

Unified Planning/Zoning Board of Adjustments Meeting  
May 5, 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. Cassidy, Ms. DeYoung, Mr. Mendes, Mr. Montfort, Ms. Rinear, and Mr. Shea. The absent members were: Mr. Saporito and Mr. Dolan. Mr Buccellato was late and Ms. Malanga was the only alternate present.

Mr. Cassidy made a motion to approve the minutes of the April 7, 2008 meeting and Ms. Rinear second. The board voted with all members in favor.

The first application was Mr. & Mrs. Haviland Block 85, Lot 1

The applicants were sworn in and the plans and survey marked for exhibit. The applicants are here for approval of adding a covered front porch onto the front of their house. They are also putting an addition on the rear of the house, which is in compliance. They reviewed their plans for the board.

Board questions: Mr. Mendes asked if there was going to be anything under the bay window that is on the plan, and the applicant said no.

Mr. Montfort asked if there was a roof over the bay window or are they changing it in any way and the applicant said no, that the bay window comes out flush from the house.

Public questions: none.

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

Resolutions

JCP & L Resolution

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

Pryszcz Resolution

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

Herseg Resolution

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

Mr. Shea made a motion and Mr. Cassidy second and the board took a 5 minute break After the break, roll call was taken and all members returned.

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

Mr. Montfort recused himself and the Class 1 & 3 members stepped down due to D variance. The board professional, Mr. Venezia, was sworn in and the applicant's planner, Mr. Higgins, was previously sworn in. Mr. Alfieri, the applicant's attorney, said he would not ask to be seen tonight since there are only 5 board members here but he believes the public has a lot of questions. He also stated it was carried over many times before. Mr. Cassidy asked if they could visit the site, which was discussed last time, and Mr. Alfieri said yes. Mr. Irene then informed the board that if it were a formal visit, it would have to be advertised and open to the public. There also must be limited conversation among board members and any testimony must be on record. Mr. Shea asked if the board should hear this tonight because the other missing board members will not hear it, but Mr. Irene said they could listen to the tapes or read the transcripts.

Public questions:

Marcy Reilly 224 Main Street asked what would this do to property values and the planner said he was not qualified to answer a question like that. She then asked why it could not remain a single-family dwelling and the planner said it is too costly to do the upkeep.

Ms. Hawn 222 Main Street said that the block was residential but not all non-conforming. The planner said there is a mix of uses, Main Street has many zones up and down it but the character is the same. He then went on to review each block and lot. Ms. Hawn then asked if the church is a conforming use and the planner said yes. He then clarified that he did not say non-conforming but non residential. He counted 16 non-residential and 3 mixed, 13 of 16 are in the downtown preservation zone. Ms. Hawn asked how many are vacancies and the planner said he did not see any. Ms. Hawn asked why he felt a single-family could not stay there and he said it was too costly. Ms. Hawn also brought up the fact that the town ordinance will not allow a sign within 100' of a historic site. Mr. Higgins then said they would not put up a sign without a variance.

Mr. Olivacz 18 Church Street stated this house has a unique arch to it and asked the planner if he saw any others with it. The planner said he did not look at any others but agrees that this one stands out. He asked the planner if he knew how long this was a private residence and the planner said he knew it was for many years but did not know an exact number. Mr. Olivacz then asked if there would be 24/7 maintenance on the property and Mr. Higgins said not on site. He also asked the hours of the businesses and the hours of the parking lot lights and the planner said at this time they have not reached the point of deciding that.

Ms. Savolaine 7 Edgemere Dr. said the house had been in foreclosure and did he know how long it took to find a buyer. Mr. Higgins did not know. Ms. Savolaine said she brings that up because of all the talk about keeping the property residential but Mr. Alfieri stated his client believes this is the best use of this property.

Ms. Leifeste 95 Broad Street asked what the board's mission statement was, what did they hope to accomplish. Mr. Cassidy said the board has a master plan and tries to follow the law and still help residents out with their properties and what they want to do with them. Mr. Irene stated that the Municipal Land Use law is used to be sure residents conform to it when trying to make changes to their property. The board uses ordinances as well as the law to determine if an applicant has made proof of application.

Ms. Leifeste asked if there will be any extensive changes inside or outside and the planner said he did not think there would be many on the outside and he was not sure about the inside. Ms. Leifeste asked if she could have the owner's name and number and talk to him. Mr. Alfieri said off the record he would give it to her. She then asked if they thought they could rent the businesses if it was expensive and the planner said he did not know what the rent was but the applicant has other properties that he rents and has never had a problem.

Mr. Levine 90 Main Street Apt. C12 asked why they have to take down this building, but the attorney reiterated it would not come down but be renovated for office use. He also stated the applicant has deed restrictions in place to keep the outside the same.

Mr. Montfort 209 Main Street said he believes the property only went downhill before when they tried renting it for office space. The planner said he did not have direct knowledge of the owners.

Ms. Reilly 224 Main Street asked if the property behind was residential and the planner said it was a residential co-op not commercial property.

Mr. Alfieri then summarized his case and concluded.

Mr. Cassidy then asked about the visit and Mr. Alfieri said yes. Mr. Cassidy then asked the board if they could be at the property at 6pm on the night of the next meeting, which is June 2, 2008.

Public comments:

Mr. Chartier 12 Poet Dr was sworn in and presented to the board an exhibit, which was marked, of the cost of maintenance and housing. Mr. Alfieri objected to the witness because he had only opinion and no expert training. He went on to say that the exhibit had nothing to do with the case and was meaningless. He also said he objected because it was prejudicial. Mr. Irene suggested that the witness just testify and not use the exhibit. Mr. Chartier said alright and went on to say that if you can afford to maintain the house, how important it is to preserve the historical significance of the home.

Ms. Hawn 222 Main Street was sworn in and went onto present photos and articles that showed the span of the history of the architectural significance of the home. One exhibit Mr. Alfieri questioned was a letter from the Monmouth County Historical Society saying the house was registered. Ms. Hawn said the house can be registered by anyone, which she was going to do, but did not because it puts a burden on the owner.

Mr. Shea stated that if registration were forced on an owner then they would not be allowed to do anything without permission.

Ms. Hawn said that registration will only keep maintenance costs and the value high but ADA and fire escapes will bring it down if they are added to the structure.

Ms. DeYoung said she thought historic sites were exempt from ADA requirements and the board engineer said that some items are exempt but not all.

Ms. Hawn stated there are a lot of vacant offices now and said she had photos of 31 of them in town.

The board went on to review all photos and Mr. Alfieri objected to some of them because they were houses for sale, not rent. He also stated they were houses and not commercial uses. He then went on to make a point that there was just another application before the board of mixed uses and it was approved on Main Street about 11 houses down from this one.

Ms. Hawn asked if the owner owned other architecturally historic sites and Mr. Alfieri stated that was not relevant to this application. Mr. Alfieri went on to say that the applicant owns 1 other house on Main Street that has only 1 vacant space in it. He then asked the board to carry this over until June 2, 2008 without need to re-notice and would grant the board the extension of time. There will be the site visit that night at 6 pm. Mr. Shea made a motion to carry it over and Ms. Rinear second. The board voted with all members in favor.

The third application was Mr. Smith Block 122, Lot 19 & 20

Mr. Alfieri is the attorney and asked for it to be carried over until June 2, 2008 without re-notice and he will grant the board the extension of time. It was stated that this is a density matter so there will not be any Class 1 & 3 members. Mr. Montfort made a motion to carry it over and Ms. Rinear second. The board voted with all members in favor.

Other Business

Mr. Irene said at the last meeting he was asked about fees for site plans and escrow fees. He said he has a list of some fees, which are a few years old, but they do list a comparison to other neighboring towns. He gave them to the board.

Mr. Irene said in regards to the annual report, he found out the Borough clerk has a listing of applications by number and a list of the resolutions all together in one place. He said his office could compile everything but Mr. Buccellato questioned the cost. He said if the board wanted to set a timeframe for him to complete it and he could let the board know if he could complete it within the timeframe or they may want someone else to do it. Mr. Buccellato said he wanted to see how other towns handled the report and also to see another report to get an idea of what is involved.

Mr. Irene also said he needed the board member's phone numbers and email contact list and would get it from the clerk.

Mr. Irene went on to explain again about the upcoming site visit to the board. He said there is limited conversation. They can ask questions, but cannot discuss the merits of the application. He stated it would also be open to the public because it is advertised.

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

The meeting was adjourned at 10:15pm

Respectfully submitted,

Diane Cannon  
Board Recording Secretary

