

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

JUNE 2, 2009

8:00 P.M.

SALUTE TO FLAG

SUNSHINE LAW READ

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

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

ABSENT: Michael Shapiro

No Citizens Voice.

ZB 09-6360 – Landes, Milton & Jennifer

Public Hearing for Approval to position a 12' x 16' shed inside the required twenty-five foot rear property line set back having insufficient rear yard setback for accessory structures at 14 Stevenson Drive, Marlboro, Block 214.02, Lot 6, located in an R-25 Residential 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 Affirmation of Local Pay to Play Ordinance
- A - 13 Application Affidavit of Completeness
- A – 14 Owners Affidavit of Authorization and Consent
- A – 15 Photo showing existing property submitted by Owner dated May 13, 2009.
- A – 16 Photo showing proposed shed on property (superimposed) by Owner dated May 13, 2009.
- A – 17 Plot and Variance Plan prepared by William F. Voeltz, P.E., 17 North Cherokee Lane, Brick, NJ dated May 5, 2009.
- A – 18 Report prepared by David Thesing, PE, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ dated May 19, 2009.

Milton Landes, applicant at 14 Stevenson Drive, Marlboro is sworn in. Mr. Landes purchased the property in 2001. After numerous attempts to fix a water problem, Mr. Landis did extensive landscaping and grading. The drains and grading have solved the problem. If the shed were put where it should go, it would cover some of the drains and cause a water problem again. Also, because of the landscaping it would be aesthetically less visible.

Mr. Landes stated the shed would look like what is superimposed on the submitted photo or something equally as nice looking. The shed would be used for storage and there will not be a walkway.

There were no questions from the public.

Motion to Workshop

Offered By: Glenn Malysz
 Seconded By: Lewis Wildman

Mr. Schlaflin commended Mr. Landes for doing his best to improve the property. Messrs. Mahon, Wildman, Knight and Wildman all stated they were in favor of this application. Mr. Malysz also is in favor saying the package is comprehensive.

Motion Out of Workshop

Offered By: Glenn Malysz
 Seconded By: Matthew Weilheimer

Motion to Approve

Offered by:	Glenn Malysz	Seconded by:	Paul Schlaflin
Ayes:	5	Nays:	0
Absent:	2		

Motion Approved.

ZB 08-6342 – KEA Design, Inc. LLC

Continuation of a Public Hearing for approval of a use variance and associated bulk variances to construct two buildings (1,760 square foot and 3,520 square foot) with

associated parking and outdoor storage area for a landscape contractor's business at Tenant Road, Morganville, Block 120, Lots 15 and 17, located in the C-2 Zone.

Mr. Knight and Mr. Malysz each stated they listened to the previous May 5, 2009 hearing and signed statements.

Richard Pepsny, Esq., 240 Maple Avenue, Red Bank, NJ stated the application is bifurcated. He presented a review stating the drawbacks and positives of the proposed site.

Ms. Bajer is present (8:30 p.m.)

Mr. Jeff Carr, 146 Drum Point Rd, Brick, NJ, a Professional Planner is still under oath and answered questions from the Board.

Mr. Knight asked if there will be snow plowing or other work during the winter months. Mr. Schafflin inquired if this variance would be limited to just the applicant. Mr. Thesing reported the buffer would be diminished by about 15 feet.

Mr. Thesing asked Mr. Carr to expand upon the existing conditions. Mr. Carr referred to the coloring rendering of the site plan, Exhibit A-21.

Mr. Carr said there is no property for sale; even if the adjacent lot were purchased, there is a dwelling on it. There is property on either side; they are not changing usable area. He also stated that as you go to the rear of the lot, the land gets worse. The only feasible location for a driveway is to go as far east as they can.

Mr. Scangarello, Planning Design Collaborative, stated the application qualifies as a use variance. The situation is the applicant has environmental problems. He cannot develop property according to existing regulations. It first must show the property cannot be developed for anything else. If you vote favorably, you will have to bifurcate it. There is no reasonable way the property can be developed without bulk variances.

Mr. Malysz asked that with such a small envelope, what else could be built to serve a purpose for anything. It is a small area. Mr. Scangarello stated we must take the best use into consideration.

Mr. Pepsny disagrees with the undue hardship and believes the general welfare is being served.

Mr. Edward Karol, 18 Tuscan Drive, Freehold, NJ, the president of KEA Designs, Inc., LLC and contract purchaser is still under oath. He stated that he does not plan on doing any snow removal, or storing other people's equipment on site. He will not be renting space to other companies.

There were no comments from Board.

Questions open to the Public:

Mrs. Joanne Denton, 54 Tenant Road is still under oath. Mrs. Denton stated that she believes the applicant will not be a good neighbor. This is a C-2 zone and believes this type of commercial application is not suited for the neighborhood. If approved, the Board would

be taking a step backward. It is a pre existing non conforming use. She respectfully asked the application be denied.

Mr. George B. Denton, 54 Tenant Road, is also under oath. He is concerned about the same wetlands that are on his property. He stated that he know what a landscaper's property looks like and is concerned that it will look unsightly.

Mr. Pepsny concludes. He noted that the previous property referenced for office space has sixteen spaces for parking. This would not be reasonable at this location.

Motion to Workshop

Offered By: Glenn Malysz

Seconded By: Paul Schlaflin

Ms. Bajar stated she has concerns about the natural habitat and the impact on the residential properties; it cannot be taken lightly. She did not think she would be in favor of.

Mr. Schlaflin stated he understands the concerns. Crossing the wetlands and denying application would render this application useless. He stated he is in favor of the application, but constrictions would need to be listed as to hours of operation and to the type of activity. Mr. Steib said these are enforceable conditions.

Mr. Mahon said he agrees with Mr. Schlaflin and questioned if the applicant looked into the LI Zone. Mr. Weilheimer said he believes the applicant has a right to develop the property. Mr. Wildman stated the fact that the citizens right next door are not complaining. If approved, there should be a lot of constrictions. He would vote yes.

Mr. Knight said there are always some negatives to an application, especially where there are mixed areas. He would be in favor with stipulations and a thorough site plan done.

Mr. Malysz stated this is a tough application. The community is not really opposing; they do have a right to develop the property. The applicant is seeking relief from the town's rules. He does not see a benefit to the town and Mr. Malysz would not be in favor of.

Mr. Schalflin stated he would also want a restriction on retail sales, along with the hours of operation, etc.

Out of Workshop:

Motion: Glenn Malysz

Second: Paul Schlaflin

Mr. Karol noted that at the time of purchase in November, 2007 there were no other avenues and it would be a hardship to turn away from the project now.

A motion was made to grant a use variance with constrictions on operating times and with no leasing, snowplowing, or retail sales of material or equipment on the site, along with conditions of site plan approval. Mr. Steib added there should be no grass cutting or anything hazardous.

Mr. Branning is sworn in and stated he purchased the site six years ago from Mr. Stewart. He confirmed he purchases cars, dismantles them and sells the parts. He would like to convert the house into an office for three people currently working in the office trailer. There will be no increase in office staff and the trailer would then be removed. They will have better work conditions. They do obtain a license annually.

A ramp is required by the Building Department.

Mr. Knight inquired what would Mr. Branning do with the house if the application were denied. Mr. Branning said it could possibly be used as storage. Ms. Bajar inquired if the landscape would be improved and if the ramp could be relocated to the rear.

Mr. Schalflin asked if the front of the house is lower than the back; the rear slope is more dramatic.

A – 25 Rendering of Variance Plan of Block 170, Lot 2, prepared by Walter J. Hopkin, WJH Engineering, 630 Herman Road, Jackson, NJ dated 5/18/09.

Mr. Alfieri asked if Mr. Branning was willing to improve the landscaping. Mr. Branning answered he would be willing to paint, stucco and later do the siding. They are proposing no new signage. It is his intention to refurbish in the spring of 2010.

Mr. Rudolph Barbolini, 54 Brown Road, Morganville, NJ stated that currently when cars are dropped into the rear container, the noise shakes his house. He asked if the containers could be removed.

Mr. Richard Richroath, 64 Brown Road, Morganville, NJ inquired if there will be any additional paving as he had a concern about the drainage on Tennent Road. Mr. Branning answered the only paving would be for the handicap parking space. Mr. Richroath also inquired as to how the paperwork was filled out. Mr. Alfieri explained the information was taken from a prior application where auto recycling and auto body were included. The language has since been corrected.

Discussion then followed on the need for a site plan.

Mr. Walter Hopkin, PE, WJH Engineering, 630 Herman Road, Jackson, NJ is sworn in. His credentials are accepted as a professional. He referenced his rendering, proposing to pave one handicap space as shown on the plan explaining the lighter grey will be the paved area. This is the only improvement. The trailer used as an office will be the only one removed. The property does drop off, and rather than going back and forth zigzagging, they will use the land to the best use. Mr. Wildman asked about utilizing the southern side. Mr. Schlaflin did not understand why this would be imposing on the parking space. Mr. Hopkin stated there are only 19.75 feet on the southern side. He did not know if it can be done architecturally. They will check and come back and revisit this next time.

Ms. Bajar stated she was concerned about the lot coverage and the driveway calculations and believes the plan not to be accurate. Mr. Thesing said his letter looked into the impervious coverage and perhaps a lot of this can be incorporated while looking into the ramp. He believes the ramp can go in the rear.

John Lioncarvallo, P. P., 388 Washington Road, Sayreville, NJ sworn in and accepted as professional.

There are approximately 20+ variances. There is a cluster of auto salvage in a residential area. Mr. Lioncarvallo stated this pre-existing use shows that he follows through with licenses. They use roll offs. There is no negative change by this application; it is a positive aspect. The office trailer will be leaving and the house will be used. The general welfare will be promoted with the handicap ramp. There is no detriment to the surrounding area; it is an aesthetic improvement. Quality of life is not impacted negatively and this is an improvement.

Mr. Malysz would like to reschedule.

Extension of time was signed for July 21, 2009.

MEMORIALIZATIONS

ZB 08-6348 – Outdoor Media Systems, LLC

Memorialization of a resolution to deny a use variance to construct a billboard sign on a commercial property as an additional non-conforming use at 409 Route 9 South, Marlboro, Block 288, Lots 372 & 373, located in the C3 Community Commercial zone.

Meeting adjourned at 11:00 p.m.

Respectfully submitted,

