

Unified Planning and Zoning Board of Adjustments Meeting
March 1, 2010

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

Roll call was taken with the following members present: Mr. Buccellato, Mr. Cassidy, Mr. Dolan, Mr. Gallego, Mr. Mendes-late, Mr. McKenna, Mr. Shea, Mr. Montfort and Ms. Malanga as the alternate. Mr. Saporito was absent.

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

The first application was Mr. Poole 20 Mill Rd Block 123.02, Lot 33

Mr. Kalma is the applicant's attorney. Mr. Haderer, the board engineer, was sworn in. The notices were approved. They are here tonight for C variance, lot coverage, and maximum height of the retaining wall. The applicant is putting an in ground swimming pool in his yard and Mr. Kalma stated that they would comply with all the requirements on the board engineer's letter. Mr. Poole was sworn in and gave testimony on his plans for the pool and reviewed the site plan.

Board questions

Mr. Mendes asked about the retaining wall and the slopes and drainage. The applicant explained the height of the wall and went over the drainage.

Mr. Shea questioned the lot coverage for the zone and it was clarified.

Mr. Montfort asked questions about the different options for the retaining wall but the applicant said he looked into it but to make those changes would be too costly.

Public questions

Mr. LiPera, 50 Sapphire Lane, was sworn in. He stated the only problem he had with the application was in regards to the catch basin and the slope of the property. He went on to explain that another neighbor had put in a pool and they have had water issues since that time. He is afraid this will only make the water problem worse. Mr. Irene stated that the board engineer would have to review the grading and the drainage upon approval so it would be addressed.

Mr. Haderer stated that he would be concerned if the swales were more than before construction, but from the plans it looks like they will be the same or less. However, he said there would be more runoff from the property due to the project.

Mr. Buccellato asked about the discrepancy with the height of the stairs and the applicant explained that his property is higher in the middle and that is why there is a difference, but that the swales are the same as before.

Mr. Berkowitz, 52 Sapphire Lane, was sworn in. He stated that they never had a water problem in the neighborhood until the other pool was built and now the water is all over all the time.

Mr. Cassidy asked what the board engineer's suggestion would be and he stated that the runoff will definitely increase. He suggested to the applicant that he have an engineer look at the peak flow of the catch basin and do a study.

The applicant stated that there is a berm between the houses and a stream that goes directly to the catch basin.

Mr. Buccellato just reminded the applicant that bringing in another engineer would cost more money and briefly reviewed what happens with escrow money for the board's engineer to work with him.

Mr. Dolan made a motion to approve the application with engineer review of the grading and water both pre and post construction, as well as other stated conditions and Mr. McKenna second. The board voted with all members in favor.

The second application was Omnipoint 123 Main Street Block 9, Lot 22

Mr. Irene stated this application has been carried over previously and there are no notices and they are also looking for an alternate site at this time. He said he had not received a letter to withdraw the application but he suggested that the board do that. Mr. Montfort made a motion to dismiss the application without prejudice and Mr. Buccellato second. The board voted with all members in favor.

The third application was JV Homebuilders 83 Aberdeen Rd Block 64.02, Lot 10.02

Mr. Kalma is the applicant's attorney. Mr. Haderer, the board engineer, was sworn in. The notices were approved. Mr. Kalma said they are asking for a variance for lot width and that it is an empty lot. Mr. Spallero, the president of JV Homebuilders, was sworn in. Mr. Kalma explained the property and the houses on each side. He said there is no additional property available to acquire in order to make this property conforming. The applicant confirmed that all the lots are undersized. Mr. Dolan made a motion to approve the application and Mr. McKenna second. The board voted with all members in favor.

The fourth application was Rt 34 Plaza LLC 745 Rt 34 Block 112, Lot 3.05

Mr. Heilbrunn was the attorney. He stated that this proposed site is half in Matawan and half in Old Bridge. Old Bridge has already approved their part of the project. The notices were approved. The site plan, architect's drawing, and survey were all marked for exhibit. Previously this was approved for a 2 story office building but now they are making it 5,040 square feet of retail and it is located in the HI zone. Mr. Heilbrunn reviewed the plans and said a bulk variance is needed.

Mr. Heuser, the applicant's engineer, was sworn in and he reviewed the board engineer's letter. He went over the 38 parking spaces, the landscaping, the lot coverage, the buffer, the lighting, and also said they would comply with the DEP directions. He also stated that they had the police and fire official approve the plans.

Board questions

Mr. Montfort asked about the location of the garbage and if it could be relocated to the side instead of the back. Mr. Irene suggested they could make the pickup time a stipulation if the board decided to grant the application but Mr. Heuser said they could move it so as to not have it so close to the back neighbors.

Mr. Mendes asked if a buffer would reduce the headlights from shining onto the residents and Mr. Heuser said yes there is a shield and there are also shrubs and a fence there to alleviate that problem.

Mr. Mendes also asked about the safety of the driveway entrance from Rt 34 and Mr. Heuser said that they actually had it placed somewhere else and the DOT said this is the safest place to have it.

Mr. Buccellato questioned why on the map the houses on Middlesex Rd are not shown and Mr. Heuser stated it is because they set far back but they are shown on the drainage maps.

Public questions

Ms. Odell, 24 Middlesex Rd, asked how many stores would be in the project and Mr. Heuser said 4 in Matawan and 4 in Old Bridge.

Ms. Lewandowski, 26 Middlesex Rd, asked what kind of stores they will be and Mr. Heilbrunn said they did not know as of yet but they would be permitted uses of the Borough ordinance; either retail or restaurant and Mr. Montfort read from the ordinance exactly what that covered.

Ms. Coffin, the applicant's planner, was sworn in and she reviewed the neighborhood surrounding the proposed site and also spoke of why the variance should be approved.

Public questions

There were none.

Mr. Miskovich, the applicant's traffic engineer, was sworn in and explained about a traffic light at the entrance and that DOT sets the criteria and they would comply with whatever that was. He went on to say that traffic control makes sense there and there is also no interference in the flow of the traffic at that point. He said they received approvals from the fire officials for the 2 way circulation.

Public questions

There were none.

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

Mr. Cassidy made a motion to adjourn the meeting and Ms. Malanga second. The board voted with all members in favor. The meeting was adjourned at 10 pm.

Respectfully submitted,

Diane Cannon
Board Recording Secretary