

# *Township of Marlboro*

## Zoning Board of Adjustment

### MINUTES

### ZONING BOARD OF ADJUSTMENT

FEBRUARY 19, 2008

REGULAR MEETING

SALUTE TO FLAG

SUNSHINE LAW READ

### ROLL CALL

PRESENT: Michael Fishman, Robert Knight, Michael Mahon, Glenn Malysz, Steven Pitchon, Adrienne Spota, Matthew Weilheimer, Lewis Wildman

ALSO PRESENT: Michael Steib, Esq. Board Attorney  
Sarah Paris, Administrative Officer  
David Thesing, P.E., Board Engineer

ABSENT: Joseph Sparacio

The Board accepted the minutes of February 5, 2008.

Offered: Michael Fishman

Second: Michael Mahon

Ayes: 7

Nays: 0

Absent: 1

Abstain: 0

No Public Comment

### **ZB 08-6318 – DeLevi, Vladimir**

Public hearing for approval to construct a single family house on a lot with insufficient lot area, depth, front yard, side and rear yard setbacks for a principal structure at 17 Hawkins Road, Block 282, Lot 6 in the R-60 zone.

The application was read into the record. The Board took jurisdiction. The following evidence was entered:

- A – 1 Petition on Appeal
- A – 2 Denial by Zoning Officer
- A – 3 Indemnification and Hold Harmless Agreement
- A – 4 Disclosure Statement
- A – 5 W 9
- A – 6 Tax Collector's Certification
- A – 7 Notice to Adjoining Property Owners
- A – 8 Adjacent Property Listing
- A – 9 Certified White Receipts and Green Cards
- A – 10 Affidavit of Service
- A – 11 Affidavit of Publication
- A – 12 Resolution PB 903-04 granting a minor sub-division to modify lot line
- A – 13 Resolution ZB 05-6208 Denying Approval to Construct a Single Family Dwelling

- A – 14 Variance Application and Plot Plan by Sailer & Watson dated 8/20/07 (sheet 1 of 1)
- A – 15 Reduced elevation and floor plan (3 Pages)
- A – 16 Conflict & Contribution Disclosure Statements
- A – 17 Engineering Report from Gravatt Consulting Group, prepared by David Thesing, dated 2/13/ 2008
- A – 18 Affirmation of Local Pay To Play Ordinance dated 2/5/08

Mr. Steib stated that the attorney for the applicant contacted the office and stated that they had a problem scheduling one of their witnesses.

This hearing will be carried to April 1, 2008 with no further notice.

Louis Pannone, 48 Eastwood Boulevard.

Mr. Pannone stated that he was an objector on an application for this property in 2006. He questioned whether the exhibits he provided in the previous application were entered. Mr. Steib informed him that he would have to submit new ones.

Mr. Steib suggested that the new Board members could review the minutes and resolution from the previous application for this property.

**ZB 07-6313 – Seidel, Bonnie**

Continuation of a Public hearing for an approval to construct a 6' high vinyl fence in second front yard, coming off the side of the house instead of the rear of the house, located at 17 Weathervane Way, Block 371, Lot 72 in the R30-20 zone.

The following additional evidence was entered:

- A – 18 Supplemental engineering report provided by Dean Staknys, P.E., dated 2/13/08

Bonnie Seidel, 17 Weathervane Lane, Marlboro, sworn.

Ms. Seidel stated that she lives on a corner property and has two young children. She stated that it is an odd shaped lot, and the children tend to play in the side yard. She has safety concerns because they are near the road.

Ms. Seidel stated that they put the fence up in the rear yard with a permit. They would like to attach the side fence to the side of the house rather than the rear of the house.

Ms. Seidel stated that there would not be any tree removal.

Mr. Staknys requested that the bottom of the fence be raised 1-3 inches from the ground to allow for water to flow under it. Ms. Seidel agreed.

Ms. Paris stated that the existing shed in the rear would need a variance as well. Ms. Seidel stated that she would be willing to remove the shed.

Ms. Spota requested that the applicant put in some shrubs in front of the fence on Weathervane to block some of the view.

Workshop

Offered by: Glenn Malysz

Seconded by: Lewis Wildman

The Board members agreed that they would be in favor of the application. They also agreed that they were in favor of having the shrubs in front of the fence on Weathervane.

Out of Workshop

Offered by: Glenn Malysz

Seconded by: Robert Knight

Motion to grant application with the following conditions:

Shrubbery will be planted in front of fence on Weathervane 10 – 15 feet on center

No tree removal

Will meet engineer's requirement on fence 1-3 inches above ground

Shed to be removed

Offered by: Glenn Malysz

Seconded by: Robert Knight

Ayes: 7

Nays: 0

Absent: 0

Abstain: 0

Motion granted.

**ZB 07-6314 – Bonura, Dominick J.**

Continuation of a Public hearing for an approval to construct an addition to existing home on an undersized lot with excessive lot coverage, insufficient lot area, frontage, width, depth and setbacks, located at 122 Dutch Lane Road, Block 363.01, Lot 4 in the R-80 zone.

The following additional evidence was entered:

A – 17 Report from Gravatt Engineering dated 1/24/08

Dominick Bonura, 122 Dutch Lane Road, sworn.

Robert Bonura, Colts Neck, sworn.

Mr. D. Bonura stated that he was looking to expand his house. He is looking to get married and have a family.

Mr. R. Bonura stated that he is in the construction business and will be building the addition for his son.

Mr. Thesing reviewed his report and stated that there were 10 existing bulk variances, and 4 proposed. He stated that there are no design waivers.

Mr. Thesing stated that he would also need to hear testimony on wetlands, tree removal, and stormwater mitigation. Ms. Spota stated that according to GIS, there were no wetlands on the property.

Mr. Bonura was not prepared to respond to the engineer's letter.

This hearing will be carried to April 1, 2008 with no further notice. Applicant signed an extension of time form.

Mr. Malysz discussed the fees for applicants, and how simple applications sometimes end up costing the resident's thousands. He questioned whether the Board would be in favor of leaving it up to the applicant as to whether we do a full engineering inspection.

Mr. Steib and Mr. Thesing discussed how engineering inspections are handled in other townships.

The Board members discussed the suggestion. Ms. Spota suggested that they not perform full inspections for fence applications only.

***MEMORIALIZATIONS***

**ZB 07-6303 – Lucas Development, LLC (Laidlaw Transit)**

Memorialization of a resolution for an approval of a use variance and amended site plan to add a 248' x 80' additional gravel parking area which constitutes an expansion of a pre-existing non-conforming use located at 145 Amboy Road, Marlboro, Block 178, Lot 296 in the IOR zone.

Offered by: Lewis Wildman

Seconded by: Michael Mahon

Ayes: 6

Nays: 0

Absent: 1

Abstain: 0

**ZB 06-6256 – Athanasiou, Thomas**

Memorialization of a resolution granting a nine month extension of time to file a subdivison for 136 Crine Road, Block 180, Lot 88, in the R-80 zone.

Offered by: Lewis Wildman

Seconded by: Michael Mahon

Ayes: 6

Nays: 0

Absent: 1

Abstain: 0

Meeting adjourned.

Respectfully,

Denise K. Fluck