

**Minutes of the
Unified Planning/Zoning Board of Adjustment Meeting
December 5, 2011
7:00 PM**

A regular meeting of the Unified Planning/Zoning Board of Adjustment of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on December 5, 2011. The meeting was called to order at 7:00 PM with Chairman Kenneth Cassidy presiding. Chairman Cassidy called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 26, 2011, by sending notice to *The Independent*, and by posting.

Chairman Cassidy requested everyone to stand for the Salute to the Flag.

Chairman Cassidy requested a roll call.

On roll call the following members responded present:

Yes: Rickey Butler
 Kenneth Cassidy
 Angelo Gallego, Jr.
 Andy Lopez
 Rochelle Malanga
 John McKenna
 Robert Montfort
 Joseph Saporito
 Joseph Urciuoli

Paul Buccellato was absent from the meeting.

Also present were Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney and Philip A. Haderer, PE, CME, Planning Zoning Board Engineer.

Applicant(s)

John Savolaine – 7 Edgemere Drive – Block 56, Lot 2 (Variance)

Mr. Irene requested the record reflect Mr. Montfort recused himself and has stepped off the dais.

Mr. Irene swore in Board Engineer, Mr. Haderer, and stated the notice materials appear to be in order. Mr. Irene requested public comment on notification. There were no comments. Mr. Irene stated the Board has jurisdiction to hear and consider the matter. Mr. Irene asked the Applicant(s) to state their name and address. John and Catherine Savolaine stated their names and address as reflected above. Mr. Irene swore in Mr. & Mrs. Savolaine.

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Mr. Irene marked as Exhibit A-1 Plot Plan prepared by Robert T. Kee, Jr., PE dated September 20, 2011. Mr. & Mrs. Savolaine explained their Variance Application is for an inadequate setback to the façade of their home as outlined in Exhibit A-1. The existing porch is a covered open porch and will be replaced with a proposed porch which will have a 32.7 foot setback where 40 feet is required. Mr. Savolaine presented a current photo of his home which Mr. Irene marked as Exhibit A-2 depicting the house façade setback of 34.5 feet. Mr. Savolaine said minor changes to the home have been made since the photo but those changes do not include those outlined in the requested Variance. Chairman Cassidy requested comments from the public on the Application. There were no comments. Chairman Cassidy requested a motion to approve the Variance Application for John Savolaine. Mr. Saporito made the motion, seconded by Mr. Gallego. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
Kenneth Cassidy
Angelo Gallego, Jr.
Andy Lopez
Rochelle Malanga
John McKenna
Joseph Saporito
Joseph Urciuoli

Motion passed.

Mr. Montfort returned to the dais.

Emlerich, LLC – 126 Main Street – Block 24, Lots 3, 4, 6, 6.07, 7-9 (Variance)

Mr. Irene requested the record reflect Mr. Lopez recused himself and has stepped off the dais.

The Acting Recording Secretary was directed to put the August 2, 2010, October 4, 2010 and September 7, 2011 Planning/Zoning Board meeting recordings onto a disc for all Board members to review and to prepare certification for each member signature to ensure all members are eligible to vote on this Application.

Salvatore Alfieri, Esq. appeared on behalf of the Applicant. Mr. Irene reviewed his notes for the record: This Application was carried without renote from October 2, 2011. Mr. Alfieri stated his Planner was not available tonight but the Architect, Engineer and Traffic will provide testimony and answer any questions the Board may have in that regard. The Planner will testify at the next available meeting.

Mr. Irene reminded Architect Dean Marchetto he has previously been sworn. Mr. Marchetto reviewed the revised plans, which Mr. Irene marked as Exhibit A-19 plans prepared by Dean

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Marchetto Architects PC consisting of ten sheets depicting last revision date of November 21, 2011, submitted to the Board. Mr. Montfort asked if there was a revised Site Plan. Mr. Alfieri informed a revised Site Plan was not submitted because the architectural plans were submitted November 21 and there was inadequate time for Mr. Heuser, Project Engineer, to make his changes. Once Mr. Heuser testifies he will conform his Site Plan to the architectural plans presented to the Board tonight. Mr. Heuser will return to testify and we will provide a revised Site Plan at that time.

Mr. Marchetto reviewed the revised architectural plans dated November 21, 2011 (Exhibit A-19). The original plan initially reflected a four story building with 42 units. To conform with concerns over the original plan the May 24, 2011 revision reflect a three story building, a little wider, reduced down to 39 units with a pitched roof design. As the Board preferred the original plan our second revision of November 21, 2011 reflects 39 units back to a four story building with a flat roof, the same configuration that was reviewed and approved by the Fire Marshall. All Board comments with regard to parking, setbacks, sight lines, loading, trash removal, corridor configurations have been incorporated into this latest plan.

Mr. Marchetto presented original design with requested revisions. Messrs. Alfieri and Marchetto reviewed architect points with T&M Associates' November 30, 2011 letter. Mr. Heuser reviewed engineering points of this same letter, specifically concerns over adequate sewer line hook up of which Jake Applegate, Borough of Matawan DPW Superintendent, and the Director of the Bayshore Regional Sewerage Authority have both stated there is no conflict with the sewer hook up. Mr. Heuser will provide written approval from BRSA and BOM DPW. Mr. Heuser and the Applicant's Planner will return to provide submission of and testimony to the Site Plan. Mr. Haderer will be provided the Site Plan and truck turning templates prior to the next meeting.

Chairman Cassidy opened the floor for public comment.

Peter Young, One Maiden Lane, Matawan. Mr. Young voiced concerns over adequate sewer lines. Mr. Heuser responded he has received verbal approval, he awaits written approval and will provide to Board upon receipt.

Neelam Khanna, 120 Main Street, Matawan. Ms. Khanna voiced concerns over Fire Department access to the area and drainage. Mr. Heuser responded the plans do not encroach into her property location to deny access. The new building will have roof leaders into catch basins. He then pointed out the drains as outlined in the architectural plans but will visit the site and provide on the property survey at the next meeting.

Scott Kennel, Traffic designer for Applicant, reviewed traffic points within T&M's letter, such as loading zone, ramp width, traffic flow patterns, parking spaces – retail vs. residents, hours of access – retail vs. residents and width of entry to parking facility and spaces. Mr. Kennel

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suggests a one way traffic flow to Maiden Lane. We are suggesting modifying the plans to provide internal connection throughout the ground floor and eliminate two parking spaces which will bring the plans into compliance with ADA and Borough Ordinance regulations of 75 residential and 25 retail parking spaces which includes 4 handicap parking spaces. The Board agreed. Mr. Montfort requested the front page of the architectural plans be updated to reflect the 75/25/4 spaces. Mr. Montfort also requested substitution of a “knee wall” to a type of railing to facilitate line of sight.

Peter Young, One Maiden Lane, Matawan. Mr. Young asked if any alteration has been made to the entrance and exit to Maiden Lane from Main Street due to the current difficulty in turning from Maiden Lane onto Main Street. Mr. Kennel replied there were no proposed improvements to that intersection as this is a Borough issue.

Chairman Cassidy requested a motion to carry Emlerich, LLC Application to the January 4, 2012 meeting without renote. Mr. Montfort made the motion, seconded by Mr. Butler. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
 Kenneth Cassidy
 Angelo Gallego, Jr.
 Andy Lopez
 Rochelle Malanga
 John McKenna
 Joseph Saporito
 Joseph Urciuoli

Motion passed.

Mr. Lopez returned to the dais.

Other Business

Chairman Cassidy reminded the Board its Secretary, Diane Cannon, has retired and moved to Florida. The current salary of \$100.00 per meeting has provided little or no response in finding a replacement. After discussion the Board requested Mr. Lopez to recommend a raise to \$200.00 per meeting to the Borough Council.

Adjournment

Chairman Cassidy requested a motion to adjourn. Mr. Montfort made the motion, seconded by Mr. McKenna. The Board agreed. Motion passed.

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The meeting was adjourned at 8:45 PM.

Karen Wynne
Acting Recording Secretary