

The Unified Planning/Zoning Board of Adjustments Meeting  
November 3, 2008

The meeting was called to order by Bob Montfort and the pledge of allegiance was recited.

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

Mr. Buccellato made a motion to approve the minutes from the August meeting and Mr. Mendes second. The board voted with all in favor except Ms. Rinear and Ms. Malanga who were absent.

Ms. Rinear made a motion to approve the minutes from the September meeting and Mr. Mendes second. The board voted with all members in favor.

The first application was Mr. Valinoti of 1 Beechwood Terrace, Block 100 Lot 25

The applicant was sworn in and the board professional was sworn in. The survey and plan were marked for exhibit. The applicant has a 2-story house and wants to make it a ranch. They want to add rooms to both sides and level it out. There is a variance needed for the setbacks. They have a 37' side yard setback from the base to the lake and a 35' from the overhang. The house is also too close to the water so they would need a variance for that also. The existing house is non-conforming.

Board questions: Mr. Montfort asked to verify that the front of the house faced the driveway and the applicant said yes.

Public questions: none

Ms. Giordano of 14 Marlpit Place Middletown was the applicant's architect and was sworn in. She reviewed photos and the floor plan and they were marked for exhibit. The applicant is putting an addition out the rear and front of the existing house. A new roof will raise the ceilings on the bedrooms. There will also be new interior alteration work to make more living space available.

Board questions: none

The board engineer asked to verify that the foundations were evaluated to find where the slope was and Ms. Giordano said yes.

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

Resolutions

Hager Resolution: Mr. Buccellato made a motion to approve the resolution and Ms. Rinear second. The following roll call vote was taken: Mr. Buccellato-yes, Mr. Dolan-yes, Mr. Mendes-yes, Ms. Rinear-yes, Mr. Shea-yes, and Ms. Malanga-yes.

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

Mr. Montfort and Ms. Rinear recused themselves. The class 1 & 3 members stepped down due to D variance. Mr. Venezia, the board professional, was sworn in. Mr. Alfieri is the applicant's attorney. Mr. Quinn, the construction official, did not show up. Mr. Alfieri said there was an architect hired to counter the construction official's comments. His name is Mr. Aravantinos and he was sworn in. Mr. Gazarowski, a resident's attorney, brought a planner as well. There was then opportunity for Mr. Aravantinos to answer questions. Mr. Gazarowski asked him if he knew the BOCA code and Mr. Aravantinos said there was no BOCA code as it is now the IBC/IRC and that is what he interprets in regards to these plans. Mr. Gazarowski then asked him if he were licensed and he said there was no such thing.

Board questions:

Mr. McKenna asked if he had done a lot of work with this kind of building and he said yes in many historic towns. Mr. Irene asked if he had been to this house and he said he did a full analysis and code comparison with full plans.

The architect then reviewed the floor plans of all levels of the house. Mr. Alfieri asked if the house could be made into commercial use and still maintains its historic relevance. The architect said he believes it could and here is how he would do it: for the handicap code he would put a ramp in the back corner and it would not affect the aesthetics, for safety and fire code he would leave the exterior the same and keep all the grandness of the house, for the interior he would leave the hallways and rooms as they are wide enough to maintain a good flow. Mr. Alfieri asked if the elevator was required and he stated no only if the building was for medical use. Mr. Alfieri asked about the handicap requirements and he stated that they would need handrails the width of the stairs. Mr. Alfieri asked if it would need sprinklers and he stated no.

Board questions:

Mr. McKenna asked if the interior stairway needed a new railing and the architect said yes but that the rear area is a common area for all levels and they could put it there. Mr. McKenna then asked if the front stairs comply and the answer was no but the rear ones do and they are closer to the parking lot. Mr. McKenna asked if the work was over the 40% threshold could they get a waiver and the answer was yes because they have the other staircase.

Mr. Gallego said the interior is in disrepair and the architect said it is but most of it is refinishing and the occupants could be made to comply with how the owner wants to keep it. Mr. Gallego then asked if you fix the electric or the plumbing in the walls is that considered refinishing or renovating and the architect said that you could repair the wall and put in more insulation and it would be ok, it just depends on what you do to it.

Mr. Shea asked how the rear stairs would comply and the architect said he would make it fit in the roof line, trim and fit to the space.

Mr. Irene told the board that if the rehabilitation was for more than 40% of the total space then it would have to go by the code. The architect said he was right but that there was not a lot to do because of the locations of the rooms etc, so they are in good shape. Mr. Irene asked when you know you have reached 40% and the architect said that in his experience it is based on the total square footage to be affected or renovated. He did say it was up to interpretation because cosmetic work is not part of the equation but removing walls, beams etc. is considered renovation.

Ms. Malanga said the first floor has open rooms or would they have to put up walls and the architect said that they would just put up doors and not chop up the rooms.

Mr. Gazarowski asked if they used the existing house and plans and the answer was yes. He asked him if he was retained by the attorney or the owner and the answer was the owner. He asked if he know if the building was now residential and he said as far as he knows it has always been residential. Mr. Aravantinos then reviewed the square footage of each floor and said the basement would be for storage only and they would use only the first 3 floors. Square footage: (1<sup>st</sup>=1698, 2<sup>nd</sup>=1556, 3<sup>rd</sup>=1229, Basement=1539) Mr. Gazarowski asked if there will be 20 parking spaces then there will only be 20 people in it but Mr. Alfieri reminded the board that parking is determined by square footage and not occupancy. Mr. Gazarowski asked if the intensity is different if residential and the answer was no, only slightly if it is a single family dwelling. Mr. Gazarowski asked what kind of offices and the answer is no medical only offices. He asked if there would be a deed restriction against medical but Mr. Alfieri said he did not discuss that with the owner. Mr. Gazarowski asked if there would be lighting after hours and the architect said t hey would be adjusted. Mr. Gazarowski stated that if they want a bifurcated application for approval for use then don't you think they should have all the plans but Mr. Irene said that it was up to the board.

Public questions:

Mr. Montfort of 209 Main Street asked if the building changed then it would have to be up to code but the architect said if the main things such as ; heat, fire, safety, handicap and the interior is as it is now then it would comply.

Ms. Mortenson asked why some houses needed certain requirements or ratings and others do not. The architect stated that it goes by construction classification.

Ms. Hawn of 222 Main Street asked questions on the size of the hallways, air conditioning and duct work, replacement of windows and wooden doors. The architect gave all the measurements and stated that the doors will remain wooden, the duct work will be made to fit in and the windows would be retro.

Ms. Reilly of 224 Main Street asked if they need a variance for the rear staircase and the architect said he would have to check the setbacks. She then asked if the driveway had to be a certain size and Mr. Alfieri said the architect would not know that information.

Mr. Gazarowski then said he wanted to cross examine the planner. Mr. Alfieri objected stating that he had been here since April and May and was cross examined twice. He is only here tonight in case they needed him to testify.

Mr. Gazarowski then introduced his planner, Mr. Gemma, of Oceanport. He went on to ask him if he knew Matawan and the zones and what a master plan is. Mr. Gemma reviewed that and said yes that he knew the area. Mr. Gazarowski asked if a use variance is needed then why is it different than a bulk variance. Mr. Gemma said a use variance is a change in what is happening at the property. Mr. Gazarowski asked him if he reviewed the planner's testimony and the answer was yes. He then went on to explain why he thought it would have a negative impact on the community. He went on to dispute the other planner's arguments toward historic character, pattern development, other mixed uses in the area, and only converting it for economical reasons. There was then a discussion of his testimony and opinions.

The letter from the board engineer was reviewed and it was argued where the applicant is negligent in this application. Mr. Alfieri said there was a difference in zones and pointed

out other uses of different intensities and where they are allowed. Mr. Gemma then discussed these and Mr. Alfieri pointed out other non-conforming uses in the area.

Public questions: none

Mr. Alfieri then stated he wanted to carry the application for the vote only due to the number of board members here tonight. Mr. Gazarowski objected. Mr. Shea stated he would like the building official to be here and Mr. McKenna agreed, as did Mr. Gallego. Mr. Irene said we can ask him again but short of subpoena he did not know if he could guarantee he would be there next time. Mr. Shea said they should subpoena him if necessary. Mr. Irene then said they would carry the application for vote and for the construction official. Mr. Gazarowski said he had no other testimony. Mr. Alfieri said he would grant the board the extension of time and would have no re-notice.

Mr. Shea made a motion to carry it to the Dec 1, 2008 meeting and Mr. McKenna second. The board voted with all voting members in favor.

Mr. Shea made a motion to adjourn and Mr. Gallego second. The board voted with all members in favor.

The meeting adjourned at 10 pm

Respectfully submitted,

Diane Cannon  
Board Recording Secretary