

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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### Chairperson

Michael Shapiro

### Vice-Chairperson

Jennifer Bajar

### Secretary

Michael Mahon

### Members

Frank Yozzo

Ira Levin

Matthew Weilheimer

Alan Zwerin

Paul Schlaflin - Alt. #1

Marc Ellenberg. # 2

### Zoning Board Clerk

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

## MINUTES

## ZONING BOARD OF ADJUSTMENT

FEBRUARY 16, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

## ROLL CALL

### PRESENT:

Mark Ellenberg, Alan Zwerin,  
Frank Yozzo, Michael Shapiro,  
Michael Mahon, Ira Levin,  
Matthew Weilheimer

### ALSO PRESENT:

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

### ABSENT:

Sarah Paris, Administrative Officer  
Paul Schlaflin

No public session.

The Board accepted the minutes of February 2, 2010.

### Minutes Approved:

Offered:	Michael Shapiro	Second:	0
Ayes:	6	Nays:	0
Absent:	2	Abstain:	0

Motion Granted.



**ZB 09- 6373 – Richard and Carol Champagne**

Continuation of a Public Hearing for a use variance to construct a 3,600 square foot one story medical office at 480 Route 79, Morganville, Block 126, Lot 33 in the R-30/20 residential zone.

Alan Zwerin, Michael Mahon, Ira Levin, each stated they have listened to the November 3, 2009 tape.

Gerald Sonnenblick, Esq, 4400 Route 9, Freehold, NJ, stated the application is bifurcated. He also stated Dr. Champagne previously testified and presented a synopsis for the board members. He asked if the new board members had any questions.

Dr. Champagne testified and remains under oath.

- A – 23           Color rendering showing zones surrounding 480 Route 79, prepared by Christine A. Cofone, PP, AICP, principal, Cofone Consulting Group, LLC. Shopping center will be directly across the street by the Planning Board.
- A - 24           Color rendering showing proposed medical office and parking with van accessible spaces prepared by Feist Engineering, 481 Spotswood-Englishtown Road, Monroe Township.
- A – 25           Presentation Plan prepared by Jeffrey Rauch, Feist Engineering, 381 Spotswood-Englishtown Road, Monroe Township, NJ dated 2/09/09.
- A – 26           Color Photographs depicting commercial and professional offices across from the subject property along with professional office on the same side of Route 79 at 480 Route 79.
- A – 27           Dr. Champagne’s sample of daily schedules from 5/4/09 through 6/08/09.

Mr. Shapiro asked if the offices will be utilized for just the dentist and not be rented. Dr. Champagne agreed with the exception of the other 1,000 square feet.

Mr. Sonneblick stated that the experts will testify that there is more than sufficient space for parking.

Mr. Zwerin questioned the storage in the basement and also wanted to confirm the basement was not habitable. Dr. Champagne confirmed the basement was for storage only. Parking was also addressed by Mr. Mahon asking that it was only for the use of the dentist and for the 1,000 foot leased space.

Mr. Scott Kennel, McDonough Rea located at 1431 Lakewood Road, Manasquan was accepted as a professional Traffic Expert. Mr. Kennel discussed traffic patterns and determined there were 27 vehicles in the morning and 42 vehicles in the evening on Roosevelt. This is a Level C service in the morning and Level D in the evening. The shopping center was included in this testing. There would be an average delay from 24 to 28 seconds in the morning. Ninety-five percent of the time there would be no more than one vehicle at a time and he also. Having the driveway on Roosevelt Avenue is also appropriate with the DOT.

Parking is a rate of 5 per 1,000 square feet, requiring 18 spaces. There are six employees and no more than nine patients on site, totaling fifteen vehicles. Twenty-four spaces are more than adequate to support the use. At peak parking (10:00 am – 3:00 pm), some spaces will never be used. Based on Dr. Champagne’s operation, the parking is more than adequate and even with a second dentist, there would be sufficient

**Mr. Kennel also stated that refuse pickup will be very little; trash cans on wheels will be used for the refuse. A van will come in accordance with all DEP regulations for medical refuse.**

**Mr. Shapiro stated they are basically never open past 8:00 pm and Tuesday is the one morning opening early at 7:00 am. The hours could also be limited by resolution.**

**Mr. Kataryniak stated that if a parking variance is being sought, it would be part of the use variance. If the application is being bifurcated, drainage and lighting, etc. will come later.**

**Five minute break.**

**Workshop**

**Offered: Michael Shapiro**

**Seconded: Frank Yozzo**

**Mr. Shapiro stated that tonight's application is just for use and the size is part of the use.**

**Out of Workshop**

**Offered: Michael Shapiro**

**Seconded: Jennifer Bajar**

**Public has right to ask questions.**

**Questions from the Public.**

**Eugene Gorzelnik, 40 Roosevelt Avenue, Marlboro, NJ stated he has lived there for over forty years. It is very hard to make a left turn during rush hour. There is a utility pole, which makes it difficult to see around and would like this taken into consideration.**

**Mr. Kennel stated that it is his opinion, using the alternate streets of Baldwin or Marlboro will not make a mark on traffic. Mr. Kennel stated the peak time for traffic is between 5:15 and 6:15 p.m. where there will be ten vehicles. By the end of the day, there would be thirteen vehicles, one car every 5-6 minutes.**

**Mr. Gorzelnik also commented that a delicatessen nearby also brings traffic.**

**Dr. Champagne presented a daily operating schedule from 5/4 to 6/8/09 as evidence.**

**There are from six to eight hygienists' appointments per day. Dr. Champagne appointments could be ten for an eight hour day.**

**Ms. Christine Cofone, Cofone Consulting Group, LLC was sworn in, has testified before this board as previously. She submitted additional evidence.**

**She stated the application would solidly advance the general welfare. The negatives will impact on the surrounding properties and zone plan. It would not be suitable for a house. It is a unique location for R30, R20 zone.**

**Ms. Cofone stated the 150 to 1 parking ratio is an incredibly good standard.**

**Mr. Shapiro stated the 1,000 square feet is an unknown that we are concerned about.**

**Mr. Richard Cramer, the Zoning Planner, stated the parking has been well discussed. We are still speculating what the building will be used for. The OPT zone seeks professional type offices. The use is good, but would like to know about the unknown.**

**Mr. Gorzelnik questioned Ms. Cofone. He asked about the neighbors on either side; will they not be forced to leave their home. Ms. Cofone does not think so.**

#### **Workshop**

**Offered: Michael Shapiro      Seconded: Alan Zwerin**

**Mr. Zwerin questioned if we can review what would be going in the 1,000 square foot rental. Mr. Ellenberg stated he has similar concerns regarding the 1,000 square feet. Mr. Yozzo agreed on having the opportunity to see what goes in this. Cannot have him come back to build later, the cost would be much higher.**

**Mr. Cucchiaro asked if this satisfies the positive criteria (not the cost). The positive must outweigh the negatives.**

**Mr. Levin stated we should reserve the right to observe the renter use.**

**Mr. Weilheimer believes this is a good transitional piece and that the site plan would be more in depth. It should be limited to one tenant.**

**Mr. Mahon believes if the dentist is growing, we should not impact the residents.**

**Ms. Bajar is concerned about the 1,000 square feet saying we need more information on who is renting.**

**Mr. Shapiro stated the parking is well documented, but the 1,000 square feet rental needs to be limited.**

**Ms. Bajar asked what the doctor was planning on putting in there. Who is his ideal tenant? Mr. Levin believes the tenant does not really matter.**

#### **Out of Workshop**

**Offered: Michael Shapiro      Seconded: Michael Mahon**

**Mr. Sonnenblick stated that any business office would be appropriate. We do not want our parking impeded upon by another office. Understands it can be limited to an OPT zone. An office administrative use would be most appropriate.**

**Dr. Champagne answered his plans are for greater space with efficiency for his patients. He would like a homey atmosphere to his office. A super high volume would not help me. Clean type of practice such as an attorney or periodontist would be beneficial.**

#### **Public:**

**Mr. Gorzelnik commented why do we go through the expense of zoning only to have someone come in for a variance, only to have the professionals approving. Mr. Cucchiaro stated this building has already been reduced.**

**Captain Shatal Rajan, 93 Nolan Road a resident for over thirty 30 years was sworn in. He stated there is a new school and we have traffic. There is also a shopping center, school, and gas station. You cannot control the traffic; it will blend into the area.**

**Workshop**

**Offered: Michael Shapiro                      Seconded: Alan Zwerin**

**Everyone would be in agreement to grant a use variance stipulating the use of the 1,000 square feet for some type of dental use.**

**Everyone agrees.**

**Out of Workshop**

**Offered: Michael Shapiro                      Seconded: Michael Mahon**

**Motion offered to grant the variance and to stipulate the use of the 1,000 square feet for a dental related use. If they break away, they need to come before the board.**

<b>Offered:</b>	<b>Michael Shapiro</b>	<b>Seconded:</b>	<b>Michael Mahon</b>
<b>Ayes:</b>	<b>7</b>	<b>Nays:</b>	<b>0</b>
<b>Absent:</b>	<b>0</b>	<b>Abstain:</b>	<b>1</b>

**Motion Approved.**

**The memorialization on the agenda will go forward at the March 2, 2010 meeting.**

**Motion to cancel April 6, 2010 meeting.**

<b>Offered:</b>	<b>Michael Shapiro</b>	<b>Seconded:</b>	<b>Alan Zwerin</b>
<b>Ayes:</b>	<b>7</b>	<b>Nays:</b>	<b>0</b>
<b>Absent:</b>	<b>0</b>	<b>Abstain:</b>	<b>1</b>

**Motion Approved.**

**April 6, 2010 Zoning Board meeting will be cancelled.**

**Meeting adjourned at 11:00 p.m.**

**Respectfully submitted,**