

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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### Chairperson

Glenn Malysz

### Vice-Chairperson

Robert Knight

### Secretary

Lewis Wildman

### Members

Michael Mahon

Jennifer Bajar

Matthew Weilheimer

Michael Shapiro

Paul Schlaflin - Alt. #1

### Zoning Board Clerk

Yvonne Cautillo

### Attorney

Michael Steib, Esq.

### Engineer

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

APRIL 7, 2009

8:00 P.M.

### SALUTE TO FLAG

### SUNSHINE LAW READ

**PRESENT:** Glenn Malysz, 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., Thomas Scangarello, P.P.

**ABSENT:** Robert Knight

### ZB 08-6347 – Del Vecchio, Silvana

**Public Hearing for approval to construct a two story additions to a principal structure on an undersized lot at 395 Texas Road, Morganville, Block 147, Lot 14, located in the LC–Land Conservation zone.**

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 Owners Affidavit of Authorization and Consent
- A - 13 Application Affidavit of Completeness
- A - 14 Affirmation of Local Pay To Play Ordinance dated 3/6/08
- A - 15 Waiver of forty-five statutory time period in which to be heard by Zoning Board and extension of time to January 30, 2009 to hear application.
- A – 16 Resolution Granting Variance Approval in the matter of Application No. B: 05-6230, Block 147, Lot 14 dated September 19, 2006.
- A – 17 Variance Sketch prepared by Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ, Dated September 6, 2007.
- A – 18 Proposed Alterations for 395 Texas Road, Morganville, prepared by Tekton, 337 State Highway 36, Fort Monmouth, NJ Dated 11/07/08.
- A – 19 Report prepared by David A. Thesing, PE, Zoning Board of Adjustment Engineer, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ, dated November 21, 2008.
- A – 20 Survey prepared by James J. Kuhn, Seneca Survey Co., Inc. 1470 Route No. 88 West, Brick, NJ, dated 2-17-09.
- A – 21 Building Permit Plot Plan and Variance Plan prepared by A.J. Garito, Jr., Two River Engineering, PO Box 155, Colts Neck, NJ dated 2/11/09.
- A – 22 Report prepared by David Thesing, Zoning Board of Adjustment Engineer, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ, dated 3/02/09.
- A – 23 Stormwater Calculations prepared by A.J. Garito Jr., PE, Two River Engineering, PO Box 155, Colts Neck, NJ, dated 3/18/09.
- A – 24 Building Permit Plot Plan and Variance Plan for Block 147, Lot 14, prepared by A.J. Garito Jr., PE, Two River Engineering, PO Box 155, Colts Neck, NJ, dated 3/23/09.
- A – 25 Report (Review #2) prepared by David Thesing, Zoning Board of Adjustment Engineer, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ, dated 3/25/09.
- A – 26 Building Permit Plot Plan & Variance Plan depicting colored rendering, prepared by A.J. Garito, Jr., Two River Engineering, P.O. Box 155, Colts Neck, NJ dated 2/11/09.
- A – 27 Board showing series of six (8½ x 11) photographs of house, prepared by A.J. Garito, Jr., Two River Engineering, P.O. Box 155, Colts Neck, NJ dated 2/11/09.

Mr. Schlaflin questioned the resolution on the previous application as special conditions were noted regarding sewer vs. septic and the stormwater.

Mr. Thesing answered they do have sewer and the stormwater is currently being addressed. If the current application is approved, the stormwater will also be accepted.

Mr. A. J. Garito, Jr., an Engineer with Two River Engineering, 265 Route 34, Colts Neck, NJ has testified previously and is accepted and sworn in as a professional witness.

The applicant Ms. DelVecchio, 395 Texas Road, Morganville, is also sworn in.

Mr. Garito presented Exhibit A – 26, dated 2/11/09, and revised 3/18/09. The colored rendering of the prepared plan shows the 1.65 acres on the southerly side of Texas Road, with the swimming pool, u-shaped driveway, and walkway and also shows the 219 square foot addition to the rear. The front is an entrance. The greenhouse is removed. A bathroom is to be added with a small eat in kitchen.

Also submitted as evidence in Exhibit A – 27, a Board of six 8½ x 11 photographs of the house.

There are six variances already existing; two new variances are required with the building coverage going up to a proposed 2.99%. The set backs need variances

Mr. Shalflin inquired about the deck as it is not included in the lot coverage calculation. It is only eight inches above the ground. Mr. Garito said that even if it were included, it would not exceed total permitted lot coverage.

Mr. Thesing said he did do a revised letter on the revised plan and 2.99% coverage is proposed.

Mr. Garito discussed the additions are relatively minor. The 1,800 square foot dwelling has no footprint change. The front area will now have a front door.

Mr. Schalflin asked how can we use old numbers in the new application?

Mr. Garito said there is now less lot coverage; Mr. Thesing said the application does stand on its own (after dedication). The variance condition is now lessened. The 12.22% does not max this requirement out. It is close but does not max it out.

Ms. Del Vechhio stated the shed was removed and the fence lowered. She did not do anything to change the property itself.

Mr. Malysz said they will base the application on what the request is now.

Mr. Garito state the variances requested per Thesing's technical request in his letter will be met and followed. The drainage improvements were designed with storm chambers per Mr. Thesing's letter.

Mr. Thesing stated the sizes became slightly more. The 2.18% is the maximum building coverage. The design is now 2.99%; this is the variance required. He believes they do not exceed prior resolutions coverage.

Mr. Malysz stated the application is asking for relief for lot area, frontage, width, depth. These are existing conditions. In addition, a side yard setback is 42.77 as shown, 2.99 for the addition, the archway in front, 44.5 feet access, 15 feet to be verified.

Ms. DelVechhio stated they have a permit for shed. She said the Building Department said the height is okay (not more than 15 feet in height). Ms. Paris said he did not come to her regarding height. Mr. Malysz said this will be a condition for variance.

#### Motion to Workshop

Offered By: Glenn Malysz  
Seconded By: Lewis Wildman

Mr. Schlaflin believes the numbers are confusing. He believes the drainage system should be split; not just on the one narrower side. He is against the application.

Mr. Shapiro said the numbers do not really jive—should be updated and verified. Do not have an issue if the numbers are being perfected.

Mr. Weilheimer believes if our engineer is comfortable, he agrees. It should be solid going forward and hopes the stormwater will be done.

Ms. Bajar is in agreement with the application, if the paperwork is cleaned up.

Mr. Wildman is basically in agreement. Our engineer has confirmed that the numbers are okay.

Mr. Mahon is also in favor, if the calculations are updated.

Mr. Wildman asked if the approval is granted, how long the approval for is. The stormwater should have been done last time.

Mr. Malysz is in favor of the application. He agreed the stormwater system should be installed first, before permits go forward.

Ms. Paris said if they want to clear this up, they must clear up stormwater first; it must be stipulated.

Mr. Scangarello said that as a condition, the applicant should be required to submit an as built plan, before a CO is issued. Ms. Paris stated this is quite expensive to do.

Mr. Malysz said a letter from the applicant's engineer stating all stormwater conditions have been met should be required.

Mr. Malysz is in favor of the application. The variances should be okay for the relief and for the existing conditions. The stormwater should be a condition for approval.

**Out of Workshop**

**Offered By: Glenn Malysz**

**Seconded By: Lewis Wildman**

Ms. DeVecchio stated that she did make mistakes and now she wants to do right. She believes her first engineer should have told her. She wants to fix the water problem and will follow procedures.

Mr. Malysz responded that she is ultimately responsible.

Regarding the stipulation, there should be a written letter to the engineer. The storm water must be tested with a 90 day installation, before issuing other permits.

**Motion to Approve**

**Offered by: Glenn Malysz**

**Seconded by: Michael Mahon**

**Ayes: 6**

**Nays: 1 (Paul Schlaflin)**

**Absent: 1**

**Motion Approved**

The dimensions are to be verified with our Board's Engineer and all of the technicals should be addressed from Section C of the Board Engineer's letter.

ZB 09- 6354 – Metro PCS New York, LLC

Public Hearing for approval to place six antennae in three sectors on tripod mounts on existing water storage tank and equipment cabinets on a concrete pad at the base of existing tank at 9 Mohawk Drive, Marlboro, NJ, Block 362, Lot 4, located in an R-80 Residential Zone.

The Board took jurisdiction with the exhibits read.

- 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           Statement of Principal Points & Requested Variances
- 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          Affirmation of Local Pay To Play Ordinance
- A – 13          Owners Affidavit of Consent
- A – 14          Application Affidavit of Completeness
- A – 15          Federal Communications Commission: Wireless  
Telecommunications Bureau Radio Station Authorization  
Effective 11/26/06.
- A – 16          Tax Certification Letter dated 11/19/08.
- A – 17          Antenna Site FCC RF Compliance Assessment and Report for Metro PCS, Site NY  
5340 Mohawk Drive, Marlboro, NJ, prepared by Pinnacle Telecom Group, 140  
Ridgedale Avenue, Ste 209, Cedar Knolls, NJ.
- A – 18          Structural Design Calculations Report Dated January 2009 prepared by John D  
Beaumont, PE.
- A – 19          Metro PCS Comprehensive RF Report Dated December 17, 2008.
- A – 20          Professionals' Conflict and Contribution Disclosure Statements
- A – 21          Monmouth County Planning Board Site Plan Application Form prepared by Richard  
D Stanzione, Esq., 64 Washington Street, CN 2015, Toms River, NJ dated 1-26-09.
- A – 22          Metro PCS New York, LLC List of Requested Site Plan Waivers for 9 Mohawk Drive,  
Block 362, Lot 4.
- A – 23          Marlboro Township Zoning Board of Adjustment Resolution ZB 92-5626, for Nynex  
Mobile Communications, Buckley Road and Mohawk Drive, Block 362, Lot 4, dated  
May 12 and June 23, 1993.
- A – 24          Marlboro Township Zoning Board of Adjustment Resolution, ZB 01-5974, Gordons  
Corner Water Company, Buckley Road and Mohawk Drive, Block 362, Lot 4,  
memorialized September 20, 2001.
- A – 25          Marlboro Township Zoning Board of Adjustment Resolution, ZB 02-6035, AT&T  
Wireless PCS, LLC, Mohawk Drive, Block 362, Lot 4, dated October 23, 2002.
- A – 26          Title Sheet, Site Plan & Zoning Chart, Equipment Plan & Details, Antenna Plan &  
Site Elevation, Antenna Details prepared by Robert Marsac, Architect, 30 Ramar  
Street, Flanders, NJ dated 1-26-09.
- A – 27          Survey of Gordon's Corner Water Company Mohawk Tower Site, Block 362, Lots 4 &  
6, prepared by Richard Karl Heuser, PE, dated January 13, 2009.
- A – 28          Tax Collector's Certification
- A – 29          Correspondence from Robert W. Clark, Director, Monmouth County Planning  
Board, One East Main Street, Freehold, NJ dated 2/09/09.
- A – 30          Report from John W. Borden, Fire Sub-Code Official/Fire Inspector, Township of  
Marlboro, 1979 Township Drive, Marlboro, NJ, dated February 12, 2009.

- A – 31 Report prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ dated 2-17-09.
- A – 32 Report prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked Rive, NJ, Review No. 2 dated 2-17-09.
- A – 33 Report prepared by Sgt. Joseph Lenge, Division of Police, Township of Marlboro, 1979 Township Drive, Marlboro, NJ, dated 2/24/09.
- A – 34 Aerial Image/Photo Simulation Key Map for Proposed Telecommunications Facility “NY5340” prepared by Pennoni Associates, Inc., dated March 4, 2009.
- A – 35 Environmental Report prepared by Marlboro Township Environment Commission, 1979 Township Drive, Marlboro, NJ, dated 2/23/09.
- A – 36 Report submitted by Thomas J. Scangarello, P.P., Planning Design Collaborative, LLC, 150 Himmelein Road, Medford, NJ, dated March 17, 2009.
- A – 37 Aerial Image Photo Simulation Key Map, Proposed Telecommunications Facility “NY5340”, Buckley Road, Marlboro, NJ, prepared by Pennoni Associates, Inc.
- A – 38 Board prepared by Mr. Daniel Penesso, Radio Frequency Engineer, 130 Clinton Road, Fairview, NJ.
- A – 39 Photographs a, b, c, showing existing conditions of fencing and cabinets

Mr. Richard Stanzione, Esq., Hiering, Dupignac, Stanzione & Dunn, PC, 64 Washington Street, Toms River, NJ, represents Metro PCS New York. He stated the licensed wireless carrier is new in the area, originally on the west coast and now on the east coast.

Mr. Daniel Collins of Pinnacle Telecom Group, Ridgefield Avenue, Cedar Knolls, is a Radio Frequency Engineer in emissions and compliance. He was accepted as a professional and sworn in. In his November 24, 2008 report to satisfy the FCC requirement for maximum permiss-ible exposure for all of the antennas at the site, he stated the worst case scenario is 108 times below the FCC standard. If you are in compliance with the FCC, you are also in compliance with the State. His conclusion is that they are in full compliance with the state.

No questions from public.

Mr. Daniel Penesso, 130 Clinton Road, Fairview, NJ is sworn in. The Engineer is a Radio Frequency expert who was also before this Board previously. He reviewed the A-19 report. Metro PCS is providing like services and will be utilizing existing structures as best they can.

Mr. Penesso provided a board he prepared depicting the majority of Marlboro and surrounding Townships providing an overlay and gap in coverage. All sites are proposed to provide coverage. The exhibit shows how coverage will be extended. Metro PCS will not interfere with other existing antennae. The proposed height is the minimum required and provides the handoff needed. An older tank was removed and this base will be utilized.

No questions from Public or Board.

Robert Marsac, Architect, 30 Ramar Street, Flanders, NJ is sworn in and accepted as a professional.

There are five separate shelters in the existing compound and they want to put everything on the 7' x 14' concrete pad, placing four new cabinets.

Sheet Z4 depicts an overview of tank with existing antennas (TMobile). The two proposed Metro PCS antennae are basically the same height. Structural (A-18) windload and icing were taken into account and they each comply with the building codes of the State of New Jersey. We are able to comply with this. There is a minor ground disturbance to install the cabinets and there will be a footing to hold the pole. No trees will be removed with no proposed landscaping for the site. There are two layers of anti climb fence; the space of fence is tighter than a normal fence.

The utilities are electrical and telephone, with underground conduits. A technician will come by every four to six weeks. The alarm system goes through a central station.

No questions from the public.

Mr. Ronald Reinertsen, is a Licensed Planner, State of New Jersey, stated this is an expansion of a non conforming use. Relief is needed for the antennas.

This is an R-80 zone with the tank being permitted. There is no co-locating, and meets the aesthetic portion, and all federal guidelines are fulfilled. The public will benefit with more efficient use of frequency. Metro PCS will offer a brand new type of coverage to the area. All essentials will be met, including emergency use. All the goals are met with the impact being minimal. There are more positives than negative criteria for the balancing test; aesthetics, co-location and community are all met.

Mr. Thomas Scangarello, Board Planner, concurred that the application does satisfy the positive/negative criteria. Several variances are required: they are asking for a topography waiver. Additional security lighting is recommended. The cabinets need not be seen. He inquired if there will be additional signs. A waiver of Parking can be granted. He stated that this is a good application satisfying the purposes of zone.

Mr. Marsak commented that the lighting is only for the workmen and is on a timer. Two floodlights by equipment cabinets are mounted between 7-8 ft off the ground behind the PTC cabinet (Sheet Z3). The light is pointed downward and stays out when unmanned. The existing fence and cabinet are grey. A neutral color will be used.

No questions from public.

Questions from Board. Mr. Thesing stated a waiver from Stormwater Calculations and the landscaping would not be necessary. They are the only exceptions they are requesting. The structural calculations are acceptable.

Mr. Stanzione said that we do not have control over the Water Company's area as far as the landscaping. There is a substantial buffer at this site.

Workshop

Offered By: Glenn Malysz  
Seconded By: Lewis Wildman

All Board Members agreed that this was a professional job with no need for landscaping. Mr. Malysz also confirmed this was a great job and very professionally done.

Motion to Approve

Offered By: Glenn Malysz

Seconded By: Michael Mahon

Ayes: 7

Nays: 0

**Motion Approved.**

**MEMORIALIZATIONS**

**ZB 09- 6351 – Thomas, Arlene**

Memorialization of a Resolution granting approval to construct a second story addition and deck to existing home on an undersized lot at 40 Wicker Place, Morganville, Block 109, Lot 6, located in an R-30/20 Residential Zone.

Offered: Glen Malysz

Seconded: Paul Schlaflin

Ayes: 7

Nays: 0

Absent 1

**ZB 09- 6350 – Omnipoint Communication, Inc.**

Memorialization of a Resolution granting approval to construct a wireless telecommunication facility consisting of twelve antennae on an existing 150 foot tall monopole and place three equipment cabinets on a concrete pad at 521 Newman Springs Road, Marlboro, NJ, Block 214, Lots 42 and 43.01, located in an LC Land Conservation zone.

Offered By: Glenn Malysz

Seconded: Michael Shapiro

Ayes: 7

Nays: 0

Absent 1

**Meeting Adjourned at 11:00 p.m.**

**Respectfully submitted,**

**Yvonne M. Cautillo**



