

**Minutes of the
Unified Planning/Zoning Board of Adjustment
March 3, 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 March 3, 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 as of 7:30 pm
No: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Robert Montfort
No: Joseph Saporito
Yes: Joseph Urciuoli
No: Rochelle Malanga
Yes: Andrew Lopez
No: Daniel Acquafredda

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

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of the January 6, 2014 meeting. Mr. Montfort made the motion, seconded by Mr. Butler. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Robert Montfort
Yes: Joseph Urciuoli

Motion approved with John McKenna and Andrew Lopez non- participating.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
March 3, 2014
7:00 PM**

Chairman Cassidy requested a motion to approve the minutes of the January 27, 2014 special meeting. Mr. Montfort made the motion, seconded by Mr. Cassidy. 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 Urciuoli

Motion approved with Joseph Urciuoli and Andrew Lopez non- participating

Chairman Cassidy requested a motion to accept Michael A. Irene Jr., Esq.'s contract for Services as Attorney for the Board. Mr. Montfort made the motion subject to amending section 7, 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: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli
Yes: Andrew Lopez

Motion approved

Resolutions to be Memorialized:

Chairman Cassidy requested a motion to approve the Resolution Authorizing the Award of a Contract for Services as Attorney for the Board to Michael A. Irene Jr., Esq.

Mr. Montfort 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: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli
Yes: Andrew Lopez

Resolution approved

**Minutes of the
Unified Planning/Zoning Board of Adjustment
March 3, 2014
7:00 PM**

Chairman Cassidy requested a motion to approve the Resolution Authorizing the Award of a Contract for Services as Engineer for the Board to Robert W. Bucco, Jr.

Mr. Montfort 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: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli
Yes: Andrew Lopez

Resolution approved

Chairman Cassidy requested a motion to approve the Resolution Authorizing the Award of a Contract for Services as Recording Secretary for the Board to Nancy Jo Palermo.

Mr. Montfort made the motion, seconded by Mr. Butler. 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 Urciuoli
Yes: Andrew Lopez

Resolution approved

Applicants:

1. 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. This issue was carried from the January 6, 2014 meeting.

Mr. Irene reminded Mr. Matos that was previously sworn in and still under oath.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
March 3, 2014
7:00 PM**

Mr. Kalma stated that he had spoken to JoAnn Denton, Secretary to the Planning Board and the Division of Planning of Monmouth County. He able to obtain an ordinance from January 16, 1997 that has an R50-1 and one from 1992 that has an R50-11. On June 28, 1991 The County Planning Board sent a revised zoning map showing an R50-11.

Mr. Kalma says in 1994 Mr. Matos purchased the home as a two-family dwelling. He knows that in 1996 and 1998 the R50-11 was eliminated.

Mr. Irene said in 1992 the Borough had R50-11. That was zoning permitted for one and two-family homes.

Mr. Montfort said he had done some research and the R50-11 was gone between 1992-1996 from Broad Street west of Little Street. In 1997 between Church and Little Street the zoning was R50-11.

Mr. Buccellato asked if there was an ordinance on the books in 1999. Mr. Montfort replied he cannot tell when it disappeared. The question is if it changed between 1992 and 1994. He said it was a lawful, pre-existing usage that has been continued and that it had not been abandoned. We are looking for evidence that it was occupied as a two-family house prior to 1992 when it was listed as an R50-11.

Mr. Irene asked Mr. Matos if he had the original lease.

Mr. Matos said he didn't think so. He said in 1992 the R50-11 was on the zoning map and between 1994 and 1996 it changed to an R50-1. He said the previous tenant left in late 1996 and wondered if her testimony would help. He asked Mr. Irene if she was willing to testify if he could get an affidavit or would he need to bring her in person. Mr. Irene said in person would be preferable.

Mr. Buccellato said there wasn't sufficient time to review the new documents and wanted to know why the ordinance had not been looked for and presented as evidence.

Mr. Irene asked Mr. Matos if he looked for the property record card and Mr. Matos said he had asked the Construction Officials for it and had had been told they don't records going that far back.

Mr. Irene said he and the Board would look over the documentation and Mr. Matos and Mr. Kalma could find any more information it would be helpful.

Mr. Kalma stated that he would like to carry until the April 7, 2014 meeting.

Chairman Cassidy requested a motion. Mr. Montfort made a motion to carry to the April 7, 2014 meeting without the necessity of further notice. Mr. Cassidy seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Donna Gould
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort

**Minutes of the
Unified Planning/Zoning Board of Adjustment
March 3, 2014
7:00 PM**

Yes: Joseph Urciuoli
Yes: Andrew Lopez
Motion approved

Chairman Cassidy requested a motion to adjourn. Mr. Montfort made the motion, seconded by Ms Gould.
The board voted with all members in favor and the meeting was adjourned at 7:55 PM.

Chairman Cassidy requested a motion to re-open the meeting. Mr. Montfort made the motion, seconded by Mr. Cassidy.
The board voted with all members in favor and the meeting was re-opened at 8:00 PM.

Discussion:

The meeting was reopened to discuss if BPM Engineering and Mr. Bucco can take over for T&M Engineering for the applicants Laurdan and JSM @ Matawan.

Chairman Cassidy requested a motion. Mr. Montfort made the motion to transfer Laurdan and JSM @ Matawan to BPM with the necessity of Mr. Bucco reading the minutes from the final approvals of said applicants, seconded by Ms Gould.

Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Donna Gould
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Urciuoli
Yes: Andrew Lopez
Motion approved

Chairman Cassidy requested a motion to adjourn. Mr. Montfort made the motion, seconded by Mr. Butler.
The board voted with all members in favor and the meeting was adjourned at 8:08 PM.

Respectfully submitted
Nancy Jo Palermo
Recording Secretary