

Unified Planning/Zoning Board of Adjustments Meeting  
December 1, 2008

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

Roll call was taken with the following members present: Mr. Buccellato, Mr. Cassidy, Mr. Mendes, Mr. Montfort, Ms. Rinear, and Mr. Shea. Mr. Saporito arrived late. Absent were: Mr. Dolan and Ms. DeYoung. Alternates present were: Ms. Malanga and Mr. McKenna.

The first application was James and Susan Murphy 13 Lakeside Drive Block 115, Lot 30  
Mr. Irene stated that the applicant's engineer had passed away and they requested that the matter be carried over to another meeting. He then asked if there was anyone present who objected to the notices and Mr. Lane and Ms. Geran of 15 Lakeside Drive said they did. They stated the reason on the notice was too general and not specific enough of the work to be done. Mr. Irene agreed and said they would need to re-notice with the new date. Mr. Montfort made a motion to carry it to the March 2, 2009 meeting with extension of time granted and the applicant to re-notice and Ms. Rinear second. The board voted with all members in favor.

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

The class 1 & 3 members stepped down as well as Mr. Montfort and Ms. Rinear who had recused themselves. Mr. Alfieri is the applicant's attorney and Mr. Gazarowski is the attorney of the interested party. Mr. Quinn, the town construction officer, was sworn in. Board questions: Mr. Cassidy asked if an historic site has different construction codes than other sites. Mr. Quinn said the NJ Uniform Code has an historic section and he uses that.

Mr. McKenna stated that his understanding was that the new staircase in the rear that goes to the top floor would comply but that the front would not be in compliance, so is that still alright and he wanted to confirm that. Mr. Quinn stated he could not make that decision until he sees the plans. The rehabilitation sub code has different categories so he does not know if it would comply or not. He said the stairway could be alright, it would just depend on how they did it.

Ms. Malanga asked if this applied to the interior as well and could they leave the inside staircase alone. Mr. Quinn stated that he looks at each aspect separately because you do not have to have rehabilitation on everything. He stated that when changing from residential to business, certain changes and criteria would have to be made and added onto the plan. He said some things have to be maintained due to the historic sites issue and some do not. It is just a change of use.

Mr. Cassidy asked if ADA compliance is a big issue here and Mr. Quinn said it depends on the extent of the rehabilitation both inside and out.

Public questions: none

There was a discussion to carryover the matter as Mr. Alfieri wanted the most voting members available as possible. Mr. Gazarowski stated that he wanted to be sure that all board members listened to the transcripts and Mr. Irene assured him that they did.

Mr. Shea asked if the planning board will not be the same in January if there will be enough votes if it is held over. Mr. Irene said this was a good point but if the board carried it over until February then all the board members would all have enough time to read the transcripts and to be prepared.

Mr. Alfieri asked for the extension of time and to be carried over until the February 2, 2009 meeting.

Ms. Malanga made a motion to carry the matter and Mr. McKenna second. The board voted with all members in favor.

The third application was Mr. and Mrs. Nadipuran of 32 Man Street Block 2, Lot 6

The notices were reviewed and were alright. The applicants were represented by their attorney, Mr. Nadipuran, and he was sworn in. Ms. Flor, the board engineer, was sworn in. The applicant is here for a bulk variance for their business sign as there are no standards for the sign. A sketch and a letter from the county were marked for exhibit. They would have a free standing 13' sign to be erected at their business. It would list the names of the establishments and would be lighted.

Mr. Mendes asked if the setback from Main Street and public works was 14' and the attorney said yes. Mr. Shea asked about the grassy section he saw on the sketch and the attorney stated there would be no stones there.

The board engineer stated that the setback should be the size of the sign plus 5'.

Therefore it should be 18' and we only have 14' so they may also need a variance for the setback. She also stated that she could not tell about the site triangle without a site plan.

Mr. Saporito asked if there would be a problem to set it back farther and Mr. Mendes commented that then it would be blocked by the building and not seen. He went on to state that according to the county letter, they had no problem with the placement of the sign and Main Street is a county road.

Mr. Shea said he believed a provision would have to be made because the applicant can't advertise a business where you can't see the sign.

Mr. Cassidy asked if it could be a condition of approval and Mr. Irene stated it could but if it is a problem then the board would not be there and the applicant would have to come back before the board again.

There was a discussion about commuter parking in the area but that it was part of the original plan so should not be an issue.

Mr. Montfort asked what the sign colors were and how close it was to the stop light. The attorney said they were blue and red and it would be lighted. He also stated it was 100' from the stop light.

Mr. Mendes made a motion to approve the application with a copy of the amended plan and subject to approval and Mr. Shea second. The board voted with all members in favor.

The fourth application was ESK Builders Block 113, Lot 1

Mr. Alfieri is the attorney. The site plans were marked for exhibit. They are seeking no use variance relief. There is an amendment to the site plan and permitted use but no D variance is needed. Mr. White, the board engineer, was sworn in. Mr. Surmount from Ocean Township, the applicant's engineer, was sworn in. The site plan approval was for a daycare, a bank, and offices. There are 3 changes: There was an interconnection with the neighbors due to the easement and neither party wants the easement now. The fire truck

clearance will be 9' grass of the pavers section of the 30' buffer but the bypass lane is not changing. The bank tenant wanted the whole 1<sup>st</sup> floor and now only wants a part of it so therefore they want retail or office there now. The parking was reviewed for each tenant's needs.

Mr. Cassidy asked if there are any restrictions on the type of business you can put next to a daycare. The attorney stated yes and they have no problem with the board putting that in the approval. They will definitely not have any inappropriate business or adult entertainment of any kind.

Mr. Buccellato asked how many tenants are on the 1<sup>st</sup> floor with the bank and the attorney stated one.

Mr. Mendes asked if there was an entrance for each or one main entrance and the attorney stated that they will be storefronts.

Mr. Montfort asked why the amended plans did not show the breakup of the 1<sup>st</sup> floor and the different parking number. The engineer said the location of the pole on the highway is what affected it so they adjusted the plans a bit.

Mr. Kontos from ESK builders was sworn in. Mr. Buccellato asked him if he had any tenants lined up at this time and he stated nothing definite except the bank and daycare. He went on to remind the board that the usable space in the 1<sup>st</sup> floor diminished due to storage and utility rooms but the parking is based on gross footage so it remains the same.

Mr. Montfort made a motion to approve the amended plan with restrictions and Mr. Mendes second. The board voted with all members in favor.

#### Resolutions:

##### Valinoti Resolution:

Mr. Montfort made a motion and Ms. Rinear second. The following roll call vote was taken: Mr. Buccellato-yes. Mr. Mendes-yes, Mr. Montfort-yes, Ms. Rinear-yes, Mr. Shea-yes, Ms. Malanga-yes, and Mr. McKenna-yes.

Mr. Mendes made a motion to approve the November 3, 2008 minutes and Mr. Shea second. Mr. Montfort noted the correction in one of his votes so the motion was made with the correction. The board voted with all members in favor.

#### Other business:

Mr. Irene made the board aware that they had a matter listed for the January 5, 2009 reorganization meeting. He wanted to know if the board wanted to hear it or keep it just a reorganization meeting. The board did not want to carry it again and decided to hear it at that meeting.

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

The meeting was adjourned at 8:45pm.

Respectfully submitted,

Diane Cannon  
Recording Secretary