

**Minutes of the
Unified Planning/Zoning Board of Adjustment
May 1, 2023
7:00 PM**

A regulatory 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, NJ on May 1, 2023, with Chairman George Ciupinski presiding. Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by publishing notification in *The Asbury Park Press* on January 13, 2023, by sending notice to *The Independent* and by posting. A copy of said Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of said notice has been sent to such members of the public as have requested such information in accordance with the Statute. Chairman Ciupinski called the meeting to order at 7:00PM.

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

Chairman Ciupinski requested a roll Call.

On roll call the following members responded present:

Yes: Joseph Altomonte
Deana Gunn
Joseph Urciuoli
George Ciupinski
Kurtis Roinestad
Kathleen Sporer
Ricky Butler
Adeel Salam

Absent – Sharen Laporta, Sandy Johns

Present: Austin Mueller, Planning/Zoning Board Attorney and
Lou Ploskonka PE, Ronald J. Reinertsen PP, AICP - Planning/Zoning Board Engineer.

Applicant(s)

**Spring Development Group, LLC – 334 Main Street, Block 47.02, Lot 13
(Preliminary & Final Site Plan with Variance)**

Donna Bullock, Engineer for the applicator testified that the applicant is seeking to construct a sixteen (16) foot addition to an already existing outdoor patio to provide an enclosed area for additional seating. The applicant is here seeking variance relief front yard set, where a minimum of 20 feet is required, 1.7 feet was existing, and 2.1 feet is proposed. The applicant is also

**Minutes of the
Unified Planning/Zoning Board of Adjustment
May 1, 2023
7:00 PM**

seeking design waivers for minimum buffer strips between nonresidential and residential uses as well as relief for the number of off-street parking spaces

Mr. Basset, Owner of La Madonna, 334 Main Street, testified that the patio was existing and the addition would occupy the same footprint. He also stated that the windows would be open in the warmer months for an outdoor experience. He also stated that the number of seats located within the addition would be the same as the existing patio, which is forty (4) seats. After questions from the board regarding the water run-off from the new addition, Mr. Basset replied that the new roof would have gutters, the gutters would connect to an existing stormwater drain near the shed located at the north side of the building.

There were no members from the public expressing an interest in this application.

Ms. Sporer made the motion to accept this application with the variance relief, seconded by Mr. Urciuoli. Chairman Ciupinski requested a roll call vote. A roll call vote was taken.

Yes: Joseph Altomonte
Deana Gunn
Joseph Urciuoli
George Ciupinski
Paul Kelahan
Kurtis Roinestad
Kathleen Sporer
Ricky Butler
Adeel Salam

Motion Passed.

**William Cox – 27 Fierro Avenue
Block 115, Lot 4 (Block 115, Lot 18-45 Lakeside Drive Steven Rossidis)
*Minor Subdivision – Extension Request***

The applicant, William Cox, was previously granted minor subdivision approval with ancillary bulk variance relief to re-subdivided the two (2) existing abutting properties. The approval was memorialized in a Resolution dated October 3, 2022. The applicant did not fully understand the process to record the deed, he is presently working on perfecting the deed and is requesting a ninety (90) day extension of time to do so.

M. Urciuoli made the motion to grant the extension, seconded by Mr. Altomonte. Chairman Ciupinski requested a roll call vote. A roll call vote was taken.

Yes: Joseph Altomonte
Deana Gunn

**Minutes of the
Unified Planning/Zoning Board of Adjustment
May 1, 2023
7:00 PM**

Joseph Urciuoli
George Ciupinski
Paul Kelahan
Kurtis Roinestad
Kathleen Sporer
Ricky Butler
Adeel Salam

Motion Passed.

**Emlenrich LLC – 114-116 Main Street - Block 6, Lot 20-23
(Preliminary & Final Site Plan with Variances)**

Mr. Alfieri address the board and states that the site plans have been revised since the previous meeting. He explained that the applicant and the objector had reached an agreement and the applicant has purchased Lot 24.01. This new purchased lot has been added to the proposed development and the application has been revised to include the purchased property.

Mr. Alfieri introduces the applicant Engineer, Adam A. Khan, PE., C.M.E., Mr. stated that the applicant has acquired the adjacent Lot 24.01 located at the rear of the subject property. He stated that the newly acquired lot would be consolidated with the other lots. Mr. Khan also states that the applicant was seeking variance relief for the front and rear yard setback, and height. He stated that the applicant was also seeking design waiver relief from parking requirements. The applicant was proposing two (2) levels of parking with a basement level and a ground level. Access to the basement level would be from Maiden Lane near the rear of the building, access to the ground level would be from Maiden Lane toward the front of the building. A total of 107 parking spaces would be provided where 101 parking spaces are required. There would be fifteen (15) parking spaces which would be shared between retail use and residential use (residential use of the shared spaces would be overnight only) added signage would be posted stating the hours that the parking spaces were permitted for retail use and residential uses. Shade trees along the Main Street frontage and sidewalk and curbing would be installed along Maiden Lane which would connect to the existing sidewalk and curb on Main Street.

The board questioned if there was room at the end of Maiden Lane for vehicles to turn around, in response Mr. Khan stated that the driveway access to the basement would be sufficient in size to allow drivers to use as a K-turn to turnaround at the end of Maiden Lane. The board then questioned if the end of Maiden Lane could be extended to create an exit road for better circulation. In response, Mr. Khan stated that Maiden Lane could not be extended because of the topography of the Matawan Creek and associated buffers. The Board Planner raised concerns that the modified design had a building twice the size as the initial design, however, circulation had not been improved with the redesign.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
May 1, 2023
7:00 PM**

Mr. Alfieri introduces Christiano Perpeira, AIA, Mr. Perpeira introduces a color rendering of the proposed property and is marked as Exhibit A-1. He states that he had incorporated some of the suggestions from the Historical Site Commission. He also stated that the building would now be doubled the size of the initial design proposed. The modified design would add additional parking spaces for residents He also stated that the transformer room would now be located at the rear of the building.

Mr. Pereira next testified that the corner of the proposed building would not including any retail space, instead it would be the lobby and fitness lounge for the residents. The purpose of locating the lobby and fitness lounge at the corner was to not break up the row of retail along Main Street. Mr. Pereira stated that relocating the lobby would require relocating the elevator to another part of the building which would take up more space. In response to questions from the board, Mr. Pereira stated that the modified design currently included one (1) retail store. He agreed to investigating revising the plans to relocate the lobby to provide more retail space.

Mr. Pereira then testified that fifty-two (52) residential units would be provided with a mix of one-bedroom, two-bedroom, two-bedroom with loft, and three-bedroom with loft units. He stated that eight (8) of the residential units would be designated as affordable housing units. He noted that each unit would have a balcony, except those located along Main Street. He then stated that the height of the building would have an average grade of 42.13 feet where a maximum of thirty-five (35) feet was permitted. He stated that the Applicant required variance relief for the number of stories from Maiden Lane. Mr. Pereira also noted that that the Applicant required a d(6) variance relief for the height because it exceeded 10% of what is permitted.

Mr. Alfieri introduces the applicants Traffic Engineer, Craig W. Peregoy, P.E. Mr. Peregoy states that he had updated the traffic counts using data from 2019 and February 2020. He stated that he used the highest of the data points and that the Traffic Study was the same performed for the recently approved Emlenrich, LLC application because the properties were located in such close proximity to one another.

The Board expressed its concern with congestion at the intersection of Maiden Lane and Main Street, especially with the train crossing nearby. In response to the Board's concern, Mr. Peregoy testified that the peak hour of the train crossing was different than the proposal's peak hours. He stated that the traffic impact for the proposal would not be perceptible. He stated that in his opinion there were no issues in regard to safety with ingress or egress. In response to further questions from the Board, Mr. Peregoy testified that creating an alleyway at the rear of the subject Property would create cut-through traffic issues. He also stated that a private property was located in between Maiden Lane and the existing alley which was not owned by the Applicant. The Board expressed its view that the benefit of the alleyway would outweigh the detriment of cut-through traffic.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
May 1, 2023
7:00 PM**

Mr. Alfieri introduces the applicants Planner, Mr. McDonough. Mr. McDonough testified that the subject Property included five (5) lots: Lot 20, 21, 22, 23, & 24.01 of Block 6. He stated that the lots totaled approximately 32,200 square feet. Mr. McDonough testified that the subject Property was currently improved with small business buildings along Main Street, a dwelling at the rear on Lot 24.01, and parking in between. He testified that the existing condition of the subject Property was poor and that the proposed use would improve the visual appearance of the site. He stated that the proposed building, along with 126 and 110 Main Street would together act a catalyst for growth on Main Street. Mr. McDonough next testified that the Applicant was seeking d(1) use variance relief to permit a mixed residential and retail use. He stated that the building would be designed to the standards for the Mixed-Use Development Zone District where mixed use buildings were permitted. He also stated that the Applicant was seeking d(6) height variance relief. Mr. McDonough further stated that the Applicant was seeking c(2) variance relief for the front yard setback, rear yard setback, and number of stories. Mr. McDonough testified that the front yard setback on Main Street required a minimum of twenty (20) feet, whereas 3.01 feet was being proposed. He stated that the proposed front yard setback was similar to 126 and 110 Main Street. Mr. McDonough further testified that the front yard setback on Maiden Lane required a minimum of twenty (20) feet, whereas 5.03 feet was being proposed. Mr. McDonough further testified that the rear yard setback required a minimum of thirty (30) feet, whereas 11.16 feet was proposed. He stated that the rear yard setback was similar to 126 and 110 Main Street. He testified that the existing rear yard setback was zero (0) feet. Mr. McDonough also explained that a maximum of three (3) stories were permitted, whereas four (4) stories were proposed. He explained that the four (4) stories were a result of the grade of the subject Property exposing the basement level parking at the rear of the subject Property.

Mr. McDonough next testified in regard to the special reasons why the d(1) use variance should be granted. He stated that the proposal would advance the goal of the Master Plan to revitalize Main Street, add value and quality retail, provide for affordable housing, create a complementary aesthetic and harmonize with the buildings located at 126 Main Street and 110 Main Street, and provide a consumer population. Mr. McDonough further testified that the subject Property was suitable for mixed use because of its proximity to downtown and the train station. He also opined that the proposal would advance purposes a), c), e), g), i), and m) of the Municipal Land Use Law. He concluded that the grant of variance relief would not result in substantial negative impact to the zone or the public good based on previous witness testimony.

Mr. McDonough specified that the 2015 and 2017 Master Plans both had the goal of revitalizing the downtown in order to promote community pride, cohesiveness, and attractive aesthetics. He concluded that the proposal promoted the goals along with 126 and 110 Main Street and by increasing customer traffic. In addition, Mr. McDonough testified that the proposal advanced the goals of the Master Plan of quality development, affordable housing, revitalization, and economic development. In response to further questions from the Board Planner, Mr. McDonough testified that the proposed sidewalk would be wider than the existing sidewalk and would align with the existing sidewalk at 126.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
May 1, 2023
7:00 PM**

The hearing was opened to the public, at which time Charles Dunn, 4041 Atlantic Avenue, Aberdeen, NJ, testified that he was the owner and operator of the martial arts school located adjacent to the subject Property at 112 Main Street. Mr. Dunn expressed his concern with the impact that construction would have on his business, particularly for safety and access for customers. He stated that he felt that his business was being squeezed by the adjacent development, although he wanted to clarify that he was not a hold out to development. Mr. Dunn testified that he had been working with the Applicant, as well as Emlenrich, LLC, in regard to the development of 110 Main Street. He stated that he did not have as much concern regarding this application as he had with the Emlenrich, LLC application. Mr. Dunn also expressed concern with the left turn from Maiden Lane to Main Street because he believed the delays from the train crossing would create difficulty for his customers to access his business. Mr. Dunn also asked how close the proposed building would be to his building.

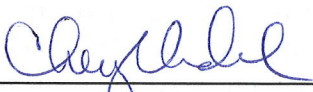
In response to Mr. Dunn's question, Mr. Khan testified that the distance between the existing building on the subject Property to Mr. Dunn's building was six (6) inches. Mr. Khan testified that the distance between the proposed building to Mr. Dunn's building would be six (6) feet, which was an improvement. He stated that a paver walkway would be in place between the proposed building and Mr. Dunn's building. In response to Mr. Dunn's concern regarding construction, the Applicant agreed to have a pre-construction meeting with the Borough Engineer and Construction Official in order to reduce the impact that construction would have on the surrounding area. Mr. Dunn further expressed his lack of enthusiasm for the proposed project, however, he stated that he was supportive of revitalization of the area. He also stated that parking in the downtown area was an issue. Mr. Dunn testified that the existing buildings were in poor condition and that the proposal would be an improvement. He stated that he was supportive of the proposal, but wanted the Board to be ensure that the proposal is done right.

Mr. Alfieri, on behalf of his client, requested that this application be carried to the next scheduled meeting dated June 12, 2023. His client would like to address the boards concerns and make any additional revisions or modifications necessary.

Adjournment

Chairman Ciupinski requested a motion to adjourn. Mr. Urciuoli made the motion, seconded by Mr. Roinestad. The Board agreed. Motion passed.

The meeting was adjourned at 9:10 PM.



Cheryl Adamski
Recording Secretary