

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

PHONE: (732) 536-0200 EXT. 509 FAX: (732) 617-7225

web: www.marlboro-nj.gov e-mail: zoning@marlboro-nj.gov

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Paul Schlaflin - Alt. #1

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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

JUNE 16, 2009

8:00 P.M.

SALUTE TO FLAG

SUNSHINE LAW READ

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

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

ABSENT: Glenn Malysz, Matthew Weilheimer

No Citizens Voice.

The Board accepted the minutes of June 2, 2009.

ZB 09-6357 – Robert Ida

Public Hearing for approval to construct a single family residence in a commercial zone having insufficient lot area, frontage and width at 604 Texas Road, Morganville, Block 176, Lot 6 in a C-4, Regional Commercial 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 Architectural Drawings prepared by Steve J. Druga, AIA, 250 Stelton Road, Suite #6, Piscataway, NJ 08854.
- A – 16 Variance Sketch prepared by Peter W. Strong, Crest Engineering Associates Inc., 100 Rike Drive, Millstone Township, NJ dated 4/14/09.
- A – 17 Report prepared by John W. Borden, Fire Sub-Code Official/Fire Inspector, Township of Marlboro, dated 5/14/09.
- A – 18 Stormwater Management Applicability Statement for Texas Road, Block 176, Lot 6, Proposed Residential Use Variance submitted by Crest Engineering, 100 Rike Drive, Millstone, NJ May 15, 2009.
- A – 19 Report prepared by Robert Thesing, PE, Gravatt Consulting Group, 414 Lacy Road, Forked River, NJ, dated 5/25/09.
- A – 20 Report prepared by Patrick Pentland, Marlboro Township Historic Preservation Advisory Commission, 1979 Township Drive, Marlboro, NJ, dated 5/22/09.
- A – 21 Report prepared by the Marlboro Township Environmental Commission, Township of Marlboro, 1979 Township Drive, Marlboro, NJ 07746, dated 5/18/09.
- A – 22 Report prepared by Sgt. Joseph M. Lenge, Division of Police, Marlboro Township, 1979 Township Drive, Marlboro, NJ dated 6/04/09.
- A – 23 Report prepared by Thomas J. Scangarello, P.P., Planning design Collaborative, LLC, 150 Himmelein Road, Medford, NJ, dated 6-08-09.
- A – 24 Report prepared by Mark Kataryniak, Medina Consultants, 3379 Quakerbridge Road, Suite 200, Hamilton, NJ, Dated 6-16-09.

Kenneth L. Pape, Esq. 516 Highway 33, Millstone, NJ is representing Robert Ida. Mr. Ida is requesting use variance relief to construct a single family residence.

Mr. Peter Strong, P.E., Crest Engineering Associates Inc., 100 Rike Drive, Millstone Township, NJ is accepted as a professional. Additional Evidence is entered.

- A – 25 Color Rendering of Variance Sketch prepared by Peter Strong, P.E., Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ.

The variance sketch delineates the property which is 6.93 acres in Marlboro and .17 acres in Old Bridge. The C4 zone requires 10 acres. The site is mostly wetlands; the wetland buffer modification line is already approved by the DEP.

Mr. Pape stated since there is a small portion located in Old Bridge, they will ask Old Bridge to defer to Marlboro.

Mr. Schlaflin stated he observed an outflow pipe not represented on the drawing and asked how the water will be dealt with. He also stated he observed a thirty gallon tank of grease on the property.

Mr. Scangarello, P.P., Board Planner, Planning Design Collaborative, LLC, 150 Himmelein Road, Medford, NJ, is sworn in. Mr. Scangarello demonstrates where the pipe is located; it looks as if it is under the driveway. Mr. Pape said he is not aware of this pipe. We will have to meet to determine the pipe's purpose.

Mr. Scangarello inquired as to where the septic is. He also stated the economic inutility is difficult to prove and there is a problem with the design not having any uplands. Questioned whether they tried to sell a part or all of the property to adjacent land owners.

There were no comments from the public.

Mr. James Higgins, 901 West Park Avenue, Ocean, NJ is sworn in and accepted as a professional. He looked at the plans and walked the site. The property is approximately seven acres in area, with one third previously occupied. It is in an area of mixed uses, being multi-family, a shopping center and a cinema. The site is basically isolated. It is unique in that commercial uses are permitted; it has never been a commercial use. It is well suited and can be utilized. The only developable portion is about 1/3 acre. It clearly could not be developed for commercial. It is particularly suited for this single family residence and driveway and has no impact on traffic.

Mr. Pape noted the wetlands are substantially woods. Mr. Higgins said that they would be adequately buffered from the commercial surroundings.

Mr. Pape stated they would see if Phase I testing should be done and the engineer would also revisit regarding stormwater management. The footprint and the design will also be revisited with the breezeway being eliminated. He stated the easement would be checked and cleanup work (upon condition of approval) would also be looked into. They believe they can accommodate all the technical revisions.

Mr. Pape signed extension for August 4, 2009.

ZB 07-6298A – 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.

Additional Evidence:

- A – 51 Letter to request amending application prepared by Salvatore Alfieri, Clear Alfieri & Jones, 5 Ravine Drive, Matawan, NJ dated October 29, 2008.**
- A – 52 Correspondence regarding temporary structure prepared by Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 9 Ravine Drive, Matawan, NJ, dated 2/13/09.**
- A – 53 Adjacent Property Listing**
- A – 54 Certified White Receipts and Green Cards (dated 7/2 and 7/3/2008)**
- A – 55 Affidavit of Service**
- A – 56 Affidavit of Publication Dated March 5, 2009**
- A – 57 Notice To Adjoining Property Owners**
- A – 58 Maintenance Garage Addition containing Title Sheet, Existing Site Plan, Proposed Site Plan, Grading & Drainage Plan, Site Details, Landscaping & Lighting, Elevations & Floor Plan dated 5/29/09.**
- A – 59 Report prepared by John W. Borden, Fire Sub Code Official, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Date 6/15/09.**

- A – 60 Report prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ dated June 15, 2009.
- A – 61 Report prepared by Patrick Pentland, Chairperson, Marlboro Township Historic Preservation Advisory Commission, 1979 Township Drive, Marlboro, dated 6-15-09.
- A – 62 Report prepared by Marlboro Marlboro Township Environmental Commission, 1979 Township Drive, Marlboro, NJ dated 6-16-09.
- A – 63 Report prepared by Thomas J. Scangarello, P. P., Planning Design Collaborative, LLC, 150 Himmelein Road, Medford, NJ, Dated 6-15-09.
- A – 64 Report prepared by Mark Kataryniak, Medina Consultants, 3379 Quakerbridge Road, Suite 200, Hamilton, NJ dated 6-16-09

Sal Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, NJ, is representing the applicant and continued with his last testimony.

Paul Schlaflin stated that he has listened to previous tapes.

Natasha Pizzarello is sworn in. She as the professional Geologist has concluded Phase I. She researched the environmental conditions and has concluded her report with two site visits. Soil staining in the large equipment area was cleaned up and not observed on the second visit. There is a 550 gallon oil tank with no leaking present; she stated the tank is relatively young and does not have any hazardous materials. She recommended radon testing.

There were no comments from the Public or the Board. Mr. Alfieri asked Mr. Kutch to describe changes to the plan. Steven Kutch, P.E., P.P., 35B Cambridge Circle, Manchester, NJ stated that engineering wise there are not many changes.

The existing site building is included on plans with an oil separator also included. Soil Logs were done on the temporary building. The temporary building will be removed and replaced with the new building. He stated that when the residences were built, Mr. Ientile put sump pumps in and it seemed to alleviate water problems. The oil bore separator was put in before concrete slab was poured. The oil separator would take any oil and remove before it went into stormwater system.

Mr. Ientile, 28 Vanderburg Road, Marlboro, NJ is sworn in. The drain under the slab will go to the oil separator.

Mr. Mark Kataryniak, Board's Traffic and Safety, recommended aprons on the driveways to provide adequate site lines on plan. A site circulation plan was requested; the applicant's engineer refuses to comply.

Mr. Thesing requested a site circulation plan regarding curbing and sidewalk, grading and lighting and stormwater.

Mr. Scangarello stated there are a total of 31 variances needed. They are regarding signs, height of fences, details as to landscaping, parking, area where there are sidewalks and additional parking should be provided. He would like to see some additional landscaping on Vanderburg, shade trees also.

Mr. Alfieri stated Planning testimony was previously addressed. He is only changing the building; not increasing the business, employees or traffic. If the site were built from scratch, Mr. Thesing's request would be ok. There is only this minor improvement, with one additional bathroom. The sewer system is agreed to and some buffering can be done to include some minor plantings.

Ms. Paris asked if any new signage is being proposed; Mr. Alfieri said there would be none.

There were no questions from the Board or the Public.

Motion to Workshop:

Offered: Robert Knight
Seconded: Lewis Wildman

Mr. Schlaflin said this is a difficult application and given what has been done, he would agree with it. The applicant has gone the extra mile. Other Board Members, Messrs. Shapiro, Wildman, Mahon and Ms. Bajar are all in favor of. Mr. Knight agrees everyone will benefit with the cleanup.

Out of Workshop:

Offered: Robert Knight
Second: Michael Shapiro

Motion to approve with the following stipulations: The applicant agrees to comply with phase I, agrees to extend concrete and agrees with paragraph three of the Historic Commission's report and agrees with paragraphs 2, 4, 6 of Mr. Kataryniak's report. They will also tie into the sewer system, remove box trailer with no new signage. The vehicles would be stored inside; if not, an additional slab required. New building consistent with other garage building and timer for security lights outside, on at dusk off at dawn.

Offered By:	Robert Knight	Seconded By:	Jennifer Bajar
Ayes:	6	Nays:	0

Motion Approved.

B 08-6346 – Mayo, Charles

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

- A – 21 Storm Water Management Report for Block 415, Lot 33.05 Kensington Gate, prepared by Christopher R. Rosati, FWH Associates, PA, 1856 Route 9, Toms River, NJ 08755, dated August 13, 2008 and revised November 4, 2008.
- A – 22 Storm Water Management Plan for Block 415, Lot 33.05. prepared by Christopher R. Rosati, FWH Associates, PA, 1856 Route 9, Toms River, NJ, Revised 11/25/08.
- A – 23 Site Plan for Block 415, Lot 33.05, prepared by FWH Associates, Christopher R. Rosati, FWH Associates, PA, 1856 Route 9, Toms River, New Jersey Dated 6-01-09.
- A – 24 Variance Map for Block 415, Lot 33.05, prepared by Christopher R. Rosati, FWH Associates, PA, 1856 Route 9, Toms River, NJ, Dated 8/13/08 and Revised 6-01-09 per 11/25/08 Gravatt Letter.
- A – 26 Report prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked River, New Jersey dated 6/11/09.

Christopher P. Rosati, Professional Engineer, FWH Associates, P. A., 1856 Route 9, Toms River, New Jersey is sworn in and accepted as a professional witness. He did revisit the property and presented additional evidence:

- A – 27 Colored Variance Map of Block 415, Lot 33.05, prepared by Christopher Rosati, FWH Associates, P. A., 1856 Route 9, Toms River, NJ revised 6/01/09.
- A – 28 Colored rendering of site plan prepared by Christopher Rosati, FWH Associates, P.A., 1856 Route 9, Toms River, and NJ dated 6/01/09.

The red areas will have stamped concrete removed but a walkway for the handicap will be utilized. The net reduction will be 1600 square foot. Pavers that absorb water will be looked into.

Mr. Alfieri stated they will be asking the Building Department if the stanchions can stay where they are. If not, they will be removed.

Mr. Rosati also inquired if the four inch opening for the pool fence can remain as is. Ms. Paris answered that Zoning cannot give jurisdiction over a pool fence.

Mr. Rosati also stated that with regard to the stormwater, a system has been designed to reduce the excess water with recharged pipes and drywell. It is his opinion the stormwater has been addressed. The applicant has planted landscaping so it is not a detriment to the neighbors. He believes the positives outweigh the negatives.

Mr. Thesing stated that with regard to the lot coverage, it is still about forty per cent over what is allowable. Mr. Rosati stated they only counted the driveway in the front and that the retaining wall will stay. They can further reduce the patio on the left side by an additional 1,500 square foot. Mr. Knight suggested polling the board to see how they would respond if the coverage was reduced.

Mrs. Mayo, 18 Huxley Court, Marlboro, NJ was sworn in. She stated she cannot locate a copy of her contractor's (EDI) proposed work and they will not respond to her inquiries. She also stated she has not tried to legally obtain it yet.

There were no questions from the Board and none from the public.

Motion to workshop

Offered by: Robert Knight

Seconded by: Michael Shapiro

Mr. Knight inquired how what the Board's response would be if the applicant redesigned to reduce the lot coverage to 18%.

Mr. Schlaflin stated he would like to see the plan if the stanchions and the stone fence could be dealt with. Ms. Paris said stanchions are not a zoning issue; Council should receive the request.

Mr. Shapiro likes the idea of letting the applicant do the numbers. The other members of the Board (Messrs. Wildman, Mahon, Knight and Ms. Bajar) agree there would be not problem with 18% coverage. This should be the maximum allowed and a set timeframe.

Out of Workshop:

Motion: Robert Knight
Seconded: Michael Shapiro

Mrs. Mayo stated she will interview contractors, setting the end of summer as her timeframe. Ms. Paris stated Mr. Labruzzo will not leave this without fines. Mrs. Mayo said it requires time to do plans.

The Board suggested finishing within one year, or to remove the patio and then take her time with the plans. Mrs. Mayo answered that she cannot leave danger for her children.

Motion to Workshop:

Offered by: Robert Knight
Seconded by: Michael Shapiro

Mr. Knight stated that he is thinking a six month timeframe. Mr. Shapiro said that if given to the spring again, Mrs. Mayo she will have the opportunity to bring the coverage down to 18%.

Ms. Bajar thought if she waited until the end of summer, there could be a problem. Pavers can be done during winter months and she needs to commence in a shorter timeframe. She believes it can be completed within six months. Mr. Schlaflin agreed that six months after memorialization is more than generous. Messrs. Wildman and Mahon also agree that it should be done by the end of the year.

Out of Workshop:

A motion was offered to approve the application.

Mr. Thesing stated that all technical items in the review letter should be followed forwarding to Mr. Thesing and to acquire permits and as built when complete.

Offered By: Robert Knight
Ayes: 5

Seconded By: Jennifer Bajar
Nays: 1 (Paul Schlaflin)

Motion Approved.

MEMORIALIZATIONS

ZB 09-6360 – Landes, Milton & Jennifer

Memorialization of a Resolution granting approval to position a 12 x 16 foot shed inside the required twenty-five foot rear property line set back having insufficient rear yard setback for an accessory structure on property known as 14 Stevenson Drive, Marlboro, Block 214.02, Lot 6, located in an R-25 Residential Zone.

ZB 08-6342 – KEA Design, Inc. LLC

Memorialization of a Resolution granting 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 Tennent Road, Morganville, Block 120, Lots 15 and 17, located in the C-2 Zone.

Meeting adjourned at 11:00 p.m.

Respectfully submitted,

