

Unified Planning/Zoning Board of Adjustments Meeting
February 2, 2009

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. Montfort, Ms. Clifton, Ms. DeYoung, Mr. Dolan, and Mr. Shea. Absent were: Ms. Rinear, and Mr. Saporito. The alternates that were present were: Mr. Gallego, Ms. Malanga, and Mr. McKenna.

Mr. Montfort made a motion to approve the minutes of the January 5, 2009 meeting and Mr. McKenna second. The board voted with all members in favor.

Old Business:

Mr. Shea made a motion to nominate Mr. Cassidy as chairman for this year and Mr. Gallego second. The board voted with all members in favor and Mr. Cassidy abstaining.

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

The class 1 & 3 members stepped down and Mr. Montfort recused himself.

Mr. Gazarowski, the attorney for the interested party and Mr. Alfieri, the applicant's attorney, were present. Mr. Gazarowski asked Mr. Irene to review the Municipal Land Use law with the board and how it applied to this case. Mr. Irene explained to the board that they were to hear and determine all the positive and negative criteria and that the applicant must prove both to the board and answer any questions.

Mr. Gazarowski then went on to review the zoning of the area and stated this is residential property. He stated the applicant has not proven both the negative and positive criteria to change it and it should therefore remain residential.

Mr. Alfieri said the owner is a resident and owns other property in Matawan. He has great plans for the property and is only before the board due to the variance issue at this time. He also stated that the economy has changed and he does not think this property can stay residential. He will have deed restrictions to keep it historic and he will come forward with a full site plan. This will be a tax ratable for the town, remain a historic property, and the house will be occupied. He believes an approval of the application is the best chance to preserve the house. He asked the board to not be emotional but to look at all the facts presented. If the board were to deny this application, it would not guarantee the house would not be sold and torn down or have a home office inside it or have the historic aspects taken away. In essence they would have no control of it, whereas this applicant is willing to work with the board/town and compromise. He then reviewed all aspects of why it does satisfy the Municipal Land Use law and why the board should approve the application.

The board discussed the application and clarified some issues/questions they had in regards to their duty as voting members. They also discussed their thoughts on what they wanted to see for this property.

Mr. Gallego made a motion to deny the application and Mr. McKenna second. The board voted with 4 yes votes and Mr. Cassidy and Mr. Shea voting no.

The second application was Mendelsohn 97 Broad Street Block 19, Lot 13

Mr. Venezia, the board engineer, was sworn in. The notices were reviewed and approved. It is D variance so the Class 1 & 3 members stepped down. Mr. Neil Mendelsohn and Mr. Jason Mendelsohn were sworn in. Mr. Cassidy recused himself and Mr. Montfort was the chairman. Mr. Gallego also recused himself. The survey and sketch were marked for exhibit. The applicant wants to build an apartment over his garage with 3 bedrooms for his son and family but needs a variance. Mr. Montfort stated it was against the zoning laws because it would be a 2nd residence on one property. He stated it could lead to a problem in the future and suggested the applicant do an addition to the house instead. Mr. Irene then explained that an addition would be a use variance on the property and would probably be approved but not a 2nd residence on the property. The applicant went on to explain that due to financial issues he really could not do that. The board reviewed options with the applicant, but he is hesitant due to the cost and other issues and was hoping to just use the area above the garage.

Public questions:

Mr. Pavick, 105 Broad Street, was sworn in and asked if anyone else lives in the house. The applicant said his brother and a friend he was helping out. Mr. Pavick stated then he had no privacy now so why couldn't he just make the home larger. He also asked if they have an additional kitchen in the house, because he believed it was more than a 1 dwelling home. The applicant said he had an additional stove. Mr. Pavick said he opposed the application because it would be 6-8' from his property and he would have no privacy. The applicant said he could amend the application so there would not be windows on that side of the house if needed.

Mr. Aufesser, 103 Broad Street, was sworn in. He stated the applicant has already added on to the 2nd floor and should add on again if he needs to. He said it was a mother-daughter house before and he should use it that way again instead of this application.

Mr. Matos, 107 Broad Street, was sworn in. He stated that if he builds that structure it will devalue all the neighboring houses. It will also infringe on their privacy.

Mr. Dolan made a motion to deny the application and Ms. DeYoung second. The board voted with all members in favor of the denial.

The third application was Compact Auto Body 279 Main Street

Mr. Hilton of 37 Weldon Rd Matawan is the owner and was sworn in. The board engineer, Mr. Venezia, was sworn in. Mr. Cassidy recused himself and Mr. Montfort was the chairman. The notices were reviewed and approved. The survey was marked for exhibit. The applicant would like a variance to put up awnings and signage on the building. It would be 2 canvas awnings with 4" flat letters on the side and 1 awning over the doorway.

Mr. Montfort asked if the awnings would be considered part of the structure and the engineer said yes according to the zoning officer they would be. Mr. Montfort discussed the setbacks for the awnings and the sign issues. Ms. Clifton asked if the awnings are retractable and the applicant said no. Mr. Dolan stated he thought they would look great and break up the look of the building and soften it. The applicant said they are trying to

blend in better with the neighborhood due to it being a large building. Mr. Montfort said that they should not have more than one sign and he felt the awnings and the signs should be two separate issues. The applicant said they may not need all the lettering on all the awnings, just on the front one. Mr. Gallego asked if there were any safety issues and the applicant said no.

Public questions:

Ms. McLaughlin, 287 Main Street, asked what will happen to the portable signs the business uses now. The applicant said they would be gone. Ms. McLaughlin asked how many signs he wanted approved and the applicant said only the ones that conform and the rest would be gone.

Mr. McLaughlin, 287 Main Street, stated they wanted a higher fence and they never heard anything about what happened to that when the building was redone. The applicant stated they were putting up trees.

Ms. Skop, 289 Main Street, just asked if the applicant could make the signs the same style and typeset that they have now to keep it uniform and the applicant said that is no problem. It was also stated that the burgundy color of the awnings may fade, but the applicant wants to add some color.

Ms. Lemonge, Main Street, said the awnings look great and she wants to see the business improve and do well but not to lose that small town feel.

Mr. Dolan made a motion to approve with the stipulations on the signs and where the awnings would be lettered and Mr. Shea second. The board voted with all members in favor.

The fourth application was Walters 31 Schenck Ave, Block 47 Lot 14

This application was a bulk variance that was granted and approved in March 2008 and the resolution was completed in April 2008. Mr. Irene stated there still remains an open invoice with the board attorney and the board engineer even after letters have been sent to the applicant. A letter was sent again after 6 months in October 2008, and another in December 2008. Mr. Irene sent a letter to the board in January 2009 to revoke the approval for failure to satisfy the condition of payment to the professionals.

Mr. Montfort made a motion to do so and Ms. Clifton second. The board voted with all members in favor.

Resolutions:

JP Morgan resolution: Mr. Montfort made a motion to approve and Mr. Dolan second.

The following roll call vote was taken: Mr. Dolan-yes, Mr. Montfort-yes, Mr. Shea-yes, Ms. Malanga-yes, and Mr. McKenna-yes. Mr. Cassidy and Ms. DeYoung were absent for that meeting.

Mr. Irene contract resolution: Mr. Montfort made a motion to approve and Ms. Clifton second. The following roll call vote was taken: Mr. Buccellato-yes, Mr. Cassidy-yes, Mr. Montfort-yes, Mr. Dolan-yes, Ms. DeYoung-yes, Mr. Shea-yes, Ms. Clifton-yes, Mr. Gallego-yes, and Ms. Malanga-yes.

Ms. Cannon recording secretary resolution: Mr. Buccellato made a motion and Mr. Shea second. The following roll call vote was taken: Mr. Buccellato-yes, Mr. Montfort-yes, Mr. Dolan-yes, Mr. McKenna-yes, Mr. Shea-yes, Ms. Clifton-yes, Mr. Gallego-yes, and Ms. Malanga-yes. Mr. Cassidy and Ms. DeYoung were absent for that meeting.

Other business:

Training: Mr. Gallego asked if the board could go to training again if they had been before and Mr. Irene said they may want to do the advance class if they had gone previously, but they would have to pay for it themselves.

Letter from Edgemere Drive resident dated 2004: Mr. Montfort had questions and said it looked like they were coming back in for the site plan. Mr. Buccellato said he felt the letter was just for historical information only.

Condolences were given to both Mr. Gallego and Mr. Cassidy on the recent death of family members.

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

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Diane Cannon
Recording Secretary