

**Minutes of the  
Unified Planning/Zoning Board of Adjustment  
February 4, 2013  
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 February 4, 2013. 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 *Asbury Park Press* on January 17, 2013, 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: Thomas Fitzsimmons  
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

Also present were Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney and Philip A. Haderer, Planning Zoning Board Engineer.

Chairman Cassidy requested a motion to approve the amended 2013 meeting calendar & the 2014 reorganization meeting date of the Unified Planning/Zoning Board of Adjustments as follows:

February 4, 2013  
March 4, 2013  
April 1, 2013  
May 6, 2013  
June 3, 2013  
July 1, 2013  
August 5, 2013

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September 5, 2013\*  
October 7, 2013  
November 4, 2013  
December 2, 2013  
January 6, 2014

Mr. Fitzsimmons 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: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli

Motion approved.

**Resolutions to be Memorialized:**

1. Appointing Board Attorney:

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

Yes: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli

Motion approved.

2. Appointing Board Engineer:

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The Resolution is being held until Mr. Haderer's contract is finalized.

3. Appointing Recording Secretary:

Chairman Cassidy requested a motion to approve the resolution. Mr. Fitzsimmons 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: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli  
Yes: Andrew Lopez  
Yes: Daniel Acquafredda

Motion approved

4. Timothy Clifton – 23 Crescent Place – Block 110, Lot 7.05 (*Variance*)

Chairman Cassidy requested a motion to approve the resolution without DEP requirements. Mr. Montfort made the motion, seconded by Mr. Fitzsimmons. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Abstain: Paul Buccellato  
Yes: Rickey Butler  
Yes: Kenneth Cassidy  
Yes: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli

Motion approved

**Applicants:**

1. Quick Chek – 44 Main Street – Block 5, Lot 9 (*Variance*)

Mr. Irene requested an adjournment for the Quick Chek variance to be held over. Attorney John Marmora of K&L Gates stated that he did not wish to proceed. He stipulated that all interested parties would agree to carry the matter over to a special meeting to be held Wednesday February 27, 2013 at 7:00 pm without

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renotice.

Chairman Cassidy requested a motion for a special meeting to be held Wednesday February 27, 2013 at 7:00 pm.

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: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Saporito  
Yes: Joseph Urciuoli

Motion approved

Discussion

1. Mr. John Quinn, Zoning Officer for The Borough of Matawan, came before the Board (at Mayor Buccellato's request) to speak about the Historic Preservation area.

Mr. Quinn stated that the current definition is very restrictive. At this time the definition states that the Historic Preservation District is restricted to "single family homes", and "professional businesses". Mr. Quinn says many applicants are being denied because their business doesn't fit the current definition, therefore they open their business elsewhere. He wants the zoning laws to be amended from "professional businesses" to professionals and anything else the Zoning Officer approves. As of now there are eleven businesses from Church Street to Little Street (the area in question).

Michael Irene said that that would open the Borough up to lawsuits. He suggests looking at specific uses. Possibly "General Business Offices" in addition to "Professional Businesses".

Mr. Saporito asks if he means business or just offices, Mr. Quinn says Professional offices.

Mr. Buccellato says that the Board should not just give Mr. Quinn the discretion but look to amending the definition. He also asked Mr. Quinn how many business have been lost per year and Mr. Quinn says fifteen.

Mr. Irene said we are not talking about "services" but "businesses".

Mr. Montfort thinks they need to be very specific. He states that there are currently restaurants in this area and restaurants are not in the ordinance, that they have pre-existing non-conformity.

Mr. Fitzsimmons suggests giving Mr. Quinn more latitude by tweaking the ordinance.

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Mr. Montfort says they could have a better definition of office and Mr. Buccellato says the ordinance refers to room or group of rooms providing a service. Mr. Irene said the ordinance would have to be reworded.

Mr. Urciuoli asked if there could be a short term solution by temporarily allowing an applicant to come before the Board for a variance on an as needed basis.

Mr. Montfort asked if they were rejecting a new tenant to someone who has already had a tenant.

Mr. Lopez wanted to know if there is a situation when a resident wants to rent to a new tenant in an office where a tenant had previously been renting and Mr. Quinn said each tenant must be approved for each space in a building.

Mr. Montfort is concerned that any changes will change the Historical look. He also wondered what others towns might have done.

Mr. Cassidy asked if Mr. Buccellato if he wanted the Board to give a recommendation to the Council. He feels that a decision should be made as soon as possible, that Mr. Quinn needs relief now.

Mr. Fitzsimmons stated that were getting far afield and were over thinking a simple process.

Mr. Saporito suggests changing terminology from "Professional Offices" to "General Offices".

Mr. Quinn reiterated that his whole purpose is to get more leeway in the definition.

Mr. Buccellato is going to get some recommendations and examples of other existing ordinances to facilitate a decision. All members of the Board agree that changes are necessary.

Mr. Buccellato asked Mr. Irene if Phil Haderer could leave for the Train Station Redevelopment discussion. Mr. Haderer was excused.

2. Mr. Buccellato addressed the Board regarding the Train Station Redevelopment that the Board members received information on at the January meeting.

He introduced Jan L. Wouters, Attorney from Bathgate, Wegener & Wolf and Robert W. Bucco, Engineer from BPM Engineering LLC.

Mr. Wouters stated that we are starting from the beginning, that all previous plans are outdated. He said the Board has to determine if this area is in fact an area to be designated for redevelopment.

Mr. Bucco said that he has taken the old plans from Beacon Planning and updated them.

Mr. Montfort said the property itself does show why it is obsolete and Mr. Bucco says that the area must be looked at as a whole and not as individual properties. Mr. Montfort stated that he was confused as to the concept.

Mr. Acquafredda asked what the process was to reestablish redevelopment.

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Mr. Irene wanted to know where they were in the process of getting documentation from the Council to request referring this to the Board for review.

Mr. Wouters answered that the Mayor should ask the Council to approve a Resolution.

Mr. Saporito asked if they can make use of prior reports and Mr. Bucco answered that they did that and were bringing them up to date.

Mr. Buccellato said now the whole area can be redeveloped, the law had changed in the middle of the negotiations.

Mr. Irene said when the Board gets the Resolution they will undertake preliminary direction and hire a Planner and the whole Master Plan will be developed.

Mr. McKenna asked what benefit will be received and what is the potential for control to pick and choose the components. He asked why it can't be done by zoning so that property owners are not forced to give up their property.

Mr. Saporito wants to know if it would facilitate the planning if they designated what the best usage was.

Mr. Montfort says: "That is not what is stated"

Mr. Gallego said they must have a Master Plan.

Mr. Fitzsimmons says to give a report that states looking at each individual and giving justification for need as it has been designated as a "Transit Village".

Mr. Gallego asked if they shouldn't have a Master Plan update every so often.

Mr. Irene asked if it was a conflict of interest to have Mr. Buccellato and Mr. Fitzsimmons participate in this planning.

Mr. Wouters said he would conclude that there is no conflict and he would ask the Board to review and make recommendations to the Council.

Mr. Montfort says: there are lots of buzz words and no definitions.

Mr. Irene said: "We don't want to adopt on conclusions".

Mr. Wouters stated that there would be real finding of fact.

Mr. Bucco said he would give a report with the criteria for the whole redevelopment area and he will tighten and tweak it to make it amenable to the Board.

Mr. Buccellato asked Mr. Bucco if he could say the Board previously designated the redevelopment area and is now affirming it and Mr. Wouters said: No, it must be re-designated.

Mr. Cassidy asked what happens to businesses that are in the redevelopment area presently. Mr. Wouters answered that the area could be acquired by Eminent Domain and a value will be evaluated by the courts. The business owners will be compensated fairly.

Mr. Montfort indicated that Eminent Domain would likely be the last resort. Generally the developer would purchase properties as necessary.

Mr. Cassidy asked if there were any other question, no one had any.

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

The board voted with all members in favor and the meeting was adjourned at 8:45 PM.

Respectfully submitted  
Nancy Jo Palermo  
Recording Secretary