

**Minutes of the
Unified Planning/Zoning Board of Adjustment
October 1, 2012
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 October 1, 2012. The meeting was called to order at 7:00 PM by 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: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Thomas Fitzsimmons
No: Rochelle Malanga
Yes: Andrew Lopez
Yes: Daniel Aquafredda

Also present were Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of September 5, 2012. Mr. Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Recuse: Paul Buccellato
Yes: Rickey Butler
Recuse: Kenneth Cassidy
Recuse: Andy Lopez
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli

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Motion passed.

Resolution to be Memorialized:

Don Zubritsky – 83 Freneau Ave., LLC – 81-83 Freneau Ave. – Block 120, Lot 3 (*Variance*)

Mr. Montfort made a motion to approve the resolution and Mr. Butler seconded. The following roll call vote was taken:

Recuse:	Paul Buccellato
Yes:	Rickey Butler
Recuse:	Kenneth Cassidy
Recuse:	Andy Lopez
Yes:	John McKenna
Yes:	Robert Montfort
Yes:	Joseph Urciuoli

Motion approved.

Discussion

**Amendment Chapter 34 – development regulations of the code
creating a new Mixed Use Development (M.U.D.) district**

The Board discussed approving the amendment for the M.U.D. zoning to go the Borough Council to adopt an Ordinance.

The following details were agreed upon:

1. The Mixed Use Development shall provide for an overall architectural theme for all buildings and site amenities, e.g. signage, lighting, and streetscape improvements, within the development, in accordance with the standards set forth in subsection i. below.
2. The layout of the Mixed Use Development provides for internal pedestrian circulation and connection to off-site pedestrian features.
3. The Mixed Use Development shall provide amenities and features to promote and encourage the use of non-automobile and public transportation, such as bicycle racks, taxi stops, bus shelters, commuter drop off areas, etc. The provision of shuttle service to the train station shall be required, and any approval of a mixed use development shall set forth standards and conditions for such service and the discontinuance of such service in the event of lack of ridership or other cause beyond the control of the owner.

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4. All development within the Mixed Use Development District shall contain both a residential and non-residential component. A minimum of fifty percent (50%) of the total floor area of the mixed use development shall be utilized for residential use.

Permitted Principal Uses:

1. Multi-family residential development in mixed use buildings only and further provided no living area shall be located on the ground level;
2. Municipal offices, civic centers, and community facilities;
3. Business and commercial uses as follows, provided that no individual non-residential use or user within a mixed use building shall exceed 10,000 square feet in gross floor area:
 - a) Retail sales limited to the following: prepared and packaged food; furniture and home furnishings; antiques; jewelry; electronics; books and stationary; drug stores; health and beauty products; music and musical instruments; clothing and accessories; and sporting goods;
 - b) Personal service establishments limited to the following: real estate; insurance; banking and financial services; legal; engineering; architecture; accounting; medical; barber and beauty shops; credit agencies; servicing and repair of electronics; mail and shipping services, education and learning centers; and dance and martial arts schools;
 - c) Banks and financial services;
 - d) General business offices;
 - e) Medical offices, excluding veterinarians;
 - f) Restaurants, excluding drive-up and drive-through facilities; delicatessens;
 - g) Government offices and services;
 - h) Bars and taverns, but excluding nightclubs;
 - i) Sports and fitness centers; and
 - j) Child and adult day care facilities.

a. Permitted Accessory Uses and Structures:

1. Walls and fences;
2. Swimming pools;
3. Kiosks and sidewalk café seating;
4. Fountains and other decorative water features;
5. Flagpoles, clock towers, statues and other street art;
6. Bus shelter, taxi stops, bicycle racks, and features and structures appropriate to facilitate and promote public transportation; and
7. Necessary public utilities and services per Section 34-77.

b. Required Off-Street Parking:

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1. Residential Uses: Per the New Jersey Residential Site Improvement Standards, NJAC 5:21-4.14(b)
2. Non-residential uses: As specified in Section 34-43
3. Notwithstanding 1. and 2. above, a shared parking approach may be permitted subject to the review and approval of the Board in accordance with the following:
 - a) An applicant requesting approval of a shared parking approach shall prepare and submit a shared parking analysis report to the Board and its professionals for review. In preparing the analysis, the applicant shall follow the procedures for shared parking specified in the current edition of the Urban Land Institute (ULI), Shared Parking Manual and the Institute of Transportation Engineers (ITE) Parking Generation. The report shall evaluate and illustrate the temporal distribution of the parking demand for all the uses proposed and confirm that the peak parking demand can be fully met on-site or through an off-site parking agreement with the Borough or private entity, to be approved by the Board, for utilization of a parking lot or facility within an acceptable walking distance.
 - b) For the purpose of calculating the peak parking demand for a shared parking approach, the minimum number of parking spaces for each residential use shall be as required pursuant to the New Jersey Residential Site Improvement Standards, NJAC 5:21-4.14(b).
 - c) Any approval of a shared parking approach in conjunction with a site plan approval of a mixed use development shall be conditioned upon maintaining substantially the same mix of uses as originally approved. Any proposed change in use within a mixed use development, to a use with a higher parking requirement, as set forth in Section 34-43, shall require the submission and approval of a zoning permit. Said zoning permit application shall include a revised shared parking analysis report. The approval of the zoning permit by the zoning official shall be made only after a finding of the Borough Engineer that the peak parking demand can continue to be fully met consistent with the originally approved shared parking approach. The cost of the review of the revised shared parking analysis shall be borne by the applicant.
 - c. Signs: As specified in Section 34-44, except as otherwise provided in this section.
 - d. Bulk Requirements:
 1. Principal buildings:
 - a) Minimum lot width: One hundred (100) feet
 - b) Minimum front yard setback: Fifty (50) feet
 - c) Minimum side yard setback: Twenty-five (25) feet; Fifty (50) feet to any lot line of a residential use, residential zone, or publicly owned property
 - d) Minimum rear yard setback: Fifty (50) feet
 - e) Maximum building height: Five (5) stories and Sixty-five (65) feet

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- f) The following additional standards shall apply to mixed used buildings:
- i. The entire first floor area of the mixed use building shall be utilized for non-residential uses with the exception of the following, which may serve the residential component: Foyers; stairways; elevators; mechanical rooms; lounges; bicycle/storage lockers; mail room; meeting rooms; fitness/recreation rooms; and leasing or sales office and further provided such areas shall not exceed fifteen percent (15%) of the total first floor area;
 - ii. A minimum of twelve and one-half percent (12.5%) of the total floor area and eighty-five percent (85%) of the first floor area of a mixed use building shall be utilized for business and commercial uses permitted pursuant to c.3. of this Section
2. Accessory buildings and structures:
- a) Minimum front, side and rear yard setback: Ten (10) feet
- e. Additional Zoning Standards:
1. Minimum tract area for Mixed Use Development: Four (4) acres;
 2. Maximum residential density: Twenty (20) dwelling units per acre;
 3. Maximum building coverage: Thirty percent (30%); and
 4. Maximum lot coverage: Eighty percent (80%)
- f. Design Standards:
1. New buildings shall maintain a primary orientation to public streets both functionally and visually.
 2. Mixed use buildings of three stories or greater shall provide elevator service.
 3. Multiple buildings within a development shall maintain a consistent style/architectural theme utilizing common color schemes and materials. Architectural themes should be in keeping with village character of other areas within the Main Street area of the Borough, including Victorian, Colonial and Traditional.
 4. All facades visible from adjoining properties shall include visually pleasing architectural features similar to the front façade of the building.
 5. Buildings shall be designed to avoid exterior elevations from containing large expanses of blank or featureless walls. No building façade, as viewed from any public street or public parking area, shall have an unbroken horizontal length of greater than sixty (60) feet without of a break of a minimum of twelve (12) inches. Balconettes (non-accessible balconies for visual effect) are recommended on front and side facades. Balconies shall only be permitted on rear facades, and further provided, no balcony shall be located on any façade that faces a public street.
 6. Mixed use buildings four or more stories in height, in addition to the required horizontal façade breaks above, shall provide one or more vertical breaks as viewed from any public

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street.

7. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Dormers or other architectural features may be used to minimize the apparent mass of the buildings. Variations within an architectural style are highly encouraged. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Gabled, hip or combination roof types are permitted.
8. Heating and cooling equipment and other mechanical features shall be located to minimize visual and acoustical impacts.
9. Entranceways shall be in keeping with the architectural character of the building and shall be clearly and appropriately framed architecturally.
10. Covered entryways or porticos for building entrances facing the street are highly encouraged.
11. Non-residential uses on the ground floor of mixed use buildings to the maximum extent practical shall incorporate window displays to stimulate interest and exposure of retail goods and services to pedestrians. Window glass of individual uses on the ground floor shall comprise a minimum of forty percent (40%) of the building façade facing any public street or public parking area and shall be clear glass to provide unencumbered views to window displays. Tinted glass is prohibited.
12. No unit shall have more than two bedrooms and a minimum of forty percent (40%) of the units shall be one bedroom units.
13. Each dwelling unit in a mixed use building shall have a minimum floor area of nine hundred fifty (950) square feet.
14. Each dwelling unit in a mixed use building shall be provided with a minimum of eighteen (18) square feet of storage with a vertical height of a minimum of eight (8) feet, exclusive of living area closet space.
15. The design of any mixed use building shall include ground floor bicycle/storage lockers assignable to a significant percentage of the units/residents. Such percentage shall be subject to the approval of the Board.

Mr. Buccellato stated that the Borough can solicit college students to reduce the costs of the initial legwork.

Mr. Irene asked if there were any further comments or questions. No one responded.

Mr. Cassidy made a motion to approve the resolution and Mr. Montfort seconded. The following roll call vote was taken:

Recuse: Paul Buccellato
Yes: Rickey Butler

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Yes: Kenneth Cassidy
Recuse: Andy Lopez
Yes: Rochelle Malanga
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli

Motion approved.

Adjournment

Chairman Cassidy requested a motion to adjourn. Mr. Montfort made the motion, seconded by Mr. Urciuoli.

The board voted with all members in favor and the meeting was adjourned at 8:13 PM.

Respectfully submitted
Nancy Jo Palermo
Recording Secretary