

The Unified Planning/Zoning Board of Adjustments Meeting
June 2, 2008

The meeting was called to order by Ken Cassidy, chairman, and the pledge of allegiance was recited.

Roll call was taken with the following members present: Mr. Buccellato, Mr. Cassidy, Ms. DeYoung, Mr. Dolan, Mr. Mendes, Mr. Montfort, Ms. Rinear, and Mr. Shea. Mr. Saporito was absent. The alternates present were: Ms. Malanga and Mr. Gallego.

Ms. Rinear made a motion to approve the minutes from May 5, 2008 meeting with the changes made by Mr. Montfort of the name of the downtown preservation zone from development zone. Mr. Mendes second and the board voted with all members in favor and one abstention from Mr. Dolan.

Resolutions:

Haviland Resolution: Ms. Rinear made a motion to approve the Haviland resolution and Mr. Montfort second. The following roll call vote was taken: Mr. Cassidy-yes, Ms. DeYoung-yes, Mr. Mendes-yes, Mr. Montfort-yes, Ms. Rinear-yes, Mr. Shea-yes, and Ms. Malanga-yes. Mr. Buccellato, Mr. Gallego and Mr. Dolan were absent that meeting.

Other Business:

American Properties-Mr. Irene said this was an administrative matter. There is an ordinance to establish a housing liaison position, which was part of the settlement to address the COAH requirements. This ordinance deals with the compensation, duties and powers of the position. The board should review it and report back to the council within 35 days.

Mr. Shea asked what the salary would be and Mr. Irene stated that was determined by the council.

Mr. Mendes asked if this position would do other projects as well and not just American Properties and Mr. Irene said yes, anything with COAH. The board engineer said he only had a question on a referenced item called # 6 and there was no # 6. Mr. Irene agreed and said he would find out about that.

Committee to review the signage- Mr. Cassidy said it has been formed and will report back to the board by the July 7, 2008 meeting. It consists of Mr. Cassidy, Mr. Saporito and Mr. Montfort.

The first application was Mrs. Murray, 2 Miriam Drive Block 59, Lot 9

Mrs. Murray was sworn in. The application is for an 18' above ground swimming pool. There was an objection to the notices. Ms. Achenberg, the executrix of the Sophie Grant estate, objected to the content. She said there was not enough information, it does not say what variances are being sought, or the relief sought. Mr. Irene suggested that Mrs. Murray re-notice because if a judge went against and voided any approval the board gave, it would be a problem later on down the road. He said she needed to put in the notice the lot coverage variance relief. Mr. Irene went on to explain that the notices are jurisdictional and the board cannot see any applicant without proper notices. The board

went on to discuss that the lot coverage is not in the zoning ordinance. Mr. Irene said the zoning officer would not issue a permit anyway so she would have to argue that point. The board engineer said that pools fell under structures within the ordinance. Mr. Cassidy made a motion to carryover this application to a special meeting on June 16, 2008 and Mr. Buccellato second. The board voted with all members in favor. The meeting will be at 7 pm and new notices will go out and the board will be able to hear the matter that night.

The second application was Harold Smith, Ryers Lane Block 122, Lots 19 & 20

This is a density matter so the Class 1 & 3 members stepped down. Mr. Dolan also recused himself. Mr. Alfieri is the attorney and Mr. Venezia, the board engineer, was sworn in. Mr. Alfieri stated that the applicant was here on March 3, 2008 so there was no re-notice. Ms. Coffin is the applicant's planner and was sworn in. She then marked the map for exhibit and reviewed it. She reviewed the location and specs on the site in the R100 zone. There are 2 non-conforming width issues and 3 non-conforming area issues. All the other setbacks are all right. There is a density matter but she believes the site is a permitted site.

Board questions

Mr. Cassidy said that most lots are preexisting and asked if there was enough parking for 3 houses there. The planner said there is no parking variance so it is all right.

Mr. Shea asked what the frontage of each property was and the planner said they were 99', 81', and 67' for each house.

Mr. Montfort asked if it was the pattern of the board to approve undersized lots or are they preexisting and the planner said they were preexisting.

Mr. Gallego asked why she would say there would not be that much more traffic with three houses and the planner explained that she based her answer on her experience in sub-divisions and not a particular study.

Ms. Malanga had questions on the map that were clarified

Mr. Montfort asked about the sewer easement that cannot be built on (25') and Mr. Alfieri said it was not relevant because it can still be used, just limited, and the buyer would also know about it in advance. He also stated that yes his client could build 2 conforming lots but would like to build 3.

Public questions

Mr. Chartier of 12 Poet Drive asked exactly where the property was located and the applicant's engineer, Mr. Hopkins who was sworn in at the last meeting, explained where the property was.

Board questions

Mr. Shea asked if the road narrowed there and the answer was that the right of way is there so it would be wider now and much more efficient.

Mr. Montfort made a motion to deny the application and Ms. Rinear second. The board voted with 5 yes votes and Mr. Shea voting no. Ms. De Young had been absent.

The third application was 226 Main Street, Block 29, Lot 30

This is a D variance so the Class 1 & 3 members stepped down. The board professional, Mr. Venezia, was sworn in. This was carried over from the May 5, 2008 meeting. Mr. Alfieri is the attorney. There was a 6pm site visit tonight where the following were present: the owner, Mr. Alfieri, the board professional, the board secretary, the board attorney and the following members; Mr. Gallego, Ms. Rinear, Mr. Cassidy, Mr. Dolan,

Mr. Buccellato, and Ms. DeYoung. There were also 2 interested parties from the public who visited as well.

Mr. Cassidy thanked Mr. Alfieri and the owner for the tour and stated that the interior was in disrepair. He said there were a lot of historical items and features to the house but it was vacant and under construction. Mr. Gallego said the interior was in disrepair. The history of the structure was obvious. Mr. Irene stated that there were 6 eligible voters here tonight for this matter just so the record reflects that.

Public comments

Mr. Chartier of 12 Poet Drive was sworn in and stated that he questioned the testimony of the experts. He had newspaper articles and minutes and a Main Street Revitalization summary that were all marked for exhibit. He went on to comment that there is no market for office space and that office space would not be the best use of this property. He disputed the fact that it is not feasible to maintain this property and brought up the history of the planning board approvals and denials on historic sites.

Mr. Savolaine of 7 Edgemere Dr stated he was a history teacher, part of the historical society, and very interested and knowledgeable in the history of Matawan. He does not want this to become a business address and pleaded with the board to have it maintained as an historical home.

Ms. Chester of 24 Mill Rd was sworn in and stated that Main Street is an historical part of town and this house is the gem. She said many of the changes outside and inside would be very dramatic. She objected to the fact that the property could not be maintained as a home and also said that the zoning law states residential and this house should remain that.

Ms. Hawn of 222 Main Street was sworn in and stated the Ryer house is historic and eligible for registration as an historic site. She marked the Historic Resources Report as an exhibit.

Board questions

Ms. De Young asked where the historic section was and Ms. Hawn said that historic sites list each property and not just a section but also each individually. She said that Main Street is in the preservation zone and marked a map from the Historic Resources as an exhibit. She objected that the home could not be maintained and had photos of what it looked like previously and marked those for exhibit. She stated that business owners do not keep their properties maintained any better than a homeowner would. She went onto say the owner does not keep his other Matawan property maintained as historic either. She questioned the buffer strip on the residential side of the property and the board professional explained that at this time the applicant is here for D variance relief so the board has not looked at that yet.

Board questions

Mr. Shea asked if the application was approved, could the house not be listed as historic and Ms. Hawn said if it was altered then it could not be registered.

Mr. Cassidy stated again that the house is in very ill repair and Ms. Hawn said that it sold quickly which proves it can and should remain a residence.

Mr. Dolan said he has heard a lot of objections but has not heard one suggestion on how to save this house.

Mr. Cassidy asked what the options would be and Ms. Hawn said that if the application were granted, then the property would be lost to commercial forever.

Mr. Shea asked if the building was unmarketable then how did it sell so quickly and Ms. Hawn said that she believed it sold for cash but for a lot less than market value.

Mr. Dolan said that office space could probably save this house and Ms. Hawn said that the board does not know if that is what is best.

Mr. Cassidy then made a motion to carry it over until the July 7, 2008 meeting without re-notice and Mr. Gallego second. The board voted with all eligible members in favor and Mr. Shea abstaining

Other business

Mr. Irene said that Mr. Grippi has asked for an extension of time for his minor sub-division deed and would the board grant this and Mr. Cassidy said yes 60 days from the granting of the resolution for extension of time at the next meeting.

Mr. Cassidy made a motion and Mr. Mendes second. The board voted with all members in favor and Mr. Buccellato abstaining.

Mr. Cassidy asked if the board could discuss the Ryer application among the members and Mr. Irene said no, only on record in an open meeting.

Mr. Montfort asked about the annual report that is due and Mr. Irene said he gave copies of examples from other towns and was waiting for someone to get back to him.

American Properties ordinance for the COAH liaison- Mr. Montfort made a motion to approve the ordinance and Mr. Dolan second. The board voted with all members in favor.

Mr. Mendes made a motion to adjourn and Mr. Cassidy second. The board voted with all members in favor.

The meeting was adjourned at 10 pm

Respectfully submitted,

Diane Cannon
Recording Secretary