

MATAWAN PLANNING BOARD MEETING MINUTES

DATE: MARCH 4, 2002

TIME STARTED: 7:30 P.M.

TIME ENDED: 9:40 P.M.

IN ATTENDANCE: Mayor R. Clifton
Councilman P. Buccellato
Mrs. E. Rinear
Mr. J. Shepherd
Mr. R. Montfort
Mr. J. Roselli
Mr. K. Groody
Mr. J. Duffy

ALSO IN ATTENDANCE: Mr. L. Nebenzahl, Board Planner
Mr. Keith Smith, Borough Engineer
Mr. John Stockel, Board Attorney

The meeting was called to order by Chairman Jack Shepherd pursuant to Section 5 of the Open Public Meeting Act, and stated notice having been posted in the Asbury Park Press and on the bulletin board in Borough Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL: Ten members present.

MEETING MINUTES: Motion to approve meeting minutes of October 1, 2001 & meeting minutes of February 4, 2002 was made by Mrs. Rinear, seconded by Mr. Montfort.

CORRESPONDENCE & VOUCHERS: Request from Sam Mezzacappa, J.M.P. Estates, 8 Edgemere Drive to carry application until meeting of April 1, 2002.

NEW BUSINESS:

1. Florence Hutchinson Resolution Interpretation (Resolution #01-22). John Strang 200 Broad St. represented Florence Hutchinson stated that the garage was erected before requirement was in effect. Zoning officials voted before a garage was required.

OPEN TO PUBLIC: None

OPEN TO BOARD: Motion to approve with interpretation that no garage is required was made by Mrs. Rinear, seconded by Mr. Duffy. All members voted in favor of this interpretation.

2. Saul/Nancy Kent, 200 Main St.-Use Variance. Mr. Saul Kent was sworn in and testified that he is the owner of the residence which is located in the Historical Preservation Zone. The house has been a two family dwelling for the past 23 years. He stated that he has a tenant, pays water, sewer and taxes on a two family dwelling. He has contracted to sell the house subject to it being a two family dwelling. When he purchased the house in 1979 he was not told that the variance was changed but told it was grandfathered in as such.

OPEN TO BOARD: Mr. Nebenzahl stated that it is a legal issue now. The use predates the ordinance and a variance is not required. No zoning will be changed and the board should vote on a valid pre-existing non conforming use.

Mrs. Rinear stated that she can verify that the residence was used as a two family dwelling.

OPEN TO PUBLIC: Mr. Jerry Hourihan stated that it was a two family dwelling around the 1970's and feels that it should be accepted as a pre-existing valid nonconforming use.

Motion to accept as a valid preexisting, nonconforming use was made by Mayor Clifton, seconded by Mrs. Rinear. All members voted in favor.

3. Dunkin Donuts - 952 Route 34 South - Site Plan Approval. - Mr. Alferi presented Mr. Gary Kliesch architect to represent Dunkin donuts. Mr. Kliesch was sworn in by Mr. Stockel and recognized as a licensed architect. He testified as to the location of the walk in box, new air conditioning unit locations which will be on the top of the building.

Mr. Nebenzahl asked about the state noise code? Mr. Kleisch stated that will supercede zoning ordinance. Something will be designed to meet the state requirements. Buffer screening could be proposed and add 20' on roof which will reduce safely more than 25%.

Mr. Nebenzahl stated that the applicant be forewarned that they must meet state code, if not the state can shut them down. There are two homes adjacent that will be effected.

Mr. Alferi stated that the issue with the dumpster is being worked on by the applicant. He will fully comply, he has been policing his dumpsters but can't take responsibility for the others in the shopping area.

OPEN TO PUBLIC: None

OPEN TO BOARD: Mr. Montfort asked that they provide what the decibel levels will be as a condition of approval. Motion to approve this application subject to condition that the noise calculations be updated to the N.J. State noise code. Motion seconded by Mrs. Rinear. Vote was taken five yes votes, 1 no vote. Application was approved subject to said conditions.

4. Adriene/James Schueing, 209 Washington Street, Set Back Variance. Mr. Stockel verified notifications were in order. Mr. And Mrs. Schueing were sworn in by Mr. Stockel. Mr. Schueing stated they are applying to add a two story addition on to the back of their house. Their front yard is nonconforming now. The addition is going on the larger side and will not effect the preexisting variance. They are going up and back.

OPEN TO PUBLIC: None

OPEN TO BOARD: Motion to approve application was made by Mayor Clifton, seconded by Mr. Roselli. All members voted in favor.

5. Val-Lang Enterprises, Inc. , 341 Main Street, Site Plan Approval. Mr. Keith Smith, board engineer reviewed documents submitted by the applicant engineer and reported that there are a lot of missing pieces. If new documents are to be voted on they must be presented in an adequate amount of time for proper review.

Mr. Nebenzahl asked Mr. Smith if 19' parking is sufficient? Mr. Smith stated that he is not comfortable with it.

Applicant's engineer stated that they brought along the new plan to show the board not to confuse them.

The application has to be resubmitted. They have thirty days to come back to the board and finalize the plans.

Mr. Stockel stated they will rescind prior resolution giving the applicant additional time.

Motion to carry the application until April 1, 2002 meeting was made by Mrs. Rinear, seconded by Mr. Duffy.

OPEN TO PUBLIC: Mr. Jerry Hourihan, 239 Jackson Street asked the board if they were aware of the problems along Main Street that are not in compliance?

Mr. Stockel explained to Mr. Hourihan that the Planning/Zoning Board is the interpreter of zoning and the it should be the Property Maintenance officials to enforce compliance.

Motion to adjourn the meeting of March 4, 2002 was made by Mr. Shepherd, seconded by Councilman P. Buccellato.

The next regular Business Meeting be held on Monday, April 1, 2002.

PREPARED BY:


Pamela J. Pennipede, Recording Secretary

c: Board Members

Mr. P. Kramer, Fire Official

Mr. K. Smith, Board Engineer

Mr. J. Stockel, Board Attorney

Mr. L. Nebenzahl, Board Planner

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