

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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

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Planning Design Collaborative, LLC

Thomas Scangarello, P.P.

Traffic Engineer

Medina Consultants

Mark Kataryniak, P.E.

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MINUTES

ZONING BOARD OF ADJUSTMENT

JULY 21, 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.
Kendra Lelie, P.P.
Mark Kataryniak, P.E.

ABSENT: Michael Shapiro

No Citizens Voice.

The Board accepted the minutes of July 7, 2009.

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 Tennent Road, Morganville, Block 120, Lots 15 and 17, located in the C-2 Zone.

Richard Pepsny, Esq, 240 Maple Avenue, Red Bank, NJ stated that due to bifurcation they will be renoticing. He apologized for any inconvenience and stated he will speak with their professionals regarding a new date.

ZB 09-6358 – 147 Tennent Road, LLC

Continuation for Approval to convert a residential house to office space for an existing auto recycling facility with handicap ramp having insufficient lot area, frontage and side yard setback exceeding permitted lot coverage at 147 Tennent Road, Marlboro, Block 170, Lot 2, located in an LC Land Conservation Zone.

Michael Steib, Esq. read additional evidence:

- A – 26 Correspondence providing technical revisions and/or comments of items addressed per Mr. Thesing's report submitted by Walter J. Hopkins, WJH Engineering, 630 Herman Road, Jackson, NJ dated 7/09/09.
- A – 27 Review #2 prepared by David A. Thesing, PE, Gravatt Consulting Group, Inc., 414 Lacey Road, Forked River, NJ, dated 7/15/09.
- A – 28 Notice To Adjoining Property Owners
- A – 29 Adjacent Property Listing
- A – 30 Certified White Receipts and Green Cards
- A – 31 Affidavit of Service
- A – 32 Affidavit of Publication
- A – 33 Report prepared by John W Borden, Fire Inspector, Marlboro Township, 1979 Marlboro Township, Marlboro, NJ, dated 7-15-09.
- A – 34 Review prepared by Thomas J. Scangarello, PP, Planning Design Collaborative, LLC, 150 Himmelein Road, Medford, NJ, Dated 7/20/09.
- A – 35 Report prepared by Mark W. Kataryniak, P.E., Zoning Board Traffic Consultant, Medina Consultants, 3379 Quakerbridge Road, Ste 200, Hamilton, NJ Dated 7/20/09.

Salvatore Alfieri, Esq, Cleary Alfieri Jones, 5 Ravine Drive, Matawan, NJ. Mr. Walter Joseph Hopkin, Engineering, 630 Herman Road, Jackson, NJ is sworn in. At the time of the first hearing, his client elected to convert the house into an office. His client needs approval to complete construction for the conversion. His client agreed to repair fence and clean up exterior. He plans on residing in the spring. Since the last meeting, they have revised their plans and addressed many of the issues.

Mr. Hopkin presented additional evidence:

- A – 36 Color rendering with proposed handicap space to front of building, also depicting additional landscaping.

Mr. Hopkin stated the variance relief being sought is different in that the right of way dedication changes the setbacks. Mr. Kataryniak stated the right of way will be part of the application process.

Mr. Hopkins said all of the technical suggestions and comments put forth by Mr. Thesing will be addressed. Parking in the front will be a new variance.

Mr. Hopkin said there were some concerns with a ramp in the rear of the building and it did not make sense to have so many turns to approach the building. Mr. Hopkin also answered questions regarding the location of the septic and retaining walls.

Mr. Paul Branning, 98 Crowhill Road, Freehold, NJ stated that as principal of Trilenium Auto Recyclers located at 147 Tennent Road, Marlboro, NJ, he placed two tandem loads (about 40 yards) of fill in the front yard and graded out. A retaining wall to the left side is proposed. The cars and dumpsters have been removed in agreement with the neighbors. He said he would also check to see if the slats in the fence were 100% covering.

Ms. Kendra Lelie, Planning Design Collaborative, LLC stated a variance for buffering is required. Mr. Alfieri stated the only change will be to front of house. Ms. Lelie thought there might be some revision in the landscaping coverage for the winter months. She suggested landscaping along the property line for noise protection where the trailer was removed. Ms. Lelie stated planting should not be done in the right of way, it should be put near handicap area.

It was also stated there would be no signs near the front of the road.

There were no questions from the public.

Reference was made to the correspondence from the Environmental Commission (A-23) that no environmental studies were being proposed.

Mr. Hopkins stated there may be an area of potential wetlands and they are hundreds of feet away from this.

Mr. Thesing agreed; the proposed impervious area will be toward the rear.

Mark Kataryniak, Medina Consultants, stated there is no significant increase in traffic intensity. They have dedicated a right of way for future road widening. There are no physical improvements in the right of way. With the change in the ramp, they are in ADA compliance.

Public Questions:

Mr. Richard Richroth, 64 Brown Road, Morganville, NJ, is sworn in. He is representing four adjoining neighbors. All of their issues have been resolved. The vehicles have been moved far away and with the bins removed, the noise issue has been rectified. There are slats in the fence and the trees are the entire length of fence. As neighbors, they are satisfied.

Motion to workshop:

Offered by: Glenn Malysz

Seconded by: Paul Schlaflin

Mr. Wildman is pleased that the parking and other issues were tended to. Ms. Bajar appreciated the fact that the parking is improved and the fence is brought to code. She is in favor of the application.

Mr. Schlaflin commended the applicant for working everything out. The landscaping is much appreciated. He recommended a septic inspection. Mr. Mahon thanked the applicant for improving on the original plans and believes there should be some verification regarding the septic.

Mr. Weilheimer is also in favor of the application; Mr. Knight believes the positives and negatives are satisfied.

Mr. Malysz applauded the applicant for being a good neighbor. He thanked them for doing the revisions based on the Board's recommendations. He is in favor.

Out of Workshop:

A motion was offered to approve the application with a condition on the environmental and the septic location. The fence and sign ordinance should be complied with.

Out of workshop

Offered By:	Glen Malysz	Seconded By:	Matthew Weilheimer
Ayes:	6	Nays:	0
Abstain:			

Mr. Alfieri stated his client will comply and that he would like to connect to a sewer system. He also stated they cannot comply with the fence being 30 feet and 8 feet in height; they will not be changing fence along the property line. It was stated that this should be added as a variance; Mr. Malysz responded there will be one additional variance. The fence will be grandfathered.

Motion to Approve the application and to include the environmental issues and landscaping.

Offered By:	Glen Malysz	Seconded By:	Matthew Mahon
Ayes:	6	Nays:	0
Abstain:	0		

Motion Approved.

Mr. Malysz left for the evening.

ZB 09-6361 – Douglas Radeke

Public Hearing for approval to convert existing garage into living space exceeding permitted lot coverage for principal structure, total building and total lot coverage at 134 Nolan Road, Block 132, Lot 49 located in the 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 for Block 132, Lot 49, prepared by Acre Survey, 804 Highway 71, Spring Lake Heights, NJ, Dated 3/4/09.
- A – 16 Report prepared by David Thesing, PE, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ Dated 6/22/09.
- A – 17 Title/Mortgage Survey Map, Block 132, Lot 49 prepared by George TY. Lucas unsigned and dated 4/13/97.
- A – 18 Stop Construction Order (3/3/09), Notice of Violation (3/3/09, Notice and Order of Penalty (3/3/09) from Marlboro Township, 1979 Township Drive, Marlboro, NJ.
- A – 19 Resident Complaint letter dated 2/10/09 from CME Associates, 1460 Route 9 South, Howell, NJ, dated 2/10/09.
- A – 20 Report of Incident/Complaint dated 3/17/08 from the NJDEP Coastal & Land Use enforcement.
- A – 21 Copy of Zoning Board of Adjustment Resolution in the matter of Judith P. Zeigar, Application No. ZB 92-5613, dated 7/22/1992.
- A – 22 Revised Variance Plan prepared by Ray Carpenter, P.E., R.C. Associates Consulting, Inc., 2517 Route 35, Manasquan, NJ dated 7/3/09.
- A – 23 Permeability Test prepared by RC Associates, 2517 Route 35, Manasquan, NJ dated 7-5-09.
- A – 24 Letter from Ray Carpenter, PE, RC Associates, addressed to Marlboro Engineering Department, dated July 7, 2009.
- A – 25 Portion of highlighted Resolution (ZB 92-561) 209 Nolan Road, Morganville, NJ, Township of Marlboro, Zoning Board of Adjustment.
- A – 26 Copy of Resolution ZB 86-5329 Application of Judith Zeigar, 209 Nolan Road (Block 26 Lot 32), Morganville, dated 7/2/86.
- A – 27 Review No. 2 prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ, dated 7/08/09.
- A – 28 Review No. 3 prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ, dated 7/14/09.
- A – 29 Review prepared by Thomas Scangarello, Planning Design Collaborative, 150 Himmelein Road, Medford, NJ, dated 7/13/09.
- A – 30 Correspondence from Mark Kataryniak, PE, the Board's Traffic Engineer, Medina Consultants, 3379 Quakerbridge Road, Hamilton, NJ, dated 7-20/09.

Salvatore Alfieri, Esq, Cleary Alfieri Jones, 5 Ravine Drive, Matawan, NJ stated his applicant is converting the existing garage into living space. There are 24 variance required. Mr. Radeke will describe why he is proposing the change.

Mr. Radeke, 123 E Greystone Road, Old Bridge, sworn in. He has owned the property for one year. He obtained the building permits and during construction, the work was stopped by the Building Department for working beyond the scope of the permits. The house is described as a two bedroom home. The radius for turning the car into the garage does not work well. He would like to open it up, and relocate the bedroom (will then have 3 bedrooms). The existing porch would be double fronted to make it more usable.

Mr. Schlaflin asked what permits were originally applied for. Mr. Radeke said they were roofing repairs, siding and windows. His friend exceeded these permits.

Ms. Bajar asked at what point was garage converted into living space. Mr. Radeke stated it was roughed out in February or March. It was not being used as a garage when Mr. Radeke purchased. Ms. Bajar questioned if it was his intention to flip the house. Mr. Radeke said he was thinking of his parents using it.

There is septic and sewer on site. He also stated that the wall is decorative, and that they will have to go through building and engineering.

Public Questions:

Mr. Robert Belmonte, 130 Nolan Road, Morganville, sworn in.

Would like the job completed and stated everything started should be finished. Mr. Belmonte stated his property is to the right and that he has resided there about 27 years. He wants to see the house completed nicely.

Mr. Steib cautioned the Board to be objective and not to consider the prior stop work orders.

Ms. Bajar asked if Mr. Radeke submitted the permit application as the homeowner. Mr. Radeke did submit his application as the homeowner with drawings; he was informed to update.

Mrs. Denise Belmonte, 130 Nolan Road, Morganville is sworn in. She stated the previous homeowner had a problem with the septic. There is a stream that runs in front of the house; can a sewer pipe be put in over or under it? They would like to be assured sewer line will work.

Mr. Radeke stated the Sewer Authority said they could hook up. Ms. Bajar commented when the sewer was done in Crine, it was with a pumping station.

Mr. Alfieri said that a condition would be WMUA approval.

Mrs. Belmonte also stated the pipe from the washing machine did run into stream. Mr. Radeke stated all the plumbing will be to code.

Ray Carpenter, 2517 Route 35, Manasquan, NJ is sworn in and accepted as professional planner.

Additional Evidence entered:

Exhibit A – 31 Variance Plan prepared by Ray Carpenter, P.E., R.C. Associates Consulting, 2517 Route 35, Manasquan, NJ, Revised 7-8-09.

Theoretically you can turn car around, but you are foot away from stream. Mr. Carpenter stated that someone could eventually go into stream. He stated he was converting the garage into living space, covered the porch in the front of the house, and doing stone walls in front and rear.

He reviewed Mr. Thesing's Report. There will also be a variance required for a side yard setback.

Additional Evidence entered:

Exhibit A – 32 Eight photos on a board were presented by Mr. Carpenter, P.E., R. C. Associates Consulting, 2517 Route 35, Manasquan.

The photographs showed the front porch already removed, vegetation, stream down from existing grade. The door is shown, the left stone wall and the retaining wall to the right. There are two streams, one in front, and one along side.

Mr. Carpenter believes it you would not be able to use garage safely.

Mr. Thesing stated that, if approved, you can add some type of curbing.

Mr. Alfieri did not believe it to be practical to just satisfy the use of the garage.

Ms. Paris asked if the foundation of the house had been checked. Mr. Radeke stated the architect was pleased that there were no problems.

Mr. Schlaflin stated that he believed the doors need variances and that there were three letters inquiring into the retaining walls. He did not believe the drawings to be correct, especially without the retaining wall not drawn.

Public questions:

Mr. Russell Reeves, 98 Reids Hill Road is sworn in. He is adjacent to the address. He stated this stream is a brook. There have been two variances through the years. We believe we can work through with township engineer. He is not opposed.

There are no Questions from the Board.

Motion to Workshop:

Paul Schlaflin would not be in favor. Ms. Bajar has concerns with the application. Do not think you could sell without a garage. She is against the application. Mr. Weilheimer said he is not aware of any houses in town without a garage. Mr. Mahon also agreed with the Board. Mr. Wildman stated he has no issue with the garage. He would be voting against the other variances. Mr. Knight stated that per ordinance you need a garage. Would have to demonstrate true hardship.

Out of Workshop

Offered: Robert Knight
Seconded: Michael Mahon

Offered:	Robert Knight	Seconded:	Paul Schlaflin
Ayes:	5	Nays:	0
Abstain:	0		

A motion was offered to deny the application - "Yes" to Deny.

Motion to Deny Approved.

MEMORIALIZATIONS

ZB 09-6355 – Cannata, Joseph

Memorialization of a Resolution for Approval to keep 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.

ZB 09-6356 – Gioffre, Gwendolyn

Memorialization of a Resolution for Approval to keep two car garage converted into living space, retain shed 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.

ZB 09-6363 – Goodman, Keith and Lisa

Memorialization of a Resolution for Approval to construct a 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.

Meeting Adjourned.

Respectfully submitted,