

**Minutes of the
Unified Planning/Zoning Board of Adjustment
July 6, 2015
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 July 6, 2015. 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 29, 2015 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:

No:	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
Yes:	Donna Gould
Yes:	John McKenna
Yes:	Robert Montfort
Yes:	Joseph Saporito
Yes:	Joseph Urciuoli
No:	Daniel Acquafredda
Yes:	Andrew Lopez
No:	Rochelle Malanga

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

Chairman Cassidy requested a motion to approve the minutes of June 1, 2015. Mr. Montfort made the motion. Ms. Gould seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes:	Rickey Butler
Yes:	Kenneth Cassidy
Yes:	Donna Gould
Yes:	John McKenna
Yes:	Robert Montfort
Yes:	Joseph Saporito
Yes:	Andrew Lopez

**Minutes of the
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Motion approved.

Resolutions to be Memorialized:

Edelman & Penn Realty Associates, LLC ó 181 Main Street ó Block 35, Lot 6 (*Granting Extension of Time Pertaining to Previously Granted Approvals*).

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

Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Donna Gould
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Andrew Lopez

Motion approved.

Applicant(s):

Victor & Carmen Rodriguez – 278 Broad Street – Block 49, Lots 31.01 and 32.01 (*Variance*)

Mr. Salvatore Alfieri Esq. came before the Board with his clients Victor & Carmen Rodriguez 8542 110th St. Richmond Hill, NY 11418 to ask for a certificate of non-conformity for his property at 278 Broad Street, Matawan

Mr. Irene swore Mr. Rodriguez in as well as Mr. Robert Bucco.

Mr. Alfieri stated that Mr. Rodriguez was under the impression that the dwelling was a two-family home when he bought it in February 2015.

Mr. Rodriguez explained that they became aware of the house due to it being located across the street from his Brother-in-Law and they wanted to move closer to family and have the house as a two-family home for when they were ready to retire and move to Matawan.

He said the house was listed as a fore-closure and a multi-family home by the realtor.

When he became aware that it might be a single family home only, he contacted JCP&L as there were two electric meters. He was told by them that there have been two meters since 1990. A survey provided by Richard Heuser, PC shows the property to be assessed as a multi two-family and the number of units as two on October 1, 2007.

**Minutes of the
Unified Planning/Zoning Board of Adjustment
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7:00 PM**

Mr. Irene stated that even though the documents show this, Mr. Rodriguez must establish that it is a lawful two-family home.

Mr. Rodriguez told the Board that main entrance stairwell has a door to a separate apartment that has its own full kitchen; the secondary entrance is to the first floor only where there is a full kitchen and laundry facilities.

He stated that he is a licensed Master Plumber in the State of NY and is knowledgeable and experienced in matters of construction. He said that portions of the home were illegally wired and there were illegal rooms and plumbing. He then stated that he has spent in excess of \$60,000.00 to upgrade and legalize the house including upgrading to the fire laws, replacing windows and having the driveway paved.

Mr. Cassidy asked if there was a Certificate of Occupancy when the house was last occupied two years ago. Mr. Alfieri said no

Mr. Saporito asked if there was access from the basement to the outside and was told no.

Mr. Urciuoli wanted to know if the electric had been updated and where it was located. Mr. Rodriguez said it had been, there is one gas meter and one electric meter located in the cellar.

Mr. Lopez asked there prior to doing the work, Mr. Rodriguez had gotten permits from the town and was told yes.

Ms. Gould questioned if had been bought or sold as a two-family home previously and was told that it had been twice.

Mr. Cassidy asked if there were any other question from the Board. No

Mr. Cassidy then asked if there were any questions from the public. Several people came forward.

Mr. James Buckley, 285 Broad Street was sworn in. He attested to the fact that he has lived at this residence since 1986 and prior to that had lived in Holmdel, NJ. He stated that he remembered when this house in question was moved from Route 34 to where it currently stands at 278 Broad Street. His testimony is that the house has not changed since it was moved in the mid 1960s. It was always a multi family home he said.

Mr. Montfort asked if he knew if it had moved from an R50-II zone to an R50-I and Mr. Buckley said he didn't. He also asked him if knew the previous owner and Mr. Buckley said no and stated that he had no objections to Mr. Rodriguez's plan and thought he was doing the right thing.

Mr. Irene said they might have to go to the county to get the date of zoning.

Mrs. Anna Santa-Simmons, 281 Broad Street was sworn in. She stated that she was Mr. Rodriguez's sister-in-law and lived in her current home for twelve years. She remembers the house as always being a two family house and said the County Clerk told her that that the dwelling had always been taxed as a two family house.

Mrs. Dorothy McLaughlin, 287 Main Street was sworn in. She stated that she has lived on Main Street for fifty years and thinks that Matawan should be proud and happy to approve the certificate of non-conformity.

**Minutes of the
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The Board decided to carry the motion in order for the applicant to attempt to establish that it is a lawful two-family home.

Chairman Cassidy requested a motion. Ms. Gould made a motion to carry to the August 3, 2015 meeting without the necessity of re-notice. Mr. Montfort seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Donna Gould
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Saporito
Yes: Joseph Urciuoli
Yes: Andrew Lopez

Motion approved.

Discussion:

Mrs. Linda Geiring and Mr. Michael Lane requested the opportunity to address the Board Engineer regarding the James Murphy, 13 Lakeside Drive matter.

Mr. Irene recommended the Board not hear any testimony or discussion on this matter without Mr. Murphy and or his attorney present.

Mr. Cassidy asked if there was anything new to report regarding the Master Redevelopment Plan. The subcommittee said there was not.

Mr. Cassidy announced Mr. Angelo Gallegos's retirement from the Board, thanked him for his years of service and wished him good luck.

Adjournment

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

The board voted with all members in favor and the meeting was adjourned at 8:00 PM.

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Respectfully submitted,
Nancy Jo Palermo
Recording Secretary