

Unified Planning/Zoning Board of Adjustments Meeting
August 18, 2011

The meeting was called to order by co-chairman, Rickey Butler, and the pledge of allegiance was recited.

Roll Call was taken with the following members present: Mr. Buccellato, Mr. Butler, Mr. Gallego, Mr. Lopez, Mr. McKenna, Mr. Montfort, Mr. Saporito, Mr. Urciuoli and Ms. Malanga. Mr. Cassidy was an applicant so was not present as a member of the board.

Mr. Irene stated that there were 2 matters before the board; one for D-variance and one was an application for the Borough of Matawan so therefore the councilman and mayor would step down as they are also our Class 1 & 3 members.

The first application was Borough of Matawan Little St Block 17, Lot 3
The notices were approved. Mr. Menna, the borough attorney, was sworn in. He stated this was a capital improvement application and he submitted the proposed map/survey and it was marked for exhibit. This application is for variance relief for lot width. This has been an abandoned property in town which when transferred in 1909 and again in the 1930s as an individual lot, was not sub-divided. In 1953 the title was transferred to the borough through a tax sale and the lot width was allowed at that time, but now it is not allowed so if the borough wants to sell the lot as it is at a tax sale than they need this variance relief to do so. This is a single family lot and the borough would not build on it but would auction off the lot simply as an open lot. There is no land on either side to acquire in order to try and make this a conforming lot.

Board questions:

Mr. Montfort stated that he felt all issues were covered as long as the new owner built a structure within the build able area.

Mr. McKenna questioned why an ordinance would change from allowing 40' lot width to 50' lot width when the town knew it could not be done and Mr. Menna said he did not know but would guess it happened as part of an upgrade to the town's ordinances.

Mr. Hadderer, the board engineer, was sworn in.

Public questions:

Mr. Grimes of 48 Little St said he lives next door to this lot and was concerned if a structure was built next door it would be a small space between them and worried about drainage.

Mr. Menna said that the setbacks would be honored and the new building plans would have to be reviewed and approved for drainage.

Mr. Hadderer stated that once permits were acquired they will review the grading plan and it would be addressed at that point.

Mr. Grimes said he was still concerned about the small lot and Mr. Irene said the new owners would have to have it conform and if it did not then they would have to come before the planning/zoning board.

Mr. Montfort made a motion to approve this application and Mr. Saporito second. The board voted with all eligible members in favor.

The second application was Mr. Cassidy 88 Freneau Ave Block 121 Lot 11

Mr. Cassidy was sworn in and the notices were approved. This is an application for D- variance relief. The survey was marked for exhibit. Mr. Hadderer, the board engineer, was sworn in.

Mr. Irene made a statement that Mr. Cassidy was chairman of the board but still maintains the right as a town resident to have an application heard before the board. He then asked any of the board members if they had a problem with being impartial to the application and all members stated they could be impartial and had no problem hearing and voting on the application.

Mr. Cassidy stated he has had his business at this location for 20 years but now needs to grow and needs a storage area and an area to clean and hang individual area rugs. There is a residence there also. He said this is a pre-existing non-conforming property. The previous owner had a home improvement business as well as a residence there but had also added an apartment to the property. When he became the owner he had removed the apartment so it would be approved by the town. His property is in the SB zone so it is approved for a business but not for the residence so that is why it is a pre-existing non-conforming property. His application is just for the garage area to be expanded and to be adjoining to the existing garage; however he is not changing the residence part at all. He stated that customers would not be allowed in this area as it would just be for warehouse use. His property is located on a corner lot so that setback is also pre-existing. His customers use the paved parking area and the stone part is not for customers. It presently is 20' by 40' in size.

Board questions:

Mr. Montfort asked if there was a fence between the stoned driveway and the paved section and Mr. Cassidy said yes so customers will only use the paved part.

Mr. Montfort asked if the garage is existing now and Mr. Cassidy said yes it was there but the staircase will come down as he is joining the 2 buildings to make it more aesthetically appealing.

Mr. Montfort then went over all the pre-existing conditions and variances and the board asked some questions about the neighboring houses.

Mr. Gallego asked if there were originally 2 dwelling places and Mr. Cassidy said yes he had to fix that so he made the downstairs into his business and the upstairs was already setup as a residence and he left that. He did away with the additional apartment so he could get a C of O to move in.

Public questions: none

Board questions:

Mr. Montfort verified that this is a 2-story structure that is being proposed and Mr. Cassidy said yes as he needs the top area to hang the area rugs when he cleans them, but that's all that would be used for. The rest of the space will be for storage. He also told the board he does not do dry cleaning and that all cleaning solutions he uses are safe.

Mr. Gallego asked if he would have yearly inspections and Mr. Cassidy said yes he has always had them and would continue to have them.

Mr. Hadderer noted that the tree buffer is good on the property but that it should always be maintained at about 7' and Mr. Cassidy said that was not a problem, he has hedges there and plans to keep them there and will maintain them.

Mr. Gallego asked if the business sign was conforming and Mr. Cassidy said yes it has always been and they are not changing it.

Mr. Montfort made a motion to approve this application and Mr. McKenna second. The board voted with all eligible members in favor.

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

The meeting was adjourned at 7:45 pm.

Respectfully submitted,

Diane Cannon
Board Recording Secretary