

**Minutes of the  
Unified Planning/Zoning Board of Adjustment  
March 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 March 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
No:	Rickey Butler
Yes:	Kenneth Cassidy
Yes:	Thomas Fitzsimmons
Yes:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Robert Montfort
No:	Joseph Saporito
Yes:	Joseph Urciuoli
No:	Rochelle Malanga
No:	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 and Richard S. Cramer, P.P., A.I.C.P., Planner for T & M Associates.

**Applicants:**

1. JSM @ Matawan Phase II, LLC – 947-955 Highway 34 – Block 40, Lots 6 & 7 (*Site Plan Application*)
2. Quick Chek – 44 Main Street – Block 5, Lot 9 (*Variance*)-continuation

Attorney Salvatore Alfieri requested an adjournment for the JSM @ Matawan Phase II, LLC Site Plan Application to be held over to the April 1, 2013 meeting at 7 pm with re-notice.

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Chairman Cassidy requested a motion to carry JSM @ Matawan Phase II to April 1, 2013 at 7:00 pm with re-notice required.

Mr. Montfort made the motion, seconded by Mr. Fitzsimmons. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Kenneth Cassidy  
Yes: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Daniel Acquafredda  
Motion approved

**Approval of Minutes**

Chairman Cassidy requested a motion to approve the minutes of January 2, 2013. Mr. McKenna made the motion, seconded by Mr. Montfort. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato  
Yes: Kenneth Cassidy  
Yes: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Daniel Acquafredda  
Motion approved

Chairman Cassidy requested a motion to approve the minutes of February 4, 2013. 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: Kenneth Cassidy  
Yes: Thomas Fitzsimmons  
Yes: Angelo Gallego, Jr.

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Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
Yes: Daniel Acquafredda  
Motion approved

**Proposed Modification to 34-69 DPD Downtown Preservation District**

Mr. Buccellato suggested The Board make a decision on amending the definition of *Permitted Principal Uses*.

Mr. Fitzsimmons said he thought they were going to expand the definition of Professional offices.

Mr. Buccellato read the definition of General offices from the Matawan Zoning Ordinance chapter 304-3 as: *A room or group of rooms used for conducting the affairs of a business, service, industry or government. [Amended 2-18-1992 by Ord. No. 92-1]*

Mr. Irene suggested updating the definition of General offices or find two different definitions for General offices and Professional offices.

Mr. Montfort said it should just say General offices and make it clean and simple: General offices-Professional offices and single dwellings. Later you can expand the definition to different things.

Mr. asked if this was an updated or existing definition and wanted an example of what is not a Professional office.

Mr. Haderer will research other town's ordinances and make some suggestions.

**Quick Chek Application**

At this time the application for the Quick Chek variance resumed and Mr. Buccellato and Mr. Fitzsimmons recused themselves.

Mr. Irene informed Mr. Marmora that there were only six voting members available and five votes were required for approval and asked him if they were willing to proceed. Mr. Marmora agreed to continue with the application.

Mr. Irene reminded Mr. Haderer and Mr. Cramer that they were still under oath.

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Mr. Haderer told the Board that Mr. Cahill had agreed to withdrawal comment 3.10 regarding handicapped parking. He said he took a look at the road and suggested they leave it alone. Also the eight foot high white vinyl fence along Bank Street would require a design waiver as that is higher than normally allowed. Everything else was agreed to in a letter.

Quick Chek then presented their last witness; Ms Christine Nazzaro Cofone, a licensed professional planner with Cofone Consulting Group, LLC. Red Bank, NJ. Ms Nazzaro Cofone was sworn in and her credentials were accepted.

Ms Nazzaro Cofone stated that the Quick Chek convenience store would help serve the borough's goal to revitalize the area. She said one of the things revitalization looks for is properties that are under producing, properties that are not producing to their fullest potential to be redeveloped and revitalized. This property is currently a surface level parking lot with 100 percent impervious coverage, she said this application does bring revitalization, it brings jobs and it redevelops this under-utilized property. Ms Nazzaro Cofone also said that having reviewed the Property and Zoning laws, she found that the lot in question was designated for RID and that all the requirements were met as this venture is of a commercial retail nature.

Mr. Cramer said the zone falls within the train station redevelopment area, which the borough's master plan has slated for a transit village development. "When I looked at the plan, it is recommending for the redevelopment of the Matawan train station as a mix of high-quality commercial and residential/ hotel development"

Ms Nazzaro Cofone replied that the size of the property would not accommodate any large-scale development such as a hotel, and the proposed project would not impact the rest of the area. She said: "We are redeveloping this property. It will be a ratable, and that is something consistent with the redevelopment of this area. Having this 0.85-acre site does nothing to impair the borough to rehabilitate the larger area as a transit village. It will not impair the borough's vision to accomplish the borough's goals." She also added that according to borough ordinances, a commercial, retail or business, not including manufacturing, is allowed in the zone and the use is permitted since it is considered retail, and the gas station, which is a conditional use, is compliant. Ms Nazzaro Cofone continued by saying, it is a great use of the site, and you have significant development planned for the area, the transit village, a high-density project within a close distance, and existing traffic on the roadway to support this use. "This application brings revitalization, creates jobs, and it redevelops this underutilized site ... It will be nice to see the site redeveloped, and it will be consistent with the uses surrounding it."

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Ms Nazzaro Cofone discussed different variances such as, a D-Variance, D1-Variance, Bulk Variance, C Variance, C1 Variance and C2 Variance.

Mr. Irene explained that if the board agreed with Ms Nazzaro Cofone, then the application would not need the variance. He then went on to say that there were two sets of Principle Use in our Ordinances, gas station and general retail (groceries/convenience store), which are discussed as separate uses. A combined modern gas station with a convenience store is not addressed.

Ms Nazzaro Cofone replied that this plan is not either of the definitions, that it is a "hybrid" Mr. Marmora said that it is safe to say that gas stations were unattractive and not esthetically pleasing and that their plan has gone beyond that and the definitions no longer apply.

Ms Nazzaro Cofone said, it is not just a gas station, it is a ratable; "It absolutely will not impair the Borough's redevelopment plans."

Mr. Cassidy asked if the Board members had any questions.

Mr. Montfort said: "The size of the lot had no bearing on the redevelopment since a developer would buy all the property. However, he said the board should not use the master plan since it goes back to 2003 and is subject to change this year. Things may change from what is in the plan. I have a problem with using the 2003 redevelopment designation as saying that is all that is allowed there and added that the redevelopment could be several years away. "I can't think about what may happen in five more years when this plan comes to life."

Mr. McKenna said that the Quick Chek would be an ideal use for the area.

"If I was in a hotel, I would like to have a Quick Chek across the street to get breakfast or the newspaper," he said. "I don't think the gas station is a big thing. The food will do more than the gas station."

Mr. Gallego said: "Given all the unclear testimony, if there is not a clear way to define whether this is a permitted use, we should go under a variance. Therefore if it is not a permitted use, of which I am not convinced, then a variance would not be necessary."

Mr. Cassidy asked if there were any other Quick Cheks in a downtown area. Mr. Marmora said there was one in South Plainfield.

Mr. Montfort asked if the turning radius onto Main Street would be expanded, Mr. Derek Jordon from Bohler Engineering was sworn in and answered that there would be no changes made at that corner.

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Mr. Urciuoli stated that trucks cannot make the right turn from High Street onto Main Street without going into the oncoming lane. He asked whether there would be restricted hours for deliveries and Mr. Marmora said the deliveries were very controlled.

Mr. Montfort questioned if other deliveries besides fuel came in the middle of the night.

Mr. Cassidy said that the Ordinance restricted the hours for gas stations.

Mr. Urciuoli said trucks get will get jammed into that intersection with the train traffic

Mr. Marmora said Mr. Marciano would agree to no deliveries between the hours of 7-9 am, saying it was in their best interest to not unload fuel during peak hours.

Mr. Irene stated that they could specify as a D Variance not on permitted use.

Mr. Montfort asked if it is permitted use, can you put in specifications such as the sign on the Main Street side. Mr. Marmora agreed to make adjustments on the signage.

He said they would like to put it to a vote tonight and would be willing pull the signage out of the application and discuss later.

Mr. Irene said the board grant preliminary site approval and defer signage to a later date.

Mr. Urciuoli asked how they would vote.

Mr. Irene said someone would make a motion to grant the whole plan or to deny all of it. He explained a D1 Variance would require five affirmative votes.

Mr. Gallego felt they should go with a D1 Variance. Mr. McKenna and Mr. Acquafredda agreed that was the best way to vote if they are not sure if it is considered *permitted use*.

Mr. Cassidy asked if there were any questions or comments from the members of the Public. No one answered.

Mr. Gallego made a motion to find that the proposed use is not a permitted use in the RID zone. Mr. McKenna seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Kenneth Cassidy

Yes: Angelo Gallego, Jr.

Yes: John McKenna

No: Robert Montfort

No: Joseph Urciuoli

No: Daniel Acquafredda

Motion failed

Mr. Urciuoli made a motion to grant the site plan with a D1 Variance with exception for signage and impose no fuel deliveries between 7-9 am and no deliveries other than fuel

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between 12-5 am. Mr. Montfort seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

No: Kenneth Cassidy  
Yes: Angelo Gallego, Jr.  
Yes: John McKenna  
Yes: Robert Montfort  
Yes: Joseph Urciuoli  
No: Daniel Acquafredda  
Motion denied

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

The board voted with all members in favor and the meeting was adjourned at 9:25 PM.

Respectfully submitted  
Nancy Jo Palermo  
Recording Secretary