

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

PHONE: (732) 536-0200 EXT. 3509 FAX: (732) 617-7225

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Michael Shapiro

Vice-Chairperson

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Michael Mahon

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Alan Zwerin

Paul Schlaflin - Alt. #1

Marc Ellenberg. # 2

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Yvonne Cautillo

Attorney

Ronald D. Cucchiaro, Esq.

Engineer

Birdsall Engineering

Al Hilla, P.E., P.P.

Planner

T & M Associates

Richard Cramer, P.P.

Administrative Officer

Zoning Officer

Sarah Paris

Traffic Engineer

Medina Consultants

Mark Kataryniak, PE, PTOE

PRESENT:

Michael Shapiro, Jennifer Bajar,
Michael Mahon, Matthew Weilheimer,
Alan Zwerin, Ira Levin, Mark Ellenberg

ALSO PRESENT:

Ronald Cucchiaro, Esq. Board Attorney
Al Hilla, P.E., Board Engineer
Richard Cramer, P.P., Board Planner
Mark Kataryniak,

ABSENT:

Frank Yozzo, Paul Schlaflin

MINUTES

ZONING BOARD OF ADJUSTMENT

MAY 18, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

No one signed up for Public Session.

ZB 10- 6385 – Hersey, Alan

Public Hearing for approval to construct a 30' x 32' garage/shed structure with a 32' x 6' porch exceeding permitted lot coverage for an accessory structure located at 3 Taylor Road, Marlboro, NJ, Block 238, Lot 1 and in the R-30/20 Residential Zone.

The application was read into the record. The Board took jurisdiction and 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 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 Owners Affidavit of Authorization and Consent
- A – 14 Architecturals showing elevations for proposed garage for HYH Construction Co.,
Howell, NJ dated 12/22/08.
- A – 15 Survey for Block 238, Lot 1, prepared by Ronald W. Post, Ronald W. Post Surveying,
Inc., 1792 Hinds Road, Toms River, NJ, dated 3/23/10.
- A – 16 Report prepared by Alan Hilla, PE, PP, CME, Birdsall Engineering, Inc., 611
Industrial Way west, Eatontown, NJ Dated 5-12-10.

Mr. Hersey, 3 Taylor Road, Marlboro was sworn in. He would like a storage space for his car and equipment.

Questions from the Board:

Mr. Mahon asked to have a description of the stream. Mr. Hersey answered there is a creek that runs along side.

Mr. Weilheimer inquired how the car gets into garage. Mr. Hersey stated that a concrete slab will be angled down.

The shed will be gone and there will be no further work on the driveway. There will be no repairing or sale of vehicles. He does have plans for another car.

Mr. Shapiro verified that this will not be a business.

Porch will fit into surrounding area. Mr. Hersey also confirmed the entrance to the garage will be the side near driveway, facing the house. It will be a pole barn.

Ms. Paris noted that the ordinance states the distance is 100 feet from the top of the stream for placement.

Workshop

Offered: Michael Shapiro Second: Michael Mahon

Discussion followed regarding the ordinance stating any building must be 100 feet from the top of the stream. Mr. Shapiro believed an interpretation from the NJDEP would be necessary.

Mr. Ellenberg inquired what the definition of a stream is; there is no water. Ms. Paris if the applicant does not get a response with the NJDEP, they would have to come back before the Board.

Out of Workshop

Offered: Michael Shapiro Second: Jennifer Bajar

Mr. Hersey stated the waterway is very shallow; it goes through a pipe under the street. He also stated there will be landscaping.

Mr. Cucchiaro stated it will be put into the resolution will not be converted into a business.

There were no questions from the public.

Mr. Cucchiaro stated they will defer to the Engineer regarding the appropriate setback from the stream. Mr. Shapiro stated there should be a letter stating what it is from the DEP. The application will also be contingent on there be no business, landscaping.

Workshop

Offered: Michael Shapiro Second: Jennifer Bajar

He also stated the classification of the stream is what is required; the application must show it is not in violation with the DEP if they come back

Out of Workshop:

Offered: Michael Shapiro Second: Michael Mahon

Motion to accept providing the classification of the stream is provided, with the Engineer's approval. There will also be no operation of business.

Motion Approved.

ZB 10-6386 – Kiss Golf, LLC

Public Hearing for approval of a miniature golf and arcade with insufficient square footage located at 340 Route 9 North, (Exclusive Plaza/Route 9 & Union Hill Road), Old Bridge, NJ, Block 299, Lot 1 and within a C-3 Zone.

The application was read into the record. The Board took jurisdiction and 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 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 Owners Affidavit of Authorization and Consent
- A – 14 Application Affidavit of Completeness
- A – 15 Exhibit 1 – Proposed Diagram of Proposed Mini Golf/
Amusement Arcade.

- A – 16 Report prepared by John Borden, Fire Sub-Code Official, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated 5/03/10.
- A – 17 Report prepared by Marlboro Township Environmental Commission dated 4/28/10.
- A – 18 Report prepared by Alan Hilla, PE, PP, CME, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, Dated 5-10-10.
- A – 19 Report prepared by Richard Cramer, PP, AICP, T&M Associates, Eleven Tindall Road, Middletown, NJ, dated 5-13-10.
- A – 20 Report prepared by Mark W. Kataryniak, PE, TYLIN International/Medina, 550 Broad Street, Newark, NJ, Dated 5-17-10.

Mr. Alfieri introduced Mr. Gerald Marks, Attorney, 63 Riverside Avenue, Red Bank, NJ. He wants to put an all year round miniature golf with a glow in the dark theme. There will be a party room for children and adults also. There will be an electronic arcade which falls short of arcade requirements. Only a 25% portion is used for the arcade area.

Mr. Cucchiaro stated this is a conditional use; what is the condition you do not satisfy. Per Mr. Shapiro, you must focus on the arcade portion.

Ms. Bajar inquired as to the age group. The applicant, Mr. Kiss, is sworn in. He explained Monster Mini Golf will be a family entertainment franchise across the country. The franchise is also in Northern, NJ. It will contain an 18 hole miniature golf, two party rooms, video arcade games. The age group would be from ages 5 through 12. The golf will be for all ages and it is handicapped accessible. There will be one full timer on staff and 5 - 6 part timers.

- A – 21 Exhibit depicting six colored pictures of the interior of a Monster Mini Golf.

Questions from the Board followed regarding parking and a security guard. Mr. Shapiro asked about other locations.

Mr. Kiss said they are in Florida, Georgia, Fairfield and Paramus, NJ. They are geared toward the youth. They try to stay away from typical games.

Mr. Zwerin inquired about the food. All the food comes from the outside.

Mr. Ellenberg inquired about a security guard.

Mr. Cucchiaro reminded this is a conditional use. It is allowed to be there under certain conditions.

Mr. Marks stated the miniature golf and the party use are the main use; the arcade use is diminimous.

Mr. Cramer comment the standard 25,000 square feet with more than four devices would make it an amusement arcade.

Mr. Weilheimer was told there will be a part time dj to announce giveaways.

Mr. Weilheimer asked if the golf course was moveable.

Mr. Shapiro inquired you can break it down and turn into a dance area? Mr. Kiss stated this is an open area and that he has signed a lease. Yes

Mr. Ellenberg inquired about parking. Mr. Kataryniak answered that more information is required. With a restaurant and karate school, he would like to see an answer for parking for the entire shopping center.

Ms. Bajar asked if the entire facility will be rented. Mr. Kiss answered you can rent as a whole or you can have a party room for 1½ hours and then use the miniature golf.

Per Mr. Shapiro concern for control, Mr. Kiss said there should be about six people working there on weekends and they do not anticipate any activity from the older teenagers. There should be people walking in and an abundance of parents to help with the children.

Mr. Marks stated there is someone from the shopping center that can speak about the number of parking spaces.

Mr. Joseph Lombardi is sworn in. He is a commercial broker now with Renaissance Properties. He is from 201 Blue Court, New Brunswick, NJ.

The site has 350 parking spaces, approximately 54,000 square feet, with about 9,700 square feet for the arcade use. The miniature golf and birthday use are a permitted use. Mr. Cucchiaro explained that this is not an expert planner; please weigh this appropriately. It is just a direction for the Board.

Mr. Lombardi stated people will be visiting the site for about two-three hours at a time. Customers will be using other stores also. It is beneficial and is very family oriented.

Mr. Shapiro inquired if Mr. Lombardi can speak about the other tenants. Mr. Lombardi spoke about the other renters occupying the rest of the shopping center.

Public Comments:

Ms. Ursula Gonzalez, 773 Casswell Road, Jackson, NJ. She stated that she is the Director of Royal Pines at Marlboro, LLC which is an active adult community. She cannot see the need for all the additional people. Her concern is the quietness of the adult community will be lost.

Mr. Ronald Cucchiaro stated that you cannot speak against a certain age group; they have satisfied all the conditions, with the exception of the arcade use.

Mr. Edward Kay, South Carolina is one of the principals of Royal Pines at Marlboro. His biggest concern is the DJ and he also stated they have security at Royal Pines.

There were no questions from the Public or the Board.

Mr. Richard Cramer stated the licensing, square footage relief, and off street parking, along with the hours of operation should be discussed. Mr. Marks answered they will comply with the licensing, and the hour of operation will probably be less. Mr. Marks also stated the adjoining prop owner did receive approval for use.

Motion to Approve:

Offered: Michael Shapiro Second: Alan Zwerin

Mr. Mark Katryniak stated the parking should be in compliance with parking standards. Parking calculations should be required.

Motion Approved.

ZB 10-6384 – Lucas Development, LLC

Public Hearing for approval of an Adult Day Care Facility which is not a permitted use, accessory use or conditional use in an IOR Zone located at 209 Commercial Court, Morganville, NJ, Block 172, Lot 40.05.

The application was read into the record. The Board took jurisdiction and 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 Owners Affidavit of Authorization and Consent
- A – 14 Narrative Statement on Proposed Adult Day Health Services Submission by Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, , Matawan, NJ 07747, 4/16/10.
- A – 15 Final Site Plan, Layout & Grading Plan, prepared by Fredrick L Voss, GTS Consultants, 272 Lanes Mill Road, Howell, NJ, revised per compliance review 4/28/06.
- A – 17 Report submitted by John Borden, Fire Inspector, Marlboro Township, 1979 Township Drive, Marlboro, NJ Dated 5/3/10.
- A – 18 Report prepared by Alan Hilla, PE, PP, CME, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, Dated 5-12-10.
- A – 19 Report prepared by Richard S Cramer, T& M Associates, Eleven Tindal Road, Middletown, NJ, Dated 5-13-10.
- A – 20 Report prepared by Mark W. Kataryniak, PE, TYLIN International/Medina, 550 Broad Street, Suite 1105, Newark, NJ Dated 5/17/10.
- A – 21 Interior Fit-Out For Golden Age Care, LLC Drawn by Kon/Struction, 337 State Highway 36, Port Monmouth, NJ, 4/28/10.
- A - 22 New Jersey Department of Health and Senior Services, Division of Health Facilities Evaluation and Licensing Approved License to Golden Age Care, LLC dated 7/1/09, Expiring 6-30-10.

Sal Alfieri, Cleary, Alfieri & Jones, 5 Ravine Drive, Matawan, NJ represents the applicant saying they would like to now occupy as a day care facility.

Additional evidence:

- A – 21 Interior Fit-Out For Golden Age Care, LLC Drawn by LGM, GS, dated 4/28/10.

Galina Goltan, 34 Crine Road, Morganville, Golden Age Care, stated she is the Managing Member for the medical Adult Day Care. This is a five hour program, license by NJ Dept of Health & Senior Services. Participants are not ready for a nursing home; some have mild dementia. There are two locations in Matawan and Freehold. They would like to relocate the one in Matawan as their lease is up and it is larger.

The floor plan has been approved by Dept of Sr. Services. The license is provided as A – 22

A - 22 New Jersey Department of Health and Senior Services, Division of Health Facilities
Evaluation and Licensing Approved License to Golden Age Care, LLC date 7/1/09,
Expiring 6-30-10.

There are two shifts, Monday – Friday (8:30 am to 1:30 pm and 1:30 pm to 6:30 pm). Most are Medicaid approved with some private pay. There are two full timers, part timers, a physician one-two times per month, a podiatrist, and a full time nurse on premises. There is a director to plan monthly scheduled events, table games, arts and crafts, karaoke, and games to help with cognitive issues. People are closely supervised inside

There are twenty parking spaces which are not full, employees, and doctor. The State provides door to door transportation. The drivers are Golden Age Care employees. They park onsite, take the vehicles and then return them. They cannot transport themselves.

There are activity aides that help out while the bus driver also assists. Each shift gets transportation, grocery shopping, dollar stores, etc.

There will be no cooking of food on site. Small vans deliver food three times a week. The food that is delivered will be warmed.

No exterior renovations are proposed and no freestanding signs. They are ADA compliant, reviewed by the state.

Ms. Bajar inquired if the basketball was staying. She was answered yes, along with Mr. Lucas' office.

Mr. Ellenberg inquired who the seniors live with. Some live with the children, some alone.

Ms. Goltan stated they give caregivers relief; there are about 100 people on a normal day. She also stated that the nurse will call the nearest hospital if needed.

Each senior is evaluated; the state approving medical and physical criteria.

Mr. Alfieri said parking spaces can be provided; Mr. Katryniak said a limit can be set. There are four spaces. Mr. Kataryniak said there should be space for an ambulance.

There were no board or public questions.

Their Planner, John Di Carvalho, had been accepted previously.

He stated that the use variance justifications agree with Mr. Cramer's report. It is a beneficial use: value to the community, not limited to hospitals or group homes. It is similar to a child care facility. Mr. Carvalho stated there are at least ten to fifteen facilities new in New Jersey each year. There are no terms of substantial impairment of intent. It will enhance the quality of life. It is providing an asset for all of Monmouth County.

The Board had no questions; there were no questions from the public.

Workshop

Offered by:

Michael Shapiro

Second:

Michael Mahon

Mr. Weilheimer stated that this is an inherently beneficial use; good for the town and the area. Mr. Mahon, Ms. Bajar, Shapiro, Ellenberg and Zwerin agreed this is a good concept and well need use. It is a perfect location.

Out of Workshop:

Offered by: Michael Shapiro Second: Jennifer Bajar

Motion to Approve as stated with the provision of parking spaces.

Offered by: Michael Shapiro Second: Jennifer Bajar

Motion Approved.

Motion to Adjourn.

Offered by: Michael Shapiro Second: Alan Zwerin

Meeting adjourned at 10:30 pm.

Respectfully submitted,