

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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Chairperson

Glenn Malysz

Vice-Chairperson

Michael Fishman

Secretary

Robert Knight

Members

Matthew Weilheimer

Adrienne Spota

Lewis Wildman

Michael Mahon

Joseph Sparacio - Alt.#1

Jennifer Bajar - Alt.#2

Zoning Board Clerk

Yvonne Cautillo

Attorney

Michael Steib, Esq.

Engineer

Gravatt Consulting Group

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

Planner

Thomas J. Scangarello, P.F.

Planning Design Collaborative, LLC

Administrative Officer

Zoning Officer

Sarah Paris

ZONING BOARD OF ADJUSTMENT

July 15, 2008

REGULAR MEETING

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

PRESENT: Michael Mahon, Adrienne Spota, Michael Fishman,
Steven Pitchon, Jennifer Bajar, Matthew Weilheimer,
Lewis Wildman

ABSENT: Robert Knight, Glenn Malysz

ALSO PRESENT: Michael Steib, Esq. Board Attorney
Sarah Paris, Administrative Officer
David Thesing, Engineer
Kendra Lelie, Board Planner

The Board accepted the minutes of July 1, 2008.

MINUTES APPROVED:

Offered:	Adrienne Spota	Second:	Lewis Wildman
Ayes:	5	Nays:	0
Absent:	4	Abstain:	0

No Public Session.

Michael Fishman Acting Chair appoints Adrienne Spota as Acting Chair.

Louis Wildman appointed as Secretary.

ZB 08-6331 – Godek, Mark

Public Hearing for approval to construct an otherwise conforming 18' x 22' rear deck for an existing non-conforming residential dwelling at 100 South Main Street, Marlboro, NJ, Block 413 Lot 33 in the C-5 Community Commercial 11 zone.

Michael Steib reports on reviewing the notices. Mr. and Mrs. Dietrich are owners of contiguous lots and were not noticed properly. One of the notices did not have correct zip code. Mr. Dietrich signed a waiver of the ten day notice.

The Board took jurisdiction. Evidence entered. A1- A17.

- A - 1 Petition on Appeal
- A - 2 Denial by Zoning Officer
- A - 3 Indemnification and Hold Harmless Agreement
- A - 4 Disclosure Statement
- A - 5 Tax Collector's Certification
- A - 6 W 9
- 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 Plan prepared by John J. Ploskonka, P.E.
 Concept Engineering Consultants, P.A., 227 Route 33,
 Building #2, Unit #7, Manalapan, NJ 07726,
 Dated June 1, 1998. (Replacement Dated June 9, 2008.)
- A - 16 Report prepared by David Thesing, Gravatt Consulting Group, dated June 10, 2008.
- A - 17 Report prepared by Kendra A. Lelic, A.I.C.P., P.P., Planning Design Collaborative, LLC, dated July 8, 2008.

Robert Munoz, Esq. on behalf of applicant.

The owners of the house located on Route 79 are here for a deck as it is in the C-5 zone. John Ploskonka, P.E. sworn in as a qualified expert. He described the lot as a 6 acre parcel on State Hwy 79 near Old Mill Rd. The single family dwelling is pre-existing the C-5 zone as it there for 50-75 years.

A series of five photos, A-18 (a-d), exhibit front and rear of structure. Exhibit A-19 "a" and "b", are aerial photographs exhibiting the position of the deck. The front and side yard variances are pre-existing conditions requiring a use variance for the residential use of the deck. A treks deck, 5-6 feet high, 22' x 18', is proposed. Not a particularly large deck on a six acre lot. The owner's in-laws reside in the house and would like to have a deck. The deck will be well hidden and should not impact neighbors or travel on Route 79.

Mr. Fishman asked for some testimony about the fence and when it was constructed. Mr. Mark Godek was sworn in. He is the owner of the property. The house was remodeled about six months ago; it was vacant prior to that. The fence was installed right after he purchased it. The fence is 6 feet high. Section 84-68A requires the fence to be 5 feet in height. Mr. Godek said that he applied for farm assessment. Kendra said that the house is a compatible use for the farm.

When questioned, Sarah Paris, the Zoning Officer, stated that the state allows farmers to have 12 foot high fences. Many in town do so in order to keep out deer.

Discussion of height of fence and its location. According to the township ordinance, a five foot fence would be permitted for a farm use of more than six acres. Mr. Godek offered to take the fence down. Board members felt that the fence should just be moved behind the house or to the house line for aesthetic reasons. The purpose of the fence is to protect the cattle from getting out onto Route 79.

No questions or comments from Public.

Workshop:

Mr. Fishman and the board members agreed the lot has been improved dramatically, but there is still the fence issue. The applicant volunteered to move it.

Out of Workshop:

Mr. Godek stated that he would take the fence down and relocate it, possibly attaching it to the side of the house and across the property line.

Motion to Approve:

Offered: Mike Fishman Ayes: 7
Seconded: Lewis Wildman Nays: 0

07-6291 Ientile, James

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.

Michael Steib, Esq., for the Board, stated that the newspaper published a day late so Board could not take jurisdiction. It will be re-noticed.

07-6291 Retamozo

Continuation of Public Hearing for approval to construct a two story addition, front porch and deck to an existing house exceeding the permitted lot coverage located at 575 Route 520, Marlboro, Block 214, Lot 17 in the LC – Land Conservation zone.

The Board took jurisdiction. Additional evidence entered A-21 – A- 31:

- A – 21 Carr Engineering Associates, PA, Surveyors, PO Box 679, Perth Amboy, NJ, Revision Dated 6/30/08.
- A – 22 Michael V. Testa, Architecturals, 710 Tennant Road, Building 4, Manalapan, Dated 7/07/08.
- A – 23 Seepage Pit Calculations, Concept Engineering Consultants, PA, 227 Route 33, Manalapan, Dated 7/01/08
- A – 24 Soil Log For Seepage Pit, performed by Shrinath KJotdawala, P.E., Concept Engineering Consultants, PA, Dated 5/6/08
- A – 25 Report prepared by John Thesing, P.E., Gravatt Consulting Group, Inc., 414 Lacey Road, Forked River, NJ dated 7/03/08.
- A – 26 Report prepared by John J. Ploskonka, P.E. Concept Engineering Consultants, P.A., 227 Route 33, Manalapan, NJ, Dated 7/01/08.
- A – 27 Notice to Adjoining Property Owners

- A – 28 Adjacent Property Listing
 - a. Township of Marlboro
 - b. Township of Colts Neck
- A – 29 Certified White Receipts and Green Cards
- A – 30 Affidavit of Service

Mr. Peter Klauser, Esq., of firm Heilbrunn Pape and Goldstein.
John Ploskonka, P.E. sworn in and accepted as professional. Described location as an existing dwelling to be expanded on Route 520. It is 40 feet wide by almost 300 feet deep and in disrepair. Applicant intends to improve the property by adding an addition 1136 square foot two story additions, front porch and rear patio area, new septic system. He believes the house to be structurally sound. He also intends to remove structures, sheds and garage that are in disrepair.

Additional evidence is entered:

A-32 **Site Plan**
A-33 **Color rendering**
A-34 **Series of four photos (a-d)**

The soil was tested and new septic and a new seepage pit proposed.

There are questions as to the driveway being up to the property line; this is a variance. A variance will also be needed if a new garage is proposed.

Architect Michael Testa is sworn in. He stated that he contacted Patrick Pentland, of the Historic Commission and received approval for the addition. They only asked that the roof line in the front of the house be preserved.

At least 90% of the building will have to be replaced due to mold, insects and animals, and rot. Zoning Officer Sarah Paris stated that the variance should be amended to ask for a new single family dwelling rather than an addition. If the house is structurally unsound, they will have to demolish and rebuild it.

The deck at rear of house will now be pavers in sand.

Professional Planner, Alison Coffin, 701 West Park Avenue, Ocean, NJ, sworn in. She stated that this is an LC zone and a single family dwelling is a permitted use. The lot is nonconforming. The lot size is a hardship variance. Strict application of ordinance creates a hardship. It is a flexible "c" standard; there is no undue hardship to zone or zone plan. There is no land available to purchase to make the lot conform. The home size is smaller than homes built in the county over the last ten years. Proposed home is a reasonable use of the property.

Mr. Ploskonka is recalled to provide new calculations:
2% building coverage is permitted. 2.2% is proposed.

This application was adjourned to August 5, 2008 at which time all final lot coverage calculations are to be presented. An extension of time was signed. No further notice required.

ZB 08-6332 – Spatola, Michael & Michelle

Public Hearing for approval to construct two additions, exceeding permitted lot coverage for principal structure at 4 Graversham Drive, Block 299 Lot 120 in the R-25 zone.

Salvatore Alfieri, Esq. representing applicant. Michael Fishman recused himself; Adrienne Spota is Acting Chairman.

Walter Joseph Hopkins, P.E., WJH Engineering, 630 Herman Road, Jackson, NJ sworn and accepted as expert.

Board took jurisdiction. Exhibits entered A-1-A- 22

- A - 1 Petition on Appeal
- A - 2 Denial by Zoning Officer
- A - 3 Indemnification and Hold Harmless Agreement
- A - 4 Disclosure Statement
- A - 5 Tax Collector's Certification
- A - 6 W 9
- 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 Drywell Calculations prepared by Walter Joseph Hopkins, dated 3/31/08
- A - 17 Variance Plan prepared by WJH Engineering, dated 5/27/08
- A - 18 Architect drawings submitted by Kevin C Roy, Architect, 34 Main Street, POB 777, Englishtown, NJ 07726, Date April 20, 2007.
- A - 19 Gravatt Consulting Group Report, prepared by David A. Thesing, Dated June 16, 2008.
- A - 20 WJH Engineering, Dry Well Calculations, prepared by Walter J Hopkins, Revised 7/3/08.
- A - 21 WJH Engineering, 630 Herman Road, Jackson, NJ, Variance Plan, Prepared by Walter J Hopkins, Dated 7/3/08.
- A - 22 Report prepared by David A. Thesing, Gravatt Consulting Group, Date July 10. 2008.

Also presented was a color rendering of the variance plan, on a ¾ acre site, SCPR zone, of a 3,600 square foot existing home. Proposed are a great room addition with a basement and a sunroom addition. The building coverage variance for 1% over does not bring total lot coverage over the permitted 25%.

David Thesing, Board Engineer, Gravatt Consulting Group commented on the runoff created by both additions. Each has leaders and gutters tied into underground perforated pipe surrounded by stone. This will deal with 100% of the runoff from these additions. It is designed for the fifty year storm where most are designed for 100 year storms. There is an existing drainage problem running along the rear of the property. This addition will not affect it. Layer proposed for recharge is K-2. About 14” below that is a layer of clay that will slow it down or stop absorption. K-4 soil is more permeable. If pit is 1.6 x’s the size of the pit that is proposed and they put in a wick, the water can percolate through this layer of clay.

The applicants will benefit from the additions as they have four children. The variance needed for building coverage is more than equaled out because the total lot coverage is under the permitted lot coverage. It’s a trade off of building coverage for total lot coverage.

Workshop:

All in favor conditioned upon compliance with the Board’s Engineer’s Report and recommendations.

Out of Workshop:

Motion to approve and work with David Thesing, P.E., of Gravatt Consulting Group regarding the stormwater management plan.

Offered:	Adrienne Spota	Ayes: 6
Seconded:	Michael Mahon	Nays: 0

Motion Approved

M E M O R I A L I Z A T I O N S

ZB 08-6328 – Rosen, Lane & Caroline

Memorialization of a Resolution for approval to construct an in ground pool and associated fencing and to relocate an 8 x 12 square foot shed within 100 square foot of top of bank of stream. The house is in excess of lot coverage permitted for principal structure at 11 Fairview Road, Block 225, Lot 67 in an R-30/20 residential zone.

Offered By: Jennifer Bajar Ayes: 3
Seconded: Michael Mahon

Motion Approved.

Motion to Cancel Zoning Board Meeting of August 19, 2008”

Offered By: Adrienne Spota Ayes: 6
Seconded Lewis Wildman Nays: 0

Meeting adjourned.

Respectfully,

Yvonne M. Cautillo

