

**Minutes of the
Unified Planning/Zoning Board of Adjustment
September 5, 2013
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 September 5, 2013. 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 17, 2013, 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
No:	Thomas Fitzsimmons
No:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Robert Montfort
No:	Joseph Saporito
No:	Joseph Urciuoli
No:	Rochelle Malanga
Yes:	Andrew Lopez
No:	Daniel Acquafredda

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

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of the August 5, 2013 meeting. Mr. Buccellato made the motion, seconded by Mr. Butler. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes:	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
Yes:	John McKenna
Yes:	Robert Montfort
Yes:	Andrew Lopez

Motion approved

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Applicants:

1. 762 Highway 34, LLC – Block 113, Lot 1.05 (*Site Plan Application*)
2. JSM@Matawan Phase II, LLC (Broad Street Plaza) – Block 40, Lots 6 & 7 (*Variance*)

762 Highway 34, LLC

Mr. Irene stated that this matter was carried from the August 5, 2013 meeting without necessity of re-notice.

Mr. Salvatore Alfieri, Attorney for 762 Highway 34 DaVita Dialysis, LLC, on behalf of the applicant, opened by stating that they had been granted preliminary site plan approval subject to revised architectural renderings.

Mr. Steve Kontos, owner of the building, from Holmdel, NJ was sworn in. He told the board that the mansard of the roof would be blue and the stone color might change. He was asked if the HAVAC unit will be in the back of the building. Mr. Kontos said there is a four foot white PVC fence in the back on top of the roof and also said the unit is 90-100 feet away from the nearest resident and will not cause a noise issue.

Mr. Lopez asked what the hours of operation were and Mr. Konto said they would end between six and seven pm and the unit will not be ruining after business hours.

Mr. Haderer pointed out that a recommendation had been made to check the trees on Elizabeth Avenue for blockage, stating that there was one mature tree on the right hand of the driveway.

Mr. Alfieri said he had looked at the trees in question with Mr. Kontos and had determined there were no visual impairments.

Mr. Cassidy asked if there were any questions from the board or from the public. There were none.

Chairman Cassidy requested a motion to grant final site plan approval. Mr. McKenna made the motion, seconded by Mr. Montfort. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort
Yes: Andrew Lopez

Motion approved

**Minutes of the
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Resolutions to be memorialized:

1. 762 Hwy 34, LLC – Main & Broad Streets – Block 50, Lot 16 (*Site Plan Application*)

Chairman Cassidy requested a motion to approve the Resolution for preliminary site plan approval. Mr. Robert Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort
Yes: Andrew Lopez

Motion approved

2. 762 Hwy 34, LLC – Main & Broad Streets – Block 50, Lot 16 (*Site Plan Application*)

Chairman Cassidy requested a motion to approve the Resolution for final site plan approval. Mr. Butler made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort
Yes: Andrew Lopez

Motion approved

Mr. Alfieri requested a short recess

At 7:20 PM the meeting was reconvened and called to order by Chairman Kenneth Cassidy. Chairman Cassidy requested a roll call.

On roll call the following members responded present:

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna

**Minutes of the
Unified Planning/Zoning Board of Adjustment
September 5, 2013
7:00 PM**

Yes: Robert Montfort
Yes: Andrew Lopez

JSM@Matawan Phase II, LLC

Mr. Salvatore Alfieri, Attorney for JSM@Matawan Phase II, LLC, came before the board seeking final site plan approval and stated that they had re-noticed.

Mr. Ronald Aulenbach, Director of Engineering for Edgewood Properties was sworn and his credentials accepted.

Mr. Aulenbach addressed the following issues:

Request for a design waiver as the front door was not going to face route 34.

There will be a provision to notice the residents that there is a bike locker in the lobby.

Mr. Montfort asked about the ADA ramps.

Mr. Aulenbach said there is sufficient room to walk around the ramp without a railing being needed. There are wheel stops.

He stated that they had met with Mr. Applegate, superintendent of Public Works for The Borough of Matawan, who believes there is sufficient capacity for water and sewer, however, as he is not certain of the sewer, they will install Flush Meters.

Mr. Montfort questioned whether the trees will block the sign at the second entrance. Mr. Aulenbach said he believed there will be no obstruction.

Mr. Buccellato wanted to know where the walkway was in the seating area and Mr. Aulenbach said that is where it ramps down.

Mr. Haderer said the parking demand assumes retail without a restaurant. If a restaurant comes in, you might have to come back for a variance. Mr. Irene said the resolution reads that as long as there is up to twenty percent shared parking the parking calculations will not change.

Mr. Montfort said he wanted the requirements shown on the plan.

Mr. Montfort asked about the refuse site. Mr. Haderer said the applicant controls the frequency of pickup and the Medical center has its own hauler.

Mr. Montfort asked about the lighting spilling over on Broad Street was acceptable. Mr. Haderer replies that .5 or below is acceptable and the percentage can be controlled with shielding on the lights.

Mr. Aulenbach said they would revise the plans to provide shield on the Broad Street side.

Mr. Montfort asked if the turning radius will allow for a fire truck to go around. He was answered that yes it can make the turn and the plans will be revised to show that.

Glen Turner of Matawan Borough Fire Prevention will need to assert that it can fit to make the curve at the back of the M.U.D. building.

**Minutes of the
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Mr. Lopez wanted to know if there was any other way to get a fire truck back there and asked who was going to take care of the DOT analysis to upgrade or change the traffic lights.

Mr. Aulenbach said they will fund all the costs.

Mr. Cassidy asked if there were any more questions for this witness for the Board or the public. There were none.

Mr. Francisco Lado, an Architect since 1994, was sworn in and his credentials accepted.

Mr. Buccellato asked what the policy was on balconies. Mr. Lado replied that there were only balconettes and there will be four inches between the railing and the sliding door.

There will be a provision in the lease to prohibit anything being put there.

Mr. Buccellato asked if they could make the rear elevation facing the MMCC be enhanced to similar flashing of the front façade subject to approval of the Board Engineer and does the front of the building have an overhang?

Mr. Aulenbach said yes and said the front is an awning.

Mr. Cassidy asked if there were any more questions for this witness for the Board or the public. There were none.

Chairman Cassidy requested a motion for final site plan approval. Mr. Butler made the motion to grant final site plan approval and amend preliminary site plan approval, with variance relief, and design waivers. Mr. Lopez seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort
Yes: Andrew Lopez

Motion approved

Chairman Cassidy requested a motion to adjourn. Mr. McKenna made the motion, seconded by Mr. Lopez.

The board voted with all members in favor and the meeting was adjourned at 8:45PM.

Respectfully submitted
Nancy Jo Palermo
Recording Secretary

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