

**Minutes of the
Unified Planning/Zoning Board of Adjustment
June 3, 2013
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 June 3, 2013. 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 17, 2013, 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: Thomas Fitzsimmons
Yes: Angelo Gallego, Jr.
Yes: John McKenna
No: Robert Montfort
Yes: Joseph Saporito – arrived at 7:10
Yes: Joseph Urciuoli
No: Rochelle Malanga
Yes: Andrew Lopez
Yes: Daniel Acquafredda

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

Chairman Cassidy requested a moment of silence to observe the passing of former Councilman James Shea.

Chairman Cassidy requested a motion to appoint Mr. Michael A. Irene Jr., Esq. to defend the Quick Chek litigation. Mr. Cassidy made the motion, seconded by Mr. Lopez. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Thomas Fitzsimmons
Yes: Angelo Gallego, Jr.

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Yes: John McKenna
Yes: Joseph Urciuoli
Yes: Andrew Lopez
Yes: Daniel Acquafredda
Motion approved

Resolutions to be memorialized:

Frank & Shari Whalen – 24 Sunset Avenue – Block 55, Lot 4 (*Variance*)

Chairman Cassidy requested a motion to approve the Resolution. Mr. McKenna made the motion, seconded by Mr. Butler. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Thomas Fitzsimmons
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Joseph Urciuoli
Yes: Andrew Lopez
Yes: Daniel Acquafredda
Motion approved

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of the May 6, 2013 meeting. Mr. Lopez 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: Thomas Fitzsimmons
Yes: Angelo Gallego, Jr.
Yes: John McKenna
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Applicants:

1. JSM @ Matawan Phase II, LLC – 947-955 Highway 34 – Block 40, Lots 6 & 7 (*Site Plan Application*)
2. Laurdan Realty, LLC – Main & Broad Streets – Block 50, Lot 16 (*Site Plan Application*)

JSM @ Matawan Phase II, LLC

Mr. Irene stated that this was a continuance without necessity of re-notice from the May 6, 2013 meeting.

Mr. Salvatore Alfieri, Attorney for JSM @ Matawan Phase II, LLC started by saying, there were two issues that the board wanted us to look into, one was the architectural plans, which have been resubmitted. The second issue had to do with the Route 34 intersection traffic signal.

Mr. Alfieri called on Mr. Karl A. Pehnke, a licensed Transportation and Traffic Engineer with Langan Engineering & Environmental Mr. Pehnke was reminded he remained under oath.

Mr. Pehnke stated that this project would add 29 vehicles per hour to Broad Street during peak hours. He suggests that an advanced phase for the traffic light at Route 34 and Broad Street is a possibility. He said the DOT last updated this light in 2008 and it would be possible to have them rephrase and rewire the signal during peak hours. Mr. Pehnke said he spoke to the DOT and the procedure is for the Municipality to request an upgrade. JSM would be amenable to writing up the request on behalf of the Borough. They would carry the cost involved in this venture as well as a portion of the 25% of the Boroughs' obligation. Mr. Cassidy asked if there were any questions.

Mr. Haderer: The Dot may conclude that this is not advantageous to them but it is worth looking into

Mr. Buccellato: What are other options?

Mr. Haderer: There are none.

Mr. Irene: Would someone be able to make a left turn onto Broad Street?

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Mr. Pehnke: There is an opportunity to get to the other exit on Broad Street. There is a 90% chance the DOT will agree to this. Within the realm of what they have previously done.

Mr. Irene: Do you think it's advantageous to sign for right turn only?

Mr. Pehnke: No, the problem would be for short peak times.

Mr. Urciuoli: Is there enough room for two lanes, one left and one right?

Mr. Pehnke: No

Mr. Urciuoli: Can you expand to make two lanes?

Mr. Pehnke: It is possible to squeeze in another lane with extra square footage.

Mr. Cassidy: That is a very good idea.

Mr. Buccellato: Where are the driveways?

Mr. Pehnke: There is a right turn only onto Route 34 and two driveways with all access, in and out, right and left. There is 276 feet between the two driveways and 300 feet from the traffic light to the first driveway.

Mr. Cassidy asked if there were any more questions for this witness from the Board-No
From the Public-No

Mr. Alfieri said they will prepare and pay for the professionals and the Boroughs' percentage of the DOT cost. The CD Rom was marked as exhibit a-15 and the revised Architecturals' A-16. No variance is needed to widen the lane.

He then called upon Mr. Francisco Lado, Architect from EP Design Services, LLC. Mr. Lado was reminded that he was still under oath.

Mr. Lado stated that revisions to the architectural renderings had been made; in a Power Point presentation he showed where they had made deeper breaks in the façade to break the straight building line up.

He also had presented the Board with renderings from a Piscataway shopping center as well as one from a Somerville shopping center.

The Board proceeded to question Mr. Lado.

Mr. Lopez: Is this drawing what you will do in Matawan?

Mr. Lado: Yes; there is a distinction between the residential and the retail which is very similar to Somerville.

Mr. Saporito: Are some of the facings brick?

Mr. Lado: Yes; different textures give different looks.

Mr. Urciuoli: I don't like too many different materials.

Mr. Lado: We used five or six different materials.

The red brick will definitely tie into the Walgreen building.

Mr. Fitzsimmons: I appreciate what you are doing and what to cut red tape and not nitpick, but I need more visuals, I was expecting more of a change. I was looking for more, something not so vanilla,

I don't expect this to be the Taj Mahal, but when we're talking about putting a little more visual interest, I was expecting a little more than this, maybe I am missing something. It

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looks like we added a few little triangles and not much else. I thought that the sentiment was clear that we wanted a more significant change than that. I feel the Somerville building is overkill but I like the Piscataway buildings.

Mr. Lopez: I agree with Tom.

Mr. Cassidy: I also agree with that. Is there any way to make the roof look more Victorian?

Mr. Buccellato: What is your design philosophy?

Mr. Lado: More Contemporary as per your ordinance, not Victorian or Colonial. The Piscataway location is Contemporary, more modern. We are trying to make Matawan more in keeping with the Historical theme.

Mr. Buccellato: Rickey (Butler) what do you think?

Mr. Butler: I like Piscataway better than Somerville but there is still not a big enough change from the last rendering.

Mr. Urciuoli: Did we send you the C-Town drawings?

Mr. Lado: Yes, we tried to make it a little more like that but with the 65 foot limits, Building Codes and Zoning Ordinance, we can't go much higher.

Mr. Haderer: A lot is personal taste with the roof line and vertical separation.

Mr. Buccellato: Does the Board wasn't to keep in line with the ordinance or change to Contemporary? Could you do something more Victorian or Colonial?

Mr. Fitzsimmons: This is going to be the most significant building in Matawan for a long time or until we redevelop the train station. Being cognizant of that fact we want you to build something that economically makes sense, but at the same time we want it to look pretty and not boxy. I think there is a balance to be struck there."

Mr. Aulenbach: We need guidance, we are not asking the Mayor (an Architect) to design it, but you have told us what you don't want and haven't said what you do want. We want to do something everyone is happy with.

Mr. Buccellato asked each of the board members for their input.

Mr. Lopez: We should decide which of the two designs we want and make minor changes.

Mr. Acquafredda: Somerville has a broken roof line.

Mr. Saporito: Somerville is better; it blends with the residential and commercial aspects.

Mr. Fitzsimmons: I prefer to leave the creativity to the creative people.

Mr. Cassidy: I like Somerville better but with some tweaks.

Mr. Butler: I like Somerville better, it is hard to visualize in black and white.

Mr. Gallego: I can't visualize it with the rendering in black and white. I would like more height.

Mr. McKenna: I like them both but I like Somerville better.

Mr. Urciuoli: I like the brick and masonry; I think Somerville is too busy.

Mr. Buccellato: Mr. Irene, the ordinance states a 65 foot height limit, does that include decorative elements?

Mr. Irene: It depends on what the ordinance says exactly.

Mr. Buccellato: If elevations are excluded from the ordinance they can ask for a variance.

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Mr. Irene: If we look at the ordinance, it has a number of exclusions, and it indicates that the height limitations of this chapter do not apply to church spires, belfries, silos, cupolas and domes.

Mr. Cassidy: It appears that the Board prefers Somerville.

Mr. Cassidy asked if there were any more questions from the Board-No

Mr. Cassidy asked if there were any more questions from the public.

Mr. William Shenton of Aberdeen, NJ came forward; he was reminded that he was under oath from the previous meeting. He asked why he didn't see any mechanical elements on the drawing. He was told by Mr. Lado that they are hidden from view. Mr. Shenton also stated that he didn't think the parking would work.

Mr. Cassidy asked if there were any more questions from the public no one answered.

Mr. Alfieri then asked if the Board would consider granting preliminary site plan approval and they would come back with final drawings. If we have preliminary approval we will come back next month.

Mr. Gallego: What happened to Jake Applegate, Director of Public Works, wasn't he supposed to be present to answer questions regarding the sewer system?

Mr. Haderer: If there is adequate sewer capacity then it will be fine, if not, that needs to be addressed before final approval is given.

Mr. Gallego asked Mr. Haderer if there any issues that had not been addressed.

Mr. Alfieri answered that they went through all the items and Mr. Irene said that waivers were granted.

Mr. Cassidy asked if there were any other questions and there were none.

Chairman Cassidy requested a motion to grant preliminary site plan approval with bulk variances, with conditions and stipulations and design waiver, subject to approval of design. Mr. Fitzsimmons made the motion, seconded by Mr. Lopez. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Thomas Fitzsimmons
Yes: Angelo Gallego, Jr.
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Yes: Andrew Lopez
Motion approved

The Board was ready to hear from Laurdan Realty.

Mr. Alfieri asked for and was granted a three minute recess.

Laurdan Realty, LLC

Mr. Salvatore Alfieri, Attorney for Laurdan Realty came before the Board for final site plan approval for 516 and Route 79. He stated that he had re-noticed as they are asking for an amendment.

Mr. Sam Chung of Dynamic Engineering, Lake Como, NJ 07719, (a licensed professional engineer for three years) was sworn in and his credentials were accepted.

He said that a lease agreement between the applicant and New Jersey Transit is available.

Mr. Haderer, Planning Zoning Board Engineer began by saying the first three pages of the review letter confirms what was approved in preliminary plans. The Board reserves the right to move on with the final site plan approval as long as changes are minimal he stated.

Mr. Chung said they want an 18 x 5 foot driveway where there is a 15 x 5 foot existing driveway off County Road. The one way driveway was eliminated and changed by the direction of the Fire Official. Additionally, they are changing from Evergreens to Arborvitaes shrubs to create a denser bumper.

Mr. Acquafredda asked if you could see the trees from the road instead of fence and was told yes.

Mr. Chung continued saying the correct number of spaces is 48, this was submitted on 5/14/13. Additionally, the supplemental storm water system was submitted. Additional lighting might be required at the northwest portion of the parking lot and two additional flood lights would mitigate those conditions.

Mr. Irene told the applicant if they wanted approval, they would have to have Mr. Haderer's approval first. Mr. Haderer said he didn't have the storm water management report or the landscape and lighting changes. He said he had a letter from New Jersey Transit. He then found that he did have them but had not had them prior to the meeting.

Mr. Alfieri said he did not want to post performance bonds until the work was started. As far as the refuse and drainage, they are not located on New Jersey Transit property.

Mr. Irene asked why there was a lease and a license.

Mr. Metz replied that New Jersey Transit separated them in order to get a lower price. The lease agreement is for twenty years and anyone leasing the property would have to have approval from New Jersey Transit.

Mr. Alfieri said the Architecturals submitted were revised.

Mr. Haderer stated that the sanitary sewer system would have to be approved by the

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Department of Public Works and Mr. Alfieri said they would get that approval.

Mr. Metz was asked about the deed restrictions, he said that the bank would have an issue with this because if the lease were not renewed, parking spaces would be lost. They could record an actual resolution as an alternative to the deed restriction.

Mr. Cassidy: Would that show up in a title search?

Mr. Irene: I don't understand what the issue is.

Mr. Saporito: We should do that so it doesn't hold up the financing.

Mr. Alfieri: We can follow up on submissions made on May 20, 2012

Mr. Irene: We can move on the final site approval with these conditions to be complied with.

Mr. Buccellato: What you have done so far is great, but we looked at the entire site, why is the fence and the trash as well as the other improvements not done?

Mr. Metz: They were not part of the initial site plan.

Mr. Buccellato: the dumpsters are not enclosed.

Mr. Alfieri: The site plan doesn't go into effect until the work is started.

Mr. Haderer: They don't have to improve until they build.

Mr. Alfieri: The goal is to get approval and do the work.

Mr. Irene: maybe the deed restriction will impact the site.

Mr. Cassidy: Are there any questions from the public?-No

Are there any questions from the Board?

Mr. Buccellato: Things are coming up that were not originally included.

Mr. Gallego: I agree

Mr. Urciuoli: Can we vote with conditions.

Mr. Buccellato: We request that Mr. Haderer talk to Department of Public Works first.

Mr. Butler: I agree we should wait.

Mr. Cassidy: Agreed

Mr. Fitzsimmons: Agreed

Mr. Lopez:

Mr. Acquafredda: Agreed

Mr. Saporito: Agreed

Chairman Cassidy requested a motion to carry the application without necessity of re-notice to the June 3, 2013 meeting. Mr. Cassidy 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.

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Yes: John McKenna
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Rochelle Malanga
Yes: Andrew Lopez

Motion approved

Mr. Buccellato made a motion to enter into Executive session, Mr. Fitzsimmons seconded the motion.

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: John McKenna
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Rochelle Malanga
Yes: Andrew Lopez

Motion approved

Mr. Buccellato made a motion to move out of Executive session, Mr. Fitzsimmons seconded the motion.

Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
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Yes: Andrew Lopez

Motion approved

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Chairman Cassidy requested a motion to adjourn. Mr. Cassidy made the motion, seconded by Mr. Fitzsimmons.

The board voted with all members in favor and the meeting was adjourned at 9:10PM.

Respectfully submitted
Nancy Jo Palermo
Recording Secretary