

Meeting called to order by Chairman Ms. Waterbury @ 7:30 pm

All saluted the flag & the Presiding Officers Statement was read.

Roll Call:

Present: Waterbury, Bell, DeNofa, Derasadourian, Teller, Martinelly, Carroll

Absent: Burden, Eddy

Donato - Attorney

Cranmer - Engineer

Minutes:

A motion was made by Mr. Bell, seconded by Mr. Carroll to adopt & memorialize the minutes from the August 17, 2011 as submitted. All approved.

Correspondence: None

Planning Board Business:

Ms. Waterbury announced that the September 15, 2011 meeting had to be cancelled.

Mr. Cranmer has submitted a draft which will be reviewed at the October 13, 2011 @ 4:30 pm, a new notice will be sent out for the 4:30 pm change in time.

A motion was made by Mr. Bell, seconded by Mr. DeNofa to open the meeting to the public for items not on tonight's agenda. All approved.

No comments/questions

A motion was made by Mr. Bell, seconded by Mr. Teller to close the meeting to the public. All approved.

New Business:

Certificate of Appropriateness:

Monmouth County Historical Association

Allen House

Broad & Sycamore Ave

Dr. Norman D Hungerford, represented the Monmouth County Historical Association He described the proposed new brick walkway that they would like to install in front of the Allen House, and presented a sketch dated 9/19/2011.

Dr. Hungerford explained that they have done a lot of improvements to this site in the last year or so in the rear of the property and now they would like to take the walkway up in front of the building since they are creating a dangerous walk area. There are events at the Allen House and people do have to walk on the sidewalk.

Dr. Hungerford said that he has done a lot of landscape work and he will be doing most of the work. He stated that they will be using a herringbone design which also has been used in the rear of the property around the herb garden, and presented an example of the brick to the board.

Ms. Waterbury said that the walk must be ADA accessible and they should meet all of their criteria's. Dr Hungerford said absolutely, it will be a solid walkway.

Mr. Bell asked if the walkway will connect to the concrete sidewalk along Broad St? Dr. Hungerford said yes, and that it will be at the same elevation, and match at the two entrances into the Allen House. Dr. Hungerford said that the bricks will be laid on a stone dust; they are not mortared in or cemented in. Mr. Bell has concerns with the bricks so they won't heave up and stay smooth.

Mr. Cranmer indicated that typically you do not lay bricks on concrete they are installed as Dr. Hungerford described. He has seen the bricks installed with a 6" wide concrete strip flush with the bricks to keep the bricks aligned and prevents them from becoming dislodged. Dr. Hungerford said that they will be using an 8" brick turned vertically on end buried into the ground for the whole length of the sidewalk to hold them in place. He doesn't like to use the "L" or plastic edging since they do cause a tripping hazard.

Dr. Hungerford explained that he will be addressing the asphalt driveway with a more solid edge so there isn't the potential of undulation within the bricks. He will take a 3" piece of blue stone, the width of the walk 4' 3", and use that as a break on the end, so if a car drives over it, it will not disturb the bricks.

Ms. Donato asked if the bricks to be installed have they been used in any other locations in New Jersey? Dr. Hungerford said yes they used the same brick and the same pattern in the back of the building and they used the 8" brick for edging, which has been for 1 year now and they have had no problems.

Ms. Waterbury asked Mr. Cranmer if he has any concerns since some of the sidewalk would be on Borough property? Mr. Cranmer said as long as it meets the ADA requirements. After he reviewed the sketch he indicated that he sees no problems with the project for a Certificate of Appropriateness.

Mr. Teller asked what the time frame is for the project? Dr. Hungerford said that they would like to start within the next two weeks.

A motion was made by Mr. Bell, seconded by Mr. Teller to open the meeting to the public. All approved.

No comments/no questions

A motion was made by Mr. Bell, seconded by Ms. Martinelly to close the meeting to the public. All approved.

A motion was made by Mr. Bell, seconded by Mr. Teller to approve the application for a Certificate of Appropriateness for the installation of brick walkway along Sycamore Ave connecting the existing driveway to the existing concrete sidewalk along Broad St, using a herringbone design with an 8" vertical brick, installed with the A.D.A. Requirement, as presented.

Roll Call:

Affirmative: Waterbury, Bell, DeNofa, Derasadourian, Teller, Martinelly, Carroll

Negative: None

Ms. Donato read a resolution into the record.

A motion was made by Mr. DeNofa, seconded by Mr. Bell to adopt & memorialize the resolution of approval to the Monmouth County Historical Association as submitted to the board.

Roll Call:

Affirmative: Waterbury, Bell, DeNofa, Derasadourian, Teller, Martinelly, Carroll

Negative: None

Mr. Bell left @ 8:00 pm

Shrewsbury Physicians Group:

Bl: 3, Lot: 11

Adoption of Resolution

solar panels

Discussion of Lighting Plan:

Mr. Cranmer stated that the Lighting Plan that was submitted on 9/12/2011 is satisfactory. They will be using a small dome L.E.D. lighting mounted every 20' giving a uniform lighting distribution throughout the parking area.

A motion was made by Mr. Teller, seconded by Mr. Grant to adopt & memorialize the resolution of approval granting a minor site plan approval and variance to Shrewsbury Physician Group, as submitted.

Roll Call:

Affirmative: Waterbury, DeNofa, Teller, Martinelly, Carroll

Negative: None

Unfinished Business:

Cutwins LLC:

Continuation of site plan approval

Bl: 13, Lots: 11 & 12

Mr. William Feinberg, Esq represented the applicant.

Mr. Steven Kawalek, Architect, remained under oath. He testified that he has prepared a new Conceptual Site Plan and explained the changes as follows:

- Buffering - western & southern property lines have been increased
- Building size was reduced by 6% (300 sq. ft.) & shifted the building to the north to create a 5' buffer at the western property line and widens the southern buffer on Thomas Ave to 10', will allow additional landscaping along the frontage, and allows for a better site line for cars coming out of the proposed parking lot on to Thomas Ave
- The buffer along the rear of the building will now be fully landscaped eliminating the look of the brick wall towards the neighbor in the rear of the property
- The reduction of the building by 300 sq. ft. eliminates the parking variance, required 12 parking spaces will be provided
- The F.A.R. has been increased with the reduction of 300 sq. ft.
- The pedestrian strip along Broad St widened to 6', and reconfiguring the parking stall
- Added a stop bar & additional signage to control the entering of cars onto Thomas Ave for exiting onto Thomas with a left turn out only

Mr. Feinberg asked Mr. Kawalek if he added a 6' wide walkway in front of the store?
Mr. Kawalek stated that the original walk has been widened by 1'.

Mr. Feinberg asked Mr. Kawalek to describe the additional landscaping. Mr. Kawalek indicated that they have increased the landscaping on all 4 frontages where they already had landscaping.

Mr. Bell returned at 8:12 pm.

Ms. Donato asked Mr. Kawalek to describe the remaining variances. Mr. Kawalek said that the major variances would be a rear yard set back of 5' proposed 30' required, side yard set back 0' and another @ 22'. Lot coverage 82% proposed where 65% permitted and 83% existed.

Ms. Derasadourian referred to the western property line with a 5' set back, she asked what is the distance to the nearest residential property? Mr. Kawalek said beyond the easement the next lot is a 50' wide vacant lot, the next actual residential structure is another 30'. Ms. Derasadourian asked what was the zone for Lot 13 which is contiguous to the easement which is vacant? Mr. Cranmer said that it is residential and is owned by Aaron Rassas.

Mr. Bell asked questioned with regard to the western property line, and if they are keeping the guard rail? Mr. Kawalek said that it will be removed but he is not sure whether or not the existing trees will make it through construction but they are planning to do landscaping.

Mr. Bell asked if the traffic pattern will be 2 way coming in or 1 way onto Thomas? Mr. Kawalek indicated its 1 way only in off of Broad St and out onto Thomas Ave. Mr. Bell asked if there is an Easement to utilize the drive way in the back of the property. Mr. Kawalek said that he didn't think so. Mr. Bell said that the only Easement that he can determine is from Rt 35 up to black outline on your plan so cars can come off of Rt 35 onto the Easement and onto the property. Mr. Kawalek said that it is for ingress/egress. Mr. Bell asked questions with regard to the handicapped spaces. Mr. Kawalek said that there is 1 on the Concept Plan, the detail shows an all purpose design, it shows a number of stripping conditions, typical stall, handicapped stall and an adjacent handicapped stall, and he will be modifying the details.

Ms. Donato asked if they are presenting the Concept Plan, the board can make comments on the plan and then they will prepare a site plan for review, with the variance for parking in the front of the building. Mr. Cranmer said that the balances are identified in his report dated 6/29/2011.

Ms. Waterbury pointed out that at the last meeting the board was trying to determine where the residential uses would be as well as the residential zone line relative to this lot. The Zoning Map shows that Lot 12 is in a B1 Zone, Lot 11 which wraps around it is also in the B1 Zone, as well as Lot 13, Lot 14 & Lot 15. She wants the record clarified from the last meeting that the homes are in a Residential Zone even though they might have residential uses within the B1 Zone.

Ms. Martinelly has concerns with cars not being able to go into the site from Thomas Ave because it's an exit only and having to go out onto Rt 35 back into the site via the Easement. Why aren't be allowing them to come into the site from Thomas Ave, she feels that we are creating a major problem on Rt. 35. Mr. Cranmer explained that the site is designed with a one way traffic pattern across the front of the store.

Mr. Bell asked if the applicant has tried to purchase the property in the rear from Monmouth Stereo to have a cross easement so that a left could be made off of Thomas and use the property to come into the site. He has concerns with the 2 parking spaces being so close to the driveway. This site was compared to the Post Office one way in and one way out. Mr. Carroll doesn't feel that this use will generate the volume of traffic that the Post Office shopping center generates. Mr. Teller doesn't think that customers will be using Thomas Ave maybe a local customer.

A motion was made by Mr. DeNofa, seconded by Mr. Teller to open the meeting to the public. All approved.

Mr. Stuart Minnis, Thomas Ave, Bl: 13, Lot: 16, asked if the 5' buffer on the western property line, what type of landscaping would be used? Mr. Kawalek stated that the landscaping has not been fully developed yet, they only have a conceptual buffer; he will work with the Shade Tree Commission as to what they would want in this area.

A motion was made by Mr. Bell, seconded by Mr. Carroll to close the meeting to the public. All approved.

Mr. Richard Becker, remained under oath

Mr. Becker testified that if the board approves this plan which incorporates this Concept Plan he will be able to "live" with this plan.

A motion was made by Mr. Bell, seconded by Mr. Teller to open the meeting to the public. All approved.

No comments/no questions

A motion was made by Mr. Bell, seconded by Ms. Martinelly to close the meeting to the public. All approved.

Consensus of the board:

Ms. Derasadourian stated that she can approve the application it's a nice improvement to what is currently there. She does have concerns on the property owners on the western property line and would like to see the proposed landscaping design when the applicant returns.

Mr. Carroll stated that this will be a big improvement to what is there currently. He likes the larger buffers in order to add additional greenery. This is an abnormal lot size and is difficult to work with, but all things considered the applicant did what he could with it. He doesn't feel that the traffic cannot be compared to a gas station; he feels that it will be minimal to what was previously there.

Mr. DeNofa stated that the proposed changes are great improvements. He likes the building being moved up 5' and he also would like to see the design of landscaping on the western property line. He does have traffic concerns, but it's a much better plan than the first plan.

Ms. Martinelly stated that this is a definite improvement from what is there. Her biggest concern is that it fits the applicant's concerns, but what happens when another retail establishment moves in and they need more parking.

Ms. Donato said that if the board imposes a condition that any change of use would require a site plan approval. There really isn't any place on site to add parking; it's an inherent difficulty with the site with a very significant parking requirement, "*unless the*

board states that it is allowed for a furniture or other facilities that have the same parking ratio and no other use.” Mr. Cranmer stated that the perils are on the applicant he is stuck with a furniture store, and if it moves, and another retail use goes in even though it's permitted in the zone, they will most likely unsuccessful in receiving the variance that would be required by the board to have the new use permitted. This approval would lock in the use of a furniture store or appliance store.

Mr. Teller stated that he does like the plan, but he still has concerns with the front yard parking, and see if the parking could be moved to side or rear of the building, even though it would not be good for the residents. He doesn't feel that it will be a lot of traffic on Thomas, but for someone going out of Thomas and trying to get into the site on Rt 35 is going to create problems. He does have concerns with the use after the furniture store leaves.

Mr. Bell feels that this proposed use is better but taking something that is better doesn't make it ok. He is concerned with the 5' buffer in the rear is not enough, a minimum of 10' should be provided for new trees, and 5' will not buffer the building from the residential area behind it. He has a major concern with a 0' lot line on the northern property line, for safety reasons, since cars will be parked up against the building. He feels the building is too big for the property, if the building was made smaller they could provide buffers on the side and in the rear. He would like to hear some testimony as to whether or not the applicant went to Monmouth Stereo and try to purchase the portion on the northwest corner of the property where the 0 lot line buffer, which would lessen their variance. The proposed sign will have cars parked against it and he feels there may be a sight issue. Even though he would not like to see parking in the front, he feels that this project may have a hardship not to put the parking in the rear and the board may want to look at the parking in the front. One way traffic circulation works. But this building is too big for this property.

Ms. Waterbury she appreciates the efforts to enlarge the buffer behind the building, even though it will only be 5' she feels that there are plantings that will soften the look, and eliminates some of the black top. She has concern with the 0 lot line on the northern property line for construction purposes. The first parking space off Rt 35 will be difficult to access and underutilized, and by reducing the building brings you to a 12 space requirement. She feels that putting the parking in the rear of the building will be difficult especially with the access in the rear. She is not fully comfortable with the access comes off the easement onto the property creating a tight turn, especially with the sign there. They have listened to the board and she sees a lot of improvements to the site. Her major concern is the 0 lot line and the first parking space.

Mr. Feinberg stated that we are dealing with an unusual lot size; we not only have the disadvantage of being undersize, but also the disadvantage of being irregular. It's a question of trying the best we can to build something will fit into a lot of this size bearing in mind that number 1 the gasoline station was in violation of the Zoning Ordinance, which that building didn't much of a selling area or viewing area. You can't kill a building without taking into account that if you are in a commercial zone, and there is

someone who wants to build a building will want to operate a business that will be profitable. If you make a building too small so whatever inventory the business deals with, you will find that people will not be receptive to putting a lot of money in an investment into a small lot from which they probably will not going to make a “go” of the business because the building doesn’t accommodate the business. They are trying to put a building in which will import with the use in the zone, which will be an improvement, and will fill a space that has been vacant for some period of time, and he doesn’t know how much longer it will be vacant if the board says that this application is not to their liking. While it’s minuscule, if the board sees fit to grant this, it will require some construction and demolition and will provide some employment and a better tax revenue producer which is currently there now. They are located on Rt 35 and they have to live with that, and they have tried to soften the aspects of the lot. When a few people come in, order the products, the material is shipped from Connecticut, you will not see a lot of people coming and going, you will not see a lot of congestion, and the applicant feels that this is the ideal type for a lot that is located on a corner, on a highway which is too small and irregular. This property should be put to some productive use and they feel that this will do just that. He doesn’t feel that this building can be made must smaller and qualify to be a viable building for on going commercial purpose. The applicant would like more area, but as far as the west side of the (rear yard) lot backs up to a 30’ easement with no structure, and beyond the 30’ easement there is a 50’ empty lot, making it 80’ from the rear yard property line to the nearest developed residential lot, which is a good buffer. The applicant will meet with the Shade Tree Commission as to what they would want to see in the buffer. He understands that greenery is not only nice to look at but it enhances the value of the property. The applicant has tried to comply with the board’s suggestion since the applicant would like to develop the property with something that would be a credit to the area, especially with the “upscale” store.

Ms. Waterbury asked Mr. Feinberg if he has made any attempt to purchase property from any of the adjacent properties in order to eliminate some of the variances? Mr. Feinberg said that the owner of the property Mr. Becker could answer those questions, since he has negotiated with the owner of the property. Mr. Feinberg also suggested to the owner of the property next door a long term easement and putting the maintenance on his tenant but he was unwilling and the negotiations fell through.

Ms. Martinelly asked if the tenant had gone to the Borough to see what variances might be needed for the development of this site? Mr. Ross prospective tenant; said yes, they did. Mr. Ross said that he also has had discussions with Mr. Minnis and he has suggested evergreens or two rows of staggered arborvitae in the rear of the property to protect the neighbors. Mr. Ross again reminded the board that there will only be 2-3 people in his store at one time, it is not an intense use.

Mr. Bell asked Mr. Ross if you knew you needed variances on the site why did you buy the building? Mr. Ross said that he did not know that the variances were significant; he thought that they would be approved.

Mr. Ross said that he was not involved with the negotiations for the purchases or easements, but he was apprised of the results. Mr. Ross said that there were at least 5-10 phone calls during negotiations, but it just did not happen.

Ms. Donato said that there is a dual obligation one is to attempt to purchase additional land to reduce the non conformity and the other is to offer to sell your land to the neighboring property.

Mr. Bell asked if they ever attempted to buy the approximate 20' x 40' piece of property to the north that would square off the property to keep it from being an irregular shape? Mr. Ross said that he attempted to buy the whole lot, or any piece, and discuss easements across of the property to enhance the size of their property in any way he could.

A motion was made by Mr. DeNofa, seconded by Mr. Bell to open the meeting to the public. All approved

No comments/no questions.

A motion was made by Mr. Bell, seconded by Mr. Teller to close the meeting to the public. All approved.

Mr. Feinberg advised the board that there were a number of residents noticed and only 1 resident came in to raise some concerns over the application.

Ms. Waterbury advised Mr. Feinberg that in order for the board to act on the application a fully engineered site plan should be submitted. Mr. Feinberg advised that they would need approximately 1 month to prepare the plans. Board Engineer advised that he would need the plans 10 days prior or October 7, 2011. Mr. Kawalek advised that he would need more time to make the October 19, 2011 meeting.

Ms. Waterbury advised Mr. Feinberg that the November meeting will be held on November 10th, and would he like to be carried to the November 10, 2011 meeting? Mr. Feinberg said yes.

A motion was made by Mr. Bell, seconded by Ms. Martinelly to carry the application of Cutwins, LLC to the November 10, 2011 without further notice. All approved.

Ms. Waterbury announced that this application will be carried to November 10, 2011 @ 7:30 pm without further notice. Mr. Feinberg indicated that he will consent to an extension of time to the **November 10, 2011**.

A motion was made by Mr. DeNofa, seconded by Mr. Teller to adjourn the meeting at 9:30 pm. All approved.