallata Gardens, LLC having filed a Complaint against the Defendant, Borough of Lavallette and the Defendant, Borough of Lavallette having appeared and answered the Complaint and the parties having submitted the matter to mediation before the Honorable Frank A. Buczynski, Jr., Retired Judge of the Superior Court, and the matter having proceeded to a settlement and it being the desire of the parties to memorialize the settlement in writing

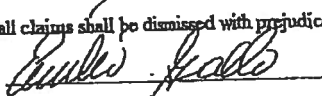
IT IS THIS 18<sup>th</sup> day of September, 2019 hereby agreed as follows:

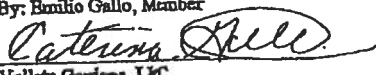
1. Vallata Gardens, LLC is a limited liability company owned by Emilio Gallo and Caterina Gallo. (hereinafter "Vallata").
2. Vallata is the owner of the property located at 103 Magee Avenue, Borough of Lavallette, Ocean County, New Jersey designated as Lot 8, Block 35.01 on the tax map of the Borough of Lavallette which previously housed a four unit pre-existing, non-conforming dwelling that was substantially damaged by Super Storm Sandy (hereinafter "the premises").

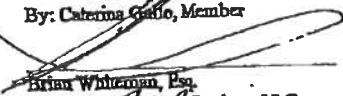
3. The Borough of Lavallette is a municipal corporation of the State of New Jersey.  
Robert Brice is the Administrator of the Borough of Lavallette.
4. Plaintiffs have filed a Complaint seeking declaratory relief and damages so as to allow the existing four family structure. The Borough has filed an Answer to dispute the Complaint.
5. The Plaintiff voluntarily agrees to reduce the usage of the premises from four units to three units to make it more conforming to the zoning ordinances of the Borough of Lavallette. New plans and specifications for a three unit dwelling shall be submitted within sixty (60) days. The plans shall be reviewed and processed within thirty (30) days of submission.
6. The existing structure shall conform to fire safety standards including but not limited to the windows on the west wall to remain. The sprinkler system shall be modified to meet building code and/or fire sub code so that such windows may remain.
7. The premises shall be rebuilt in accordance with the Rehabilitation Code and FEMA Code. Second floor front roof on the east elevation from front second floor face to prior to existing dormer east face and ridge line to drip line shall be modified to restore it to the height pre-existing Super Storm Sandy so as to eliminate the additional cubic feet of volume that is present in the current plan and thereby to make it more conforming. See Exhibit "A" marked to show area of roof to lower pitch.
8. A portion of the front porch has been removed making the premises more conforming than it existed prior to Super Storm Sandy. The front flat roof shall be replaced with a pitched roof similar to that which existed prior to Super Storm Sandy. Inspections

for the construction shall be performed by the Township of Toms River so as not to involve Thomas Bein, the current construction official who is an unidentified party in this matter.

9. All claims for damages are waived.
10. The matter is not to be returned to the Planning Board as necessary concessions have been made by the Plaintiffs to bring the premises into greater conformity with the existing ordinances and the Municipal Land Use Law.
11. This settlement is subject to approval by the Borough Council for the Borough of Lavallette and has been recommended for approval by the parties and the Honorable Frank J. Buczynski, Jr. a Retired Judge of the Superior Court.
12. Upon approval by the Borough Council all claims shall be dismissed with prejudice.

  
Vallata Gardens, LLC  
By: Emilio Gallo, Member

  
Vallata Gardens, LLC  
By: Caterina Gallo, Member

  
Brian Whitman, Esq.  
Attorney for Vallata Gardens, LLC

  
Borough of Lavallette  
By: Robert Bries, Administrator

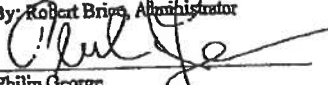
  
Philip George  
Attorney for the Borough of Lavallette

Exhibit "A"

