

Planning/ Zoning Board of Adjustments Special Meeting
April 21, 2010

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

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

The first application was Laurdan Realty LLC Main and Broad Streets Block 50, Lot 16
Mr. Irene asked as a follow up question, if part of the property was NJ Transit's and Mr. Alfieri, the applicant's attorney, stated that they are waiting on the consent from them. They have approved the plan and will sign on it but there are many stages of the approval process. He has received a copy of the lease and of the easement, even though there is no easement recorded, just a reference on the tax map. He explained that if the applicant went to the board first and there were changes, they would have to come back before the board so he is asking that any approval be conditional on the NJ Transit approval. The lease would also have to be amended. The applicant cannot buy this property because of the lease.

Mr. Cassidy asked if this situation ever occurred before and Mr. Irene said no, usually the applicant owns the property or has the owner's consent beforehand. In this case, one strip of land is leased and the lease will expire in 2 years. The owner will not sign off on it now but if they have final approval, they might. The applicant is here to get approval from the board to do that but does the board want to give approval on something that the applicant doesn't own and what will happen in 2 years if the lease is not renewed. Mr. Alfieri did some research as well and said the owner has to honor the lease for the 2 years; the only way that would change is if the property were needed for railroad use and then the applicant would be given 30 days notice. He has had leases for 10 years at a time and never had a problem.

Mr. Saporito suggested the board proceed and just put a stipulation in as a condition and Mr. Cassidy agreed. Mr. Buccellato said they would have to put in the resolution what happens if the lease is not renewed. Mr. Saporito said it could be a contingency to approve the plan and extend the lease.

Mr. Meetz, the manager of Laurdan Realty, was sworn in. Mr. Alfieri asked him about the lease and he said it is a 10 year lease and every other time they have negotiated it in the last year of the lease. Mr. Meetz said he pays rent to NJ Transit and the only way a lease can be terminated is if the railroad lines are reactivated. Mr. Irene asked why he didn't get the consent first, but he stated again that they have seen the plan and have approved it but the entire process takes awhile and they want to see the finished plan so he has to come to the board first.

Mr. Cassidy made a motion to proceed with this application with a procedural note that the applicant has to get consent from NJ Transit and Mr. Mendes second. The board voted with all in favor except Mr. Gallego and Mr. Montfort who voted no.

Mr. Spalt, the applicant's engineer, was previously sworn in but marked the revised plan for exhibit. Mr. Spalt reviewed the changes from the board engineer's letter which included; screening in place, lighting times, signage, storage areas, landscaping and fencing, parking and crosswalks. He said that DOT and Monmouth County planning board approvals have not been received yet.

Board questions:

Mr. Montfort asked about screening in the back and Mr. Spalt said that the roof material keeps a continuous screening so you do not see the structure.

Public questions:

Mr. Pesce 8 Claire Court Matawan said he wants an 8' fence and not a 6' fence and he wants trees to match that height. Mr. Spalt stated his notes from the previous meeting said 6' but the board could consider a taller fence. Mr. Pesce asked what time the lights would be turned off and Mr. Spalt said probably 10 pm but would depend on the business. He did say the lighting was decorative and had shields.

Ms. Cutting 10 Claire Court Matawan had questions on the landscape in the back and Mr. Spalt then reviewed the fence and landscaping around the back.

Board questions:

Mr. Mendes asked if the headlights from cars entering would be alright for the residences there and Mr. Spalt said yes because it is only an entrance and they are tracked away.

Public questions:

Ms. Strauss 9 Claire Court Matawan asked if 24 hour stores could be in the center and Mr. Alfieri said the stores that are there now could be open until midnight.

Ms. Marotta 3 Claire Court Matawan said she was concerned with the traffic and safety zone at the entrances and Mr. Spalt said you only see the trunks of the trees so there is no visual obstruction. Ms. Marotta then asked how many feet is the entrance from Claire Court and Mr. Spalt said 200 which is by DOT guidelines.

Mr. Kennel, the traffic engineer, was sworn in and he reviewed the traffic safety and impact report. He also reviewed the board engineer's letter regarding traffic.

Board questions:

Mr. Gallego asked if adjustments were made for seasonal traffic and new construction in the area and Mr. Kennel said yes. They use DOT changes in growth statistics and the seasonal traffic should not affect it that much.

The board engineer made a comment that this revision is the best so far and addresses all concerns.

Mr. Irene asked how many parking spaces are in the NJ Transit area and Mr. Kennel said 46, there are 111 total. Mr. Irene asked what the options were if the NJ Transit area went away and Mr., Kennel said they need that parking area for this plan and the board engineer agreed.

Mr. Montfort asked about the pinch point on the Broad Street entrance and the board engineer said the curb has been set there and has been fixed. Mr. Kennel said they could

also add a stop there. Mr. Montfort had a question on the curb on the exit only and Mr. Kennel said they will fix that so it is not so tight.

Public questions:

Ms. Sobocinski 62 Robertsville Rd Freehold had questions on the traffic entrance due to problems in the past and Mr. Kennel said that it is a county road and improvements would have to come from them.

Ms. Marotta 3 Claire Court Matawan asked if the growth of the new building was considered in the study and Mr. Kennel said yes and he explained the traffic hours he recorded and reviewed in the study.

Mr. Alfieri had Mr. Meetz have photos of signs marked for exhibit. Mr. Meetz then reviewed the photos and spoke of the hours the signs would be on and off. He also spoke of the hours for trash pickup and deliveries. He added that he would want to keep the fence at 6' for safety reasons and for the screening of the trail behind the property.

Mr. Cassidy asked if the police said the 8' was safe, would he consider the 8' but Mr. Meetz said no because of the patrons and the look of a fence that high.

Mr. Cassidy asked again about the 2 years left on the lease but Mr. Meetz explained that the lease has been in effect for 47 years so the intention is to renew it for as long as possible. He is going to ask for a 20 year lease, but in the past it has always been 10 years.

Mr. Irene asked if there was any consideration of what would happen if there was no lease and Mr. Meetz said he could try and get the neighboring land. Mr. Cassidy asked if the fence could go all the way to the end of the property but Mr. Meetz said he is only trying to lease what he will use due to cost. Mr. Montfort pointed out that it was only 10-15' more and then Mr. Meetz agreed.

Mr. Buccellato questioned the signs on the building and said the town is in the process of doing a new sign ordinance. Mr. Meetz said he needs those signs so the businesses will be visible from the street. Mr. Buccellato said if he did directory signs then he would not need all those signs but Mr. Meetz said the businesses want them. Mr. Dolan made a point that signs are a necessity to businesses.

Mr. Irene asked if the COs are contingent on the NJ Transit lease and what conditions are to be added. Mr. Meetz said he would not do this without tenants and COs and would not want it as a condition. He said he would come back to the board with the application if the COs are taken away.

Mr. Montfort made a point that the signs are overpowering and the architecture is not in line with the town. Mr. Meetz said he is open to suggestions on the architecture and that he will follow the ordinance requirements with the signs.

Mr. McKenna said he has a problem with the sign entering the center and Mr. Meetz said the main sign will have the address and there will be a directory but he wants signs for each business so customers will know where it is.

Public comments:

Ms. Sobocinski 62 Robertsville Rd Freehold was sworn in and she said she is against the project because of the trees and fence as she feels it will be a safety issue and a place for graffiti.

Ms. Strauss 9 Claire Court Matawan was sworn in and said she wants a fence and trees and nice signs.

Ms. Large 7 Claire Court Matawan was sworn in and said she wants a fence put up.

Board comments:

Mr. Gallego said his only concern was with the lease and there should be a bond or escrow. Mr. Irene explained that a bond or escrow is for security and there is nothing to secure in this application.

Mr. Buccellato said the board needs an answer on lights, hours, signs, and he would like photos facing Claire Court for exhibit.

Mr. Irene said that the board needs fence details from the applicant as well as other items so they should give the applicant a list and when they return they will have what the board is requesting.

Mr. Cassidy made a motion to carry the application to the May 3 meeting without re-notice and time granted from the applicant and Mr. Gallego second. The board voted with all members in favor.

Other Business:

Mr. Irene said Mr. Murphy wanted to carry their application to the May 3 meeting but there were conflicts so he asked the board to consider a special meeting in May or to carry it to the July 7 meeting.

Mr. Buccellato wants the board to consider lot coverage on applications. He asked that they approve something and send it to the council for review as there have been many issues regarding this.

Mr. Montfort made a motion to approve the minutes from the March 1 meeting and Mr. Cassidy second. The board voted with all members in favor.

Mr. Cassidy made a motion to adjourn the meeting and Mr. Montfort second. The board voted with all members in favor. The meeting was adjourned at 10:30 pm

Respectfully submitted,

Diane Cannon
Board Recording Secretary