

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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Gravatt Consulting Group

David Thesing, P.E., P.P.

Planner

Planning Design Collaborative, LLC

Thomas Scangarello, P.P.

Administrative Officer

Zoning Officer

Sarah Paris

Traffic Engineer

Medina Consultants

Mark Kataryniak, P.E.

MINUTES

ZONING BOARD OF ADJUSTMENT

MARCH 24, 2009

8:00 P.M.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT: Robert Knight, Lewis Wildman, Michael Mahon,
Matthew Weilheimer, Jennifer Bajar, Paul Schlaflin
Michael Shapiro

ALSO PRESENT: Michael Steib, Esq.,
Sarah Paris, Administrative Officer,
David Thesing, P.E., and Thomas Scangarello, P.P.

ABSENT: Glenn Malysz

ZB 07-6298 – James Ientile

Continuation of a Public Hearing for approval to construct a 40 x 60 square foot garage building, attached to an existing garage on site of a pre-existing, non-conforming use at 28 Vanderburg Road, Marlboro, Block 220, Lot 1 and Block 358, Lot 7.01 in the LI – Light Industrial zone.

Sal Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, NJ, representing the applicant stated his client has recently replenished his escrow. Since his engineer still needs to meet with Mr. Thesing, the township's engineer, he is requesting a continuation for at least sixty days. An extension of time was signed by Mr. Alfieri for June 16, 2009.

It was noted that the applicant added the additional concrete area to variance. Service was received and will continue for the June 16, 2009 date.

ZB 08-6346 – Mayo, Charles

Continuation of a Public Hearing for approval to keep additional patio, second story deck and stanchions with lights that was built without permits. Property exceeds permitted lot coverage for principal structure and total lot coverage at 18 Huxley Court, Marlboro, New Jersey, Block 415, Lot 33.05 in R-40GAH zone.

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

- 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 **Owners Affidavit of Authorization and Consent**
- A - 13 **Conflict & Contribution Disclosure Statements**
- A - 14 **Affirmation of Local Pay To Play Ordinance dated 2/8/08**
- A - 15 **Survey of Property by FWH Associates, PA dated 9/4/01, updated 2/13/08**
- A - 16 **Variance map by FWH Associates, prepared by Christopher Rosatti, P.E., FWH Associates, PA, 1856 Route 9, Toms River, NJ, dated 8/13/08.**
- A - 17 **Affidavit of Completeness**
- A - 18 **Storm Water Management Plan prepared by Christopher Rosati, P.E., FWH Associates, PA, , 1856 Route 9, Toms River, NJ, dated 11-07-08.**
- A – 19 **Storm Water Management Report for Kensington Gate, prepared by Christopher R. Rosati, FWH Associates, PA. 1856 Route 9, Toms River, NJ 08755, dated 11-06-08.**
- A – 20 **Report prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, forked River, New Jersey 08731, dated 11/25/08.**

The applicant, Mrs. Mayo, resides at 18 Huxley Court, Marlboro, was sworn in. She stated all work was performed and paid in full to her contractor. Mrs. Mayo was told by her contractor all permits were filed for the work done in her backyard. The Township inspectors issued her a summons.

Mr. Schlaflin inquired if Mrs. Mayo had a contract; Mrs. Mayo said she could locate it. He also asked if the deck was part of the application. Mrs. Mayo answered that EDI installed the deck in the back. There were no permits.

The driveway is pavers on sand.

Sarah Paris stated the hot tub is on the original grading plan. Ms. Paris also asked if she switched pool companies. Mrs. Mayo said it was originally Sylvan Pools and they did change contractors.

Mrs. Mayo again stated the contractor applied for permits.

Mr. Sal Alfieri asked if there was a walkway when pool installed; Mrs. Mayo said no.

Christopher P. Rosati, Professional Engineer, FWH Associates, P. A., 1856 Route 9, Toms River, New Jersey is accepted as a professional witness. Mr. Rosati presented additional evidence:

A – 21 **Colored Rendering of Variance Map prepared by Christopher P. Rosati, FWH Associates, P.A. 1856 Route 9, Toms River, NJ 08755 dated August 13, 2008 and revised November 4, 2008.**

Mr. Rosati stated the property contain a two story dwelling, paver driveway. They need several variances. One variance is the lot coverage. Principal lot coverage was conforming when built. We are at 26.6% coverage. Stormwater should not be a detriment with the surrounding community.

Mr. Schlaflin said he also noted there is a shed that is not shown and stamped concrete where pavers are shown, and masonry wall where a wood fence is shown. Mr. Schlaflin also requested a revised drawing.

Mr. Rosati said they did not account for the driveway. They can certainly update as it is a paver driveway on sand.

Regarding all the technical requirements, Mr. Rosatti said they can do what Mr. Thesing is requesting.

Mr. Knight asked if they came prepared for a reduction in lot coverage. Mr. Knight stated the total lot coverage is an issue. He asked to bring the reduction down to 15%, then we can work with it.

Mrs. Mayo stated they want to rectify violations for the deck first. The Association's by-laws says you cannot have fountain. Their Association needs to change the by laws for the fountain. The deck work was done prior to being part of the association.

Ms. Paris stated the stanchions are in right of way and must be removed. This is yet another violation. Mr. Alfieri said they will look at this.

There were no questions from the audience.

Mr. Steib stated the application will be carried to June 16, 2009.

ZB 09- 6351 – Thomas, Arlene

Public Hearing for approval to construct a second story addition (668 square foot) and a deck (140 square foot) to an existing home on an undersized lot at 40 Wicker Place, Morganville, Block 109, Lot 6, located in an R-30/20 Residential Zone.

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

Out of Workshop:

A motion was offered to approve the application.

Offered By:	Robert Knight	Seconded By:	Michael Mahon
Ayes:	7	Nays:	0

Motion Approved.

ZB 09- 6350 – Omnipoint Communication, Inc.

Continuation of a Public Hearing for approval to construct a wireless telecommunication facility consisting of twelve antennas on an existing 150 foot tall monopole and place three equipment cabinets on a 4 x 16 square foot concrete pad at 521 Newman Springs Road, Marlboro, NJ, Block 214, Lots 42 and 43.01, located in an LC Land Conservation zone.

Frank Ferraro, Esq., is requesting a use and site variance for the existing monopole. The 150 foot monopole in height would use a fourth antenna, and be the lowest in height and installing three cabinets. They also provided Radio Frequency Engineer and Planner as witness.

The Board had questions with respect to structural accommodations. The Board requested a plan which was provided.

Mr. Christopher Neville, a Professional Planner and Engineer, 242 Old New Brunswick Road, Ste. 130, Piscataway, NJ is sworn in and accepted as an expert witness as a Planner.

Mr. Neville presented additional evidence:

A – 31 Modifications prepared by GPD Associates, 520 South Main Street, Suite 2531, Akron, Ohio, dated October 20, 2008.

Mr. Neville said all the modifications are being done to accommodate the pole. There are three separate sections. The T-channels are made to move with it.

Mr. Thesing stated that the landscaping should still be addressed.

Kendra Lelie, P.P., Planning Design Collaborative, LLC, the Board's Planner, 150 Himmelein Road, Medford, NJ stated that you actually see more of the gate area with what is being proposed. It was suggested the applicant work with the Board's Planner to put some type of vegetation to hide the cabinets. She believes landscaping should include an extension to include a row of trees.

Ms. Paris stated a violation letter was sent to the owner regarding the fencing damage.

There were no additional questions.

Motion to Workshop:

Offered By:	Robert Knight	Seconded By:	Lewis Wildman
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Mr. Shapiro stated that he has no problem with the applicant's proposal; but he believes some type of berm needs to be put in. Messrs. Knight, Weilheimer, Wildman, Mahon and Shapiro are all in favor of the application and agree that some type of landscaping is necessary.

Out of Workshop:

A motion was offered to approve the application with the condition that the landscaping be worked out with the Planner.

Offered By:	Robert Knight	Seconded By:	Michael Shapiro
Ayes:	7	Nays:	0

Motion Approved.

Ms. Paris stated that the police are also applying for a permit on their system. They will go forward with their permits tomorrow.

M E M O R I A L I Z A T I O N S

Appointment of a Traffic Engineering Consultant

Memorialization by the Zoning Board of Adjustment of the Township of Marlboro to appoint Medina Consultants, P.C., 3379 Quakerbridge Road, Suite 350, Hamilton, New Jersey 08619 to perform services as Traffic Engineering Consultant for the period of January 1, 2009 to December 31, 2009 pursuant to the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

Meeting Adjourned at 10:00 p.m.

Respectfully submitted,

Yvonne Cautillo