

**Minutes of the
Unified Planning/Zoning Board of Adjustment
April 4, 2016
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 April 4, 2016 with Chairman Rickey Butler presiding. Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by publishing notification in *The Independent* on January 14, 2016, by sending notice to the *Asbury Park Press*, and by posting. Chairman Butler called the meeting to order at 7:00 PM requesting a roll call.

On roll call the following members responded present:

Yes: Joseph Altomonte
 Joseph Urbano
 John McKenna
 Joseph Urciuoli
 Rickey Butler
 Timothy Moran
 Brett Cannon
 Raymond Ayling
 Kenneth Cassidy (Arrived at 7:05 PM)

Charles Ross and Joseph Saporito were absent.

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

Chairman Butler requested everyone to stand for the Salute to the Flag.

Applicant(s)

There were no Applicants for this meeting.

Resolution(s) to be Memorialized

Don Zubritsky, Straight Line Automotive, 83 Freneau Avenue, LLC – 83 Freneau Avenue – Block 120, Lot 3 (Granting Extension of Time Pertaining to Previously-Granted Approvals)

Mr. Irene related the Applicant had previously been approved and extended. Under the Municipal Land Use Law approvals are granted for two years with three, one-year extensions. The Applicant's attorney has requested a one-year extension. Mr. Butler requested a motion to approve the Resolution Granting Extension of Time Pertaining to Previously-Granted Approvals. Mr. Urciuoli made the motion, seconded by Mr. Cannon. Mr. Butler requested a roll call vote. A roll call vote was taken.

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Abstain: Kenneth Cassidy

Motion passed.

Gary & Sue Knoepfel, 117 Ravine Drive – Block 74, Lot 11 (Approval of Bulk Variance Relief – [Pertaining to In-Ground Pool])

Mr. Butler requested a motion to approve the Resolution for Approval of Bulk Variance Relief – [Pertaining to In-Ground Pool]. Mr. Urciuoli made the motion, seconded by Mr. Cannon. Mr. Butler requested a roll call vote. A roll call vote was taken.

Yes: Joseph Altomonte
Joseph Urbano
John McKenna
Joseph Urciuoli
Rickey Butler
Timothy Moran
Brett Cannon
Raymond Ayling

Abstain: Kenneth Cassidy

Motion passed.

*Antoine MBassat [LaMadona Restaurant] – 334 Main Street – Block 47.02, Lot 13
(Granting Bulk Variance Relief and Amended Site Plan Approval)*

Mr. Butler requested a motion to approve the Resolution Granting Bulk Variance Relief and Amended Site Plan Approval. Mr. Altomonte made the motion, seconded by Mr. Moran. Mr. Butler requested a roll call vote. A roll call vote was taken.

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Abstain: Joseph Urbano
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Motion passed.

*Interglobal Construction – 95 Main Street – Block 9, Lot 8.01, Matawan
(Granting Bulk Variance Relief and Site Plan Approval)*

Mr. Butler requested a motion to approve the Resolution Granting Bulk Variance Relief and Site Plan Approval. Mr. Urciuoli made the motion, seconded by Mr. Altomonte. Mr. Butler requested a roll call vote. A roll call vote was taken.

Yes: Joseph Altomonte
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John McKenna
Joseph Urciuoli
Rickey Butler
Timothy Moran
Brett Cannon
Raymond Ayling

Abstain: Kenneth Cassidy

Motion passed.

David Grippi, 68B Wyckoff Street – Block 29, Lot 21.01, and Brandon Clare, 2 Church Street – Block 29, Lot 22, Matawan (Approval of Minor Subdivision and Bulk Variance Relief)

Mr. Butler requested a motion to approve the Resolution for Approval of Minor Subdivision and Bulk Variance Relief. Mr. Altomonte made the motion, seconded by Mr. Cannon. Mr. Butler requested a roll call vote. A roll call vote was taken.

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Abstain: Joseph Urbano
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Motion passed.

Discussion

Mr. Urbano distributed copy of the Borough of Matawan Ordinance 06-29: Amending and Supplementing Chapter 304, Off-Tract Improvements, Planning and Development Regulations, Section 29-C(4), Regarding the Establishment of Multi-Family Dwellings and Recreation Spaces citing Section 4: This Ordinance shall be adopted but shall not be implemented until comment is provided to Mayor and Council from the Unified Planning and Zoning Board of Adjustments of the Borough of Matawan and review of those comments by the Unified Planning and Zoning Board of Adjustments. Mr. Urbano stated there is no record of the Board's review. He cited Subsection 3. Contributions in lieu of active recreation areas, (i) Total Deficiency of recreation area in square feet multiplied by the sum of \$30.00 per square foot for that portion of the total development area lying in any residential zone, and (ii) The sum of \$50.00 per square foot for that portion of the total development area lying in any business/commercial/mixed use, industrial or other zones, could apply excessive fees to a development lacking sufficient on-site recreation facilities. Mr. Urbano asks for the Board to review and recommend a more realistic figure. The Ordinance has not been implemented to date.

Mr. Irene informs the MLUL Statute provides the Governing Body by Ordinance can require the developer to make reasonable contributions for off-tract water, sewer, drainage, and street improvements as made necessary of the impact of the development. Many municipal Ordinances require multi-family housing developments provide on-site recreation areas or in lieu thereof the developer makes a specified payment to supplement existing public recreation facilities. There have been some legal challenges to the theory. Mr. Irene recommends the Governing Body introduce proposed changes to the Ordinance; send to the Board for review and comment, who will then return same to the Governing Body for consideration prior to adoption of the proposed Ordinance. Mr. Irene recommends the Borough Attorney review for concept for Council consideration.

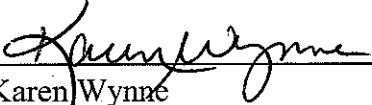
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Mr. Irene asked Mr. Urciuoli the status of the 2015 Annual Report. Mr. Urciuoli informed it is near completion.

Adjournment

Chairman Butler requested a motion to adjourn. Mr. Altomonte made the motion, seconded by Mr. Cannon. The Board agreed. Motion passed.

The meeting was adjourned at 7:45 PM.



Karen Wynne
Acting Recording Secretary