

**Minutes of the
Unified Planning/Zoning Board of Adjustment
March 4, 2019
7:00 PM**

A 2019 Regulatory 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 March 4, 2019 with Chairman Ricky Butler presiding. Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by publishing notification in *The Independent* on January 15, 2019, by sending notice to the *Asbury Park Press*, and by posting. Chairman Butler called the meeting to order at 7:05 PM.

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

Chairman Butler requested a roll Call.

On roll call the following members responded present:

Yes: Joseph Altomonte
Kurtis Roinestad
Deana Gunn
Joseph Urciuoli
Ricky Butler
Guy Buckel
Paul Kelahan
Jerry Martin
Sharen LaPorte
Brian Livesey
John Lazar
Justin Dapolito

Absent – Timothy Moran

Also present Micheal A. Irene, Jr., Esq., Planning Zoning Board Attorney and Robert W. Bucco, PE, Planning Zoning Board Engineer.

Applicant(s)

Andrew Scibor – 226 Main Street – Block 29, Lot 30
(*Major Site Pan w/Bulk & Use Variances*)

Mr. Irene states that this application includes D variance relief therefore he asks that his Class I and Class III board members step down. Board member Kurtis Roinestad, who resides within 200 feet of the subject property and board member Justin Dapolito, who has a conflict of interest, will also recuse oneself and step down from the dais.

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Mr. Irene marks a letter dated 2/25/19 submitted by Justin Dapalito -Vice Chairman of the Historic Sites Commission of Matawan as exhibit B-2.

Mr. Dante Alfieri, Esq., representing the applicant addresses the board and reviews the testimony given by Mr. Lesbirel, the applicant architect, at the last meeting dated 1/4/19. The board had questions pertaining to the historic status of the structure, means of storage for the tenants and the window wells for the basement apartments. Mr. Alfieri states that he has two witnesses here today to address these issues.

Mr. Irene swears in Mr. Bucco board engineer.

Mr. Alfieri introduces Richard K. Heuser, a New Jersey licensed Engineer. Mr. Heuser was sworn in and the board accepts his credentials. The following evidence was submitted; Site Plan prepared by Richard K. Heuser P.E. & L.S. dated August 22, 2018 consisting of 3 sheets. Mr. Heuser describes the existing site, which is located in the R50 residential zone with a lot width of 79.7 feet, depth of 265 feet and area of 20, 547 square feet. The lot currently exceeds all bulk requirements. The property consists of a 3- story single family residential home. The rear yard contains a concrete driveway, concrete pad for parking, small storage shed and a two car garage. The applicant proposes to renovate the interior of the existing structure from a single family dwelling to an eight (8) unit multi-family apartment dwelling, consisting of seven (7) one-bedroom apartments and one (1) two-bedroom apartment. The applicant also proposes to widen the drive to 24' and create a U-shaped paved area where emergency vehicles could turn around. There are nineteen (19) parking spaces proposed in the rear of the property, landscaping of evergreens between the properties, as well as an underground storm water detention/dry well collection system for impervious covering on the property. A handicapped parking stall with a direct path to a lift at the front of the building will also be provided.

A new basement window design is being proposed, which includes the removal of one window well, large enough for entry or exit, on the east side adjacent to the bay window to accommodate the expanded driveway and will now comply to Mr. Bucco's review letter.

Chairman Butler opens the floor to the public for any question for the Engineer.

Caren Ford, Chairwoman of the First Baptist Church, which is the neighboring property, questions the removal of the existing fence. The existing fence will be removed from the property line and relocated onto said property. She is also concerned with how emergency vehicles will be able to turn around without hitting the retaining wall that is between the properties. Mr. Irene states that an emergency vehicle plan has been outlined in the application and has marked it as Exhibit A-3. Ms. Ford also states that the Board of Trustee from the Baptist church does not and will not grant any easements on their property. Mr. Irene submits into evidence, as Exhibit A-4, a letter from the Fire Official Glenn Turner stating that an easement is not required.

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Jorge Fernandez, Architect, representing the applicant. Mr. Irene asks Mr. Fernandez to state his credentials and questions his employment with the firm at which drew up the plan. Mr. Fernandez states he was asked by Mr. Lesbirel to cover for him in his absence. He also states that he drew up the revised detailed window well plans together with Mr. Lesbirel at his firm. After further board discussion the board has decided to accept Mr. Fernandez's credentials. Mr. Irene marks Window Well Details as Exhibit A-5. Mr. Fernandez states that the existing window will be replaced with a new 6" well with drainage at the bottom and water will be dispelled into a seepage pit that runs underground and through to a drywell located in the rear of the property. The well will include a ladder for emergency egress and surrounded by a wrought iron fence.

Chairman Butler opens the floor to the public for any question for the Engineer

Marcy Riley – 224 Main Street questions the possibility of flooding and what will stop the water from going into the basement apartments.

Mr. Irene marks an Ariel view of the property supplied by Google Earth as Exhibit A-6

Gordon Gemma, Oceanport, NJ, licensed professional planner representing the applicant. Mr. Gemma was sworn in and the board accepts his credentials. Mr. Gemma submits into evidence an aerial image of the property and is marked as Exhibit A-6, and (7) images of the surrounding properties, marked as Exhibit A-7. Mr. Gemma describes the exiting property, surrounding area and the variances needed. He explains that this application fits into Matawan's own Mater Plan and the Borough's objectives for the town and calls it a winner. This application is also 100% compliant with Matawan's land use laws. The change to multi-use family from single-use family allows the owner to use the property as a business which everyone hopes will succeed. It will satisfy Matawan's Master Plan both from a historic preservation standpoint and a business standpoint. The conversion into an 8 apartment dwelling would actually be a good and not at all a negative thing as defined by Matawan's own Master Plan. He also explain that in 2007 Mr. Scibor went before the board to seek a use variance that would allow him to covert the dwelling into office space he, himself appeared and testified against the application and quoted that "the board made a gruesome mistake of listening to me" and the application was denied. He feels that in this instance, as a residential use, with residential surroundings and a multi-family dwelling located behind it, is an appropriate use and does not feel that it will have any detrimental impact compared to the positives that will be achieved.

Chairman Butler opens the floor to the public for any question for the planner.

Mr. Pyke questions the impact on the neighboring properties financially. Mr. Gemma replies that he is not permitted to testify on this kind of question because he is not a licensed real estate agent.

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Justin Dapolito – 8 Essie Drive question if registering this property with SHIPA to ensure that the property exterior stays the same. Gemma replies that it is there intent and purpose to preserve the exterior of the property and registering it with SHIPA may be detrimental and have to include the interior as well.

Sam Rizzo questions why 8 apartments, specifically, are proposed. Mr. Gemma replies that this question is better suited for the architect.

Regina Hawn –222 Main Street - her home predates this house, she is concerned that by changing the use variance for this particular property we make all the other homes available for modifications and this will change the atmosphere of the community and will affect her and some of the other historic homes in the area. If variances are given with conditions on the deed itself, what is to preclude the owner from selling the building to someone who is no longer bound by the conditions set. Mr. Alfieri states the conditions run with the property regardless of ownership.

Chairman Butler announces there will be a 5 minute break.

Kurtis Roinestad, 13 Church St., questions the historic registration of the property and states that with doing so not only would it assure the town it would also benefit the applicant with the grants he can obtain. Mr. Gemma replies that there is a chance that once you register the property you lose the flexibility to only preserve the exterior.

Mr. Savolaine, Matawan town historian. Mr. Irene swears in Mr. Savolaine. Mr. Salolaine testifies that when registering on a national level you must be qualified and meet a list of specific criteria. Once qualifies they will be looking at not just the exterior but the interior as well. They will not allow you to change the character of the dwelling.

Justin Dapolito- 8 Essie Drive - Mr. Irene swears in Mr. Dapolito. Mr. Dapolito states that the National Registry of Historic Places is different from landmark status. What Mr. Salvolaine described is landmark registry. The National Registry of Historic Places requires less information, it is a registry to preserve historic places for its looks and structure.

Chairman Butler opens the floor to the public for any question or comments.

Kim Cole – 13 Texas Road, states the Mr. Scibor acquired this property from someone else who destroyed it. He acquired this property to protect and preserve it and you are all preventing this from happening for your own reasons. You are destroying this piece of history with your preventions. His intentions are good and you are not allowing him the opportunity to show you. He is a landscaper that knows drainage, he knows what Matawan is and he knows the property. Let him show you what he is capable of preserving in your town.

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Tom Burke – 224 Clinton St., Mr. Irene swears in Mr. Burke. Mr. Burke testifies that Mr.Scibor owns many properties in town and maintains them very well.

Marcy Reilly – 224 Main Street. Mr. Irene swears in Mrs. Reilly. Mrs. Reilly questions the future of Matawan and fears, that by granting this application, in future all old homes will become the same. When she moved into her home she bought in a single family zone and she thought it would stay that way. She is afraid that allowing this application will drop the value of the other homes in the area. She is also concerned with the water/drainage, lighting from the parking lot in the rear and the impact it will have on her property, privacy and noise, especially the sound of the garbage truck coming and going.

Deborah Atzib – 16 Church Street. Mr. Irene swears in Ms. Atzib. Ms. Atzib states that she is the new kid on the block and currently lives behind the dwelling and she would not have purchased her home knowing that an 8 apartment building would be constructed in her backyard.

Mr. Alfieri concludes and states that the property will remain in its current state and asks the board to approve this application.

Mr. Irene makes sure that Mr. Alfieri and his applicant understand that there is a maximum of six (6) voting members tonight and five (5) affirmative votes are required for the “D” variance.

Mr. Alfieri request a 2 minute break to confer with his client. Mr. Alfieri requests the vote on this application be carried to the April 1, 2019 meeting to ensure a full board vote. The board grants this request to the applicant.

Mr. Urciouli makes a motion to carry this application to the April 1, 2019 meeting date without the need to re-notice, seconded by Mr. Livesey. Chairman Butler requests a roll call vote. A roll call vote was taken.

Yes: Joseph Urciouli
Guy Buckel
Paul Kelehan
Jerry Martin
Brian Livesey
John Lazar

Motion Passed.

Resolution(s) to be Memorialized

Kurtis Roinestad- 205 Jackson Street-Block 237 Lot 12

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Minor Subdivision

Mr. Urciouli made the motion to approve this minor subdivision, seconded by Mr. Kelehan. Chairman Butler requests a roll call vote. A roll call vote was taken.

Yes: Deana Gunn
Joseph Urciouli
Timothy Moran
Guy Buckel
Paul Kelahan
Jerry Martin
Brian Livesey
John Lazar
Justin Dapolito

Motion Passed.

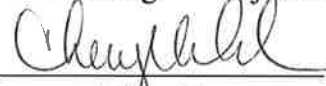
Approval of Minutes

Chairman Butler requested a motion to approve the minutes of February 4, 2018. Mr. Buckel made the motion, seconded by Mr. Lazar. Board agreed. Motion passed.

Adjournment

Chairman Butler requested a motion to adjourn. Ms. Gunn made the motion, seconded by Mr. Urciouli. The Board agreed. Motion passed.

The meeting was adjourned at 10:10 PM.


Cheryl Adamski
Recording Secretary