

# 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](http://www.marlboro-nj.gov) e-mail: [zoning@marlboro-nj.gov](mailto:zoning@marlboro-nj.gov)

### **Chairperson**

Glenn Malysz

### **Vice-Chairperson**

Robert Knight

### **Secretary**

Lewis Wildman

### **Members**

Michael Mahon

Jennifer Bajar

Matthew Weilheimer

Lewis Wildman

Michael Shapiro

Paul Schlaflin Alt #1

### **Zoning Board Clerk**

### **Attorney**

Michael Steib, Esq.

### **Engineer**

Gravatt Consulting Group

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

### **Planner**

Planning Design Collaborative, LLC

Thomas Scangarello, P.P.

### **Traffic Engineer**

Medina Consultants

Mark Kataryniak, P.E.

### **Administrative Officer**

### **Zoning Officer**

Sarah Paris

## **MINUTES**

## **ZONING BOARD OF ADJUSTMENT**

**JULY 7, 2009**

**SALUTE TO FLAG**

**SUNSHINE LAW READ**

## **ROLL CALL**

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

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

**ABSENT:** Michael Shapiro, Matthew Weilheimer

**No Citizens Voice.**

**The Board accepted the minutes of June 16, 2009.**

### **ZB 09-6355 – Cannata, Joseph**

**Public Hearing for Approval to keep a 14' x 14' shed erected in side yard having insufficient side yard setback at 230 Spring Valley Road, Morganville, NJ, Block 147, Lot 41, located in an LC Land Conservation Zone.**

**Application was read into the record. The Board took jurisdiction and the following was entered as 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          Affirmation of Local Pay to Play Ordinance**
- A - 13          Application Affidavit of Completeness**
- A – 14          Owners Affidavit of Authorization and Consent**
- A – 15          Survey of 230 Spring Valley Road, Morganville, NJ, prepared by Thomas M Ernst & Associates, 388 North Spotswood-Englishtown Road, Jamesburg, NJ dated 12/9/1988.**
- A – 16          Report prepared by Gravatt Consulting Group, P.O. Box 1007, 414 Lacey Road, Forked River, NJ, dated 5/13/09.**
- A – 17          Certification Acknowledging Common Boundary Line at 232 Spring Valley Road, Marlboro, NJ prepared by Robert J Handfuss, Esq., 5 Highway 34, Matawan, NJ 5/16/1998.**
- A – 18          Survey of Block 147, Lot 41, prepared by Thomas M. Ernst, Thomas M. Ernst & Associates, 457 Spotswood-Englishtown Road, Jamesburg, NJ dated 4/14/09.**

**Mr. Schlaflin recused himself.**

**Mr. Cannata, 230 Spring Valley Road, Morganville, sworn in. He stated that he is looking for relief from the Board for a shed erected seven years ago. There was a boundary line dispute cleared ten years ago and he obtained a few more feet in property, so the shed was erected. He later found permits were needed.**

**Mr. Malysz asked if the shed had electrical power. Mr. Cannata said there is PVC about eight to ten inches below the ground.**

**Mr. Knight asked what is the shed used for and why it wasn't placed in the back. Mr. Cannata said there is a raised septic system in the back of the house and the shed does not affect any of the neighbors. Mr. Schlaflin suggested that it would be wise to benefit from the amnesty program.**

**Mr. Malysz stated that Mr. Cannata needed relief from thirteen variances; there are insufficient side yard set backs, lot coverage, and insufficient lot area.**

**No questions from public.**

**Motion to workshop**

**Offered by: Glenn Malysz**  
**Seconded by: Michael Mahon**

Ms. Bajar believed there may be some type of buffer needed; possibly a lattice with vines or tall evergreens. If the application is approved a permit for the shed with electric is required.

Messrs. Wildman, Mahon, Knight and Malysz all agree there should be some form of landscaping.

**Out of Workshop:**

A motion was offered to approve the application with landscaping and permits, submit a signed and sealed survey and to be in compliance with all the technical comments.

<b>Offered By:</b>	<b>Glen Malysz</b>	<b>Seconded By:</b>	<b>Jennifer Bajar</b>
<b>Ayes:</b>	<b>5</b>	<b>Nays:</b>	<b>0</b>
<b>Abstain:</b>	<b>1</b>		

**Motion Approved.**

**ZB 09-6356 – Gioffre, Gwendolyn**

**Public Hearing for Approval to keep two car garage converted into living space, and to retain a shed, addition and sports court having insufficient side and rear yard setbacks at 27 Maywood Drive, Marlboro, NJ, Block 212, Lot 8, located in an R-30/20 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          Affirmation of Local Pay to Play Ordinance**
- A - 13          Application Affidavit of Completeness**
- A – 14          Owners Affidavit of Authorization and Consent**
- A – 15          Boundary and Topographic Survey of 27 Maywood Drive, Block 212, Lot 8, prepared by Kenneth P. Frank, KF2T, 104 Newbury Road, Howell Township, New Jersey dated 2/6/09.**
- A – 16          Variance Plan prepared by A.J. Garito, Jr., Two River engineering, PO Box 155, Colts Neck, NJ dated 3/12/09.**

- A – 17            Report prepared by David Thesing, PE, Gravatt Consulting Group, P. O. Box 1007, 414 Lacey Road, Forked River, NJ, dated 4/13/09.
- A – 18            Variance Plan prepared by A. J. Garito, Jr., Two River Engineering, 27 Maywood Drive, Colts Neck, NJ, dated 6-23-09.
- A – 19            Report prepared by David Thesing, Gravatt Consulting Group, P.O. Box 1007, 414 Lacey Road, Forked River, NJ, dated 6/30/09.

**Mrs. Gioffre, 27 Maywood Drive, Marlboro, sworn in. She explained that early in the 1970's the garage was made into a den, room added on, and the shed was built along with the sports court. She is trying to do the right thing with the amnesty program.**

**Marc Lever, 265 Route 35, Colts Neck, NJ is testifying as an Engineer and is accepted as a professional.**

**Mr. Lever presented additional evidence:**

- A - 20            Six colored pictures showing the driveway, basketball court, addition and shed.

**Mr. Lever stated that the Variance Plan, Exhibit A-18, depicts the non conformities. Variances are needed for shed and sports court setbacks. They are asking to leave the garage in tact. The court has a light fixture. Most changes did not require permits in the 1970's. The sports court did not come about until the 1990's; it was called a patio at the time. The light is 110 volts and still operational. Mrs. Gioffre would like to leave things as they are.**

**Mrs. Ann Rogers, 25 Maywood Drive, Marlboro is sworn in. She stated that she has never been negatively impacted by sports court etc.**

**There are no questions from the public or board.**

**Mr. Thesing questioned the lighting. Mr. Lever stated he did not have measurements for foot candles. There will be another variance needed per Mr. Thesing regarding the illumination.**

**Motion to workshop:**

**Offered by:            Glenn Malysz**  
**Seconded by:        Michael Mahon**

**Ms. Bajar stated there is limited space for the shed and sports court. There is a good buffer with the trees and she cannot see how the light from the sports court would affect the neighbors. She would approve.**

**Mr. Schlaflin asked if all the permits can be allowed. Ms. Paris stated the sports court and shed would only be looked at as visuals. Mr. Schlaflin said he would not have a problem with the application. Messrs. Mahon, Wildman and Knight are in agreement. Mr. Malysz applauded the applicant for going forward.**

**Out of Workshop:**

A motion was offered to approve five variances with the addition of a sixth to illuminate. The two conditions are to provide proof from the engineer that the pavers are set in sand and to obtain building permits.

<b>Offered By:</b>	<b>Glenn Malysz</b>	<b>Seconded By:</b>	<b>Jennifer Bajar</b>
<b>Ayes:</b>	<b>6</b>	<b>Nays:</b>	<b>0</b>

**Motion Approved.**

**ZB 09-6363 – Goodman, Keith and Lisa**

**Public Hearing for Approval to construct a 27' x 39' sports court on a lot which is less than the required 60,000 square feet at 504 Imbrie Place, Morganville, NJ, Block 160.03, Lot 3 in an R-40/30 Residential Zone.**

**Application was read into the record. The Board took jurisdiction and the following entered as 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          Affirmation of Local Pay to Play Ordinance**
- A - 13          Application Affidavit of Completeness**
- A – 14          Owners Affidavit of Authorization and Consent**
- A – 15          Conflict and Contribution Disclosure Statement**
- A - 16          Stormwater Management Report by Taylor, Wiseman & Taylor dated 6/16/09**
- A - 17          Sport Court & Grading Plan by Taylor, Wiseman & Taylor dated June 4, 2009.**
- A – 18          Report prepared by David Thesing, P.E., Gravatt Consulting Group, 414 Lace Road, Forked River, NJ, dated June 30, 2009.**

**Mr. and Mrs. Goodman, 504 Imbrie Pace, Morganville are sworn in. They would like to construct a sports court on a 31,000 square foot lot. They have three boys and would like to utilize their own property, rather than go elsewhere. The sports court would keep the children and the neighborhood children away from the street. They meet all the setback requirements and are not proposing any lighting.**

**Keith Goodman said they have scaled down to a three point arc and it is more a basketball court than tennis court. Lisa Goodman stated they are still under lot coverage. They agreed to put some landscaping.**

The court will be concrete and there should not be an issue with storm water. There will be no retaining wall and no fencing around the sports court.

Mr. Wildman asked where the water will go. Mr. Thesing stated a small trench should be recommended by the Board; Mrs. Goodman said their engineer believed a trench would not be needed.

Ms. Bajar asked if the proposed landscaping would be the length of the court. Mrs. Goodman said yes.

**Out of Workshop:**

**Offered: Glenn Malysz**

**Seconded: Jennifer Bajar**

Ms. Bajar agrees with the plan. Messrs. Schlaflin, Wildman, Knight and Mahon are also in favor and agree that a trench should be required for drainage. Mr. Malysz agrees the trench will alleviate future problems.

**Out of Workshop:**

A motion was offered to approve with a small stone trench and tree buffer.

**Offered By: Glenn Malysz**

**Seconded By: Robert Knight**

**Ayes: 6**

**Nays: 0**

**Motion Approved.**

Mr. Goodman inquired as to the type of drain. Mr. Thesing answered that he should do a small rectangular drain with stone performing calculations for the width and depth.

## **MEMORIALIZATIONS**

### **ZB 07-6298A – James Ientile**

Continuation of a Public Hearing for approval to construct a 2400 square foot garage building 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.

### **ZB 08-6346 – Mayo, Charles**

Memorialization of a Resolution granting approval for 18% lot coverage where 15% is permitted for various structures already built at 18 Huxley Court, Marlboro, Block 415, Lot 33.05 in R-40GAH zone.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

