

Unified Planning/Zoning Board of Adjustments Meeting
September 8, 2010

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

Roll Call was taken with the following members present:

Mr. Buccellato, Mr. Cassidy, Mr. McKenna, Mr. Montfort, Mr. Shea and Ms. Malanga.

Absent were: Mr. Dolan, Mr. Gallego, Mr. Mendes, and Mr. Saporito.

Mr. Montfort made a motion to approve the minutes of the July 19 meeting and Mr. McKenna second. The board voted with all members in favor except Mr. Buccellato who abstained.

Mr. Montfort made a motion to approve the minutes of the August 2 meeting with 3 slight changes and Mr. McKenna second. The board voted with all members in favor except Mr. Buccellato who abstained.

The first application was the Borough of Matawan 145 Broad Street Block 34, Lot 6 & 7
Mr. Mena is the Borough's attorney. He stated that this is a capital improvement project. The notices were reviewed and approved. Mr. Buccellato recused himself. Mr. Mena stated that this is the former board of health building and is no longer needed by the town. He stated it needs structural repairs and the council decided to auction the property and sell it. This application is to make the property into 2 lots with the new owners removing the building. It is a fully conforming property.

Mr. Heuser, the applicant's engineer, was sworn in. He reviewed the survey map, the sub-division site plan and marked both for exhibit. He said there are no variances needed. He reviewed the waivers for the property and the drainage area maps and they were marked for exhibit.

Board Questions:

Mr. McKenna asked if the lots are larger than others in that area and Mr. Heuser said yes and that they are realigning the lot lines and therefore both lots will conform. Mr. Mena stated that the property was originally 2 lots and then they were put together for the board of health and so now they are asking to have them separate again.

Public Questions:

Mr. Fagan of Holmdel, NJ was sworn in. He owns the property next door at 141 Broad Street that he rents out. He had photos of the property and parking area they share marked for exhibit that he took last week and passed them around. He gave a history of the property, the parking, the curb cuts, aprons etc. and he is asking that these items be conditions of any approval granted.

Mr. Mena asked if he had rights to an easement on Borough property and he said no. Mr. Mena asked if he could still get out of his property if nothing changes and he stated he could but he would not have the proper size driveway like the other houses.

Mr. Mena said they could not commit to doing his driveway and they are not here for building permits. He did state that in essence the homeowner was trespassing if there is no easement in his possession.

Mr. Montfort asked the width of the curb cut and Mr. Hadderer, the board engineer, said it was a single driveway so it was 12'.

Mr. Heuser believes the county put the driveway in originally and that it does comply with the others in the area. He said you need at least 8' and this has 10'.

Mr. Hadderer said Mr. Fagan may want to get approval from the county to expand the apron.

Mr. Fagan said he did not think this cost should fall on him and the trouble of perhaps taking it to the county since they are doing the reconstruction now. He said before there was blue stone there and the county did the aprons. He thinks it should be fixed now while they are working there.

Mr. Cassidy said he always tries to look at it as if the other property owner was a resident and not the Borough and then would the board have that homeowner replace his driveway and they probably would not.

Mr. Heuser said he believes in his experience, it has been the homeowner's responsibility to replace it or take it to the county on his own to see if they will do anything.

Mr. Fagan said the board is already making the new owner take down the building and so he is asking for the curb cut to be a condition also.

Mr. McKenna made a motion to approve the sub-division and Mr. Montfort second. The board voted with all members in favor and Mr. Buccellato recusing himself.

The second application was Parkside Manor Inc 9 Spring Street Block 29, Lots 5.01, 11 & 12.01

Mr. Alfieri is the applicant's attorney. He stated the engineer was not available tonight. The notices were approved. Mr. Irene stated the site plan and tax map are different and that may affect the lot area deficiency or it may not, but they are still different. Therefore the applicant should find out why that is before the application will be heard by the board. Mr. Alfieri granted a stipulation of time and there will be no re-notice. Mr. Montfort made a motion to carry it to the November 1, 2010 meeting and Mr. McKenna second. The board voted with all members in favor with Mr. Shea abstaining.

The third application was Farro Management LLC PineCrest/Pine Valley Plazas 1008-1016 Hwy 34 Block 120.01, Lots 6 & 10

The notices were approved after having been re-published. Mr. Cambria is the applicant's attorney.

Mr. Montfort asked if the revised site plans and the engineer's report were submitted to the Borough and the attorney said yes.

Mr. Hadderer stated he received a letter and revised site plans on the 7th and so no review was done yet but that his original items were not addressed.

Mr. Irene asked if the board got the previously approved site plan and Mr. Hadderer said there were additional items done and changed from the original. He stated they need a new starting point for comparison, the existing and the proposed on one plan.

Mr. Hopkin, the applicant's engineer, from Jackson, NJ was sworn in. He stated they did not pull the old site plan. He said the owner bought the property in Dec 2008 and he upgraded items that were in disrepair. He said there were stop orders and then approvals from T & M Engineering. They were allowed to finish what was started and approved by

the Borough. They now want to move the sign and have some paving/concrete/stripping to be approved after the fact on what was regular maintenance.

Mr. Hadderer said he did not agree that all work that was done was maintenance issues and has a lot of question on the proposed improvements but they were already done. There is some parking that is non-conforming and he has questions on the trash disposal location, on drainage, and he needs a better understanding on the timing of all these items.

Mr. Cassidy asked if the engineers were on the same page and Mr. Hopkin said they are trying to comply with everything in the board engineer's letter.

Mr. Montfort said if this site plan is approved, there are no buffers and the board has no new plan. He questioned where the commercial was and where the residential was on the plan.

Mr. Irene noted that the site plan only has parts of the lots and the board needs to see the entire plan.

Mr. Hadderer asked when these buildings were built and Mr. Cambria said it was more than 20-30 years ago.

Mr. Irene said the board needs to see the site plan before and after in order to move forward so they know what was there, what has changed, and what is proposed.

Mr. Hopkin said nothing is being asked for at this time except moving the sign and the drainage.

Mr. McKenna said he wants to see the pre and post plans.

Mr. Montfort said he would like to be sure that the parking, buffers, drainage, and wetlands are all covered. He would like to see if they were approved before or more information about them.

Mr. Hopkin said they will cover the board engineer's letter and make sure all issues are covered.

Mr. Montfort made a motion to carry the application to the November 1, 2010 meeting without re-notice, with extension of time granted, and all files pulled and Mr. Buccellato second. The board voted with all members in favor.

Resolutions:

Murphy Resolution: Mr. Montfort made a motion to approve and Mr. McKenna second. The following roll call vote was taken: Mr. Cassidy-yes, Mr. Montfort-yes, Mr. McKenna-yes and Mr. Shea-yes.

Other Business:

Mr. Cassidy reviewed all letters and correspondence with the board.

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

The meeting was adjourned at 8:30 pm

Respectfully submitted,

Diane Cannon
Board Recording Secretary