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**Minutes of the
g/Zoning Board of Adjustment
August 3, 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 August 3, 2015. The meeting was called to order at 7:05 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:

- Yes: Paul Buccellato
- Yes: Rickey Butler
- Yes: Kenneth Cassidy
- No: Donna Gould
- Yes: John McKenna
- Yes: Robert Montfort
- Yes: Joseph Saporito as of 7:12
- Yes: Joseph Urciuoli
- Yes: Daniel Acquafredda as of 7:08
- No: Rochelle Malanga

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

Mr. Buccellato recused himself and stepped down from the dais.

Chairman Cassidy requested a motion to approve the minutes of July 6, 2015. Mr. Montfort made the motion subject to the correction he requested via email. Mr. Urciuoli seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

- Yes: Rickey Butler
- Yes: Kenneth Cassidy
- Yes: John McKenna
- Yes: Robert Montfort
- Yes: Joseph Urciuoli

Motion approved.



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Mr. Acquafredda arrived at 7:08 pm

Mr. Irene administered the Oath of Office as a Class IV member to Mr. Acquafredda to fill the position vacated by Mr. Lopez's resignation.

Applicant(s):

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

In a carryover from the July 6, 2015 meeting, 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, NJ. As Mr. Alfieri began his opening statement Mr. Saporito joined the meeting at 7:12 pm. Mr. Alfieri then repeated his testimony for the benefit of Mr. Saporito.

Mr. Irene told Mr. Alfieri that there would be two hearings of minutes on the certificate of non-conformity.

Mr. Alfieri told the Board that Matawan Borough had no records before 1993 to show that the property was zoned as a two family home.

He said an OPRA request was made (marked as exhibit A-4) to the Borough for records and the Borough responded that they had no records prior to 1993.

He said he also went to the Monmouth County Board of Taxation and found that they had assessed the house as a two family since 1966 and showed it had been vacant from 1960 to 1966. The property card doesn't go back prior to that and so he believes that the house was moved from Route 34 to its present location in late 1965 or early 1966.

He stated that no one seemed to have records of what transpired in 1966. Mr. Colot (82 years old) owned the house when it was located on Route 34 and might be able to give testimony if deemed appropriate by the Board. He said he looked up the records in the County to indicate classification and Mr. Irene reminded everyone that this information doesn't mean that it is a lawful two-family home.

Mr. Kenneth Simmons, 281 Broad Street was sworn in and gave testimony that he lives across the street from the property in question, is the brother-in-law to the applicant and is largely responsible for Mr. Rodriguez purchasing the house. He looked for records and was told that all the records prior 1993 were destroyed in a flood.

He said he has lived in his house for ten years and has always known 278 Broad Street to be a multi-family home. He also said the house was a disaster prior to Mr. Rodriguez's purchasing it and that he himself had to call the police numerous times.

He testified that he has spent three months researching this, there were always two mailboxes and two electric meters he said. He went to the Historical Society in addition to try to obtain information and they were unable to help. My Brother-in-law has done a tremendous amount of improvements to the house and if you provide him with authorization to continue it would be a great asset to Matawan Borough he stated.

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Mr. Simmons stepped down and Mr. Rodriguez returned to the table to give further testimony. He explained that if you look at his house, it extends into the back and this was clearly an extension that was added. This is not typical to any of the other houses in the neighborhood. Mr. Alfieri told the Board that they could not obtain any other information or proof that this was a lawful two-family home. He said that was all they had for the certificate of non-conformity and asked if the Board would vote on that and deal with the planning issues separately so that Mr. Rodriguez could continue renovations to the interior. Mr. Cassidy asked if there were any other questions. Mr. Butler mentioned that he had noticed the addition and knew there were multiple families living there at the same time. Mr. Acquafredda asked if there were two electric, gas and water meters. He was told there were two electric and one gas and water each. Mr. Irene said that since the adoption of the zoning ordinance it has been a two family house. Mr. Cassidy stated that between the testimony and his own opinion he believes it to be a two family. Mr. McKenna said he remembers it as a two-family always, even when it was on Route 34. Mr. Saporito said all the records show that it is and Mr. Irene replied that the question is whether that two family predated the ordinance in entirety and was always pre-existing. Mr. Cassidy asked if there were any questions from the public, there was no response.

Chairman Cassidy requested a motion. Mr. Saporito made a motion to carry to approve the variance for a certificate of non-conformity only subject to the Fire Official's approval. Mr. Urciuoli seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Robert Montfort
Yes: Joseph Saporito
Yes: Joseph Urciuoli

Motion approved.

Mr. Irene then asked Mr. Alfieri how he wished to proceed on the additional variances. Mr. Alfieri stated that a report done by Mr. Bucco shows that there has been no increase in the square footage, nothing has been added to the property and no improvements have been made to the property. Mr. Rodriguez said the fence was taken down and the driveway was paved from the street to the beginning of the backyard. The fence was then placed at the end of the paving which is flush with the back of the house. The driveway is now seventy feet long.

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Mr. Montfort asked if the driveway was long enough for two cars to fit side by side and he was told yes. Mr. Rodriguez said the driveway was previously paved and is six inches away from the next door neighbor's property as shown in a January 2015 survey.

Mr. Montfort then said that he felt before anything was approved on the C variance he would like to see an updated drawing.

Mr. Cassidy agreed.

Mr. Irene said the applicant needed to confirm what was there and what is there now.

Mr. Alfieri stated that Mr. Heuser has an updated survey showing the setbacks.

He asked if they could get a resolution to that Mr. Rodriguez could continue his renovations. He said they would like to carry to the next meeting.

Mr. Irene stated that there would be no D variance only bulk variances.

Chairman Cassidy requested a motion. Mr. Montfort made a motion to carry to the September 9, 2015 meeting for continuation for any components of application not decided at this meeting

Mr. McKenna seconded it. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler

Yes: Kenneth Cassidy

Yes: John McKenna

Yes: Robert Montfort

Yes: Joseph Saporito

Yes: Joseph Urciuoli

Yes: Daniel Acquafredda

Motion approved.

Adjournment

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

The board voted with all members in favor and the meeting was adjourned at 7:45 PM.

Respectfully submitted,
Nancy Jo Palermo
Recording Secretary