

# 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 21, 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, Robert Knight

**ALSO PRESENT:** Michael Steib, Esq.,  
Sarah Paris, Administrative Officer,  
David Thesing, P.E., Kendra Lelie, P.P.

**ABSENT:** Jennifer Bajar left early not voting on the  
New CingularWireless PCS d/b/a AT&T  
Mobility and Marlboro Veterinary Hospital  
applications

No public comment.

The Board accepted the minutes of April 7, 2009

Offered:	Glenn Malysz	Second:	Lewis Wildman
Ayes:	7	Nays:	0
Absent:		Abstain:	0

ZB 09- 6352 – New Cingular Wireless PCS, LLS d/b/a AT&T Mobility

Continuation of a Public Hearing for approval to place six antennas on existing water tank and related equipment cabinets at base of tank at the Service Road off of Beacon Hill Road, Marlboro, NJ, Block 132, Lot 19, located in the LC Land Conservation zone.

Mr. Mahon stated that he listened to the AT&T Mobility tape of February 17, 2009.

Michael Levine, Esq., Day Pitney, Esq., 200 Campus Drive, Florham Park, NJ represents AT&T Mobility and briefly reviewed that AT&T would like to put six antennas with equipment cabinets on the MUA water tank in the Land Conservation zone. Variance relief is required as they do not comply with the five acre minimum. There are pre-existing non conforming conditions regarding the lot depth, frontage, and rear yard setbacks.

Additional exhibits were read in:

- A – 31 Environmental Report prepared by Marlboro Township Environmental Commission, 1799 Township Drive, Marlboro, dated 2/23/09.
- A – 32 Site Conformity Assessment (Site No. M0-323) prepared by Ronald C. Petersen, R. C. Petersen Associates, LLC, 170 Fairview Drive, Bedminster, NJ dated 2/16/09.

James Gowling, a Certified Planner, 299 Madison Ave, Morristown, NJ sworn in and accepted as a professional. Mr. Gowling is familiar with the application and stated they are a good candidate.

He presented the following additional exhibits:

- A – 33 Aerial Photo of general water tower vicinity,
- A – 34 Visual depictions, Marlboro Township looking east from Route 79, dated 2/17/09.
- A – 35 Existing and Proposed view of site Northeast of Beacon Hill Road, dated 2/17/09.
- A – 36 Existing views from North and Northwest Haven Way, dated 2/27/09.

Mr. Gowling presented the positive criteria stating the site is particularly suited and will serve the general welfare well. The Planner stated the existing water tank has sufficient height for the antenna. A need would be filled for this area; it being 360 degrees around the tower. The tower is blocked as the topography slopes upward and is heavily treed. Vehicles would have access with a 15 foot wide road.

The applicant is not building a free standing structure. It is a conditionally permitted use that does not meet lot size requirements. The ordinance does encourage using water tower.

Mr. Gowling also stated that the equipment on the ground will be cut into the hillside. The hill will obscure the view and will also be surrounded with a chain link fence.

There were no questions from the public.

Ms. Kendra Lelie, the Board's Planner stated this is a minimal size lot. This is a reason to allow equipment on site. She inquired as to the distance between this use and the residence. Mr. Gowling answered it would be 400 feet from the street, with about 250 feet from the home.

Mr. Paul Schlaflin inquired that anyone coming for an inspection in the evening would have to stop leaving their vehicle's lights on in evening to unlock the gates. He would like to have some type of screen to block the brightness.

The floor was open to the Public.

Mr. Albert Rudel, 43 Beacon Hill Road, Morganville stated the chain link fence will butt into his property. He also inquired into the lighting over the cabinet.

Jarmel Kizel Witczak, Land Planning and Design, LLC, 81 East Water Street, Suite 1B, Toms River, NJ, who was sworn in previously stated the antenna are not large. They are attached to a railing that goes around the catwalk. He also confirmed that Section C in Mr. Thesing's report will be complied to.

Regarding the fifty square foot cut into hill, Mr. Thesing asked what the cutout into the hill would look like? Mr. Witczak stated the cut will be at top of access road, to the west of the pad. There is a rise with a steep slope that will be excavated and a wall would be constructed to hold back the soil. It will be a natural berm. The engineer reviewed Exhibit A-29 again.

Ms. Lelie inquired about the cabinet location. The engineer stated there are specific criteria regarding equipment cabinets; his experience is that this is typical spacing and consolidating could only cause problems down the road.

Mr. Rudel, owner of 43 Beacon Hill Road, questioned the noise associated with the equipment. Mr. Malysz told him the equipment is silent, with no loud alarms. He was also concerned that the wall will blend into background. The Engineer responded that he believed you won't see the equipment itself.

Ms. Bajar leaves the dais.

Motion to Workshop

Offered By: Glenn Malysz  
Seconded By: Michael Mahon

During Workshop Mr. Schlaflin stated he would like a buffer and would like to see them painted blue to match the tower, also lights on car

Mr. Shapiro agrees with Mr. Schlaflin. Mr. Weilheimer and Mr. Mahon are also satisfied with this application. Mr. Wildman believes that if the light does happen in the evening, a car or truck will move by swiftly. Mr. Knight stated that based on testimony heard, he believes there is no negative impact. He is also in favor of a buffering.

Mr. Malysz believes that since this is a larger area, the trees and hill are a good buffer. Landscaping would be wasted; he does believe the entrance at the gate can be dressed up. The applicant will be giving back to the community. Mr. Malysz believes it is less intrusive if it does fade into the background and also agrees it is a good benefit to the community.



**Motion to Workshop**

**Offered By: Robert Knight**  
**Seconded By: Michael Shapiro**

**Mr. Shapiro stated there is no problem with this application. Mr. Michael Mahon thanked Dr. Bach for the resubmission.**

**Mr. Schafflin stated he finds no problem with the application and greatly appreciates the sign being moved back. He stated that he resented Mr. Silberstein's letter (Exhibit A-31) of March 31, 2009.**

**Messrs. Weilheimer and Wildman both agreed the sign should be moved back. The Grange sign was used as a reference.**

**Mr. Knight also thanked the applicant for adjusting the sign. It is in keeping with the Historical Society and he is in favor. He confirmed that the sign is ten feet from the right of way. The hours of lighting requested by Dr. Bach are from 4:00 p.m. to 11:00 p.m.**

**Out of Workshop**

**Offered By: Robert Knight**  
**Seconded By: Michael Shapiro**

**Motion to Approve. The sign will be ten feet from the right-of-way per the code. There will be one flood light on the outside to be lit between 4:00 p.m. to 11:00 p.m., and all building permits are to be obtained.**

<b>Offered by:</b>	<b>Robert Knight</b>	<b>Seconded by:</b>	<b>Lewis Wildman</b>
<b>Ayes:</b>	<b>6</b>	<b>Nays:</b>	<b>0</b>
<b>Absent:</b>	<b>Glenn Malysz</b> <b>Jennifer Bajar</b>		

**Motion Approved.**

**MEMORIALIZATIONS**

**ZB 08-6347 – Del Vecchio, Silvana**

**Memorialization of a Resolution granting approval to construct a two story addition to an existing home on an undersized lot at 395 Texas Road, Morganville, New Jersey, Block 147, Lot 14, located in an LC–Land Conservation Zone.**

<b>Offered:</b>	<b>Glen Malysz</b>	<b>Seconded:</b>	<b>Paul Schlaflin</b>
<b>Ayes:</b>	<b>7</b>	<b>Nays:</b>	<b>0</b>
<b>Absent</b>			

**ZB 09- 6354 – Metro PCS New York, LLC**

Memorialization of a Resolution granting approval to place six antennae in three sectors on tripod mounts on an existing water storage tank and place equipment cabinets on a concrete pad at 9 Mohawk Drive, Marlboro, New Jersey, Block 362, Lot 4, located in an R-80 Residential Zone.

**Offered By:** Glenn Malysz  
**Ayes:** 7  
**Absent**

**Seconded:**  
**Nays:** 0

**Meeting Adjourned at 10:30 p.m.**

**Respectfully submitted,**

**Yvonne M. Cautillo**



