

**Minutes of the  
Unified Planning/Zoning Board of Adjustment  
May 6, 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 May 6, 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:

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Thomas Fitzsimmons – arrived at 7:15pm  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
No: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga – left at 7:20pm  
Yes: Andrew Lopez  
Yes: Daniel Acquafredda - arrived at 7:03pm – left at 8:30pm

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

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of the April 1, 2013 meeting. Mr. Cassidy made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

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

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Yes: Joseph Urciuoli  
Yes: Andrew Lopez

Motion approved

**Applicants:**

1. JSM @ Matawan Phase II, LLC – 947-955 Highway 34 – Block 40, Lots 6 & 7 (*Site Plan Application*)
2. Laurdan Realty, LLC – Main & Broad Streets – Block 50, Lot 16 (*Site Plan Application*)
3. Frank & Shari Whalen – 24 Sunset Avenue – Block 55, Lot 4 (*Variance*)

**Frank & Shari Whalen**

Mr. and Mrs. Whalen came before the Board to request a variance for in-ground pool.

They were sworn in as well as Mr. Ed Herman of T & M associates.

The Whalen's explained that they wanted to replace an 18 ft. by 24 ft. above ground pool that had been destroyed by Super Storm Sandy, with a 15 ft. by 34 ft. freeform shape in-ground pool in their yard. They have a 34% lot coverage where 30% is the maximum allowed.

Mr. Cassidy asked if their neighbors had a pool and they replied yes. Mr. Urciuoli asked if there was grass to left of the area and was told yes.

Mr. Cassidy asked if there were any questions from the Board-no response. Any questions from the public- no response.

Chairman Cassidy requested a motion to approve the Variance. Mr. McKenna made the motion, seconded by Mr. Saporito. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Andrew Lopez

Motion approved

Mr. Irene explained to the Whalens that it would behoove them to wait until they received the resolution and permits before beginning the project. The Whalen's said they understood and left the meeting.

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**Laurdan Realty, LLC**

Mr. Salvatore Alfieri, Attorney for Laurdan Realty requested a continuance.

Mr. Irene stated that the notice stated 7:30 pm and they would wait until then to commence voting. At 7:40 Mr. Cassidy asked if there were any interested parties for Laurdan-no response.

Chairman Cassidy requested a motion to carry the application without necessity of re-notice to the June 3, 2013 meeting. Mr. Cassidy made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes Andrew Lopez

Motion approved

**JSM @ Matawan Phase II, LLC**

Mr. Irene stated that this was a continuance without necessity of re-notice from the April 3, 2013 meeting. He explained that Mayor Buccellato had been asked to recuse himself from what Mr. Irene thought was a conflict of interest. Upon further understanding of Mr. Buccellato's relationship with Langan Engineering & Environmental Services and the fact that Mr. Buccellato had remained in the audience for the remainder of the meeting, it was deemed that he would be able to vote on this application.

At 7:15 Mr. Fitzsimmons joined the meeting and Ms. Malanga excused herself.

Mr. Herman was sworn in and Mr. Irene reminded Mr. Aulenbach that remained under oath.

Mr. Aulenbach, director of planning and development for Edgewood Properties, said: "We have submitted revised plans, based on changes that not only the Board recommended, but

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things that have transpired over the past 30 days, we were able to accommodate some of the Board concerns, some of the Board's professional's concerns, and put them into the site plan and alleviate some of the parking concerns that the board had."

Mr. Aulenbach submitted revised plans into evidence.

He said that site plans had been revised as they had no tenant for a Fitness Center, they were now going to have a two story Medical Building where the Fitness Center had been proposed.

He said they reconfigured the parking lot plans to add parking spaces. The retail space went from over 26,000 square feet to under 26,000 square feet making the first floor fifteen percent residential. They also added Shuttle space in the front of the building so that the residents can wait inside for the shuttle.

He also explained that there would be a fitness center in the building for the residents use only.

There will be a bike rack to accommodate sixty bikes and a storage closet in each unit where the residents can store bikes, beach chairs, etc.

He explained that the Medical; Center would be in the same location and same dimensions as the before and that the entrance would be to the rear as that is where the parking is. This will keep the front facade consistent.

Mr. Aulenbach said that concluded his presentation of the changes that were made.

Mrs. Rose Siniscal, 3 Mohawk Dr. was sworn in and asked how many units there would be. Mr. Aulenbach said there are four floors with 130 units between 800 and 2000 square feet.

There will be 56 one bedroom units and 76 two bedroom units.

Mr. William Shento, Idlebrook Lane was sworn in and had a parking question; he was told the traffic Engineer would be addressing that.

Mr. Cassidy asked if there were any other questions from the public no response

Mr. Aulenbach said they would comply with all revisions form the T & M report.

The following question were asked and answered:

Mr. Herman: Where is the residential garbage located and who empties it?

Mr. Aulenbach: There will be refuse pickup every day and the dumpsters will be for retrieval use only.

Mr. Gallego: What time will the refuse be picked up?

Mr. Aulenbach: Usually in the early morning

Mr. Saporito: What is the reasoning for no assigned parking spaces?

Mr. Aulenbach: The Traffic Engineer will address that.

Mr. Herman: Will the shuttle be handicap accessible? You will need to add an ADA ramp?

Mr. Aulenbach: The shuttle will be handicap accessible and we will add the ramp.

Mr. Shento: Will each floor have their own trash and recycling collection?

Mr. Aulenbach: Yes.

Mr. Cassidy: Do you worry about foul balls from the baseball field hitting the cars in the parking area?

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Mr. Urciuoli: There are foul balls that go over the fence.

Mr. Aulenbach: It's possible we could put mesh netting up during the baseball season or possibly a bigger backstop

Mr. Saporito: A bigger backstop would be better.

Mr. Fitzsimmons: A fence would be the only solution.

Mr. Urciuoli: What size fence would you put up?

Mr. Aulenbach: Six feet. We could put up a sign that states the Borough is not responsible for any damage.

Mr. Herman: Residents won't want to park on that side. It would be in your best interest to do something.

Mr. Fitzsimmons: We are talking about a two month period from 6-7:30 pm on weekdays and Saturdays'.

Mr. Alfieri called Mr. Francisco Lado, Architect from EP Design Services, LLC. Mr. Lado was sworn in and his credentials were accepted.

Mr. Lado explained the roof around the building is higher on the sides and the HVAC units would be set inside down lower and the piping will run up to the roof.

In regards to the lighting, Mr. Lado said: "We are looking for direction from the Board".

Mr. Urciuoli: Recessed lighting is attractive and contemporary.

Mr. Gallego: Do the stairs from each floor go to the outside?

Mr. Lopez: Have the fire officials agreed to this?

Mr. Aulenbach: Yes; since the stairwells were moved closer together and located near the fire connections.

Mr. Irene: We should mark the color façade renderings A-12.

Mr. Cassidy: Can the front of the building be more Victorian?

Mr. Buccellato: None of the renderings shows enhancement and features that the Board requested.

Mr. Lado: We can redesign that and tweak the extras.

Mr. Buccellato: Can the Chairman select members to go over this before the next meeting?

Mr. Irene: My suggestion is that there should be no sub-committee.

Mr. Alfieri: We can work with you, we thought we were compliant.

Mr. Urciuoli: Is this vinyl siding? We are looking for stucco and brick.

Mr. Lado: It is more Traditional than Colonial.

Mr. Acquafredda: I have to leave at 8:30, "We want this to succeed, we are not happy with the ascetics".

Mr. Saporito: "I agree".

Mr. Irene: "Let the record reflect that Mr. Acquafredda left".

Mr. Buccellato: If you enhance the entrance the Board might waive the height restriction.

Mr. Urciuoli: This is the largest residential area in Matawan Borough.

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Mr. McKenna: This is not unified, it needs a theme.

Mr. Aulenbach: We will send drawings from the Piscataway and Somerville locations in advance of the June meeting for you to look at.

Mr. Gallego: In regards to the maintenance of the HVAC units; how would you bring heavy parts up for repair?

Mr. Aulenbach: We would bring in a crane for the large unit and use the elevator for the smaller units.

Mr. Cassidy asked if there were any more questions for Mr. Aulenbach and there were none.

Mr. Acquafredda excused himself from the meeting at 8:30 stating that he would be listening to the minutes in entirety before the June meeting so that he would be eligible to vote.

Mr. Alan Lothian, Traffic Engineer with Langan Engineering and Environmental Services was sworn in and his credentials were accepted.

In addressing the parking situation, Mr. Lothian stated that the Medical Center would require significantly less parking spaces than the previously proposed Fitness Center.

The supplemental parking analysis says there are 373 required parking spaces plus twenty percent for the restaurant component. We are in excess of thirteen spaces now and by shifting the parking, better circulation will be had.

“Shared parking means no designated parking spaces”. A M.U.D. means there will be different parking demands at different times of day.

Mr. Gallego: Why is the Medical Center different from the Fitness Center in parking allowance?

Mr. Lothian: A Fitness Center would require more spaces per square foot than a Medical Center.

Mr. Urciuoli: How many spaces behind the building

Mr. Lothian: 124 spaces

Mr. Urciuoli: If we could get the tenants to park behind the building it would be more advantageous. If you go through the front and have to park in the back how would they get to the retail area?

Mr. Aulenbach: There will be a restriction in the lease that employees and residents will park in the back.

Mr. Butler: Do the 374 spaces include the eighty for Walgreens?

Mr. Lothian: Yes

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Chairman Cassidy requested a motion for a continuance of JSM @ Matawan Phase II to June 3, 2013 at 7:00 pm without necessity of re-notice but with the stipulation that Mr. John Applegate, director of Public Works for the Borough of Matawan, be present to address issues regarding sewer lines.

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

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez

Motion approved

Chairman Cassidy requested a motion to adjourn. Mr. Cassidy made the motion, seconded by Mr. Saporito.

The board voted with all members in favor and the meeting was adjourned at 9:25 PM.

Respectfully submitted  
Nancy Jo Palermo  
Recording Secretary