

Unified Planning/Zoning Board of Adjustments Meeting
May 3, 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. McKenna, Mr. Montfort, Mr. Shea and alternate, Ms. Malanga. Absent were: Mr. Mendes and Mr. Saporito.

The first application was Murphy 13 Lakeside Dr Block 115, Lot 30
Mr. Irene stated that this application was carried to this meeting but Mr. Gazarowski had a conflict. In June all the members eligible to vote will not be here so the board could have a special meeting in May or carry it over to the July meeting. Mr. Lane, a neighbor, requested that all members be up to speed on the application so they can vote on it and Ms. Geiring wanted to make sure that there would be enough voting members at the new meeting date. Mr. Irene said he would get a list of all the members and be sure everyone had been present or listened to all tapes and reviewed all the files. Mr. Montfort made a motion to carry the application to the July 7 meeting with re-notice and an extension of time granted and Mr. McKenna second. The board voted with all members in favor and Mr. Buccellato abstaining.

The second application was Laurdan Realty Main and Broad St Block 50, Lot 16

Mr. Alfieri is the attorney. Mr. Spalt, who was previously sworn in as the applicant's engineer, reviewed pictures of the shopping center facing Claire Court and vice versa. He reviewed pictures of the board on board fence as well.

Board questions:

Mr. McKenna asked what kind of wood is used on the fence and Mr. Spalt said it had not been determined as of yet but it would be pressure treated wood. He stated some of it would be imbedded and the footing done with concrete.

Public Questions:

Ms. Marotta, 4 Claire Court, asked if the pine trees would still be there and Mr. Spalt said yes. She asked if the fence would be 8' and his answer was that 8' could be considered but right now it is 6'.

Ms. Cutting, 10 Claire Court, asked how far the fence would extend to Rt. 79 and Mr. Spalt said that it would extend 10' past the last parking space in the southerly direction.

Mr. Alfieri reviewed the open issues such as: the hours of operation-trash would be picked up between 8AM and 8PM; lights- they would be off no later than midnight and after that there would be only security lighting.

Architectural design-they are only seeking preliminary approval tonight due to NJ Transit so this could wait until final approval so they can look at other designs. Signs-His client feels very strongly about having the correct signs to promote the shops. Professional comments- they will ask for a 20 year extension but will take a minimum of 10 years and NJ Transit will sign off on the final plans.

Board questions:

Mr. Cassidy asked if his client was alright with doing all this without a lease and Mr. Alfieri said if they cannot get a long lease then they will not build it as it is too costly but they have to have this approval before going to NJ Transit.

Mr. Buccellato asked if the southern entrance could be moved for safety reasons and Mr. Spalt said if they did that they would lose parking spaces and that it is ingress only so they should be alright with it.

Mr. Montfort asked if there could be a turn in lane put there and Mr. Spalt said they would not want to modify the entire road and that there was not a lot of room there. He also felt the DOT probably would not accept that.

Mr. Montfort had some questions on the deed/property next to Bagel Time and Mr. Spalt said it was there a long time ago and not part of this project.

Mr. Cassidy asked about the 8' fence possibility and Mr. Alfieri said yes they would agree to that if that was the only issue.

Public Comments:

Ms. Marotta, 4 Claire Court, was sworn in and had a comment on the southern entrance. She felt it was a safety hazard as people do not slow down there. Mr. Meetz does not want to move that driveway. Mr. Alfieri said a traffic expert and DOT both say the driveway is safe where it is at. Ms. Cutting, 10 Claire Court, was sworn in and also made a comment on the safety and curve of that driveway and Mr. Alfieri commented that this project is an improvement to what was there.

Board Comments:

Mr. Montfort said he had a problem with the site plan as he felt there was too much on the property. He also wants more than a 10 year lease.

Mr. Dolan commented that it would be a significant improvement if this shopping center were built; they had addressed all the concerns and it was a good looking project.

Mr. Buccellato said he would like to have the board take a preliminary vote tonight but all issues should be resolved.

Mr. Gallego said he thought the shopping center was a significant improvement but that if the board approves it tonight and NJ Transit terminates the lease then the plan is null and void.

Mr. Cassidy said he personally does not see them re-opening the railroad line.

Public Comments:

Ms. Strauss, 9 Claire Court, was sworn in and said she would love to see the fence be 8' and that the trees are a great buffer for noise.

Ms. Cutting, 10 Claire Court, was previously sworn in and asked if the signs would be off at night and Mr. Alfieri said yes.

Mr. Dolan made a motion to approve the preliminary plan and Mr. Shea second it. The board voted with all members in favor except Mr. Montfort and Mr. Gallego who voted no.

The third application was Dudas 66 Main St Block 6, Lot 4

Mr. Kalma is the applicant's attorney. This is a D variance application so the Class 1 member stepped down. Mr. Hadderer, the board engineer, was sworn in. The plan was marked for exhibit as well as the architectural plan and tax map of various uses in the area. Mr. Kalma explained that the previous application failed with 6 residential units but now there are 3 plus 1 retail and 1 office unit. Everything else remains the same; it just went from all residential to residential and business combined. However they still would need a D variance.

Mr. Kee, the applicant's engineer, reviewed the plan, the parking and the architectural plan. He explained they are only looking for a use variance now and will come back for final approval of the site plan. He then reviewed the tax map exhibit.

Board Questions:

Mr. Gallego asked if there was a field survey of their findings or the tax map and Mr. Kee said he superimposed those findings onto the tax map and used numbers of meters, doors, and mailboxes to get his number of businesses and residences.

Mr. Shea asked what his conclusion was and he stated that the project would be good for the town and there would be no negative impact. He felt the character of the area was fitting for this project.

Mr. Montfort questioned if the paved area was all paved and if it was all a part of this property and Mr. Kee said it is all paved and you would use the right of way/driveway to get there. Mr. Montfort then asked if the area outside the property was Borough owned and Mr. Kalma said yes. Mr. Montfort then said if they improved the road and this driveway was lost, what would happen and Mr. Kee said it would be pre-existing then and they would design around it.

Mr. Hadderer said the board would need to know the easement was there for the final site plan. Mr. Kalma stated the easement was owned by Quik Chek and then the Borough picked up land there. He said this will be on the final site plan and will be further explained. Mr. Kee also noted that he would be doing a full grading plan.

Board Questions:

Mr. Montfort asked if they could explain the use of the first floor. Mr. Dudas, the applicant, of 107 Wembrook Rd Freehold was sworn in. The rooms on the first floor will be 18 X 8 X 60 feet deep. He explained he would build them and put them up for rent for offices and retail and see who applies. Mr. Irene asked if they could both be offices or both be retail but Mr. Kalma explained the parking consideration of both retail would be a problem, but that any other combination would be fine.

Mr. Cassidy asked if the upstairs could be 2 rooms and not 3 and Mr. Dudas said it is 760 square feet in the front and 875 square feet in the rear and that this is bigger than most apartments.

Mr. McKenna said he does not like rentals but that the town needs them and Mr. Cassidy agreed that to support retail, we need people.

Mr. Dolan made a motion to approve the D variance and Mr. Shea second it. The board voted with all members in favor.

Mr. Buccellato made a motion to approve the minutes from the April 21 meeting and Mr. Shea second it. The board voted with all members in favor.

Other Business:

Mr. Fierro of 8 Ivy Way Aberdeen who owns 771 Rt 34 had some questions about the sign ordinance however he was told he would have to go to the Borough Council meeting.

Mr. Irene had resolutions from the April 5 meeting that had no vote count or minutes to support them so Mr. Cassidy helped him to get the missing information from the board members so the resolutions could be completed.

Mr. Irene said that a letter from Habitat from Humanity will be in the board package for next month.

Mr. Cassidy made a motion to adjourn and Mr. Buccellato second it. All members voted in favor.

The meeting was adjourned at 9:15 pm

Respectfully submitted,

Diane Cannon
Board Recording Secretary