

**Minutes of the  
Unified Planning/Zoning Board of Adjustment  
April 1, 2013  
7:00 PM**

**A** regular meeting of the Unified Planning/Zoning Board of Adjustment of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on April 1, 2013. The meeting was called to order at 7:00 PM by Chairman Kenneth Cassidy presiding. Chairman Cassidy called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 17, 2013, by sending notice to *The Independent*, and by posting.

Chairman Cassidy requested everyone to stand for the Salute to the Flag.

Chairman Cassidy requested a roll call.

On roll call the following members responded present:

No:	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
No:	Thomas Fitzsimmons
Yes:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Robert Montfort
No:	Joseph Saporito
Yes:	Joseph Urciuoli
No:	Rochelle Malanga
Yes:	Andrew Lopez
Yes:	Daniel Acquafredda

Also present were Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney and Philip A. Haderer, Planning Zoning Board Engineer.

**Applicants:**

1. Laurdan Realty, LLC – Main & Broad Streets – Block 50, Lot 16 (*Site Plan Application*)
2. JSM @ Matawan Phase II, LLC – 947-955 Highway 34 – Block 40, Lots 6 & 7 (*Site Plan Application*)

Mr. Salvatore Alfieri, Attorney for Laurdan Reality stated that there were no interested

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parties present for their site plan application.

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of the February 27, 2013 special meeting. Mr. Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez  
Yes: Daniel Acquafredda

Motion approved

Chairman Cassidy requested a motion to approve the minutes of March 4, 2013. Mr. Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Daniel Acquafredda

Motion approved

At 7:05 pm, Mr. Irene requested a short recess while waiting for Mr. Buccellato to arrive.

At 7:10 pm, Chairman Cassidy requested a roll call to reconvene.

On roll call the following members responded present:

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.

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Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez  
Yes: Daniel Acquafredda

**Resolution to be memorialized:**

Quick Chek – 44 Main Street – Block 5, Lot 9 (*Variance*)

Mr. Cassidy made a motion to approve the resolution and Mr. Acquafredda seconded. The following roll call vote was taken:

Yes: Kenneth Cassidy  
Yes: Daniel Acquafredda

Motion approved.

**JSM @ Matawan Phase II, LLC**

Professionals for Edgewood Properties appeared before the Unified Planning/ Zoning Board to present a *new* site plan for a five-story, mixed-use building with commercial spaces and residential units, and a separate fitness center on the 6.5-acre tract adjacent to an existing Walgreens.

Mr. Salvatore appeared before The Board as the Attorney for JSM @ Matawan Phase II. He stated that 80 plus % of the previous report would be addressed tonight and that all the comments were approved.

Mr. Irene asked if there were any questions or comments about the notice and was told no. He also stated that no members of the Board need be recused. Mr. Irene said the waivers must be addressed and be granted approval prior to proceeding. Mr. Haderer was sworn in.

Mr. Ronald Aulenbach, Director of Engineering for Edgewood Properties was sworn and his credentials accepted.

Mr. Aulenbach said: “We went through several revisions to make this plan what we feel is a presentable plan for the borough”. He proceeded to give a Power Point presentation of the site plan. He stated that they had not been successful in marketing 12,000 square feet of

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retail space as proposed in 2001, and therefore they were now coming up with a new plan. This plan would include an L-shaped, mixed-use structure along the back of the site that incorporates approximately 26,900 square-feet of retail on the first floor and 130 residential units on the four floors above. The residential units would consist of 56 one-bedroom units and 74 two-bedroom units. The vacant building next to Walgreens is proposed as an 8,000 square-foot, two-story fitness center.

Each floor of residential has trash bins which are rolled down to be emptied every day into a trash room which has a separate entrance. Two elevators in the main lobby will travel to every floor and the elevators will be large enough to accommodate furniture. There is also a bike locker room with room for 60 bikes. There will be a shuttle service to the Aberdeen Matawan Train Station during peak hours as well as a Zip car provided for the residents use.

There will be balconets but no balconies. There will be breaks in the façade so that there is no long linear wall. The building will be red brick with green awnings, the same as Walgreens.

There is not currently a tenant for the fitness center; however it will be on the same location as the existing building. The entire Mixed Use Development (M.U.D.) will be ELL shaped and there will be no changes to the current entrances and exits.

The following questions were asked and answered.

Mr. Cassidy: Have you built something similar close by that I could look at it and what kind of Tenants are in there.

Mr. Aulenbach: Yes, Piscataway and Somerville. There are restaurants, hair salons, Starbucks and Subway, in Piscataway there is a daycare center.

Mr. McKenna: What is the drainage plan? Is discharge offsite?

Mr. Aulenbach: The discharge is offsite.

Mr. Montfort: Is Walgreen's part of the site plan? And are there any amenities outdoors for the tenants or is it just a big parking lot?

Mr. Aulenbach: We have site plan approval to consolidate both lots. There will be outdoor seating and spots for gazebos inside the first and second floors. We feel that Henry Hudson Trail and Terhune Park provide enough amenities.

Mr. Acquafredda: Are the blueprints or the Power Point more accurate?

Mr. Aulenbach: The blueprints.

Mr. Montfort: Do the emergency exits go to the first floor?

Mr. Aulenbach: They are not shown on the plans but will be included.

Mr. Lopez: Where are the elevators?

Mr. Aulenbach: They are in the lobby

Mr. Urciuoli: Are these rental units only and will there be washers and dryers in each unit?

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Mr. Aulenbach: Yes to both.

Mr. Gallego: Are there sprinklers?

Mr. Aulenbach: Yes.

Mr. Urciuoli: Will there be other signs that will represent the retailers?

Mr. Aulenbach: Yes.

Mr. Buccellato: Would you consider spot lighting instead of backlighting?

Mr. Aulenbach: We can present something to The Board to consider.

Mr. Irene: What signage is proposed for the fitness center?

Mr. Aulenbach: Whatever was permitted.

Mr. Montfort: Can you put these on the plans

Mr. Aulenbach: Yes.

Mr. Montfort: If it's a M.U.D. all signage should be the same as Walgreens.

Mr. Alfieri: We will bring in an architect to address the signage.

Mr. Montfort: Where will the heating and cooling units be located?

Mr. Aulenbach: Heating and cooling units will be located in the roof with access through the 5<sup>th</sup> floor utility room ceiling.

Mr. Buccellato: Will each retail store have its own heating and cooling units?

Mr. Aulenbach: Yes.

Mr. Montfort: Will every apartment have a closet for the HVAC unit?

Mr. Aulenbach: Yes.

Mr. Irene: What are your plans for security?

Mr. Aulenbach: There will be security camera under the cantilevers which will enable visuals to whom the residents are buzzing in. Each resident will have a key card to enter the building.

Mr. Alfieri stated that there will be no loading at the fitness center, 90% of retail deliveries are box trucks which will deliver during off-peak hours. There will be no 18 wheelers or tractor trailers.

Mr. Irene: Is there temporary parking for residents to unload groceries?

Mr. Aulenbach: No, we don't encourage tenants to unload in front of the building. There is no specified parking for the tenants. We don't require large loading areas but there is enough room for an 18 wheeler to fit and turn.

Mr. Montfort: There should be a waiting area for the residents taking NJ Transit buses.

Mr. Haderer: That would be up to NJ Transit.

Mr. Montfort: No, you can do that.

Mr. Haderer: NJ Transit is compliant.

Mr. Aulenbach: We have no problem with building a shelter.

Mr. Lopez: How often does the shuttle run?

Mr. Aulenbach: On an as needed basis.

Mr. Aulenbach: The fitness center has service for trash; there will be one dumpster for retailers in the rear. We will own and operate the disposal.

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There will be lights on timers for the retail area; they will stay on for one hour after closing. There will still be some lighting for the residents; however the lots will not be lit 24 hours a day.

Mr. Haderer commented that sheet six of seven appears as though you went to some effort to comply with the ordinance for the façade signage.

We will comply with landscaping and signage requirements.

Mr. Montfort: Is the sanitary system adequate?

Mr. Cassidy: has Jake Applegate looked at it?

Mr. Montfort: Make sure there are no water or sewer problems.

Mr. Haderer: I suggest the Fire and Utility departments are look into these matters.

Mr. Montfort: Isn't this the engineer's job?

Mr. Urciuoli: Will there be testimony from a Traffic expert?

Mr. Buccellato stated that they still needed police and fire officials to look at the plans, therefore there could be no vote tonight.

Mr. Cassidy:

Are there any other questions from The Board for this witness? No one came forth.

Are there any other questions from the public for this witness? No one came forth.

Mr. Karl A. Pehnke, a licensed Transportation and Traffic Engineer with Langan Engineering & Environmental Services was sworn and his credentials accepted.

Mr. Buccellato discussed with Mr. Irene that his personal business firm has used Langan Engineering & Environmental Services on occasion. Mr. Irene felt that this created a conflict of interest and that Mr. Buccellato must recuse himself. Mr. Buccellato stepped down.

Mr. Pehnke stated that a traffic study plan was done in January 2013. He said: "we are conservative in our study" There will be interaction in traffic because the M.U.D. will have similar levels of traffic as approved by The Borough in the year 2000. Saturday will generate more traffic and retail and residential will generate more traffic than the Daycare Center originally proposed. The left turn from Broad Street to Route 34 will suffer minimally. There would be a 30 vehicle increase at most and we can request DOT to change the timing of the traffic light. We don't expect to need a new DOT permit. Mr. Pehnke also stated that multiple driveways would disperse the onsite traffic.

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Mr. Pehnke then went on to discuss the proposed parking. He said parking has been designed in accordance with the ordinance requirements. We are requesting a variance for 373 parking stalls where 690 are required, and allowing no loading zone where one is required. We feel that is adequate as resident's demands for parking will be reduced by 20% due to Mass Transit availability.

The following questions were asked and answered.

Mr. Haderer: What is the possibility of getting the light timing changed by the DOT?

Mr. Pehnke: Good, they would have to change the heads on the signals.

Mr. Lopez: Making a left turn out of the parking lot onto Broad Street could be a problem.

Mr. Pehnke: Broad Street could get a left turn signal Advance Phase.

Mr. Lopez: How long would the DOT take to do that?

Mr. Pehnke: Three to six months to put the project in motion, one to two years to change it.

Mr. Montfort: "You are asking us to accept 373 spaces when 690 are required. You are asking us to accept no loading zone. Everything is at the point where any little thing could jam this up; I was not given a traffic report. Are there details in the traffic report on how you came up with the 373?"

Mr. Pehnke: Design and intent will attract a certain type of tenant. The parking requirement in the ordinance is high and totals the number of spaces that would be required for each individual use. For example, the ordinance requires 10 parking spaces for every 1,000 square feet of the fitness center, but studies conclude only five parking spaces are necessary. We are asking you to recognize what a Shared Parking model is. Our client is comfortable that this will work.

Mr. Haderer: Can you explain the theory of Shared Parking?

Mr. Pehnke: Residential and commercial use peak at different times. Residential peak is at night when the retail stores are closed. The fitness center sees its peak in January and February and Saturday mornings and early evenings. "The intent of shared parking is to create a parking supply that is efficient to accommodate the total mix and efficiently use every space."

He said that other transit-oriented developments attract single young professionals with one or no car, who use mass transit to get around

Mr. Urciuoli: How many spaces are behind the building?

Mr. Pehnke: 129 spaces.

Mr. Irene: If you were circling to look for a parking spot and couldn't find one, you would have to exit onto Broad Street and come back in.

Mr. Pehnke: The idea is to use all the spaces.

Mr. Urciuoli: Will you designate the back area spaces to residents or employees?

Mr. Pehnke: No, that is not the intent of Shared Parking.

Mr. Butler: Does that apply to Walgreens also?

Mr. Pehnke: Yes

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Mr. Lopez: "As an individual, if I were to rent one of these places, I am going to leave my car there all day long and use mass transit to go back and forth, I am fearful of a car sitting there all day long, and it could impact the commercial businesses. Is there a possibility of increasing the number of parking spots?"

Mr. Pehnke: Yes, but the total number of cars will be less as most families will not have two cars.

Mr. Urciuoli: Is there a willingness to go underground for parking.

Mr. Pehnke: No, that would not be cost effective.

Mr. Urciuoli: Is there any way you would increase the number of spaces?

Mr. Aulenbach: We are finding that people are going in and out without vehicles. We are providing Zip Cars.

Mr. Lopez: We don't want a situation where there are empty store fronts on the first level because there is not ample parking for their customers.

Mr. Irene: Will there be enough room for large trucks to park under the cantilever?

Mr. Lopez: Is there enough room for a car to pass a truck parked there?

Mr. Pehnke: Yes, there is a 24 foot aisle.

Mr. Irene: Do you agree with that statement Mr. Haderer?

Mr. Haderer: Yes, there is enough room for one way movement.

Mr. Montfort: How many businesses will there be

Mr. Aulenbach: Fifteen to twenty.

Mr. Aulenbach: The retail stores can have restricted areas and times for deliveries

Mr. Pehnke: The site is designed to have all areas productive; there might be short term inconveniences but the overall it works.

Mr. Cassidy asked if there were any questions from the public for this witness.

Mr. Montfort: "It is just a big parking lot with a building. There is no outside space for anyone if they wanted curbside dining. There is no open space for the 130 residents. You can't do anything on the property. The intent in our ordinance is that we are looking for this. I don't think this site does, as currently mapped out." He also stated that the plan lacks an architectural theme that is consistent with the character of the town, and requested that an architect be present at the next meeting.

Mr. Cassidy asked if there were any questions from the public for this witness.



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Aberdeen resident Arthur Hirsch, owner of Snap Fitness came forward and was sworn in. Mr. Hirsh said, 93 % of people come to his fitness center alone, and was concerned that there would not be enough parking to accommodate all the uses. He said: "During peak times, a 16,000 square foot fitness center would draw 150 to 160 vehicles to the area. I am speaking on experience. Where are you going to put 150 to 160 vehicles? I don't see how you are going to have enough spaces to fit all the uses."

Mr. Pehnke disagreed, saying, "We are not anticipating 100 people at one time. I am comfortable with the numbers that we are using."

He reminded the board that the development will be mixed-use. With shared parking, the number of spaces would be adequate.

Mr. Lester J. Nebenzahl, a licensed Land Use Planner with Lester J. Nebenzahl & Associates, LLC, Watchung, NJ was sworn and his credentials accepted.

Mr. Nebenzahl testified that the only new variance needed that had not previously been approved will result in a Mixed Use Development.

He said he understood that there were great concerns about the parking and that they would show that there would be no detriment. He said: "If a Retailer doesn't think there are enough parking spaces for their business they will not lease on this property."

"The benefits to be derived far outweigh any detriments that might occur."

At this time Mr. Irene announced that it was after 10 pm and the meeting would have to come to an end. Local ordinance prohibits municipal meetings from going past 10 p.m. in the borough. He asked Mr. Alfieri if they could continue at the Monday April 6 2013. Mr. Alfieri said that was fine but that Mr. Pehnke would not be available. That was agreeable to all in attendance. Mr. Alfieri stated that they would bring an Architect on May 6 and that all comments will be addressed.

Chairman Cassidy requested a motion for a continuance of JSM @ Matawan Phase II to May 6, 2013 at 7:00 pm with no further notice required.

Mr. Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez

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Yes: Daniel Acquafredda  
Motion approved

Chairman Cassidy requested a motion to adjourn. Mr. Montfort made the motion, seconded by Mr. Acquafredda.  
The board voted with all members in favor and the meeting was adjourned at 10:05 PM.

Respectfully submitted  
Nancy Jo Palermo  
Recording Secretary