

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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

ALSO PRESENT:

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

ABSENT:

**Michael Shapiro, Jennifer Bajar,
Sarah Paris, Paul Schlaflin**

Public Session.

Yury Boguslavsky, 71 Fischer Court, came before the Board to register his complaint regarding the basketball being set up in the street on the cul de sac with children playing there. Letters were sent last year and this year to the owner of the property. He would like the Board to consider his complaint. Per Mr. Mahon and Mr. Cucchiaro, this should be referred to the acting zoning officer. Despite letters there has been no response; Mark Muraczewski will follow through.

ZB 05-6198A – Marlboro Grande aka Royal Pines at Marlboro

Continuation of a Public Hearing for permission to modify approved site plan to remove from same an offsite sidewalk area extending northerly from the site at 362 Route 9 North, Marlboro, NJ, Block 299, Lot 3, located in the C-3 Zone.

The Board accepted Mr. Edward Kay's request to carried to August 3, 2010.

ZB 10-6381 – Marco Nigro

Public Hearing for approval to construct a ninety square foot addition to the principal structure at 18 Pheasant Drive, Marlboro, NJ, Block 390, Lot 27, located in the R-60 Zone.

- 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 Survey of Block 132, Lot 49, prepared by Joseph Lazok, Acre Survey Company, Inc., 804 Highway 71, Spring Lake Heights, NJ, dated 10/2/09.
- A – 16 Architecturals prepared by Ronald E Rheaume, AIA, 4 Hidden Hollow Drive, Yardsville, NJ, dated 1-13-10.
- A – 17 Statement of Purpose submitted by Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, PO Box 533, Matawan, NJ received 3/24/10.
- A – 18 Report prepared by Alan P Hilla, Jr PE, PP, CME, Birdsall Engineering, Inc, 611 Eatontown Way West, Eatontown, NJ, dated 4/15/10.

Sal Alfieri Esq. represents Mr. Radeke. He stated that although garage living space was previously denied, Mr. Radeke would like to go forward improving the house.

Mrs. Denise Belmonte, 130 Nolan Road, Morganville, sworn in. She stated she looked at the plans and specifically asked if Mr. Radeke was presently converting back to a garage.

Mr. Radeke stated yes and that the footprint of the house is the same. He also stating the existing septic system will be changed to sewer.

Mr. Alfieri introduced Raymond Carpenter, a licensed engineer. Mr. Carpenter is sworn in and accepted as a professional. He stated that Mr. Radeke is renovating the entire structure. He was previously denied and is bringing back to a garage. The house is small; he wants to make a master bedroom, expand the porch and make it more aesthetic. He requires depth, width and minimum sideyard setbacks. Everything is a great improvement aesthetically. There is room for porch in the front yard. The drainage steel pipe was replaced with an aluminum pipe, which is a good improvement. It did not change anything in the stream.

The Board Questions:

Mr. Weilheimer asked about the size of the house. Mr. Radeke stated it is approximately 1,100 square feet; less than required.

Public Questions:

Mrs. Belmonte inquired as to the sewer line connection.

Mr. Alfieri said the WMUA will be able to answer her questions.

Mrs. Belmonte stated there is no place for a sewer line. Mr. Radeke stated the township engineer signed off on and it is okay. It was pitched to do so properly.

Mr. Alfieri said there would be no problem connecting.

Mr. Alfieri also told Mr. Belmonte that the Board of Health is also required.

She also asked if he will be drilling a new well; Mr. Radeke said that will be determined.

Mr. Cramer stated that the Board of Health approval is required along with the garage being reversed.

There is no other testimony.

Mrs. Belmonte sworn in again saying she is question whether there will be propane or oil.

Mr. Radeke answered that it will be an above ground 100 gallon propane tank.

Mrs. Belmonte had various questions as far as putting on the other side. She objected to looking at.

Mr. Alfieri stated there will be a buffer.

Mrs. Belmonte about the runoff as there are streams there; her concern is harming her property.

Mr. Carpenter answered that there is no increase in impervious coverage; they are going upward.

Motion to workshop

Offered: Michael Mahon

Seconded:

Ira Levin

Mr. Weilheimer asked if there were trees/no trees.

Mr. Hilla asked if any environmental applications have been made? A Letter of Interpretation should be required. This is his suggestion.

Mr. Weilheimer inquired about the size going from 1100 to 1500 square feet. We should be looking for more plans.

Mr. Zwerin agrees with Mr. Weilheimer.

Mr. Levin asked if these conditions are addressed, can we obscure the propane tank?

Mr. Ellenberg has the same concerns as mentioned; but the 768 square foot does not seem to gel for the second floor.

Mr. Yozzo the plan is incomplete. We need a little more background.

Mr. Hilla stated it is 1,728 square feet; 768 feet proposed 2nd floor, for a total of nearly 2500 square feet.

Mr. Mahon inquired if there is an alternative for propane?

Out of Workshop:

Offered: MMahon

Seconded:

AZwerin

Mr. Alfieri stated they would considered moving to center with appropriate plantings, etc.

Mr. Mahon asked if there is natural gas there. Mr. Radeke answered no.

Mr. Alfieri stated they will obtain a DEP letter. Mr. Radeke said that when he purchased, the DEP provided a no further action letter.

Mr. Ron Cucchiaro said it is complete. If you are uncomfortable, you can see this information confirmed. It is sometimes more beneficial to provide.

Mrs. Belmonte still believes a 100 gallon propane tank is not enough to heat. Why can't it go on the other side of the property.

Back into workshop:

Offered: MMahon Seconded: AZwerin

All Board members agreed they are not comfortable with the plans, would like to see the survey showing the tank, drainage ditch and more complete information regarding the 40% larger house.

Mr. Mahon said his feeling is not to approve tonight, need more testimony on tank, architectural, plantings, etc.

Out of Workshop

Offered: MMahon Second: FYozzo

Mr. Alfieri stated the client has agreed to an oil tank.

If you need additional calculations, this would solve it for Mrs. Belmonte

Mr. Weilheimer would like Mr. Radeke to come back in two weeks.

Motion for approval to come back within two weeks.

Offered By:	MMahon	Second:	FYozzo
Ayes:	6	Nays:	0
Absent:	2	Abstain:	0

Motion Approved. They will return May 4, 2010.

ZB 10-6382 – Joseph and Barbara Drago

Public Hearing for approval to convert existing office to an office for landscaping business at 24 Route 9, Morganville, NJ, Block 176, Lot 14, located in a C-4 Regional Commercial 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 Site Plan of Block 53, Lot 13, prepared by Barry D. Wolk, dated November 17, 1981.
- A – 16 Survey prepared by Richard Karl Heuser, 307 Main Street, Matawan, NJ dated October 29, 2009.
- A – 17 Zoning Board of Adjustment Resolution Dated November 3, 1980.
- A – 18 Report prepared by John W. Borden, Fire-Sub Code Official, Township of Marlboro, 1979 Township Drive, Marlboro, NJ dated March 23, 2010.
- A – 19 Marlboro Township Planning Board Resolution for Site Plan Approval, dated July 21, 1982.
- A – 20 Report prepared by Richard S. Cramer, P.P., A.I.C.P., Planning Consultant, T&M Associates, Eleven Tindall Road, Middletown, NJ, dated April 14, 2010.
- A – 21 Environmental Report submitted by Township of Marlboro Environmental Commission for Block 176, Lot 14, dated March 24, 2010.
- A – 22 Traffic Engineering Review for 24 Route 9, Morganville, prepared by Mark W. Kataryniak, PE, PTOE, TYLin International/Medina 550 Broad Street, Suite 1105, Newark, NJ, dated April 14, 2010.
- A – 23 Report prepared by Alan P Hilla, Jr., PE, PP, CME, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, dated April 15, 2010.
- A – 24 Wetlands plans prepared by Leonardo E. Ponzio, Maser Consulting, One River Centre, 331 Newman Springs Road, Red Bank, NJ, dated August 2, 2005, latest revision 7/12/07.
- A – 25 Color Photos (11) property as of April 18, 2010.

Mr. Sal Alfieri stated the applicant wants to allow for a small landscaping, a low intensity use. They did consider an office, but since that time, the interior will not be made to an office.

Mr. Drago was sworn in stating his father is the owner of the auto business. We do work for insurance companies and he has been employed with his father. Mr. Joseph Drago, Jr. with owns the landscaping business with his three sons. They are out by 7:00 am, and come back by the end of day. If something needs to be fixed during the day, they will stop back.

The landscape business uses one backhoe, one leaf vacuum, two skeet shooters. Nobody comes to the landscape business after dark.

Mr. Alfieri inquired if anyone come to the yard for mulch or stone. Mr. Drago answered, "No".

Mr. Alfieri also stated that the lines were painted, original bushes taken out, new bushes put in. The front was cleaned along with the fenced in area. A wetlands map was prepared.

Mr. Weilheimer asked if they sell used cars?

Mr. Alfieri stated they received approvals thirty years ago for sale of vehicles.

Mr. Drago stated the original application was in 1976. Mr. Cucchiario said this could have been permitted thirty years ago, which is now a permitted non conforming use.

Mr. Drago stated the only lights are security lights. The trailers store shop equipment for the body shop.

Mr. Drago stated there will be no signage and they do have someone that takes leaves and grass. They also have no recyclables.

Mr. Cucchiaro asked how long the trailers have been there. Mr. Drago said they are portable.

No further Board or Public Questions.

John Leoncavallo, 388 Washington Road, Sayreville is sworn in. He is accepted as planner and previously accepted.

Mr. Leoncavallo stated the landscaping business is minimal. There are offices to the north is an office, movie theater and Costco. There are auto related limo services. To the east, is a wetland area; to the south is NY Fitness, office park, and Dunkin Donuts. It is a mixed use area of non conforming uses.

This application would promote continued growth, visual upgrades are important. Property is suited. After 35 years it is a family business and the 2nd generation is to their benefit. The only people that come in are the sons that work; they want to utilize with some trucks, trailers used by non conforming auto business. There are two driveways, and the DOT is ok with the character of Route 9.

Rich Cramer asked if they will agree to consolidate two lots.

Mr. J Drago, owner, for 33 years says no vehicles are parked in front of additional building. The town agreed they could sell what is rebuilt in the shop.

No Board or public questions.

Motion to workshop

Offered: MMahon

Seconded:

AZwerin

Mr. Cramer asked if they could you create a site plan and what would be the additional use for the landscaping. Information of identity should be included. Is this a bifurcated application? Not enough information. Plan should be presented.

Mr. Kataryniak, the Traffic Engineer said that he is satisfied that the increase in traffic is diminimous. There are no DOT objections. There should be an access permit and compared to the survey, some activities of cars in State Right of Way should be removed.

Mr. Al Hilla agreed with Messrs. Kataryniak and Cramer. Mr. Cucchiaro had a question regarding environmental sensitivity. Mr. Drago responded there is nothing. Mr. Drago also commented there are snowplows and sanders for his business. There is no fuel on site.

Workshop:

Offered: MMahon

Seconded:

AZwerin

Messrs. Weilheimer, Zwerin, Yozzo, Levin all agreed there is not enough information to go forward.

Out of Workshop:

Offered: MMahon

Seconded:

MEllenberg

They are look for the originally approved site plan. Where is there a permit to sell used cars.

This application will be carried to 6/1/10.

MEMORIALIZATION

ZB 10-6381 – Marco Nigro

Memorialization of a resolution for approval to construct a ninety square foot addition to the principal structure at 18 Pheasant Drive, Marlboro, NJ, Block 390, Lot 27, located in the R-60 Zone.

Meeting adjourned at 10:45 pm.

Respectfully submitted,