

**Minutes of the  
Unified Planning/Zoning Board of Adjustment  
Reorganization Meeting  
January 6, 2014  
7:00 PM**

The 2014 Reorganization 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 January 6, 2014. The meeting was called to order at 7:05 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.

Michael A. Irene, Jr., Esq. administered the Oath of Office to the following board members:

Joseph A. Urciuoli as Class IV Member of the Unified Planning/Zoning Board of Adjustments for a four-year term, said term to expire December 31, 2017.

Robert Montfort as Class II Member of the Unified Planning/Zoning Board of Adjustments for a one-year term, said term to expire December 31, 2014.

Rochelle Malanga as Alternate I Member of the Unified Planning/Zoning Board of Adjustments for a two-year term, said term to expire December 31, 2015.

Donna Gould as Class III Member of the Unified Planning/Zoning Board of Adjustments for a one-year term, said term to expire December 31, 2014.

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  
Yes: Donna Gould

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Yes: Angelo Gallego, Jr.  
No: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
No: Andrew Lopez  
Yes: Daniel Acquafredda

Also present was Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney

Chairman Cassidy requested a motion for nominations for Chairman. Mr. Saporito made a motion to nominate Mr. Cassidy, seconded by Ms Gould. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler  
Abstain: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda

Motion approved.

Chairman Cassidy requested a motion for nominations for Vice Chairman. Mr. Buccellato made a motion to nominate Mr. Butler, seconded by Mr. Cassidy. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Abstain: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli

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Yes: Rochelle Malanga  
No: Daniel Acquafredda  
Motion approved.

Chairman Cassidy requested a motion for nominations for Secretary. Mr. Cassidy made a motion to nominate Mr. Gallego, seconded by Mr. Montfort. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Abstain: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda  
Motion approved.

Chairman Cassidy requested a motion for nominations for Recording Secretary. Mr. Cassidy made a motion to nominate Nancy Jo Palermo, seconded by Mr. Gallego. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda  
Motion approved.

Chairman Cassidy requested a motion to appoint the Attorney. Mr. Buccellato made a motion to nominate Michael A. Irene, Esq., seconded by Mr. Cassidy. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler

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Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda  
Motion approved.

Chairman Cassidy requested a motion to approve the 2014 meeting calendar and the 2015 reorganization meeting date of the Unified Planning/Zoning Board of Adjustments as follows:

Monday, January 6, 2014  
Monday, February 3, 2014  
Monday, March 3, 2014  
Monday, April 7, 2014  
Monday, May 5, 2014  
Monday, June 2, 2014  
Monday, July 7, 2014  
Monday, August 4, 2014  
Tuesday, September 9, 2014\*  
Monday, October 6, 2014  
Monday, November 3, 2014  
Monday, December 1, 2014  
Monday, January 5, 2015

*\* All regular Planning/Zoning Board of Adjustment meetings will begin at 7:00 PM on the first Monday of every month except where noted above.*

Mr. Montfort made the motion, seconded by Ms Gould. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito

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Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda  
Motion approved.

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of December 2, 2013. Mr. Montfort made the motion with the stipulation that three sentences will be corrected. 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: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda  
Motion approved.

**Resolutions to be Memorialized:**

Donald & Deborah Holmes – 9 Edgewater Drive – Block 108, Lot 11 (Bulk Variance Relief)

Chairman Cassidy requested a motion to grant a bulk variance relief. Mr. Montfort made the motion. Mr. Gallego seconded the motion. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Abstain: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda  
Motion approved

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**Applicants:**

Francisco & Sonya Matos – 107 Broad Street – Block 19, Lot 7 (Variance)

**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. 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 and Mr. Matos returned before the board in order to provide proof of said.

Mr. Matos was sworn in and gave the following testimony.

He declares that he is the owner of the two-family home, that he purchased the house through Murphy Realty with the understanding that it was a two-family home on June 30, 1994. He stated that he has been the landlord of the top story from the time he purchased the home. He also said there was two of each of the following; furnace, water heater and gas meters as well as two separate entrances to each story. That there are no connections between the floors and that no structural changes have been made to the house.

After his last tenant moved out, he went to the get a Certificate of Occupancy and was told by the Zoning Committee that he was not on the landlord list.

Mr. Kalma says there is no R50-II on the zoning map; the Master Plan is dated 8/8/1998 which he can attest to as he was the Borough Attorney in 1997.

Mr. Irene explained that a Certificate of Occupancy means it is fit for occupancy, not that it is lawful.

Mr. Montfort asked if it was listed as a two-family when he purchased it. Mr. Matos said yes.

Mr. Saporito said it seemed as though he was operating under the impression that it was.

Mr. Irene suggested the Matos go to the County Planning Board to see when the zoning changed; he said they must establish that it predates the ordinance.

Mr. Cassidy agrees, saying they must have the trigger date.

Mr. Butler asked if Mr. Matos could apply for a variance.

Mr. Irene said yes but they still have to have a certificate of non-conformity.

All Board members were in agreement that there must be a paper date and the Matos' would have to have that before any approval would take place.

Mr. Cassidy asked if there were any questions from any interested parties and there none.

Mr. Cassidy asked them if they would like to find the date and return. Mr. Matos replied yes and questioned if he needed any other documents, he was told he didn't.

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Chairman Cassidy requested a motion. Mr. Montfort made a motion to carry the petition to the February 2, 2014 meeting for the opportunity to show proof, without the necessity of further notice and with the stipulation that Mr. Kalma can request more time. Ms Gould seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Abstain: Angelo Gallego, Jr.  
Yes: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Rochelle Malanga  
Yes: Daniel Acquafredda

Motion approved.

**Discussion:**

Mr. Cassidy told the Board that they had interest in looking for a new engineer for the Planning and Zoning Board.

He discussed several firms based on the Request for Proposals that were received. The Board selected three of those firms to interview candidates from. They further agreed to do this at a Special Meeting to be noticed and set for Monday, January 27, 2014 at 7:00pm.

The session was closed and the Board had a brief discussion on Walgreens.

At 8:20pm the meeting was reopened and ready for adjournment.

**Adjournment**

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

The board voted with all members in favor and the meeting was adjourned at 8:20 PM.

Respectfully submitted,  
Nancy Jo Palermo  
Recording Secretary