

METUCHEN PLANNING BOARD

MINUTES

FEBRUARY 5, 2009

The meeting was called to order at 8:14 p.m. by the Chairman, Eric Erickson, who read the statement in accordance with the Open Public Meetings Act.

Present: William Boerth
Ellen Clarkson, Vice Chr.
Eric Erickson, Chr.
Theodore Grabowski
Martin Jessen
John Leazer
Thomas Vahalla, Mayor
Richard Weber, Councilmember

Roseanne Misrahi, Alt. I
Kathy Busch, Alt. II
James Constantine, Planner
Katherine Elliott, Engineer
Robert Renaud, Attorney
Sharon Hollis, Secretary
Fany Ayala, Zoning Official

Absent: Alan Grossman

RESOLUTIONS:

Noel Lugo – TRC – Applicant is seeking change of use from an insurance company to a massage therapist.

178 Main Street

Block 211

Lot 46

Mr. Leazer read the recommendation. After a brief discussion, a motion was made by Mr. Boerth, seconded by Mr. Jessen. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS:

84 Orchard Associates, LLC – Applicant is seeking minor subdivision with bulk variance approval to construct two single family dwellings with an attached garage on each lot.

84 Orchard Avenue

Block 215

Lots 61, 63, 64

Patrick Diegnan, Esq., explained the application.

Angelo Valetutto, licensed professional engineer and planner, was sworn in by Mr. Renaud. Mr. Valetutto stated the applicant is going to eliminate a pre-existing non conforming use in that the subject property has two single family dwellings on the property both of which are non conforming. One house is too close to the front setback and the other is located too far to the back of the property. It also looks like the owner of the property had started to do some repairs to the rear house but for whatever reason stopped. The application this evening is to demolish both structures and to subdivide the property into two lots, 50' x 150', to construct two new single family dwellings.

There was a discussion on the front yard setback for each dwelling. Mr. Valetutto stated a variance is required for each lot for the lot width at the setback, 62.5' required, 50' proposed. Also required is a variance for minimum front yard setback for the house on the westerly side of the property, (proposed lot 63.01) 46.12' required, 41.4' proposed.

The Board engineer's memo was discussed regarding new surveys, required variances, roof leaders and sump pump discharge lines.

The Board planner's memo was discussed. Mr. Valetutto stated if the subdivision is approved this evening the new house numbers will be 83 and 87 Orchard Avenue. The large tree, which is 30" in diameter, will be removed. In accordance with the Borough Ordinance, the applicant is not only replacing the tree street and shade tree that has to be added to each lot but also adding seven (7) additional trees to compensate for the one 30" tree which is being removed as part of this application. There was a brief discussion on landscaping, HVAC, color of the units, facades and alternate designs.

Mr. Constantine noted that a design waiver might be required from Section 110-136.1B3, garage setbacks must be setback 8'. Mr. Valetutto stated that we are setback 8' from the front porch the garage is only setback 3' from the facade of the house.

Mr. Valetutto submitted a reduced copy of tax map page #75, which was marked for identification as Exhibit A-1. Mr. Valetutto stated the copy of the tax map is highlighted in yellow to show those properties that are 50' wide. Lots that are larger - the lot numbers are circled. Also noted is the dwelling height in stories and the approximate location of each front yard setback of each neighboring property. Lots within 200' of the subject property are also marked. There was a lengthy discussion on the sizes and setbacks of the surrounding properties.

The public portion was opened.

Robert Ruggiero, 99 Orchard Avenue, stated he was opposed to the application but before any additional comments were made Mr. Renaud asked the Chairman if questions were going to be asked at this time or if comments could be made. After a discussion, it was decided that only questions would be received at this time.

Ms. Misrahi questioned the size of the homes since the architectural plans submitted show two stories. Mr. Valetutto stated the actual structures will be 2 ½ stories high and not 3 stories.

Guy Mastroianni, 88 Myrtle Avenue, questioned what the applicant considers a ½ story. Mr. Valetutto stated the ½ story will be for storage space only and not living space.

Ed Abrams, 77 Orchard Avenue, wanted to know which 30” diameter tree would be removed.

Bob Sittinger, 91 Orchard Avenue, was concerned about the size and height of the new dwellings and how close the house will be to his property line.

Mr. Valetutto stated there will be 10’ from 91 Orchard and 8.5’ from 77 Orchard.

Mr. Sittinger was concerned about having the driveway side next to his house because cars will be going in and out and that his bedroom was on that side.

Mr. Valetutto stated the house could be reversed but that would be up to the Board to approve.

Susan Krisburg, 84 Myrtle Avenue, questioned if the houses will have basements.

Mr. Valetutto stated yes.

The public portion was closed for questions.

The public portion was opened for statements and comments.

The following neighbors were sworn in by Board attorney, Mr. Renaud, as a group:

Ed Abrams, 77 Orchard Avenue, stated there are problems with the sewer line in the street backing up. He has a problem along with 31 Orchard. What will happen if six (6) more bathrooms are added to this line? Water stands in my backyard now. Water is an issue. A dry well might have to be installed on my property.

There was a brief discussion on the sewer line. Mr. Valetutto stated that if necessary the applicant might be willing to agree to do an internal inspection of the sewer down stream to see if there are any defects. The applicant is not agreeing to correct the sewer problem but at least it will be determined what the problem is. A few additional bathrooms will not create a problem.

Mr. Ruggiero, 99 Orchard Avenue, read a statement opposing the application. Mr. Ruggiero was concerned about the character of the neighborhood changing by squeezing two houses on the lot where it wouldn't be permitted without a variance.

Sherry Tamasco, 77 Orchard Avenue, stated she has the same size lot and chose to build one house instead of subdividing and constructing two. The character of the neighborhood needs to be preserved. One nice house should be constructed.

Susan Krisburg, 84 Myrtle Avenue, was concerned about how the lot will be graded because of water issues with her property.

Guy Mastroianni, 88 Myrtle Avenue, stated he was opposed to the application. The character of the neighborhood would change to the negative. Only one dwelling should be constructed.

Mr. Sittinger, 91 Orchard Avenue, stated he feels LaPorta's development is too big and disagrees with this project. It is just too much, too big.

Aaron Williams, 79 Orchard Avenue, stated he has lived in his house for over thirty years. The water looks like a river in front of his house when it rains and when it freezes it creates a dangerous problem getting in and out of the driveway. When you look at the property now it doesn't look like there are two homes there. One smaller house is in the rear of the property. One nice home should be constructed.

The public portion was closed.

There was a lengthy Board discussion on the water & sewer problems, grading the property, size of the lot and landscaping.

Mr. Constantine read the section of the Master Plan which had language replaced in July 2007 under the Housing Goals and Objectives. The Master Plan's language was changed to preserve existing neighborhoods regarding lot sizes, dimensions and housing types.

Also discussed was the possibility of the applicant changing the design of the homes by making them a little narrower thereby giving a greater side yard setback for the neighbor.

Due to a neighbor wanting to make an additional statement, the Chairman, Mr. Erickson, reopened the public portion.

Sherry Tamasco, 77 Orchard Avenue, stated the house in the rear of the property is no longer allowed on the property because it is non-conforming in the zone. Once the owner added 5' onto that house it should no longer be allowed there. It was completely gutted, without permits, and has remained empty for the past few years.

The public portion was closed.

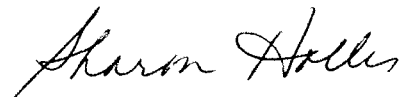
There was a brief Board discussion on infill housing and lot sizes.

A closing statement was made by Mr. Diegnan, attorney for the applicant.

After a brief discussion, a motion was made by Councilman Weber to deny the application, seconded by Mr. Leazer. Roll call vote taken. Yes to deny – Mr. Boerth, Mrs. Clarkson, Mr. Jessen, Mr. Leazer, Mayor Vahalla, Councilman Weber, Mrs. Misrahi, and Mrs. Busch. No to deny - Mr. Grabowski.

The meeting adjourned at 10:10 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sharon Hollis".

Sharon Hollis
Planning Board Secretary