

MATAWAN PLANNING BOARD MEETING MINUTES

DATE: JULY 22, 2002

IN ATTENDANCE: Councilman P. Buccellato
Mr. R. Montfort
Mr. J. Shepherd
Mrs. E. Rinear
Mr. K. Groody
Mrs. Lois Nicora
Mr. J. Duffy

ALSO IN ATTENDANCE: Mr. K. Smith, Board Engineer
John Stockel, Board Attorney
Michael Irene, Board Attorney

Motion was made by Mr. Montfort, seconded by Mrs. Nicora at 7:30 p.m. to go into executive session. All members voted in favor.

Borough attorney, Brian J. Mullen discussed with the board members the Shea order of settlement. Mr. & Mrs. Shea were awarded punitive damages because of a procedural mistake with their Resolution.

Discussion ended at 7:40 p.m. and motion to adjourn executive session was made by Mr. Shepherd, seconded by Mr. Montfort.

Prepared By: _____


Pamela J. Penniplede, Recording Secretary

c: Mr. M. Irene, board attorney
Mr. L. Nebenzahl, board planner
Mr. K. Smith, board engineer
Board members
file

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DATE: JULY 22, 2002

TIME STARTED: 7:30 P.M.

TIME ENDED: 9:25 P.M.

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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: Seven members present.

MEETING MINUTES: N/A

CORRESPONDENCE & VOUCHERS: N/A

OLD BUSINESS:

NEW BUSINESS:

1. Shamrock Construction, 3 New Brunswick Ave. - Site Plan Review will be carried to the meeting of August 5, 2002 without the necessity of renofice.
2. Ruben O'Bea, 137-143 Main St., Site Plan Review will be carried to September 15, 2002 because of insufficient notice. The application must be renoficed, publication and mailing were not done in sufficient time to be heard at this meeting.

3. Patrick Gorman/Carolyn Sousa - 268 Main St., Matawan, NJ - Use Variance

Mr. Irene verified that the applicant's notice appears to be in order and the board has jurisdiction to hear this application.

Mr. Gorman was sworn in and testified that his name is Patrick James Gorman, 2 Wendrock Way, Greensboro, North Carolina. He stated came before the Planning Board at a June meeting for an interpretation for this use and was told that it was approved. Now he has been told that he had to file a formal application for the board to adopt a Resolution. He stated that he does not understand why this was handled in this manner. Mr. Shepherd explained that to have the application formally approved and memorialized a full application had to be applied for and presented to the board.

Mr. Gorman stated that he applied for a C/O for a two family dwelling at the residence and was declined by Mr. Reinhold because it was not zoned as such. Mr. Gorman has presented proof in utility bills, mail and other services which were listed as two family residence.

Letters from utility companies, First Aid, water/sewer bills and from previous neighbors and previous occupants who are here tonight to testify of the house being a two family were marked in as evidence A1 collectively. Letters from those who are not present this evening cannot be included as they are considered hearsay.

OPEN TO BOARD: None

OPEN TO PUBLIC: Mr. DellaPietro was sworn in and stated that he resides at 34 Beechwood Terrace. He stated that he bought that house in 1954 as a two family house and sold it in 1965 as the same. He lived in it for eleven years.

OPEN TO BOARD: None

Mr. Jerry Hourihan, 239 Jackson St., was sworn in and testified that he lives behind the Gorman house and has lived there for fifty years. This house has been a two story building with a two family house from then to the present date.

Kirk Kolb, 270 Main St. was sworn in and testified that he purchased his house two years ago as a two family house. He is now concerned what he may have to do now.

Mr. Gorman stated that out of eight properties in the area five of them are two family residences. After speaking with the owners of these two family houses he found that none of them were aware of the zoning change either.

Carol Gorman previous owner of this house asked the board attorney why this application had to be reheard when the board previously heard this and voted on it. She asked who is responsible to notify the applicant of this? Mr. Shepherd and Mr. Irene explained to Mrs. Gorman why it must be handled in this manner for it to be formally memorialized so there are no future problems.

OPEN TO BOARD: Mr. Montfort stated that the sewer and water bill are one common bill and the tax is for a two family which is on the map with the County and Borough. He made a motion to accept this as a preexisting nonconforming use. Motion was seconded by Mrs. Nicora.

Roll call was taken and five members voted in favor.

Mr. Irene informed Mr. Gorman that the Resolution for this application will be memorialized at the meeting on August 5, 2002.

4. Salvatore & Linda Abela, 23 Ravine Drive - Minor Subdivision.

Mr. Stockel stated that notifications are in order and the board has jurisdiction to hear this application.

Mrs. Nicora excused herself from hearing this application. Mr. Shepherd explained to Mr. & Mrs. Abela that there will only be five members left to vote on this application and they would need all five of these votes. They stated they understood and would like to proceed.

Mr. Abela was sworn in and testified that he is the owner of 23 Ravine Drive, Block 93, Lot 9. He is applying to subdivide and create two lots. Each lot will require variances as they will be short as far as the width is concerned. It is located in an R75 zone. One lot contains a structure and is in conformance. Photographs were presented to the board and were marked as A1, A2 and A3 exhibits. The photos are taken of all homes on the cul-de-sac. He stated that a number of the houses in the area have short front yards. The front yard requirement is 75' and they will have one lot with 57.5 and the other will be 64.1.

Mrs. Abela was sworn in and testified that their reason to subdivide is that their house is small, they have a handicapped son and need to provide him with special needs equipment. Mrs. Abela stated they will be living in the proposed new home.

Mr. Shepherd asked what part of the house that they are living in now, what part has to be removed? An addition of a bedroom which was done in 1965 which many people have looked at it and stated that it would not be a problem to remove and it would still be a two bedroom house.

OPEN TO BOARD: Mr. Buccelatto asked if they were building on Lot 9.01 and selling Lot 9.02? Mrs. Abela answered yes. Lot 9.02 is the existing house which they will be selling.

Mr. Shepherd asked what will be done with the pool that they came before the board to get a variance for? Mr. Abela stated that they put in a much smaller pool than they originally had planned on and it will not interfere.

Mr. Montfort asked Mr. Smith about the slope. He asked if putting a house on the side of that would it not violate any of our slope ordinances? Mr. Smith stated no it will not.

Mr. Frank Tennes, 10 Trycorn Court, Holmdel was sworn in and testified he is owner of Noel Construction Co. contractor for this applicant.

Mr. Shepherd asked Mr. Tennes what type of house he is going to construct? He answered that basically it is a two story colonial. Plans were shown to the board. The house will conform to surrounding homes in the area. The basement will have a learning center which was the motivation of doing this whole thing.

Mr. Shepherd asked with the foundation in the existing home will there be any drainage concerns. Mr. Tennes stated that Mr. Smith was right that property is a roll off after the fence line. They will be very careful not to change any kind of grade at all. No topography nor grading will change. Mr. Tennes stated that there is no reason to disturb slope at all the way this is set up. They will be probably 30' from the setback line in the back. On a cul-de-sac lot you are not required to have 75'. As it turns out these lots exceed the width of the lots that are presently there.

OPEN TO BOARD: Mr. Montfort asked Mr. Smith based on the house going on the proposed setback area if they will fully meet the our slope ordinance? Mr. Smith stated yes the slope is beyond the setback.

Mrs. Rinear left meeting at 8:40 p.m. and Mr. Duffy replaced her to hear remaining of this application as he was in the audience since the beginning of the application.

OPEN TO PUBLIC: Mr. Jim Nusbaum, 27 Ravine Dr., was sworn in and stated that he has lived there nine years and has no objections to someone trying to improve the quality of their life and to their house to increase their investment of their home but does have a disagreement in that the existing house that they live in is a very small house. What they are proposing to do by removing the side bedroom which will reduce that house to make it even smaller. He stated that he further feels that this will reduce the property value of the homes in the neighborhood down, it puts a bungalow type of home in the area. Mr. John Kashan, 128 Washington Ave. was sworn in and stated that he lives on the

opposite side of the cul-de-sac. He stated that he was wondering about the set back number which would be across the front of the house, is he correct will be 75'? The variance will be actually on two pieces of property not one correct? Mr. Stockel stated that is correct.

He stated that he opposes this for the same reason as Mr. Nusbaum. He also wondered at the back of the property since it is a pie shape property what would be the access, how many feet of street access would be provided for that house? Mr. Smith stated that on 9.01 would be approximately 50', the new house and at the actual curb line it will be approximately 45'. The access will be from Washington Avenue. He asked what the curb width of the other houses on Washington Ave.? Mr. Smith answered that he does not have that information but at the right of way they are 50' and they continue to get smaller at the curb. So they will be less than 50' at the curb. The ordinance states that there has to be parking for two vehicles and one of them has to be a garage.

Mr. Kashan asked if the ordinance also provides for a certain amount of cars that will be left on the street periodically? Mr. Smith answered no. Mr. Kashan asked if there was an ordinance for the removal of snow? Mr. Smith stated that it is whatever the signage states in your area about parking on the street. The current ordinance reads that if it snows the cars must be removed from the street. He stated that he has no opposition of the new house but with the reducing of the existing house which will make it small. Mr. Smith stated that the house itself will be 1083 sq. ft., excluding the garage.

Mr. Stockel stated that if the original structure when it was built was 1083 sq. ft., then the predecessor had an addition made of 300 ft., it is just taking away the addition. It will be going back to the original structure.

Mr. Kashan stated that he is also concerned about parking. There are lots of children on that street, how much more flow will they have on that small cul-de-sac? At times there are cars speeding around there. Mr. Kashan also asked if there will be another variance for an 8' high fence on this property also? Mr. Stockel stated that it is not before the board tonight.

OPEN TO BOARD: Mr. Montfort asked Mr. Kashan what the frontage is on his property? Mr. Kashan stated that it is about 35' wide, and the curb is 400' which he pays taxes on.

Mr. Kashan stated that there is no sidewalk in their area and they have asked that a sidewalk be put in on that side of Ravine Drive and the Council told him that it was a County project. He asked if this variance would be changed if the County does come in and put sidewalks in on that side of Ravine Drive? Would the County or town be responsible for walling that property? Mr. Shepherd stated the County would be responsible.

OPEN TO PUBLIC: Sue Stankiewicz, 25 Ravine Drive was sworn in and stated that one of her main concerns is the parking on the cul-de-sac, if cars park on either side of the inner circle on the curb, there will not be sufficient room for emergency vehicles. When the construction vehicles park all over the place and they block the road and with this proposed major construction she is afraid that emergency vehicles will not be able to enter.

Theresa Endresen, 125 Washington was sworn in and stated that she is also concerned with parking and traffic. She has a small child and is concerned with where the demolition container will be. She asked if they will be losing their circle to alter for the additional parking? She is concerned with the slope not being affected, can they guarantee that and also with the value of homes in the area.

Mr. Necef, 19 Ravine Drive, was sworn in and stated his concern with the slope down to Ravine Drive. His house is on the corner and he now has problems with water in his basement and by removing trees it could get worse. He asked to see the plans so that he can find out if this will affect his house.

Mr. Montfort stated that the plans show that it will 15-20' off the slope. It is at least 30' away.

Steve Krakowski, 122 Washington was sworn in and testified that he is also concerned with the existing homes and the water table. He asked if an engineer has evaluated the water tables so that if foundations are dug that it doesn't affect them.

Seth Tilis, 121 Washington was sworn in and stated that he wants to be able to insure that property values in the area don't decline. He stated that he understood that the Zoning laws are there to protect the bare minimum of standard of a neighborhood. He is not concerned with the new house in as much as he is concerned with the existing house being reduced to a two bedroom home.

Mr. Stockel stated that basically it will conform to the structures that are all ready in existence.

Mr. Tilis stated not in lot size. Mr. Stockel stated lot size as well as structure. He stated that question was asked of the contractor and he indicated that the house will conform to those standing structures in the neighborhood. Mr. Tilis is also concerned with the water tables.

Karen Carney, 123 Washington Ave., was sworn in and testified that she understood that the new structure is to be built because the house they live in now is too small why are they going from one two bedroom to another two bedroom? Mr. Stockel answered it is because they want to construct the new home to give them more advantages in as far as

assisting the children that reside in the house and the structure that is now in existence can't do that. Ms. Carney asked why then can't they add on to the existing house?

Carol Kashan, 128 Washington Ave., was sworn in and stated that she is not opposed to developing the property they have done a wonderful job on the house right now and have improved it but she does feel that parking is a real issue. They have people using the lake parking there now since it has been done.

John Stankiewicz, 25 Ravine Drive, was sworn in and stated that he has concerns with the old house in that the property value, there will be a small two bedroom house. Is the existing structure there all livable space?

Mr. Tennes, contractor, was asked to address the concerns that were brought out. He stated that in reference to the construction vehicles he said that there is enough room for the vehicles to park on the property. In reference to the parking in general, after the house is done, with a quick measurement, there is actually room for two cars parking on the driveway in front of the garage besides what is in the garage for parking. The square footage of the house is 1083 sq. ft., this is an estimation, his guesstimate is the other houses in the area range from 1100 - 1400 sq. ft.. He stated that the house, a two bedroom is probably worth \$180,000.00 - \$185,000.00. It will be brought to the original size, and with the improvements that were put into it is definitely worth more now. The demolition containers will be delivered, loaded and removed immediately. Silt fencing will be constructed for soil and he can put an extra set of fencing on the high point. Whatever soil is not used will be carted away. In terms of the water table being affected, the town will have to do a footing inspection before any footings are poured, if they don't consider the ground stable enough or it is not virgin ground they will not allow a footing to be poured. His intentions for this house were to keep it further out of the ground still meeting the height requirement, but basically for water problems in general he only makes about a 6' excavation which is probably less than a diving end of a pool, it's 2' above ground, 6' below ground. The new house will have four bedrooms, and is being built to equip and accommodate their handicapped child. They want to stay in the neighborhood. He further stated that with the new construction of the larger house it will probably increase the value of the houses.

Jim Carney, 123 Washington Ave. said that when talking about the location of the new house will raise the value, he would rather see the trees there than another house.

Ms. Stankiewicz, 25 Ravine Dr., stated that their whole neighborhood is built on clay, they get water in their basements because of that and she has concerns with the people on the bottom of the hill.

Mr. Tennes stated that they have the leaders and downspouts run into storm sewers. They also put stone and piping on the bottom of the foundation to allow water to drain away faster.

Mr. Smith stated that it has been in the past few subdivisions it has been his recommendation that if there is an approval it is done based on them having a slab on grade until there is some sort of geotechnical report provided to the borough engineer which substantiates the building to construct a basement without an impact on the ground water table. The slab on grade will not create an issue where you are excavating beneath the water table and creating a condition. A slab on grade a crawl space and a basement. The bottom floor, you don't have a basement or a crawl space below your finished floor. Your finished floor sits basically on grade and then or approximately 8" above grade. A crawl space can vary anywhere from 3' - 6', it is really more an access for utilities an excavated area below the finished floor of the dwelling. The basement is a space which you can walk in and there are requirements for that as well. There has been concern indicated with the type of materials being there being clay or for the location of the high ground water which fluctuates depending on the weather and the season of the year so his recommendation is generally that if there is an approval made for the construction of a dwelling it is made at the first level which is without excavation until the person who wants to construct the dwelling provides documentation from a licensed geotechnical engineer from the State of New Jersey that there will be adequate separation between the ground water and the finished floor and there will be no impact on the surrounding properties by doing the excavation. We can stop it here until there is additional information provided and signed for by a licensed geotechnical engineer.

OPEN TO PUBLIC: Heidi Tilis, 121 Washington Ave. was sworn in and asked if approved how long will it take because she lives right next door to them and she wants to know how much noise and for how long it will be there and secondly occasionally there is parking in front of her house now and she feels this will be a big issue for her.

Mr. Tennes stated that a house this size start to finish will take approximately four months tops. He understands concerns with the children in the neighborhood and he will put up construction fencing.

Mrs. Kashan stated that she has a question with the house next door to the one on Matawan Avenue and the retaining wall that collapsed and had to be rebuilt. She has concerns with it happening here also.

Mr. Kashan asked if there has been any preliminary percolation test done? Mr. Tennes stated that it is not necessary for this type of building. Mr. Smith stated that it is recommended if going under level and this will be going on grade and is not necessary.

Mr. Shepherd then asked Mr. & Mrs. Abela if they would like to postpone a vote tonight so that they could get a licensed real estate broker to come in and give testimony to give the expert value of the home that they are going to take the room off of since so many neighbors are concerned with this issue. They agreed to carry until September meeting.

Everyone present here at tonight's meeting is being noticed right now that this will be carried over to be heard on the second Monday in September which will be September 9, 2002. No further notice will be required.

Motion to carry this application was made by Mr. Shepherd, seconded by Mrs. Nicora. All members in favor.

Motion to adjourn this meeting was made by Mr. Shepherd, seconded by Mrs. Nicora.

Meeting was reopened for memorializing of three Resolutions.

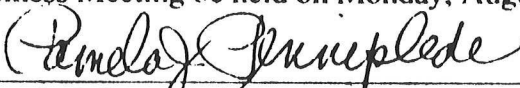
1. William Haughney, Lot 16, Block 3 - motion to accept, all members in favor.
2. AT&T Wireless - motion to accept with two corrections as noted was made by Mr. Montfort, seconded by Mr. Groody. Mr. Duffy abstained. All members in favor.
3. Flory & Francis Danish - Lakeside Drive - bulk variance - motion to accept was made by Mr. Buccelatto, seconded by Mrs. Nicora. All members in favor.

Mr. Smith informed the board about correspondence he received from the ARC building about placing merchandise in front of their store because there isn't enough room inside the store. He feels sending them in for a Use Variance will start everyone coming in for one. Mr. Shepherd suggested that we discuss that with Mr. Nebenzahl and get his suggestions on this type of situation.

Motion to adjourn meeting of July 22, 2002 was made by Mr. Shepherd, seconded by Mrs. Nicora. Meeting ended 9:45 p.m.

The next regular Business Meeting be held on Monday, August 5, 2002.

PREPARED BY:


Pamela J. Pennipledge, Recording Secretary

c: Board Members
Mr. P. Kramer, Fire Official
Mr. K. Smith, Board Engineer
Board Attorney
Mr. L. Nebenzahl, Board Planner
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