

**Minutes of the  
Unified Planning/Zoning Board of Adjustment  
August 6, 2012  
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 2, 2012. The meeting was called to order at 7:03 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 26, 2011, 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  
Yes: Angelo Gallego, Jr.  
Yes: Andy Lopez  
Yes: Rochelle Malanga  
Yes: John McKenna  
Yes: Robert Montfort  
Joseph Saporito  
Yes: Joseph Urciuoli

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

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of June 4, 2012. 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: Angelo Gallego, Jr.  
Yes: Andy Lopez  
Yes: Rochelle Malanga

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Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli

Motion passed.

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of June 20, 2012. 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: Angelo Gallego, Jr.  
Yes: Andy Lopez  
Yes: Rochelle Malanga  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli

Motion passed.

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of July 2, 2012. Mr. Gallego made the motion, seconded by Mr. Buccellato. 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: Andy Lopez  
Yes: Rochelle Malanga  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli

Motion passed.

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**Applicants**

**Applicants:**

1. Monmouth County Sheriff- 76-78 Wilson Avenue (Celltower) – Block 119, Lots 1 & 62 (*Capital Review*) – Documentation previously distributed at the March 5, 2012 PZ Brd. mtg.

James K. Pryor, Esq. spoke on behalf of the County of Monmouth regarding the proposal to upgrade the emergency network system. He gave statutory notice regarding this matter so that any interested parties would have an opportunity to hear the presentation and ask questions or offer comments. There were no such parties in attendance

Robert J. Dawson, Undersheriff of Monmouth County explained the need to modernize the County emergency service communications network. The Board also heard testimony for Michael L. Bohlinger, P.E., regarding the specifics of the proposal itself.

The project entails adding seven communications antennas and two communications dishes to the existing 392 foot high communications tower located at 76-78 Wilson Avenue. The County will lease space on the tower for its facilities. The County has a lease agreement with JCP&L and its subtenant Diamond Communications. A number of antennas and dishes currently exist on the tower; the highest of the proposed equipment will be installed at the 297 foot point on the tower. It was confirmed that the project will not increase the height of the tower; however the existing lightening rod at the top of the tower will be replaced with a new rod which will be approximately one foot higher than the one it replaces. The equipment placed on the tower will be putty colored, matching the existing facilities. A related equipment shelter that is 12 X 20 feet will be installed on the tower as well as a back-up generator. The shelter will be installed on a concrete pad in a fenced in compound.

Mr. Montfort questioned how quiet the back-up generator would be and was informed that it will be 35 KW and will be behind the existing brick building and will not add noise.

Mr. Buccellato stated that there are dead zones in the area and therefore a great need for this equipment for the Police and Fire departments.

The Board found and determined that the proposal was reasonable and appropriate. They also noted the importance served by the project to insure public safety. The Board also noted that no adverse impact would result to neighboring properties or the zone plan. The Board offered to have prepared and thereafter adopt a resolution memorializing this issue; however the applicant, Mr. Pryor declined this offer and requested a letter instead.

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Chairman Cassidy requested a motion to have Mr. Irene send Mr. Pryor a letter. 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: Angelo Gallego, Jr.  
Yes: Andy Lopez  
Yes: Rochelle Malanga  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli

Motion approved.

2. Don Zubritsky – 83 Freneau Ave., LLC – 81-83 Freneau Ave. – Block 120, Lot 3  
(Variance)

Mr. Irene stated that Mr. Zubritsky, represented by Mr. Kalma Esq., requested that the variance be carried over until Sept. 5, 2012 as he has not received notification of affidavit from the Asbury Park Press.

Mr. Irene asked if anyone was present to represent Mr. Zubritsky, no one came forward. Mr. Irene said he would send Mr. Kalma notice of the 7 pm start to the meeting.

Chairman Cassidy requested a motion to approve the carry over. 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  
Abstain: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: Andy Lopez

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Yes: Rochelle Malanga  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli

Motion approved.

Discussion

Route 34 Rezoning:

The Board discussed the Mixed Use Development District and made recommendations.

The recommendations are as follows:

1. The Ordinance contains a provision requiring a minimum of 1,000 square feet of habitable space for each residential dwelling unit.
2. The phrase "that includes residential dwelling units" be deleted from section C.3 of the draft Ordinance.
3. That section D.8 of the draft be omitted.
4. That all of the first floor space of a mixed use building should be devoted to business and commercial uses permitted in the district, excluding limited areas for mechanical equipment, elevators, lobbies/entrances, and the like. It is suggested that section G.1 (F) be amplified to address this recommendation, with the language such as the following:
  - (F)(I): A minimum of 10 % of the total floor area of a mixed use building shall be utilized for business and commercial uses permitted pursuant to C.3 of this section.
  - (II) In addition, the total first floor area of a mixed use building, exclusive of mechanical rooms, foyers and entranceways and stairwells, shall be utilized for business and commercial uses permitted pursuant to C.3.
  - (III): Further, the mechanical rooms, foyers and entrances, and stairwells, of the first floor area of a mixed use building shall constitute no more than of 10 % of the gross floor area of such first floor, so that no less than 90 % of the total gross first floor area of a mixed use building shall be utilized for business and commercial uses permitted pursuant to c.3 of this section

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5. That section I.5 of the draft ordinance be amended by adding a clause stating that no balconies shall be located on any façade that faces a public street.

The Board has requested that Mr. Irene draft a letter to the Planner outlining the changes.

Mr. Montfort made a motion to vote on this draft zoning change for the Route 34 Rezoning subject to changes have been made and that there will be no objections to have the draft zoning change presented to Mayor and Council. Mr. Cassidy 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:	Angelo Gallego, Jr.
Yes:	Andy Lopez
Yes:	Rochelle Malanga
Yes:	John McKenna
Yes:	Robert Montfort
Yes:	Joseph Urciuoli

Motion approved.

**Adjournment**

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

The board voted with all members in favor and the meeting was adjourned at 7:18 PM.

Respectfully submitted  
Nancy Jo Palermo  
Recording Secretary