

**Minutes of the
Unified Planning/Zoning Board of Adjustment
December 2, 2013
7:00 PM**

A regular meeting of the Unified Planning/Zoning Board of Adjustment of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on December 2, 2013. The meeting was called to order at 7:00 PM by Chairman Kenneth Cassidy presiding. Chairman Cassidy called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 17, 2013, by sending notice to *The Independent*, and by posting.

Chairman Cassidy requested everyone to stand for the Salute to the Flag.

Chairman Cassidy requested a roll call.

On roll call the following members responded present:

Yes:	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
No:	Thomas Fitzsimmons
Yes:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Robert Montfort
Yes:	Joseph Saporito
Yes:	Joseph Urciuoli
Yes:	Rochelle Malanga
No:	Andrew Lopez
Yes:	Daniel Acquafredda

Also present were Michael A. Irene Jr., Esq., Planning Zoning Board Attorney and Phil Haderer, Planning Zoning Board Engineer.

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of the November 4, 2013 meeting. Mr. Butler made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes:	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
Yes:	Rochelle Malanga
Yes:	John McKenna
Yes:	Robert Montfort
Yes:	Joseph Saporito

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Yes: Joseph Urciuoli
Yes: Daniel Acquafredda
Motion approved

Applicants:

1. Francisco & Sonya Matos – 107 Broad Street – Block 19, Lot 7 (Variance)
2. Donald & Deborah Holmes – 9 Edgewater Drive – Block 108, Lot 11 (Variance & Site Plan)

Donald & Deborah Holmes

Donald & Deborah Holmes came before the Board to request a variance for an addition to their single family dwelling.

Mr. Irene swore the applicants in as well as Mr. Haderer. Mr. Buccellato recused himself.

The Holmes submitted plans from Michael A Biagioli, Architect, which had been revised 9/24/13, and a survey from Charles Surmonte.

They stated they wanted to put a one and half story addition on their house and have a set-back but not enough room due to two non-conforming issues.

The property backs up to a stream, Mr. Montfort asked if the dwelling would be outside the 100 ft. law. He states that the law says “no structure shall be constructed within 100 ft of the bank of the stream”. The issue in question is to whether the 100 ft is from the *top of the slope* or *the top of the bank*.

The board feels that the applicants should have their architect mark the plans to show exactly where the property is in location to the stream. Mr. Irene stated that they would need a Surveyor to address this as the Board cannot grant relief without this knowledge.

Mr. Haderer explained to the applicants that certain permits would be needed because the DEP can come in and test the soil for acid production which would affect the zoning table. This can be dealt with by redefining the *top of the slope*.

Mr. Montfort asked where the existing shed was located and the applicant replied that is was three feet from the property line. Mr. Montfort said they would need variance for the shed.

Mr. Cassidy asked if there were any more questions from the Board, there were none, he then asked if there were any questions from the public, again there were none.

Chairman Cassidy requested a motion. Mr. Urciuoli made a motion to approve to grant set-back for shed and to not grant variance for 100 foot set-back and with a requirement to show zoning table moratorium. Mr. Montfort seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Rochelle Malanga

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Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Daniel Acquafredda
Motion approved

Francisco & Sonya Matos

Frederick Kalma, Attorney At Law, Matawan, NJ on behalf of Francisco & Sonya Matos came before the Board to apply for a certificate of non-conformity to demonstrate the existence of a lawful, pre-existing nonconforming two family dwelling at the premises in the single-family zone here at issue.

Mr. Buccellato rejoined the Board, while Mr. Gallego recused himself.

The Matos' wish to obtain the certificate of non-conformity so they can obtain a certificate of occupancy for one apartment in the house.

Mr. Kalma indicated there was a recognized change from an R52 to R51 zoning at some point in time.

Mr. Irene said the Board would have to know the trigger date when the ~~dwelling~~ **zoning** changed from two family to single family. They might need a D variance. The original ordinance stating when it changed would be required.

Mr. Cassidy asked them if they would like to find the date and return.

Chairman Cassidy asked if there were any other questions from the Board.

Mr. Haderer asked if the building permits would need to be produced. Mr. Irene said yes.

Mr. Irene asked the Matos if they would have enough time to gather the required material for the January 6, 2014 meeting and they said yes.

Chairman Cassidy requested a motion. Mr. Montfort made a motion to carry to the January 6, 2014 meeting without the necessity of further notice. Mr. Urciuoli seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Rochelle Malanga
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Daniel Acquafredda

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Motion approved

Resolutions to be Memorialized:

Lombardo & Co., LLC – 228-1/1 Freneau Avenue – Block 122, Lots 19 & 20 (Site Plan

Chairman Cassidy requested a motion to grant final site plan approval. Mr. Montfort made the motion. Mr. McKenna seconded the motion. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Daniel Acquafredda

Motion approved

Chairman Cassidy requested a motion to adjourn. Mr. Montfort made the motion, seconded by Mr. Buccellato.

The board voted with all members in favor and the meeting was adjourned at 8:08 PM.

Respectfully submitted
Nancy Jo Palermo
Recording Secretary