

**Minutes of the  
Unified Planning/Zoning Board of Adjustment  
May 5, 2014  
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 May 5, 2014. 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 Independent on January 23, 2014 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  
Yes: Donna Gould  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
No: Rochelle Malanga  
Yes: Andrew Lopez  
Yes: Daniel Acquafredda as of 7:04

Also present were Michael A. Irene Jr., Esq., Planning Zoning Board Attorney and Robert W. Bucco, Jr., Planning Zoning Board Engineer.

Chairman Cassidy requested a moment of silence to observe the passing of Mr. Gallego's mother.

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of the March 3, 2014 meeting. Mr. Urciuoli made the motion, 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  
Yes: Donna Gould

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Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez  
Motion approved.

Chairman Cassidy requested a motion to approve the minutes of the April 7, 2014 meeting. Mr. Cassidy made the motion, seconded by Ms. Gould. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Kenneth Cassidy  
Yes: Donna Gould  
Yes: John McKenna  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez  
Motion approved.

Chairman Cassidy requested a motion to approve the minutes of the April 7, 2014 Executive Session minutes. Mr. McKenna made the motion, seconded by Mr. Lopez. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Kenneth Cassidy  
Yes: Donna Gould  
Yes: John McKenna  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez  
Motion approved.

**Resolutions to be Memorialized:**

Washington Phillips, LLC – New Brunswick Avenue – Block 47.02, Lot 24 (*Variance*)

Chairman Cassidy requested a motion to memorialize the Resolution. Mr. Cassidy made the motion, seconded by Mr. Acquafredda. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Kenneth Cassidy  
Yes: Donna Gould  
Yes: John McKenna  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez  
Yes: Daniel Acquafredda

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Motion approved

**Applicants:**

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

**Francisco & Sonya Matos**

Mr. Gallego recused himself.

Frederick Kalma, Attorney At Law, Matawan, NJ on behalf of Francisco & Sonya Matos came before the Board seeking a certificate of non-conforming use pursuant to NJSA 40:55D-68. This issue was carried from the April 7, 2014 meeting as there was not a required quorum to vote.

Mr. Kalma stated the property is in the R-50I (single-family) zone, the applicant is the owner of the property, and seeks confirmation from the Board that the two-family dwelling at the premises is a lawful pre-existing, nonconforming use.

Mr. Matos stated that he has owned the subject property since 1994. He said that the house at the site was a two-family dwelling when he acquired the property, and he has maintained same as such through the present time. Mr. Matos advised that one dwelling unit is located on the first floor, and the other is located on the second floor. He added that there is no way to access one unit from the interior of the other. Mr. Matos said he has made no structural changes to the dwelling. He testified that there are separate utilities and a separate furnace for each dwelling unit. He stated that he and his wife occupy one unit, and they rent out the other. Mr. Matos testified that when he acquired the property, there was a tenant in one of the units, and he has consistently rented out that unit. Mr. Matos did say, however, that his father-in-law and mother-in-law lived in the second floor unit for several years, and that his son has lived in that apartment since 2012. He further pointed out that the units have been maintained separate, and he named the other tenants who have occupied the unit in question and testified that he always obtained C.O.s for same. Mr. Matos stated that asked for this application due to the fact that the Zoning Officer denied his Certificate of Occupancy application for the second floor dwelling unit as a result of the nonconforming nature of the use at the site.

Mr. Kalma called Ms. Kimberly Meggison Bernath as a witness to this testimony. She stated that she grew up in the subject neighborhood, and that she rented the second floor apartment in 1992 from a predecessor owner of the property, and she continued to live there for some time after Mr. Matos acquired the property.

Mr. Cassidy asked if there were any questions from the Board or the public, none were voiced.

Mr. Kalma concluded.

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Chairman Cassidy requested a motion. Mr. Montfort made the motion to grant approval for a certificate of non-conformity. Mr. Urciuoli 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: Donna Gould  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Motion approved

Mr. Gallego rejoined the Board

Discussion:

Mr. Acquafredda asked if there was any new information on the Redevelopment issue.  
Mr. Buccellato said he would talk to the council at the next meeting to discuss the Master Plan.  
Mr. Montfort asked at what point they would approve the zoning map and the Master Plan.  
Mr. Irene said the Master Plan only need be reviewed and not changed.  
Mr. Bucco suggested starting going over the plans at the next meeting.  
Ms. Gould asked what was going on with JSM@ Matawan and was told they were waiting for finalized plans from the DOT regarding drainage.

Chairman Cassidy requested a motion to adjourn. Mr. Cassidy made the motion, seconded by Mr. Urciuoli.  
The board voted with all members in favor and the meeting was adjourned at 7:30 PM.

Respectfully submitted  
Nancy Jo Palermo  
Recording Secretary