

MATAWAN PLANNING BOARD MEETING MINUTES

DATE: MAY 6, 2002

TIME STARTED: 7:30 P.M.

TIME ENDED: 10:25 P.M.

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

ALSO IN ATTENDANCE: L. Nebenzahl, Board Planner
Keith Smith, Borough Engineer
Mr. J. 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: Nine members present.

MEETING MINUTES: Motion to approve meeting minutes of April 1, 2002 was made by Mrs. Rinear, seconded by Mr. Duffy. All members in favor with exception of Mr. Roselli as he was not in attendance at the April meeting.

CORRESPONDENCE & VOUCHERS: Correspondence received regarding the matter of trees that were removed at JV Builders, Broad St. These trees were not supposed to be removed but were in error. The builder has stated that they would replace with new trees and apologized for the mistake. They will also be donating trees to the Shade Tree Commission to be planted at their discretion.

NEW BUSINESS:

1. Mr. & Mrs. Nicholas Bonamassa, 7 Shainey Lane - Variance - Mr. Stockel stated

that all notifications in the Asbury Park Press and mailings to everyone within 200' were in order.

Mr. Bonamassa stated that they are in process of selling their house and some things that were done in their house that were done without a permit. They extended a wet bar to keep their grandchildren away from their dogs because of allergies. They are putting their house up for sale as a one family dwelling.

OPEN TO PUBLIC: Tina Baleya, 6 Shainy Lane asked if the house will be sold as a two family home? They answered that no it will be sold as a one family home.

OPEN TO BOARD: Motion was made by Mr. Shepard to approve this application with the condition that this dwelling be sold as a one family home, no separation nor separate entrance to make it into a two family home. Motion was seconded by Mrs. Nicora, roll call was taken and all members voted in favor of approving this application.

2. Mark S. Marchi, 87 Main Street - Informal Subdivision - Martha Suhayda-Voight, attorney for Mr. Marchi stated that her client is looking into making this into a private investments office. He will need a variance for lot size and parking.

OPEN TO BOARD: Mr. Shepard asked if the building was going to be demolished? Martha stated no.

Mr. Shepard asked if the building will be kept in historic flavor? Martha stated that yes it will be.

She further stated that there enough room to make a one way driveway, wide enough for trucks etc.

Their second option is to add onto the professional building and have an entrance off of Broad St. Martha will take this input back to her client.

3. Salvatore & Linda Abela - 23 Ravine Drive, Variances (2) - Mr. Stockel verified that all notifications in the Asbury Park Press and to residents within 200' were in order.

Mr. Abela was sworn in and testified that they are the owners of the property and are seeking variances for a fence and pool. Mr. Abela stated that they have a son with Downes Syndrome and ADHD and is a very active child. The family is trying to conform their back yard into a recreational area for their two children. The whole property will be enclosed with a six foot chain link fence. The proposed pool will be set back twenty five feet back from the property line. The pool can also be set on the side yard. The road they live on is a cul-de-sac.

OPEN TO PUBLIC: Mr. Hourihan stated that he knows the family and recommends that this variance be granted.

OPEN TO BOARD: Motion to approve the two variances needed for this application was made by Mr. Montfort, seconded by Mrs. Rinear. Roll call was taken and all members voted in favor of approving this application.

4. Val-Lang Italian Enterprises, Inc. 341 Main St. - Site plan Approval - will be carried to June 3, 2002 meeting. Escrow fees must be paid up to date within two weeks and that temporary CO will stay in place. All members voted in favor to carry.

5. Saul & Nancy Kent - 200 Main Street - Variance. James Cleary, attorney for Mr. Kent presented publications and notifications to Mr. Stockel. Mr. Stockel verified that all were in order.

Mr. Cleary stated that Mr. Kent purchased the house in 1979 as a two family house. The appraisal evaluation shows a two family house and sewer/water bills reflect same.

Mr. Kent paid fines because inspection showed that it was used as a three family house, all items were removed from the third floor and all was rectified. Mr. Kent now wants to be able to sell the residence as a two family house.

OPEN TO BOARD: Mr. Shepard asked Mr. Kent what part of the house was used as a rental?

Mr. Kent stated that the second floor was used as a rental. He further stated that on the third floor now is a study, a large room and a front room.

Mr. Duffy asked if there is one way out of the house? Mr. Kent stated yes that it has always been that way. There is access to the roof of lower apartment through the window.

OPEN TO PUBLIC: Mr. Phil Kramer, Fire Official, stated that he wants to see a stipulation be made as follows; that the third floor be stripped of all utilities and appliances. Only heating be in the third floor area.

Mr. Kent stated that he removed the bathroom and has spent over \$7,000.00 to rectify. He further stated that he has no objections to the stipulation and will comply.

OPEN TO PUBLIC: Mr. Ralph Rosenbaum owns the building next to the Kent house and asked about the delivery trucks that may come in and also about the parking.

Mrs. Nadine Henny, 208 Main St. stated that she moved into this area because she loved the historic style and does not want to see multi-family homes in the area.

OPEN TO BOARD: Mr. Shepard stated that this house was a pre-existing two family house for many years.

Mr. Cleary stated that his applicant is asking to keep the dwelling as a two family house and have a list of conditions removing items from the third floor as outlined by Mr. Kramer. Only the heating system will remain on the third floor and lighting panel.

Motion was made by Mrs. Rinear that it is acknowledged that this was a pre-existing two family valid non conforming use and contingent upon items as outlined by Mr. Kramer be removed from the third floor this application be approved, seconded by Mr. Duffy. Roll call was taken and seven members voted in favor, two members abstained.

7. Sam Mezzacappa - JMP Estates - 8 Edgemere Drive - Mr. Mezzacappa presented two conceptual plans for the board to consider. One was with the intersection directly across from Sunset Avenue. The other Concept requires no waivers, 150' separation between intersecting streets, Sunset Ave. and Jones St.

Mr. Shepard stated that he has concerns with these homes being built on slopes. There is a slope ordinance in effect in Matawan.

Mr. Mezzacappa stated that he has been a contractor for forty one years and knows that if it is built and designed correctly it will be safe.

Mr. Smith stated that there is also a wetlands problem.

Mr. Mezzacappa stated that he has another idea, the previous plan he presented for four homes to be built. If favorable he will propose to take care of drainage problems.

Mr. Nebenzahl recommends concept 2 which assures no dwelling on slope and does not affect the neighbor. The benefits far outweigh the detriment.

Concept 2 will damage some trees but road will be straight.

OPEN TO PUBLIC: Mr. Phil Kramer, Fire Official, stated that he favors the second concept with the continuation of Sunset into Jones Court.

Mr. Jerry Hourihan, asked what plan, how many houses. He state that the discussion should be on one plan. He feels that three homes will be all right.

Mr. John Deering, 15 Edgemere, stated that he feels that concept 2 is acceptable and more desirable.

Mr. Martin asked if neighbors will be able to look at the plans?

Mr. Nebenzahl stated that this is a conceptual discussion and that Mr. Mezzacappa is looking for a direction as to which way to go with his plans.

Mr. John McKenna, 28 Edgemere, stated that the property is very irregular. He feels that the plan with the street going straight across is best for the neighbors.

Mr. Bob Kennis, 12 Edgemere, stated that he questions the decision process.

Mr. Nebenzahl stated that Mr. Mezzacappa is entitled to subdivide his land according to borough ordinance. He came to the board with plans showing conceptual ideas and is asking the board for direction. The question is not If's, but How's. So far he is showing concern for his neighbors and neighborhood.

OPEN TO PUBLIC: Mrs. Kudcik asked if there was an environmental report done to maintain the integrity of the area?

Mr. Mezzacappa stated that he has applied for wetlands study and buffer that is needed. He must work within the regulations of the DEP, the DEP must approve buffering around wetlands.

Mrs. Kate Leering, 15 Edgemere, stated that she has lived thirty one years across the street from Mr. Mezzacappa and is interested in not changing the traffic pattern and also in keeping the value of the real estate up in the neighborhood.

Mr. Mezzacappa asked the board based on the two conceptual plans presented tonight, which would be approved?

Mr. Nebenzahl stated that the board cannot promise anything tonight but the chairman can poll the members and get the feeling. A straw vote was taken and all members chose Option 2.

Mr. Mezzacappa was advised that he must notice and all plans must be presented to the borough clerk ten days prior to the meeting for the professional to review.

OPEN TO PUBLIC: Mrs. Mullaney stated to the board that she is against the Hicks application that was approved for a two story garage. She stated that she found that the original publication was not in order, it was published in the wrong newspaper.

Mr. Shepard stated that the forty five days in which someone can oppose an application was well past.

Mrs. Mullaney stated that Mr. Hicks is now constructing a three car garage with a curb cut.

Mr. Shepard stated that there is nothing that the board can do at this time.

Mrs. Mullaney stated that she has read the code book.

Mr. Smith stated that variances were given properly.

Mrs. Mullaney stated that the neighbors all believe that Mr. Hicks will be moving his business into the garage. She further stated that the neighbors have no faith in Mr. Hicks and that they did not know that it was going to be a two story garage as large as it is.

Mr. Mullaney stated that he feels that the neighborhood has been sold down the river.

Mr. Nebenzahl stated that if applicant is not adhering to sworn testimony the borough official should be notified.

Mr. & Mrs. Hicks were sworn in and testified that the same drawings were submitted and approved. Mr. Hicks stated that he tried to have a meeting with his neighbors to discuss his plans and that the ones here tonight did not attend the meeting.

Mr. Hicks stated that he had discussed a curb cut with Mr. Lewis and that he was told that he would need an additional variance so he decided not to put it in. He further stated that he plans to reduce the second floor roof height by fifteen percent. He will amend the drawings accordingly.

The resolution of approval will be amended to show a fifteen percent reduction in volume.

OPEN TO PUBLIC: Miriam Peterson, 38 Edgemere Dr., stated that she finds the situation depressing in that it's causing a division between neighbors. She stated that she didn't receive the notice because her husband signed for it and did not tell her.

Mr. Mullaney showed drawings of how it looks, it can be seen that it shows a three car garage.

Mr. Mark Medico, 7 Schenck Ave., stated that when Mr. Hicks came to him he was told that it was a two story garage. He feels that it was poor communication.

Ms. Fencik, stated she was disappointed that the hearing notice was published in the wrong paper and that she was not notified.

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An amended resolution to include a fifteen percent reduction will be presented for memorialization at June 3, 2002 meeting.

Motion to adjourn the meeting of May 6, 2002 was made by Mrs. Rinear, seconded by Mr. Duffy. Meeting ended 10:25 p.m.

The next regular Business Meeting be held on Monday, June 3, 2002.

PREPARED BY: Pamela J. Pennipede
Pamela J. Pennipede, Recording Secretary

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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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