

**Minutes of the
Unified Planning/Zoning Board of Adjustment
September 5, 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 July 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
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Angelo Gallego, Jr.
Yes: Andy Lopez
Rochelle Malanga
Yes: John McKenna
Yes: Robert Montfort
Joseph Saporito
Yes: Joseph Urciuoli

Also present were Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney and Philip A. Haderer, Planning Zoning Board Engineer.

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of August 6, 2012. Mr. Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

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

**Minutes of the
Unified Planning/Zoning Board of Adjustment
September 5, 2012
7:00 PM**

Yes: Robert Montfort
Yes: Joseph Urciuoli

Motion passed.

Mr. Irene requested a recess at 7:05 pm due to the notice of the meeting being published as starting at 7:30pm.

Chairman Cassidy recused himself and stepped down having been replaced by Mr. Butler. Mr. Buccellato and Mr. Lopez also recused themselves.

The meeting was reconvened and called to order at 7:30 PM by acting Chairman Rickey Butler.

Acting Chairman Butler requested a roll call.

On roll call the following members responded present:

Yes: Rickey Butler
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli

Applicants

1. Don Zubritsky – 83 Freneau Ave., LLC – 81-83 Freneau Ave. – Block 120, Lot 3
(Variance)

Kalma Frederick Attorney At Law, Matawan, NJ, attorney for the applicant stated that the applicant, Mr. Donald Zubritsky operating a business at 83 Freneau Ave, known as Straight Line Auto, wishes to expand his auto repair shop.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
September 5, 2012
7:00 PM**

Mr. Zubritsky was sworn in. He explained that there are two principal structures on his property, one being a residence where he resides with his family and the other being an auto repair shop. He wishes to expand the shop to increase the bay space from the existing 2 bays to 4 bays with lifts which will allow for the automobiles that are being repaired to be inside. The existing building is 1200 sq. ft and he will be adding 1800 sq. ft. for a total of 3000 sq. ft.

This will be advantage during inclement weather and will reduce noise to nearby residents. Mr. Zubritsky was asked if he is a one man operation and if he plans to remain as such, he said he was and at most he would consider adding an assistant at some point in time. He was asked how many vehicles he worked on in a given day, he replied that it was 4-5 per day. He stated that vehicles were repaired by appointment only, were dropped off, repaired and picked up in the same day. There is nothing sold on the premises nor will there be. He has an 8 X 30 trailer on the premises which he uses to store large and heavy parts, smaller parts and supplies are stored in mezzanine area above the bays which conforms to the 1/3 of area above that is allowed. There is a waiting area inside at present which is not used. There are not more than two non-operative vehicles on site at any time. Additional space on the premises would be used only for finished vehicles waiting to be picked up. Mr. Zubritsky is requesting additional space for the inside only where mechanical repairs and servicing will be done.

Mr. Philip Haderer, Board Engineer, was sworn in. Mr. Haderer stated his concerns over waste oil on site. It was explained that the waste oil was situated on a concrete pad and was picked up every two weeks. He also expressed his concerns over drainage, asking if there was a pre-existing drainage problem.

Mr. George Gloede, Licensed Professional Engineer was sworn, his credentials were accepted. Mr. Gloede was retained for Storm Water Management and Soil Erosion and Sediment Control. Mr. Gloede answered that "yes, there was a pre-existing drainage problem". The drainage flowed towards the Townhouses and when the Townhouses were built they blocked the natural path of drainage. There is no storm sewer in the street at a close proximity to 83 Freneau Avenue.

Mr. Goede explained that they were looking into a Jellyfish Filter which is a stormwater quality treatment technology featuring unique stand-alone treatment system that removes a high level and wide variety of stormwater pollutants. It would cost around \$40,000.00. Mr. Haderer suggested putting a 6 ft. X 9 ft. deep sump pump in the catch basin as a much less costly option. Mr. Gloede stated that he would definitely be interested in that option.

Mr. Edward Kolling, Licensed Planner for 38 years was sworn in and his credentials were accepted. He was questioned regarding non-operative vehicles on site.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
September 5, 2012
7:00 PM**

He stated that the need for D(1) use variance relief was not necessary since Ordinance 34-67 concerning garages and auto repair shops as it applies to having no more than 2 vehicles which are incapable of operation was intended to keep such facilities from becoming junkyards and did not mean that only 2 vehicles could be temporarily out of commission for repairs at a time and therefore 4 work bays would need the use variance. After further discussion, the Board agrees with this interpretation and that the D(1) use variance was not needed.”

Mr. Kolling said that the variance for pre-existing non-conforming benefits will support approval of Mixed Use and will be an aesthetic improvement by moving unsightly articles front the front to the rear of the property. He feels that the benefits of this will far out-weigh the detriments.

Mr. Dennis Devino Licensed Architect in the State of New Jersey was sworn in by Mr. Irene and had his credentials accepted by the Board. Mr. Devino explained that there were two interior bays and one lift outside and the intention was to add four more bays and bring all of the bays and lifts inside.

He stated that all of the EPA requirements had been satisfied with a handicapped accessible space in the rear of the building. That there are existing buffers and they would be giving the building a face lift, inclusive of new lighting, a new sign and a new roof. All existing asphalt would be removed and replaced. The curbs are newer and will not need to be replaced.

Acting Chairman Butler asked if there were any more questions. No one answered.

Mr. Kalma said: “that concluded the testimony”.

Mr. Kalma said that the Engineer wants the 12” above ground Fuel/Heating tank removed and replaced with Natural Gas.

Mr. Devino said he would like to go on record as stating that Mr. Zubritsky has received a clean Bill of Health.

Mr. Ken Cassidy was sworn in and stated that he watched Mr. Zubritsky build a great business that has been an asset to the Borough.

Mrs. Fran Bucco was sworn in and stated that as a neighbor, she has no objections whatsoever to Mr. Zubritsky being granted approval for the expansion of his shop.

Mr. Montfort made the motion to approve the application and grant the D(2) variance relief together with bulk variance relief for lot area (pre-existing), lot width (pre-existing), side yard (pre-existing), total side yard (pre-existing), parking and buffer width. In addition, this approval is subject to the following: complying with Board Engineer letter of

**Minutes of the
Unified Planning/Zoning Board of Adjustment
September 5, 2012
7:00 PM**

August 20, 2012; obtaining Board Engineer approval of the stormwater management system; re-locating the storage trailer to the southeast corner of the lot and meet all setback requirements for an ancillary structure; all fences will be replaced with 6 foot solid vinyl fencing; obtain Board Engineer approval of an exterior lighting plan providing shields as necessary; and all signage will conform to ordinance requirements.

Mr. McKenna seconded it. Acting Chairman Butler requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli

Motion approved.

Adjournment

Acting Chairman Butler requested a motion to adjourn. Mr. Montfort made the motion, seconded by Mr. Urciuoli.

The board voted with all members in favor and the meeting was adjourned at 8:57 PM.

Respectfully submitted
Nancy Jo Palermo
Recording Secretary