

Unified Planning/Zoning Board of Adjustments Meeting
September 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. Cassidy, Ms. Clifton, Mr. Dolan, Mr. Montfort, Mr. Shea, Mr. Gallego and Mr. McKenna. Absent were: Mr. Saporito, Mr. Buccellato, and Ms. Malanga.

Mr. Cassidy made a motion to approve the minutes of the July 6, 2009 meeting and Mr. McKenna second. The board voted with all members in favor.

Mr. Montfort made a motion to approve the minutes of the August 3, 2009 meeting and Mr. McKenna second. The board voted with all members in favor.

The first application was B. Dudas Builders LLC 66 Main St Block 6, Lot 4
Mr. Kalma is the applicant's attorney. The notices were approved. Mr. Venezia, the board engineer, was sworn in. This is a D variance so the class 3 member stepped down. Mr. Kalma explained that this is a bifurcated application tonight. They are here for a use variance, setbacks, and parking. The site plan will come later. Mr. Dudas of 107 Glenbrook Rd Freehold was sworn in. He explained he has owned the property for 3 years and has tried to sell it and cannot, so he is looking to make 6 residential apartments each with 1 bedroom and rent them out. This whole area is a GB zone that the property is located in. He would make them look colonial and would not change the outside structure. He would plan to charge \$1200 a month. Plans and photos were marked for exhibit.

Mr. Kee, the applicant's engineer, was sworn in. He then reviewed the plans. He stated there would be 1 bedroom units with a storage area and a garage underneath. The parking would be in the front. He went on to review the existing neighborhood and properties.

Board questions:

Mr. Cassidy asked why the applicant only wanted residential in there and not commercial and the applicant said he thought residential is more in demand.

Mr. McKenna asked why the town would want more rentals when they have so many and why is the applicant making 6 units. Mr. Kee said that he is trying to maximize the space and believes that rentals would be attractive to commuters.

Mr. Kalma stated that if they were to make it commercial that would increase the traffic more than residential.

Mr. McKenna asked if this would add to the town's COAH obligations and the engineer said he was not sure.

Mr. Shea asked if there was a treatment center there and Mr. Kalma said only a pumping station but it is not working.

Mr. Montfort is concerned about the overcrowding. Mr. Kalma said the applicant would be willing to do 4 units of 2 bedrooms.

Mr. Montfort said that would bring more children into the schools.

The board discussed 1 bedroom units vs. 2 bedroom units. They also discussed having residential apartments there at all.

Mr. Irene reminded the board that the council has to determine if they change a zone or not and the planning/zoning board only looks at the application.

Mr. McKenna made a motion to deny the application and Mr. Gallego second. The board voted with 4 no votes and 2 yes votes.

Mr. Dolan made a motion to approve the application with 6 1-bedroom units and Mr. Shea second. The board voted with a split vote of 3 yes votes and 3 no votes.

The application was denied as a statutory denial for failure to get the mandatory number of votes needed.

The second application was Neil and Anna Fitzpatrick 311 Main St Block 49, Lot 13

This application was carried without re-notice. This is D variance so the class 3 member stepped down and then left. Mr. Alfieri is the attorney. Mr. Venezia, the board engineer, was sworn in. The survey and plans were marked for exhibit. Mr. Fitzpatrick was sworn in and went on to give a history of the property which was built in 1915. There is a house, barn, and 4 garages on the property. They want to make it a mother-daughter housing. Their daughter is going to buy the property and have a 2 floor apartment for them using the barn and garage area. They went to Mr. Quinn, the inspector, who said they would have to connect the garage to the house, enclose and heat it to make it a mother-daughter. They want 2 garages to stay and the rest to become the apartment. They stated it would not affect the parking because they have always had a number of cars there with their children. There are no other physical changes, no extensions. The breezeway had already been done previously. They would have separate entrances and separate utilities.

Board questions:

Mr. Montfort stated that mother-daughter housing has been approved in the past due to not being able to separate a structure very easily.

Mr. Irene said the applicant is not seeking a use variance so it cannot be turned into a rental property if the board is just interested in helping the residents. There is no mother-daughter zoning per say.

Public questions:

Ms. Leonard of 294 Broad St asked if the windows will face her property as they look right onto it. Mr. Alfieri said the windows are very high and there is no door there. He showed her the plans and said the applicant would comply with any changes if needed.

Mr. Ricci of 125 Half Mile Rd Red Bank, the applicant's planner, reviewed the application and why he felt it was a good fit. He said it would not be detrimental to the town and that there is a need for this here.

Board questions:

Mr. Cassidy asked about deed restriction and Mr. Alfieri said the applicant would be willing to do that.

Mr. Montfort said he was concerned that a conforming property is being made non-conforming. Mr. Ricci said that variance relief is needed but the breezeway is not going to make or break it.

Mr. Irene asked the applicant if he wanted the breezeway and Mr. Alfieri said no it was too expensive to enclose but the inspector said they had to have it. They were just complying. Mr. Irene went on to explain that the town normally does not have mother-daughter housing without a connection.

Mr. Montfort asked about the lot coverage. Mr. Alfieri said it would go from 30 to 37% due to the breezeway but that will not change it would just mean another variance.

Mr. Montfort said he still sees this as a separate rental the way it is set up.

Mr. Alfieri said they would do a deed restriction.

Public questions:

Mr. Peterson of 315 Main St was sworn in and he said he does not want a rental there. His property line is close and there are 3 property lines very close in the back of the property. Mr. Alfieri said if there were deed restrictions it would help with any of his concerns.

Ms. Freeman of 294 Broad St said the applicant should buy a different property and not make this a 2-family. Mr. Alfieri said they are not changing any structures. The garage can be used for anything. Nothing is changing except internally.

Mr. Montfort said he felt they were making 2 residences on 1 lot.

Mr. McKenna said they should deed restrict it and not build the breezeway.

Mr. Gallego said he does not want to set precedence here and that the board should address it through the ordinance.

Mr. McKenna made a motion to approve the application and Mr. Dolan second. However before the board voted, Mr. Alfieri asked if his clients could carry it over for a vote in October.

Mr. Cassidy made a motion to carry it without re-notice and extension of time granted and Mr. Gallego second. The board voted with all members in favor.

Resolutions:

Matawan Emerald Resolution: Mr. Montfort made a motion to approve the resolution with one change on page 4, paragraph 8, line 3, change the word dwelling to structure and Mr. McKenna second. The following roll call vote was taken: Mr. Dolan-yes, Mr. Montfort-yes, Mr. Shea-yes, Mr. Gallego-yes and Mr. McKennayes. Mr. Cassidy was absent at that meeting.

Clare Resolution: Mr. Montfort made a motion to approve the resolution and Mr. McKenna second. The following roll call vote was taken: Mr. Dolan-yes, Mr. Montfort-yes, Mr. Shea-yes, Mr. Gallego-recused himself and Mr. McKenna-yes. Mr. Cassidy was absent at that meeting.

Other business:

The board discussed the new ordinance from the council and Mr. Montfort made a motion to have Mr. Irene send a letter stating the board had no comments and Mr. Dolan second. The board voted with all members in favor.

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

The meeting was adjourned at 9:45 pm

Respectfully submitted,

Diane Cannon
Board Recording Secretary