

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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Matthew Weilheimer

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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

AUGUST 18, 2009

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

PRESENT: Glenn Malysz, Lewis Wildman, Michael Mahon,
Jennifer Bajar, Matthew Weilheimer,
Michael Shapiro, Paul Schlaflin, Frank Yozzo

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

ABSENT: Robert Knight

Mr. Malysz offered the name of Mr. Mahon as Acting Secretary for the evening:

Offered: Glenn Malysz **Seconded:** Paul Schlaflin

Ayes: 7 **Nays:** 0

Minutes of July 21 and August 4, 2009 were approved.

Offered: Michael Mahon Seconded: Paul Schlaflin
Ayes: 6 Nays: 0

Mr. Malysz welcomed Mr. Frank Yozzo, the Zoning Board's new member, who was sworn in by Mr. Steib this evening.

Let the record show Mr. Wildman arrived.

ZB 08-6364 – Lynch, Greg and Marcie Lynch

Public Hearing for approval to construct a single family dwelling, in-ground pool, concrete patio and circular driveway having insufficient lot frontage and exceeding permitted lot coverage for total building and total lot coverage at Serenity Place, Marlboro, Block 364, Lot 41.03, located in an R-80 Residential Zone.

Application 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 Conflict & Contribution Disclosure Statements
- A - 16 Plot Plan prepared by FWH Civil Engineers dated 6/30/09
- A – 17 Variance Map prepared by FWH Civil Engineers dated 6/30/09
- A - 18 Stormwater Management Report prepared by FWH Associates, P.A. dated 7/6/09.
- A – 19 Stormwater Management Plan prepared by FWH Associates, P.A. dated 6/30/09.
- A – 20 Review prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked River, dated 7/16/09.
- A – 21 Variance Map for Block 364, Lot 41.03, prepared by Christopher P. Rosati, FWH, 1856 Route 9, Toms River, NJ, dated 6/30/09.
- A – 22 Plot Plan for Block 364, Lot 41.03, prepared by Christopher P. Rosati, FWH, 1856 Route 9, Toms River, NJ, dated 6/30/09.

Marcie Lynch, 107 Hidden Pond Road, Freehold, NJ, is sworn in. Mrs. Lynch stated her family desired to build their dream house in Marlboro. Their home is the epicenter of their family, with grandparents often visiting to help with the children when they are travelling for

business. After finding a beautiful lot, Mrs. Lynch approached the Zoning Officer to see what would be buildable on the lot. She then eliminated the pool house.

Mr. Charles Boyles, FWH, 1856 Route 9, Toms River, NJ, was sworn in and accepted as a professional.

Additional Evidence was presented by Mr. Boyles:

- A – 21 Variance Map for Block 364, Lot 41.03, prepared by Christopher P. Rosati, FWH, 1856 Route 9, Toms River, NJ, dated 6/30/09.
- A – 22 Plot Plan for Block 364, Lot 41.03, prepared by Christopher P. Rosati, FWH, 1856 Route 9, Toms River, NJ, dated 6/30/09.

He also demonstrated how the driveway differentiated between asphalt and pavers, along with the importance of impervious coverage and storm management.

Mr. Boyles stated they will address the technical items on Mr. Thesing's report, using a recharge system on the southern side. Mr. Thesing said all technical items will then be addressed.

Mr. Boyles also stated 4,800 square foot will be asphalt with an additional 2,500 square foot more around the pool. Mr. Wildman responded that pavers would be more money, but the pavers would allow for more lot coverage. Mrs. Lynch said they want to avoid the area around the pool and driveway not being smooth.

Mr. Boyles said they are considering their family and this property will meet the needs of their extended family. They are willing to work to get the numbers for coverage down. Mrs. Lynch stated they are willing to forego an accessory building for more coverage. The house being built is 6,700 square feet. Their present house is about 8,000 square feet. They did forego a sports court, library, and conservatory.

The paver driveway would solve the problem of impervious coverage.

Mr. Glenn Malysz stated the relief requested for impervious lot coverage is significant. He inquired as to the importance of this relief. This will be a precedent for others.

Mrs. Lynch stated that we respect this town and we would be willing to add pavers to help with the lot coverage. We would like to replicate what we are living in now and have not found a suitable house for the bedrooms required.

Mr. Thomas Scangarello, P.P., Planning Design Collaborative, is sworn in. He inquired if there is something about the lot that is not letting them do what they want? Is there a hardship for this lot? Are the applicants creating it because of the lot?

Mrs. Lynch stated they are working to fit in.

Glenn Malysz stated he is still looking for more compelling testimony of why the Board should allow this.

- 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 Color Rendering of Aerial Map of Block 176, Lot 6, prepared by Peter W Strong, Crest Engineering Associates, Inc, 100 Rike Drive, Millstone Township, NJ dated 6/16/09.
- A – 25 Color Rendering of Variance Sketch of Block 176, Lot 6, prepared by Peter W Strong, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ dated 4/14/09.
- A – 26 State of New Jersey Letter of Interpretation, Department of Environmental Protection, Land Use Regulation Program, PO Box 439, Trenton, NJ, dated 2/03/06.
- A – 27 Grant of Conservation Restriction/Easement prepared by Peter H. Klouser, Esq., Heilbrunn Pape & Goldstein, 516 State Route 33, Millstone Township, NJ dated 3/11/09 and recorded 3/13/09. Sketch of Buffer Enhancement Area No. 3, prepared by Daniel Hundley, Crest Engineering, 100 Ride Drive, Millstone Township, Englishtown, NJ dated 3/01/06.
- A – 28 Revised Variance Sketch prepared by Peter W. Strong, Crest Engineering Associates, Inc. 100 Rike Drive, Millstone Township, NJ Dated 7/10/09.
- A – 29 Review #2 prepared by Robert Thesing, PE, Gravatt Consulting Group, 414 Lacy Road, Forked River, NJ, dated 7/27/09.
- A – 30 Supplemental Report to 5/18/09 Memorandum prepared by Environmental Commission, Township of Marlboro, dated 6/29/09.
- A – 31 Report prepared by Sgt. Joseph Lenge, Division of Police, 1979 Township Drive, Marlboro, NJ dated 7/23/09.
- A – 32 Phase I Environmental Audit for Block 176, Lot 6, prepared by Crest Engineering Associates Inc., 100 Rike Drive, Millstone, NJ, Dated August, 2009.
- A – 33 State of New Jersey Letter of Interpretation, Department of Environmental Protection, Land Use Regulation Program, PO Box 439, Trenton, NJ, dated 2/03/06.
- A – 34 New Jersey Department of Environmental Protection Freshwater Wetlands Transition Area
- A – 35 Deed of Conservation Easement Dated 3/2009 recorded 3/13/09, Monmouth County Clerk, Book OR 8761, Page 8093.
- A – 36 Report prepared by Mark Kataryniak, Medina Consultants, 3379 Quakerbridge Road, Suite 200, Hamilton, NJ, Dated 6-16-09.

Mr. Pape, 516 State Highway 33, Millstone, NJ, stated the storm drain previously mentioned was inspected. He also stated the applicant was asked to be more environmentally sensitive to site.

Mr. Peter W. Strong, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ referred to:

A – 25

Color Rendering of Variance Sketch of Block 176, Lot 6, prepared by Peter W Strong, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ dated 4/14/09.

Mr. Strong located the stream on the property which was previously referred to; it is on the revised plan. The stormwater pipe travels under the road and is in the southeast corner. The pipe is behind the house and will have no interference with the proposed house.

Mr. Strong also stated the Phase I Environmental report was delivered August 18, 2009:

A-32

Phase I Environmental Audit for Block 176, Lot 6, prepared by Crest Engineering Associates Inc., 100 Rike Drive, Millstone, NJ, Dated August, 2009.

There are some additional concerns that should be looked into in Phase 2. Samples were taken for arsenic, pesticides, and hydro carbons. The results were that all substances found were below acceptable standards. Mr. Strong is acceptable to this. He did state one area of concern is C-3, the debris on property. Mr. Strong said the debris consists of house remains and old farm equipment that has been there for a good length of time. This clean up will be done.

Mr. Pape stated they are also offering a conservation easement to keep it wooded and to include swales.

Mr. Thesing inquired if the drainage and easement would be addressed. Mr. Strong said the stormwater has not been designed yet, but the roof drainage will be addressed with the recharge system. The septic and well question went to the health department; they have not received an answer yet.

Additional evidence was presented:

A – 33

State of New Jersey Letter of Interpretation, Department of Environmental Protection, Land Use Regulation Program, PO Box 439, Trenton, NJ, dated 2/03/06.

A – 34

New Jersey Department of Environmental Protection Freshwater Wetlands Transition Area

A – 35

Deed of Conservation Easement Dated 3/2009 recorded 3/13/09, Monmouth County Clerk, Book OR 8761, Page 8093.

There were no questions from the Board and no questions from the public.

Workshop

Offered:

Glen Malysz

Second:

Lewis Wildman

Mr. Schlaflin stated that he is disappointed the footprint is not smaller. This plan is good for the property.

Mr. Shapiro and Mr. Wildman stated they would be in favor of a use variance. The applicant has done due diligence.

Ms. Bajar also agrees but does not like the lack of space in the rear yard; they have done a lot of reconfiguration.

Mr. Weilhemier and Mr. Mahon each said they did a good job of putting together; they are in favor of. Mr. Mahon thanked the applicant for the extra work.

Mr. Malysz also commended them; he is also in favor of.

Out of Workshop:

Offered: Glenn Malysz Second: Michael Shapiro

Mr. Malysz and Mr. Weilheimer stated for the record that they heard the tape provided.

Mr. Malysz made a motion to approve with the added setback variance and provided they comply with all technical aspects, label and provide for conservation easement, and to obtain all septic paperwork.

Offered: Glenn Malysz Seconded: Michael Mahon
Ayes: 7 Nays: 0
Abstain: 0

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

Evidence entered:

- A – 31 Freshwater Wetlands Letter of Interpretation Application submitted by Edward Karol, 120 Tennent Road, Marlboro, Dated February 23, 2009.
- A - 32 Aerial Map, Lindstrom, Diessner & Carr, PC, 136 Drum Point Road, Ste 6, Brick, NJ.
- A – 33 Color Rendering Preliminary & Final Major Site Plan, for KEA Commercial, prepared by Lindstrom, Diessner & Carr, PC, 136 Drum Point Road, Ste 6, Brick, NJ date 7/23/08. (Sheet 3 of 8)
- A – 34 Preliminary & Final Major Site Plan, Existing Conditions Plan, prepared by Lindstrom, Diessner & Carr, PC, 136 Drum Point Road, Ste 6, Brick, NJ date 7/23/08. (Sheet 2 of 8)
- A – 35 Official Zoning Map of Marlboro Township, copied from Maser Consulting PA, adopted 1/24/91.
- A – 36 Review #2 – Site Plan prepared by David Thesing, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ dated 6-18-09.
- A – 37 Report prepared by Thomas Scangarello, Planning Design Collaborative, LLC, 150 Himmelein Road, Medford, NJ, dated July 16, 2009.
- A – 38 Report prepared Mark Kataryniak, Medina Consultants, 3379 Quakerbridge Road, Hamilton NJ, Dated 7/21/09.
- A – 39 Notice To Adjoining Property Owners
- A – 40 Adjacent Property Listing
- A – 41 Certified White Receipts and Green Cards
- A – 42 Affidavit of Service
- A – 43 Affidavit of Publication
- A – 44 Architectural prepared by David B. Hartdorn, AIA, 332 Deerfoot Lane, Brick, NJ Dated 8/03/09.
- A – 45 Catalogue of EP Henry demonstrating Mr. Karol's products in the *There's No Place Like Home 2008 Idea Book*.

Richard J. Pepsny, Esq, 240 Maple Avenue, Red Bank, NJ represents the applicant.

Mr. Edward Karol, 18 Tuscan Drive, Freehold, NJ sworn in. He presented a catalogue providing a portfolio of his work:

A – 45 Catalogue of EP Henry demonstrating Mr. Karol's products in the *There's No Place Like Home 2008 Idea Book*.

Mr. Karol stated the homes included are in Princeton, Toms River and the materials were delivered directly to the homes where the work was done.

Mr. Karol stated one of the buildings is strictly for storage, with three doors in front. The second building is 40 x 44 feet with areas for maintenance, customer displays, and offices upstairs.

He has two crews of four people, three drivers, with hours from 7:30 am to 7:00 pm. Normally, they will load the trucks at night and be parked inside for the next day. Tools will be loaded on to the truck also at night. They get what they need in the morning and leave. There will be no retail sales on the site, but he would like to show materials in the yard. The excess materials will be retained in the storage bins with four basic materials required. There will be no trees taken down and the property will be gated with an eight foot fence.

There were no questions from the public.

Mr. Jefferey Carr, Lindstrom, Diesner and Carr, 16 Drum Point Road, Suite 6, Brick, NJ, is accepted as a professional planner and presented additional evidence.

A – 33 Color Rendering Preliminary & Final Major Site Plan, for KEA Commercial, prepared by Lindstrom, Diessner & Carr, PC, 136 Drum Point Road, Ste 6, Brick, NJ date 7/23/08. (Sheet 3 of 8)

A – 34 Preliminary & Final Major Site Plan, Existing Conditions Plan, prepared by Lindstrom, Diessner & Carr, PC, 136 Drum Point Road, Ste 6, Brick, NJ date 7/23/08. (Sheet 2 of 8)

This evidence is a color rendering of the site plan. The shed type building owned by Mr. Karol will be paved with asphalt with gravel to the left. The Existing Conditions Plan shows that the wetlands and buffers are constraints on the site. It would be physically impossible to put a useable building in that area.

Variance for side and rear yard is being requested due to environmental hardship of property. Applicant is proposing 27% impervious coverage, if you discount the pervious, it goes to 20%. Because of the wetlands, this is the only developable area on property. The activity will be in the center of the buildings. The front and sideyard setbacks are for accessory structures.

The proposed sign will be for advertising and to find the property location.

All the technical comments of 6/16/09 will be met, with off street parking and waiving the paving and curbing. They are minimizing traffic and all the environmental concerns will be met.

There were no questions from public.

Workshop:

Offered: Glenn Malysz

Seconded: Lewis Wildman

Mr. Schlaflin stated he liked the application but was not sure about the buildings.
 Mr. Shapiro thanked the applicant for the presentation. He would like to see presentable landscaping. Would like to see the sign forty-five or fifty feet back.
 Mr. Wildman stated he did not see any great harm where the buildings are. The signs, if illuminated, should be timed. He does not believe it should be more than a 6'x5' sign.
 Mr. Weilheimer said they have progressed a lot and believes the sign should be perpendicular. If sold, it should be restricted to the next owner. There should be no storage outside of bins. Ms. Bajar agreed with Mr. Weilheimer. She did not think illumination was necessary, but a gate should allow enough room to turn around safely.
 Mr. Schlaflin stated the fence and gate should be part of the approval; and the 30 square foot sign should be illuminated.
 Mr. Wildman commented that there should be an illumination restriction and a gate is required for the safety of the property itself.
 Mr. Kataryniak suggested that a condition of approval be to show the gate on the plan.
 Mr. Weilheimer thought there may be a problem backing out of the gated lot.
 Mr. Mahon stated he agreed with having both the gate and the sign. Ms. Bajar also agreed with having the gate and the 60 square foot sign.
 Mr. Shapiro has no issue with the gate and will go along with size of sign.
 Mr. Malysz stated that the gate should be so you have the ability to back out to the county road.
 Mr. Kataryniak stated you should be able to see from the road if the gate is closed.
 Ms. Bajar inquired of Mr. Kataryniak how much room is required to turn. He stated a 40 feet radius is needed, but it can be done in 30 feet.
 Mr. Malysz stated he is in favor of the application and the gate if necessary. Mr. Kataryniak will submit plan.

Out of Workshop

Offered: Glenn Malysz Second Wildman

Motion to Approve that all technical items will be met, the sign will be perpendicular to the roadway between 35' and 45', illuminated with low level lighting as to the hours of business, the pole relocated, with landscaping to the neighborhood. The Traffic Engineer will follow through and make decision about the fence along with the turnaround.

Offered:	Glenn Malysz	Seconded:	Paul Schlaflin
Ayes:	7	Nays:	0
Abstain:	0		

Motion Approved.

MEMORIALIZATIONS

ZB 09-6359 – Salovic, Bilal

Memorialization of a Resolution granting approval to construct a single family dwelling having insufficient side yard setbacks for principal structure at Texas Road, Morganville, Block 120, Lot 2.01 in a R-60 Zone.

Offered:	Lewis Wildman	Seconded:	Michael Mahon
Ayes:	5	Nays:	0
Absent	1	Abstain:	2

09-6362 – Estate of Gloria Antisell

Memorialization of a Resolution granting variance approval for residential use at Reids Hill Road, Morganville, Block 154, Lots 17 and 18 in a C-3 Community Commercial Zone.

Offered:	Lewis Wildman	Seconded:	Michael Shapiro
Ayes:	5	Nays:	0
Absent	1	Abstain:	2

Meeting adjourned.

Respectfully submitted,