

**Minutes of the
Unified Planning/Zoning Board of Adjustment
April 2, 2012
7:00 PM**

A regular 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, New Jersey on April 2, 2012. The meeting was called to order at 7:00 PM by Chairman Kenneth Cassidy presiding. Chairman Cassidy called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 26, 2011, by sending notice to *The Independent*, and by posting.

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

Chairman Cassidy requested a roll call.

On roll call the following members responded present:

Yes: Paul Buccellato
 Rickey Butler
 Kenneth Cassidy
 Angelo Gallego, Jr.
 Andy Lopez
 Rochele Malanga
 John McKenna
 Robert Montfort

Mr. Urciuoli was absent.

Also present were Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney.

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of March 5, 2012. Mr. Lopez made the motion, seconded by Mr. Butler. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
 Rickey Butler
 Kenneth Cassidy
 Angelo Gallego, Jr.
 Andy Lopez
 Rochele Malanga
 John McKenna

Abstain: Robert Montfort

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Motion passed.

Mr. Saporito joined the meeting at 7:05 PM.

Resolutions

Café 34, LLC – 787 Route 34 – Block 105, Lot 14 (Variance)

Chairman Cassidy read by title Resolution for Café 34, LLC – 787 Route 34, Block 105, Lot 14 (*Variance*). Chairman Cassidy requested a motion to approve. Mr. McKenna made the motion, seconded by Mr. Saporito. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
 Rickey Butler
 Kenneth Cassidy
 Angelo Gallego, Jr.
 Andy Lopez
 Rochele Malanga
 John McKenna
 Joseph Saporito

Abstain: Robert Montfort

Motion passed.

APPLICANT: CAFÉ 34, LLC
APPLICANT'S ATTORNEY: Jonathan M. Heilbrunn, Esq.
APPLICATION NO.:
BLOCK 105, LOT 14

**RESOLUTION OF THE
UNIFIED PLANNING & ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF MATAWAN**

REGARDING APPLICANT'S REQUEST TO REVIEW ESCROW SUM

WHEREAS, CAFÉ 34, LLC , hereinafter referred to as the "Applicant", submitted an application to the Unified Planning & Zoning Board of Adjustment of the Borough of Matawan (hereinafter referred to as the "Board") pertaining to the premises known as 787 Route 34 (Block 105, Lot 14) within the Borough;

WHEREAS, Philip A. Haderer, P.E., C.M.E., of T&M Associates, the Board Professional Engineers, reviewed the application and related plans and materials, and prepared a "completeness" review letter and fee/escrow letter, dated February 10, 2012;

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WHEREAS, the applicant's attorney submitted a letter to the Board dated February 23, 2012, requesting that pursuant to Borough Ordinance section 34-9(c), the Board review the escrow sum established in said T&M Associates letter and determine whether, based upon the scope of the application and the factors set forth in said ordinance section, the escrow sum established for this application should be adjusted;

WHEREAS, the Board considered this matter at the time of its public meeting on March 5, 2012, and determined that, based upon the facts and circumstances here at issue, the escrow sum of \$4,750.00 as established in said T&M Associates' letter is:

- sufficient and appropriate and should be maintained as established; and
- based upon the following factors the escrow as established by the ordinance does not appear to be excessive for this commercial project.

WHEREAS, except as may otherwise be expressly modified hereby, the said fee/application and "completeness" letter of T&M Associates remains in effect as written (and in particular, but without limitation, the application fees as set forth in said letter remain unchanged).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board, that it makes and adopts the determination as set forth herein.

ROLL CALL VOTE

THOSE IN FAVOR:	Buccellato	Lopez
	Butler	Malanga
	Cassidy	McKenna
	Gallego	Saporito

ABSTAIN: Montfort

THOSE OPPOSED:

Applicants

Monmouth County Sheriff (Celltower) – 76-78 Wilson Avenue – Block 119, Lots 1 & 62 (Capital Review)

Chairman Cassidy related the Monmouth County Sheriff's letter requesting to be held over to the June 2012 Planning Zoning Board meeting. Chairman Cassidy requested a motion. Mr. Montfort made the motion, seconded by Mr. Buccellato. Chairman Cassidy asked for a roll call vote. A roll call vote was taken.

Yes:	Paul Buccellato Rickey Butler Kenneth Cassidy Angelo Gallego, Jr.
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Andy Lopez
Rochele Malanga
John McKenna
Robert Montfort
Joseph Saporito

Motion passed.

James & Susan Murphy – 15 Lakeside Drive – Block 115, Lot 30 (Variance)

Mr. Irene related as Mr. & Mrs. Murphy application is incomplete Mr. Irene suggested same be held to the May 2012 agenda. Mr. Irene will forward a letter to Richard Schwartz, Esq., Mr. & Mrs. Murphy's attorney, informing application remains incomplete and scheduled for May 7 assuming all necessary documentation and fees are submitted. Chairman Cassidy requested a motion. Mr. Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy asked for a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Rickey Butler
Kenneth Cassidy
Angelo Gallego, Jr.
Andy Lopez
Rochele Malanga
John McKenna
Robert Montfort
Joseph Saporito

Motion passed.

Discussion

Route 34 Rezoning

John Maczuga, Planner, from T&M Associates distributed changes made to previously distributed documentation. Mr. Maczuga recapped issues raised by the PZ Brd concerns: Setbacks of 10 ft. in original draft were insufficient; the Board agreed to strike structured parking as an accessory use; the original draft did not have standard architectural design some standards have now been incorporated; non-residential floor are requirement was insufficient; and, Board members wanted copies (distributed) of a previously approved development plan for the retail portion of the property.

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Mr. Maczuga reviewed the general requirements highlighting a feature allowing the promotion of a transit oriented design in the mixed use development. Potential train station shuttle service has been added as an option to the Board. Item #4 was stricken. Mr. Buccellato asked the Board if they wished to impose restrictions on retail use. Mr. Maczuga will provide a list as to what you do want rather than list exclusions. The retail (non-residential) square footage maximum reduced from 10K to 5K and expand list of permitted uses such that it is clear as to what kinds of permitted uses are allowed.

Shared parking requirement will have to be proven by developer. If you are going to submit shared parking analysis it shall be done in accordance with the Municipal Land Use Law.

Front yard setback revised from 35 foot to 50 feet. Side yard setback revised to 25 feet and 50 feet to any residential zone or publicly owned property. Max height from 45 to 50 feet (max is 60 excluding cupolas, etc). Board asked for elevators to be required. Mr. Irene suggested having setbacks contingent upon height. Maximum number of units which can be constructed as presently written is 81. Mr. Buccellato refers to setbacks as layering degrees of elevation. The Board concurred.

Mr. Irene asked language clarification for accessory buildings, "buildings and structures." Additional zoning standards .1 bumped to .2 for non-residential floor area ratio total square footage of building to the lot area. Building coverage requirement of 35%. Standard or set a minimum of unoccupied open space or both. The intent is of the total 20% (or the first floor of a five story) of total FAR of mixed-used building is non-residential. After reviewing ordinance requirements Mr. Irene suggested lot coverage rather than impervious coverage. Board agreed.

Design Guidelines. Aesthetic features can be added as plans progress. The architecture of the building shall maintain the historic character of the Borough. No wall shall intentionally be left blank. Direct access of all non-residential from the exterior. Mr. Buccellato asked Mr. Maczuga to look into at the possibility of a street-facing terrace, such as a "Juliet" balcony, for all residential use. Rooflines as written are acceptable with the addition of "projecting cornices." Screens required for roof HVAC units. No unit shall have more than two bedrooms and a minimum of 40% of units shall be one bedroom. A storage requirement for each unit with a minimum vertical height of 30 sq feet with no less than 5 ft by 6 ft by 8 ft. Each floor shall have a designated storage area no less than 240 cubic sq ft. Maczuga said the main focus of storage will most likely be bicycles and that is most conducive to separate, secure and dedicated space per unit.

Mr. Maczuga said the total acreage of 6.51 is inclusive of Walgreens and the former Motor Vehicle building of the mixed use development. Mr. Irene asked if the Board wishes to make it clear and define in the mixed use zone that the permitted use is the mixed use of each structure with the commercial on the first and the residential above. The Board agreed. Mr. Irene define the ordinance so that the permitted use is the mixed use in a single (each) structure with the on

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the first floor and the residential above. Mr. Buccellato requested Mr. Maczuga to draft a revised ordinance to Mr. Irene reflecting the Board's desire. Mr. Buccellato asked if the Board wants to include the entire site for the calculation of other residential units or do you want to reduce the residential units and then do the entire site. Mr. Maczuga said to keep in mind the Walgreens site would have to be a single entity to own the property. You cannot have different entities. Mr. Irene stated as it is a consolidated parcel the entire track must be considered with the way the ordinance is currently drafted. In terms of considering the modifications to the zoning how does the Board wish to incorporate some of these concepts. Mr. Saporito asked to specify the established guidelines of mixed use for the remaining undeveloped piece of property. Mr. Maczuga the Board can have mixed use development as the only use and retain the Highway Improvement District on 34 with the understanding Walgreens will extend into the new mixed use zone making it a split zone.

Mr. Buccellato said the Board requires verification on a few items:

1. The Motor Vehicle was never rolled into the entire site as originally that was owned by Cifelli. If it is still a separate lot it doesn't get rolled into this parcel (zone).
2. Can you say the number of units are based on excluding the parking and drive through areas using only the vacant property and the foot print of Walgreens to calculate dwelling units.
3. The property was subdivided in 2005 as Edgewood Properties, and clarify property ownership in determining the division of mixed use and highway improvement zones.

Chairman Cassidy requested a motion to carry the Route 34 Rezoning to the June 4, 2012 meeting. Mr. Montfort made the motion, seconded by Mr. Buccellato. Motion passed.

Ordinance No. 12-07

Mr. Irene informed Council has referred this proposed Ordinance to the Board for review and comments for inconsistency in the Master Plan. The introduced Ordinance amplifies personal services establishments in the Highway Improvement District with the only modification with the addition of tattoo parlors. The Board had no issue with the Ordinance and found it consistent with the Master Plan and authorized Mr. Irene to report same to Council. Mr. McKenna made the motion, seconded by Mr. Cassidy. Chairman Cassidy asked for a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
 Kenneth Cassidy
 Angelo Gallego, Jr.
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Joseph Saporito

Abstain: Paul Buccellato
Andy Lopez

Motion passed.

Emlerich, LLC – 126 Main Street – Block 24, Lots 3, 4, 6, 6.07, 7-9 (Variance)

Mr. Irene related his recollection of the residences to be constructed as condominiums vs. rentals. Mr. Alfieri did not agree. Mr. McKenna's recollection was Mr. Alfieri stated it will depend on the market conditions and this may be the discretion. Mr. Irene asked the Board if it is their desire to removing the condition that they be constructed as condominiums vs. rentals. The Board agreed. Mr. Montfort made the motion that, seconded by Mr. McKenna. Chairman Cassidy asked for a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
Kenneth Cassidy
Rochele Malanga
John McKenna
Joseph Saporito

Abstain: Paul Buccellato
Angelo Gallego, Jr.
Andy Lopez
Robert Montfort

Motion passed.

Adjournment

Chairman Cassidy requested a motion to adjourn. Mr. Gallego made the motion, seconded by Mr. Buccellato. The Board agreed. Motion passed.

The meeting was adjourned at 9:30 PM.

Karen Wynne
Recording Secretary