

File - Completed OPRA

Karen Wynne

From: Nici Ten Hoeve <opra+request-74482-fdbf024e@requests.opramachine.com>
Sent: Monday, April 7, 2025 12:23 PM
To: Opra Request
Subject: OPRA request - OPRA for open/closed permits - 260 Main St, Matawan, NJ 07747

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Dear Matawan Borough,

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-6(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested (if applicable):

① List of open and closed permits on the property - List of Construction Applications

② Property Survey - none

③ Zoning applications/approvals - P2 Resolutions (2) 2006 & 2009

④ Proof of decommissioned oil tank, DFT letter - none

⑤ septic plans, as-built, repairs, septic reports and survey; and, if applicable, a septic survey showing the location of the decommissioned/abandoned septic tank, cesspool, and/or seepage pit. Mon. Cty Bld Health
septic tanks
cesspools

Address: 260 Main St, Matawan, NJ 07747

Lot: 4

Block: 41

My preferred delivery method for response(s) to this request is by E-mail as attachments. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Yours faithfully,

Nici Ten Hoeve

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-74482-fdbf024e@requests.opramachine.com

Is opra.request@matawanborough.com the wrong address for OPRA requests to Matawan Borough? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=matawan_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/opra_for_openclosed_permits_260

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAMachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."

AGENCY USE ONLY	
Tracking Information	Final Cost
Tracking # _____	Total _____
Rec'd Date <u>4-14-25</u>	Deposit _____
Ready Date <u>4-23-25</u>	Balance Due _____
Total Pages _____	Balance Paid _____
Records Provided	
<u>4-17-25</u>	
- File complete	
- See attached email	
<u>Kellen Lyne</u> Custodian Signature	<u>4-15-25</u> Date

LIST OF APPLICATIONS

Item 1

Block 41 and Lot 4

April , 16 2025 2:59:36PM

Control No	App Date	Perno	Site Address	Per dt	UpdateNo	CCO No	CCO Dt	Close Dt	Block	Lot	Qual	Description
Owner name					Owner Address					Use Grp		
CUFT	SQFT	Bldg	Elec	Fire	Plumb	Elev	Mech	BFee	BFee	EFee	All Wvd	
Cost Const	Alt Const	Cost Demol		CO Date	CA Date		Cfee	Badm	PADM	VAdm	MAdm	Tr Fee
App Type							Hfee			TFee	Sfee	Alt Fee
												CO Fee
												CO Fee
												Tot Fee
92001292	12/06/1995	9500501		12/06/1995	0			12/14/1995	41	4		REPLACE
ANFUSO, ROBERT & CAROLE		260 MAIN STREET			260	MAIN STREET				R-3		STAIRS,RAILINGS/LANDS
0.00	0.00	Yes						\$30.00	\$0.00	\$0.00	\$0.00	CAPING
\$0.00	\$2000.00	\$0.00			12/14/1995		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
P							\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2.00
												\$0.00
												\$32.00
92001450	02/21/1996	9600058		02/21/1996	0			4/14/1997	41	4		NEW ROOF
ANFUSO, ROBERT		260 MAIN STREET			260	MAIN STREET				R-3		
0.00	0.00	Yes					\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$1000.00	\$0.00			04/14/1997		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.00
P							\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
												\$16.00
92008079	12/23/2005	20060002		01/09/2006	0			3/19/2008	41	4		FIRE IN
ANFUSO, ROBERT & CAROLE		260 MAIN STREET			260	MAIN STREET				R-5		GARAGE/REPLACE
0.00	0.00	Yes	Yes				\$65.00	\$67.00	\$0.00	\$0.00	\$0.00	LUMBER, SHIN
\$0.00	\$3000.00	\$0.00			03/19/2008		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
P							\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4.00
												\$0.00
												\$136.00
92008708	01/08/2007	20070015		01/10/2007	0			3/19/2008	41	4		VINYL SIDE
ANFUSO, ROBERT & CAROLE		260 MAIN STREET			260	MAIN STREET				R-5		HOUSE/COVER WINDOW
0.00	0.00	Yes					\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	TRIM
\$0.00	\$4500.00	\$0.00			03/19/2008		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
P							\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6.00
												\$0.00
												\$56.00
92009107	06/11/2007	20070363		07/13/2007	0			6/20/2008	41	4		ADDITION/624 SQ.
ANFUSO, ROBERT & CAROLE		260 MAIN STREET			260	MAIN STREET				R-5		FT./6240 CU. FT.
6,240.00	624.00	Yes	Yes	Yes	Yes		\$187.00	\$175.00	\$60.00	\$0.00	\$0.00	\$17.00
\$25000.00	\$0.00	\$0.00			06/20/2008		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
P							\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$47.00
												\$536.00
92009936	09/18/2008	20080441		10/02/2008	0			10/28/2008	41	4		OIL-GAS CONV/BOILER &
ANFUSO, ROBERT & CAROLE		260 MAIN STREET			260	MAIN STREET				R-5		WATER HEATER
0.00	0.00	Yes	Yes	Yes	Yes		\$0.00	\$50.00	\$100.00	\$0.00	\$0.00	\$0.00
\$0.00	\$7500.00	\$0.00			10/28/2008		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00
P							\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
												\$210.00

Control No	App Date	Perno	Per dt	UpdateNo	CCO No	CCO Dt	Close Dt	All Wvd	Block	Lot	Qual	Description
Owner name	Site Address	Owner Address	Fire	Plumb	Elev	Mech	BFee	EFee	Pfee	Use Grp	Mfee	Tr Fee
CUFT	SQFT	Bldg	CO Date	CA Date		Cfee	Badm	EAdm	PADM	VAdm	MAdm	Alt Fee
Cost Const	Alt Const	Cost Demol					Hfee			TFee	Sfee	DCA Min.
App Type								Gfee				Tot Fee
92009993	10/29/2008	20080491	11/10/2008	0			12/10/2008		41	4		INSTALL
ANFUSO, ROBERT & CAROLE	260 MAIN STREET	260 MAIN STREET		260	MAIN STREET					R-5		OUTLETS/KITCHEN
0.00	0.00	Yes					\$0.00	\$50.00	\$0.00	\$0.00	\$0.00	EXHAUST FAN
\$0.00	\$180.00			12/10/2008		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
P						\$0.00				\$0.00	\$0.00	\$50.00
92010662	01/19/2010	201000026	01/26/2010	0			2/22/2010		41	4		MOVE 100 AMP SERVICE
ANFUSO, ROBERT & CAROLE	260 MAIN STREET	260 MAIN STREET		260	MAIN STREET					U		PANEL
0.00	0.00	Yes					\$0.00	\$75.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$300.00			02/22/2010		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.00
P						\$0.00				\$0.00	\$0.00	\$76.00
92018277	03/01/2023	20230228	08/14/2023	0			10/21/2024		41	4		REPLACE GAS BOILER
GARCIA	260 MAIN STREET	260 MAIN STREET		260	MAIN STREET					R-5		
0.00	0.00	Yes		Yes			\$0.00	\$90.00	\$90.00	\$0.00	\$0.00	\$0.00
\$0.00	\$6000.00			10/23/2024		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12.00
P						\$0.00				\$0.00	\$0.00	\$192.00

Item 3

APPLICANT: FIRST STAR PROPERTIES, LLC
APPLICANT'S ATTORNEY: Salvatore Alfieri, Esq.
APPLICATION NO.:
BLOCK(S) 41, LOT(S) 1

**RESOLUTION OF THE
UNIFIED PLANNING & ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF MATAWAN**

**APPROVAL OF BULK VARIANCE RELIEF
AND SITE PLAN APPROVAL**

WHEREAS, FIRST STAR PROPERTIES, LLC, hereinafter referred to as the "Applicant", filed an application with the Unified Planning & Zoning Board of Adjustment of the Borough of Matawan (hereinafter referred to as the "Board") seeking the following:

Bulk variance relief and site plan approval to permit the proposed expansion of the existing tavern at the subject site.

WHEREAS, the application pertains to the premises designated as Block 41, Lot 1 on the Tax Map of the Borough of Matawan, which said premises are commonly known as 254 Main Street, Matawan, New Jersey (hereinafter referred to as the "Premises");

WHEREAS, all notice requirements were satisfied by the Applicant, and the Board had jurisdiction to hear, consider and determine the application at issue;

WHEREAS, the Board held a public hearing with regard to the referenced application on December 21, 2005;

WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said hearing, does hereby make the following findings of fact:

1. The premises are located in the SB zone; the tavern located at the site is a permitted use in said zone.

2. Mr. Nathaniel Chadwick testified in support of the application, and stated that he is the sole member of the applicant limited liability company. Mr. Chadwick testified that a tavern presently exists at the site, and that he wishes to expand same as depicted on the plans submitted into evidence. He submitted the following exhibits into evidence: proposed floor plan of the tavern (A-1); building elevations (A-2); two photographs of the existing building at the premises (A-3 and A-4); cover sheet of the plans containing a copy of the pertinent page of the municipal tax map (A-5); site plan prepared by Kee Engineering, bearing last revision date of September 9, 2005 (A-6); letter from Mr. A. Stevens (owner of Lot 2, adjacent to the site in question) dated December 12, 2005 (A-7); photograph of the existing fence to be removed (A-8); and two photographs of the existing parking lot at the site (A-9 and A-10).

3. Mr. Chadwick stated that, as depicted on the plans, he proposes to construct a 6 foot deep addition to the rear of the tavern building, relocate the entranceways to the structure, and renovate the interior of the tavern. Interior renovations will include relocation of the restrooms, and the addition of a new kitchen area within the tavern. Mr. Chadwick testified that there will be a total of 22 seats within the establishment.

4. Robert Kee, P.E., the applicant's professional engineer, also testified in support of the application. Mr. Kee reviewed the site plan (exhibit A-6) for the Board, as well as several requested waivers as outlined in the report of the Board Engineer. Mr. Kee stated that the existing fence shown along the southern property line will be removed. He testified that a new vinyl fence will be constructed at the applicant's expense, which fence

will be located one foot within adjacent Lot 2. Mr. Kee indicated that the owner of Lot 2, Mr. A. Stevens, consented to the installation of the fence (see Exhibit A-7). Mr. Kee further stated that once the fence is installed at the applicant's expense, the fence will be and become the property of Mr. Stevens. Mr. Kee stipulated on behalf of the applicant that the applicant will enter into a license agreement, which agreement shall be satisfactory in form and content to the Board and the Board Attorney, and which will be executed by the applicant and the owner of Lot 2, confirming that the fence in question will be installed at the applicant's expense, and further confirming that the fence will thereupon be and become the property of the owner of Lot 2 insofar as the fence will be located 1 foot within Lot 2, and which agreement will then be recorded in the Monmouth County Clerk's Office.

5. Mr. Kee stated that there is no land available for acquisition to increase the size of the site, and he pointed out that a firehouse is located to the north of this property, that it is surrounded to the east and south by Washington Street and Main Street, and that located to the west of the property is a residential/commercial site.

6. Mr. Kee described the proposed striping of the parking lot as depicted on the site plan. He stipulated that bumper stops will be added within the parking spaces located adjacent to Lot 2, to ensure the cars stay within the parking spaces and do not encroach into neighboring Lot 2. He also stipulated on behalf of the applicant that the applicant will submit the proposed sign to the Historic Sites Commission for review and approval. Regarding the setback of the proposed sign, Mr. Kee stipulated on behalf of the applicant that the sign will be located 2.5 feet from the property line running along Main Street. Further, Mr. Kee also stipulated on behalf of the applicant that the plans will

be revised to incorporate lighting details which in turn will be subject to review and approval by the Board's engineer.

7. No objectors or interested parties appeared with regard to this matter.

8. The Board finds that the applicant proposes to expand the existing tavern at the premises by constructing a six foot deep addition to the rear of the building, as well as to make certain improvements to the site, all as depicted on the plans submitted into evidence. The Board notes that the tavern is a permitted use in the zone here at issue, and that the applicant requires bulk variance relief and site plan approval for the proposed improvements. The Board finds that the applicant has demonstrated "hardship" sufficient to grant the bulk variance relief here in question, insofar as most of the bulk deficiencies exist at the site, and same are not being exacerbated by this application. With regard to the proposed expansion of the tavern structure, the Board notes that same actually improves the gross floor area deficiency, insofar as 1,518 square feet of floor area presently exists, whereas 2,000 square feet of floor area is required by ordinance, but the proposal will bring gross floor area up to 1, 863 square feet. The Board also finds that the applicant proposes a number of improvements to the parking area, as depicted on the plans. The Board finds that granting this application will create no adverse impact upon surrounding property owners. Further, the Board finds that this application can be granted without substantial detriment to the public good and without impairment of the intent and purpose of the zone plan and zoning ordinance. Indeed, rather than creating any negative impact, the Board finds that the proposal will significantly improve the site.

NOW, THEREFORE, be it hereby resolved by the Board that it adopts the aforesaid findings of fact, and specifically makes the following conclusions:

1. Based upon the aforesaid findings of fact, the Board concludes that the Applicant has established and demonstrated that the premises are of such exceptional size or shape, and/or are so uniquely affected by exceptional topographic or physical features, and/or are so uniquely affected by other extraordinary and exceptional circumstances that the strict application of the zoning regulations would result in exceptional practical difficulties or exceptional and undue hardship; and

2. Based upon the aforesaid findings of fact, the Board further concludes that granting the approvals set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and zoning plan.

BE IT FURTHER RESOLVED by the Board that the following bulk variance relief be and is hereby granted:

1. Variance to permit the existing lot area of 7,500 square feet, whereas 40,000 square feet is otherwise required;

2. Variance to permit the existing lot width of 50 feet (on Main Street), whereas 150 feet of lot width is otherwise required;

3. Variance relief to permit the existing 18.8 foot front yard setback of the structure off of Main Street, and the existing 9.7 foot front yard setback of the structure off of Washington Street, whereas a front yard setback of 25 feet is otherwise required;

4. Variance to permit the existing side yard setback of 5.3 feet, whereas 15 feet is required;

5. Variance relief to permit the proposed minimum gross floor area of the structure of 1,863 square feet, whereas 1,518 square feet of floor area presently exists, but whereas 2,000 square feet of floor area is otherwise required; and

6. Variance to permit the proposed setback of the identification sign of 2.5 feet, whereas a setback of 5 feet is otherwise required;

BE IT FURTHER RESOLVED that site plan approval be and is hereby granted.

BE IT FURTHER RESOLVED that the following requirements of the Borough ordinances have been waived for the following reasons: (1) profiles of all existing and proposed utilities; (2) cross-section details; (3) landscaping plan with planting schedule; (4) design criteria for storm and sanitary sewer; and (5) topography showing existing and proposed contours on the project site. The Board grants waivers from these requirements due to the fact that the site is presently developed.

BE IT FURTHER RESOLVED by the Board that any relief not expressly granted by the Board herein, be and is hereby denied.

**ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING
CONDITIONS:**

General Conditions

1. Subject to the development here at issue being undertaken in accordance with the testimony presented to the Board and the plans submitted to/approved by the Board.
2. Subject to the testimony of all witnesses called on behalf of the Applicant being true and accurate. Subject to the applicant complying with all stipulations made by the applicant or any and all witnesses on behalf of the applicant.
3. Subject to the Application, all attachments thereto, and all exhibits offered by the Applicant being accurate depictions of that which they purport to represent.
4. The Applicant shall furnish proof that taxes have been paid through the current quarter and through the quarter in which he receives his initial construction permits.
5. Subject to the Applicant paying in full all application fees, review fees, engineering and consulting fees, and escrows.
- 5A. Subject to the Applicant posting required performance bonds and/or guarantees, as well as engineering and inspection fees, in amounts fixed by the Board and/or Borough Engineers, and in such form as shall be acceptable to the Borough Attorney and governing body.
6. Subject to the Applicant obtaining and complying with the approval of any

other reviewing agency having jurisdiction over the Property and/or the Project, including but not limited to the Board of Health, the Borough Engineer, the Borough Fire Official, and any County, State, or Federal agency; provided, however, that in the event that any other agency or authority shall require any changes in the plans herein approved, then any such changes must be submitted to this Board for review and approval. Further, if another governmental agency grants a waiver or variance of a regulation, which same affects this approval or any condition attached hereto, or otherwise requires any changes in the plans herein approved, then this matter shall be brought back before the Board for review of any such action, and the Board shall have the right to modify this approval and/or the conditions attached hereto as a result of any such action.

7. The action of the Board in approving this Application shall not relieve the Applicant from responsibility for any damage caused by the Project, nor does the Board or the Borough of Matawan accept any responsibility for the design or the installation of the Project.

8. The applicant is hereby authorized and directed to cause a Notice of Determination regarding the approval(s) here at issue to be published in the official newspaper of the municipality, at the applicant's expense, and to send the Affidavit of Publication to the Board Secretary for inclusion in the Board's file regarding this matter.

Specific Conditions

1. Subject to the Applicant complying with all requirements set forth in the letter of the Board Engineer dated October 13, 2005, to the extent that any of such requirements have not already been complied with by the Applicant or otherwise expressly deleted by the Board.

2. Subject to the applicant removing the existing fence adjacent to Lot 2 as depicted on the site plan, and constructing at the applicant's expense a new vinyl fence located 1 foot within adjacent Lot 2, as depicted on the site plan. Subject further to the applicant preparing for review and approval by the Board and Board Attorney, a license agreement or other such agreement setting forth the requirement that the applicant shall construct at the applicant's expense the referenced vinyl fence 1 foot within adjacent Lot 2, and further setting forth that said fence after construction shall be and become the property of the owner of Lot 2, and which license agreement shall thereafter be executed both by the applicant and the owner of Lot 2 confirming the consent of both parties to same, and which license agreement shall then be recorded at the Monmouth County Clerk's Office with a recorded copy of same to be provided to the Board for its file;

3. Subject to the identification sign being set back 2.5 feet from the property line along Main Street, and subject further to the applicant submitting details of the proposed sign to the Historic Sites Commission for review and approval; and subject to

- (a) Monmouth County Planning Board;
- (b) Borough Fire Subcode Official;
- (c) Borough Traffic Safety Officer;
- (d) Borough Sewer Department via Borough Engineer;
- (e) Borough Water Department via Borough Engineer;
- (f) Bayshore Regional Sewerage Authority.

cc: P/2 Pkts

APPLICANT: ROBERT ANFUSO and CAROLE ANFUSO
APPLICANT'S ATTORNEY: Salvatore Alfieri, Esq.
APPLICATION NO.:
BLOCK(S) 41, LOT(S) 4

Resolution 090901

**RESOLUTION OF THE
UNIFIED PLANNING & ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF MATAWAN**

GRANTING APPROVAL FOR EXPANSION OF NON-CONFORMING USE

WHEREAS, ROBERT ANFUSO and CAROLE ANFUSO, hereinafter referred to as the "Applicant", filed an application with the Unified Planning & Zoning Board of Adjustment of the Borough of Matawan (hereinafter referred to as the "Board") seeking the following:

confirmation that the two-family dwelling at the premises is a pre-existing, non-conforming use, and approval for the (previously constructed) expansion of same.

WHEREAS, the application pertains to the premises designated as Block 41, Lot 4 on the Tax Map of the Borough of Matawan, which said premises are commonly known as 260 Main Street, Matawan, New Jersey (hereinafter referred to as the "Premises");

WHEREAS, all notice requirements were satisfied by the Applicant, and the Board had jurisdiction to hear, consider and determine the application at issue;

WHEREAS, the Board held a public hearing with regard to the referenced application on April 6, 2009; and

WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said hearing, does hereby make the following findings of fact:

- NO. 0001 1: J
1. The premises are located in the R-50I (single-family) zone; two-family dwellings are not permitted uses in said zone.
 2. The applicant submitted the following exhibits into evidence: Deed dated 1/25/80 (A-1); Zoning Denial Letter (A-2); Property Record Card from 1991 (A-3); Property Record Card from 2007 (A-4); and Resolution adopted 7/2/07 (A-5).
 3. Ms. Carole Anfuso, the applicant, testified in support of the application. She stated that she and her husband occupied the subject property as tenants in 1982, and they purchased the premises the following year. Ms. Anfuso testified that when she and her husband first occupied the house it was divided into two apartments, with a tenant occupying the other unit, and she added that it has continuously been used as a two-family dwelling since that time. The applicant reviewed the deed for the subject property from Smith to MaCashin dated 1/25/80 submitted in evidence as exhibit A-1, and noted that the Affidavit of Consideration annexed to the deed recites that a two-family structure is located at the premises. Likewise, the applicant pointed to the Zoning Denial Letter submitted into evidence as exhibit A-2, which references a two-family residence. In addition, the applicant cited the two property record cards from 1991 and 2007, exhibits A-3 and A-4, respectively, which appear to reference two units at the premises.
 4. No objectors or interested parties appeared with regard to this matter.
 5. The Board finds that the applicant previously appeared before the Board on or about June 4, 2007, seeking variance relief to expand the dwelling at the subject property. The Board granted the relief at issue (for front yard setback deviation and excess lot coverage) and thereafter adopted a resolution memorializing the approvals on or about July 2, 2007 (see exhibit A-5). The applicant did not advise the Board during that prior

proceeding, however, that the dwelling at the premises was a two-family residence, nor did the applicant raise this issue after presumably receiving a copy of the above-referenced resolution, which expressly references the subject dwelling as being a single-family house.

6. The Board was thereafter advised by the Board Attorney that in or about October of 2008, the Anfusos apparently applied to the Borough for a Certificate of Occupancy and/or a Landlord Registration Statement, at which time the issue of the residence being a two-family dwelling apparently came to light. Borough officials declined to issue the requested certificate, and the applicant now returns to the Board regarding this matter.

7. Based upon the testimony of the applicant and the exhibits submitted into evidence, the Board finds that the two-family dwelling at the premises is a pre-existing nonconforming use. Indeed, at least one Board Member related that the subject dwelling has been a two-family residence for at least 60 years.

8. The Board finds that Ms. Anfuso represented herself at the time of the prior proceeding in 2007, and she unfortunately did not make clear at that time that the subject house is a two-family dwelling. The Board notes that the previously-granted approvals permitted the expansion of the dwelling on the first floor only, to provide additional living space so that the applicant's mother could move in with the applicant at the premises. The Board notes that the prior expansion involved the addition of a bedroom, bathroom and hallway within the first floor unit, and the re-location of a deck. The Board finds, based upon the testimony of Ms. Anfuso, that the improvements at issue have already been constructed.

9. As a result of the particular and rather unusual facts and circumstances here at issue, the Board finds that the applicant has demonstrated "special reasons" to support relief for the expansion of the pre-existing nonconforming use here at issue (which expansion, as noted above, has already taken place as a result of the previously-granted approvals). The Board notes that the expansion of the dwelling was relatively modest in scope, and the expansion was intended to provide living space so that the applicant's mother could reside within the premises with the applicant. The Board notes that the deviations at issue as reflected in the prior Resolution of approval were also modest in nature and scope, with the relief pertaining to an existing front yard setback (17.6 feet existing, whereas 25 feet is otherwise required) and excess lot coverage (32% proposed, whereas 30% lot coverage is the maximum otherwise permitted). The Board finds that granting the approval here at issue, especially in view of the limited deviations referenced above and the fact that the expansion of the dwelling has already taken place, will have no adverse impact upon surrounding property owners or upon the zone plan. The Board further finds that this approval can be granted without causing substantial detriment to the public good and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, be it hereby resolved by the Board that it adopts the aforesaid findings of fact, and specifically makes the following conclusions:

1. Based upon the aforesaid findings of fact, the Board concludes that the applicant has established special reasons to support granting relief for the expansion of the pre-existing non-conforming two-family dwelling at issue.

2. Based upon the aforesaid findings of fact, the Board further concludes that granting the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and zoning plan.

BE IT FURTHER RESOLVED by the Board that the relief permitting the expansion of the subject dwelling as reflected in the 2007 Resolution of approval be and is hereby ratified and approved, even as same constitutes the expansion of a pre-existing nonconforming two-family dwelling.

BE IT FURTHER RESOLVED by the Board that any relief not expressly granted by the Board herein, be and is hereby denied.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

General Conditions

1. Subject to the development here at issue being undertaken in accordance with the testimony presented to the Board and the plans submitted to/approved by the Board.

2. Subject to the testimony of all witnesses called on behalf of the Applicant being true and accurate.

3. Subject to the Application, all attachments thereto, and all exhibits offered by the Applicant being accurate depictions of that which they purport to represent.

4. The Applicant shall furnish proof that taxes have been paid through the current quarter and through the quarter in which he receives his initial construction permits.

5. Subject to the Applicant paying in full all application fees, review fees, engineering and consulting fees, and escrows.

6. The action of the Board in approving this Application shall not relieve the Applicant from responsibility for any damage caused by the Project, nor does the Board

or the Borough of Matawan accept any responsibility for the design or the installation of the Project.

7. The applicant is hereby authorized and directed to cause a Notice of Determination regarding the approval(s) here at issue to be published in the official newspaper of the municipality, at the applicant's expense, and to send the Affidavit of Publication to the Board Secretary for inclusion in the Board's file regarding this matter.

ROLL CALL VOTE

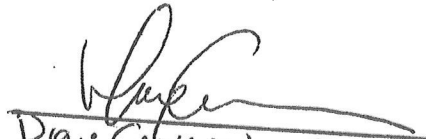
THOSE IN FAVOR: 6 Cassidy, Dolan, Montfort, Shea,
Gallego, Malanga

THOSE OPPOSED: 0

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Unified Planning & Zoning Board of Adjustment of the Borough of Matawan at its meeting on May 4, 2009.

DATED: 5/4/09


Dave Cannon, Secretary