

Unified Planning/Zoning Board of Adjustments Meeting
April 7, 2008

The meeting was called to order by chairman, Ken Cassidy, and the pledge of allegiance was recited.

Roll call was taken with the following members present: Mr. Buccellato, Mr. Cassidy, Ms. DeYoung, Mr. Dolan, Mr. Mendes, Mr. Montfort, Ms. Rinear, Mr. Saporito, and Mr. Shea. The only alternate that was present was Ms. Malanga.

Ms. Rinear made a motion to approve the minutes of the March 3, 2008 meeting and Mr. Shea second. All members voted in favor with Mr. Saporito and Ms. DeYoung abstaining.

The first application was JCP & L Block 119, Lot 1 & 62

Mr. Beyel is the applicant's attorney. Mr. Venezia, the board professional, was sworn in. The application is to replace 2 pieces of equipment at the substation on Lot 1. They are replacing existing vacuum switches and fuses with circuit breakers. There are no variances needed. They are seeking preliminary and site plan approval. Photos and the plan were marked for exhibit. The former board engineer had sent a letter and the applicant will comply.

Mr. Zenyuck, who works for First Energy, is the applicant's planner and was sworn in. He reviewed the application and explained that the substation has been in that location since 1962. They are not increasing the height or the width of it but are trying to enhance the outdated equipment. The substation's purpose is to take the voltage to a lower level to serve the customers.

Mr. Mendes made a motion to approve the application and Mr. Shea second. The board voted with all members in favor.

The second application was Mr. Herseg 181 Washington Ave, Block 78, Lot 10

Mr. Kalma is the applicant's attorney. Mr. Venezia, the board professional, was sworn in. The notices were reviewed and approved. The site plan and tax map were marked for exhibit. There is no D variance needed, it is a minor sub-division.

Mr. Heuser, the applicant's planner, was sworn in. He stated the property is within the R75 single-family zone. The existing house and shed will remain. He reviewed the existing conditions and setbacks. The applicant is providing the 2 easements as per the board engineer's report. They would like to make the existing lot into 2 lots; the Washington Avenue lot with the existing house and a new corner lot with a new house. The applicant is seeking 2 waivers and variances as needed for this subdivision. Mr. Heuser stated the other lots in the area are both undersized and are under width requirements as well and they fall within this category. He then reviewed the board engineer's letter and stated they have complied with all requirements with the only exception being that the driveway is too close to Liberty Street. If this is an issue, they can move the driveway but he believes it is better where it is.

Board questions- Mr. Cassidy asked if they are making 1 conforming lot into 2 non-conforming and the planner said yes.

Mr. Shea asked why there are so many lots in this category and the planner explained that many lots were done years ago and it is just something that has continued to transpire over the years.

Mr. Irene asked if all these lots are in the same area and are they all single family and the planner said yes, the ordinance was not completed until the 1960s.

Public questions-

Ms. Mangano of 179 Washington Ave asked where the driveways would be facing and the planner said onto Washington Ave.

Mr. Herseg, the property owner at 181 Washington Ave, was sworn in and stated he has been there for 24 years. He said his house is about 60 years old. He pointed out that there are houses just like this on the neighboring street of Liberty Street.

Board questions-

Mr. Montfort asked the square footage of the house and lot and Mr. Herseg was not sure at this time.

Mr. Irene asked if Mr. Herseg worked for the town water department and he said yes and he has worked there for 13 years. Mr. Irene then asked him if the mayor or any councilperson on the council appointed him to this job and he said no. Mr. Irene was just clarifying that there were no conflicts of interest with the board.

Mr. Saporito asked if both houses would be single family and the applicant said yes.

Public questions-

Ms. Mangano of 179 Washington Ave was sworn in and stated she had a letter for the board in regards to her concerns on health and safety issues as well as other issues. Mr. Irene informed her that the letter was hearsay and she could not read it but could ask her questions of the applicant and the board.

Ms. Mangano said she lived there for 20 years and is upset about the noise and traffic this will cause, She also asked about the drainage and water on the street, no sidewalks, garbage collection and that housing values will go down if more residents do this. The applicant's attorney stated that the board has set the precedence for this type of application already and went onto list blocks and lots in the neighborhood.

Mr. Mendes asked if they could relocate the driveway to the Liberty side of the house and the planner said yes but the front of the house is on Washington Ave. He stated it could be in the back of the property and they could exit on Liberty Street. He added that the board engineer had advised 3 other spots for the driveway as well.

Mr. Dolan stated that he could not see how this is a detriment to the neighborhood and agreed that precedence has been set.

Mr. Irene reminded the board that their job is to weigh the negatives and positives of each application.

Mr. Buccellato said he still had questions on the driveway location. The board engineer said they could run 2 driveways parallel and adjacent. The applicant said he would comply with that. The board engineer said that there was a tree that would have to come down and the applicant agreed to that as well.

Mr. Dolan made a motion to approve the application with the relocation of the driveway and Ms. Rinear second. The board voted with all members in favor except for Mr. Montfort who voted no.

The third application was Mr. Ferraj 77 Aberdeen Rd Block 64.01, Lot 13

Mr. Prysycz of 410 Matawan Ave, the contract buyer, was sworn in. Mr. Venezia, the board professional, was sworn in. The notices were approved. The application is D variance so the Class 1 & 3 members stepped down. Mr. Kalma is the applicant's attorney. Mr. Kalma stated that the application is for a major sub-division into 3 lots, which are all undersized, and for the setbacks. He went on to review the letter from the board engineer and the photo board that was marked for exhibit. Mr. Prysycz stated that the surrounding area is an apartment complex and he reviewed the photos of the property. He would like to build 2 homes in 1 structure as an attached dwelling. The firewall would be the divider and the lot line. He stated he would live in 1 house and his kids would live in the other. He said right now he would be the same owner but that could change.

Board questions-

Mr. Cassidy asked if there were other properties like this in town and Mr. Kalma said yes on Broad Street.

Mr. Cassidy asked why they would not just divide the lot and put 2 separate houses on it and the applicant said it would not be feasible due to the size it would have to be.

Mr. Montfort stated he was concerned with the divider and asked if 2 separate houses would definitely not work and the attorney said they probably would not make all the setback requirements and would not fit in with the look of the neighborhood.

Public questions-

Ms. Hopf of 75 Aberdeen Rd asked to have clarified exactly what was being proposed.

Mr. Irene stated 3 lots; a 2 single family attached dwelling and 1 single family with a garage and a pool.

Mr. Hopf of 75 Aberdeen Rd was sworn in and said that he has been there for 16 years and owns a single-family house. He made the point that he would not want rental units there and that he felt single-family homes will increase his home's value.

Mr. Fletcher is the applicant's engineer. He reviewed the plans and stated that the house was not too big and would be far enough away that it would not affect the neighborhood single-family home values. He stated there are apartments right there and that these homes would be a transition between the apartments and the single-family homes in the neighborhood.

Board questions-

Mr. Montfort stated he did not see the need for the attached houses and would recommend 2 single-family homes instead. The applicant's engineer disagreed and stated it matches the current neighborhood.

Public questions-

Ms. Hopf of 75 Aberdeen Rd was sworn in and stated the apartments are set back so this home will not blend in. She also stated that she believes insurance companies tend not to want to insure rentals.

Mr. Ferraj, the current owner, was sworn in and he stated there are 250 apartments right near by so this house could only improve the neighborhood.

Mr. Hopf of 75 Aberdeen Rd said that if the precedence is set with this application, he is afraid it could happen again.

The attorney explained how much would it cost to sell a single-family house of this size- it is not feasible for his client. Mr. Irene cautioned the board that this issue is not their concern.

Board questions-

Mr. Shea asked if this is in the R100 zone and Mr. Irene said yes but these would be 3 undersized lots in that zone.

Mr. Dolan stated he agreed that this would bring down the single-family home values in the area.

Public questions-

Mr. Ferraj stated again that if this is a brand new house, it could only improve the neighborhood.

The attorney then stated that his client would re design the plan for 3 separate single-family homes if the board would agree to carry over the application.

Mr. Cassidy stated it would then be a brand new application and Mr. Kalma said then he would like a vote on this application before the board tonight.

Mr. Cassidy made a motion to deny the application and Ms. Rinear second. The board voted with all members in favor but with Mr. Saporito abstaining.

The fourth application was 226 Main Street Block 29, Lot 30

Mr. Venezia, the board professional, was sworn in. This is a D variance so the Class 1 & 3 members stepped down. The photos and survey were marked for exhibit. Mr. Montfort recused himself. Mr. Alfieri is the attorney. He stated the applicant is seeking D variance relief and a use variance. He stated that they have not engineered the site and if it were approved they would come back with the other site plans. The property was a foreclosure and has been vacant. The applicant wants to use it entirely for office space.

Mr. Higgins, the applicant's planner, was sworn in. He reviewed the application and property. He reviewed the permitted uses in the area and the map of the area. He stated they needed the use variances for the office space. They are trying to preserve the architectural and historic structure and are looking for deed restriction to assist with this.

Board questions-

Ms. Rinear said she was worried about the parking with so many offices there and the attorney then had a concept plan of the parking marked for exhibit.

Mr. Shea asked if they were knocking anything down and they stated no.

Mr. Saporito asked how the access would be and the attorney stated it would be from Main Street only.

Mr. Cassidy asked how many offices and the planner said they do not have a number yet but there will be offices on all 3 floors.

Mr. Cassidy asked how close the driveway is to the neighbors and the planner said it would stay where it is now.

Ms. DeYoung asked if there will be apartments there as well and the attorney said no, there would be no residential issue.

Public questions-

Mr. Montfort of 209 Main Street stated he did not know how it could not be suited for a residence when it has been a residence for 100 years. The planner stated that he meant it is not feasible due to the high cost of maintenance and it has been vacant for 5 years.

Mr. Montfort asked if the inside would be chopped up for offices and the planner said he could not give a definite answer as the plans are not drawn up yet but the applicant is cooperative.

Mr. Montfort asked why is the property being bifurcated and Mr. Irene explained that in the Municipal Land Use Law it allows applicants to save on engineering costs by coming to the board first for D variance relief approval. Mr. Irene then asked that because Mr. Montfort is a neighbor and is an interested party in the decision, if any board member felt they couldn't be impartial. The board had no objections and neither did the applicant's attorney.

Mr. Dolan did state he knows that these residences are hard to maintain and are costly. Ms. Reilly of 224 Main Street stated she was concerned about how close her home is to the parking spaces. The planner said he thinks it will be all right; he would not want to move it closer to the church side of the property.

Ms. Reilly asked what would be between her property and the pool and the planner stated a fence and its height would be determined on the site plan.

Ms. Reilly asked if the commercial use on Main Street takes into account both residential and apartments and the planner said yes both are taken into consideration.

Ms. Reilly asked if the driveways are sufficient for rescue vehicles and the planner said the fire official stated it was sufficient.

Ms. Reilly asked if there was a traffic study done on Main Street and the planner said no but that he knows the traffic pattern there and does not see a problem with it.

Ms. Reilly asked if it was rent able and did they look into other such properties for rent in the area and the planner said yes and that this applicant owns other properties in town and has them rented.

Ms. Reilly was then sworn in as she gave a history of the property, as she knows it.

Ms. Rinear made a motion to carry over this application to May 5, 2008 without notice and the attorney granted an extension of time and Mr. Shea second. The board voted with all members in favor.

Resolutions

Walters Resolution

Mr. Cassidy made a motion to approve and Ms. Rinear second. The following roll call vote was taken: Mr. Cassidy-yes, Mr. Montfort-yes, Mr. Mendes-yes, Ms. Rinear-yes, Mr. Shea-yes and Ms. Malanga-yes. Mr. Buccellato-abstain, Ms. DeYoung-abstain, Mr. Saporito-abstain, and Mr. Dolan-abstain.

Alvarez Resolution

Mr. Montfort made a motion to approve and Ms. Rinear second. The following roll call vote was taken: Mr. Cassidy-yes, Mr. Montfort-yes, Mr. Mendes-yes, Ms. Rinear-yes, Mr. Shea-yes and Ms. Malanga-yes. Mr. Buccellato-abstain, Ms. DeYoung-abstain, Mr. Saporito-abstain, and Mr. Dolan-abstain.

ESK Builders Resolution

Mr. Montfort made a motion to approve and Ms. Rinear second. The following roll call vote was taken: Mr. Cassidy-yes, Mr. Montfort-yes, Mr. Mendes-yes, Ms. Rinear-yes,

Mr. Shea-yes and Ms. Malanga-yes. Mr. Buccellato-abstain, Ms. DeYoung-abstain, Mr. Saporito-abstain, and Mr. Dolan-abstain.

Other Business

Mr. Irene told the board that the annual Municipal Land Use report needs to be done. He suggested that the board ask the administrative secretary to gather the information. The board engineer suggested that they use excel sheets and work with the Borough clerk. Mr. Irene said his office could pull together all the resolutions that were drafted by zone and compile a report but it was up to the board.

Mr. Cassidy made a motion to have Mr. Irene's office gather the information for the annual report and Ms. Rinear second. The board voted with all members in favor.

Mr. Cassidy reminded the board that they have to review their fees again. He said he would have the process started because we are still deficient in comparison to other towns.

Mr. Shea asked about the cell tower application and it was stated that the police have had it carried as they are looking for an additional site. They have been looking at Middlesex Rd, Broad St, and Main St. Mr. Irene stated as far as he knows there has only been a letter sent and no application brought before the board.

Ms. Rinear made a motion to adjourn and Mr. Cassidy second. The board voted with all members in favor.

The meeting was adjourned at 10:30p.m.

Respectfully submitted,

Diane Cannon
Board Recording Secretary