

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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Birdsall Engineering

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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 4, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

No one signed up for Public Session.

ZB 10-6384 – Douglas Radeke

Continuation of Hearing for approval to add a front overhang to an existing dwelling. The principal structure is located at 134 Nolan Road, Morganville, NJ, Block 132, Lot 49, and within an LC Zone.

Mr. Radeke stated at the last meeting he would put an oil tank in the basement and that he is considering a smaller propane tank (100 gallon, 56 x 28 inches) for a range and dryer. He is proposing installing on the eastern side of house, shielded from neighbor on west, where the wood deck is located.

Public:

Mr. Russell Reeves, 98 Reids Hill Road, Morganville, NJ, inquired about the propane tank being put on his side of the property and having the tank 12 feet from his house. Mr. Alfieri stated the tank will be closer to the rear about 25 feet from the property line.

Workshop:

Offered: Michael Shapiro Second: Michael Mahon

Mr. Mahon thanked Mr. Radeke for accommodating the Board. Ms. Bajar stated she listened to the tape. There was further discussion about the propane tank. Mr. Cucchiaro, Board Attorney, stated that use of propane is not part of the application; the form of fuel is not the consideration. What is being questioned is the aesthetic use.

Out of Workshop:

Offered: Michael Shapiro Second: Jennifer Bajar

There was discussion on the limitation of the size of the proposed propane tank.

Workshop:

Offered: Michael Shapiro Second: Michael Mahon

Jennifer Bajar stated the height should be the restriction. A 56" horizontal tank can be hidden in the shrubbery.

Mr. Shapiro also confirmed that it is the location, size and landscaping that we are considering. The Board unanimously confirmed that 56" in height should be the limit with evergreens.

Out of Workshop:

Offered: Michael Shapiro
Second: Michael Mahon

Motion to Approve with condition that if Mr. Radeke needs a larger tank, he will come back before the Board.

Motion to Approve:

Offered: Michael Mahon Second: Jennifer Bajar

Motion Approved.

ZB 06- 6262A – Croddick Real Estate Holdings, LLC (Mannion Manor)

Continuation of Hearing for Final Major Subdivision (Mannion Manor) Approval. The proposed subdivision is located at Buckley Road, Marlboro, NJ, Block 417, Lot 7 and within the R-80 Zone.

Gerald Sonnenblick, Esq. stated the property at the Corner of Buckley/Blueberry was converted into a residential R80 Zone. The major subdivision of 80,000 square feet, 90,000 square feet and 100,000 square feet lots speaks to the density. The applicant is shy on the 44% density; it is 33%. This is diminimous by 1/100 of a percent. In 2008, the applicant applied for an extension; it is good until 2011.

John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Manalapan, NJ sworn in and accepted as a professional witness.

Additional exhibits were presented:

- A – 25 Aerial Map of Mannion Manor prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Manalapan, NJ, dated 5/03/10.
- A – 26 Series of seven color photos presented by John J. Ploskonka, Concept Engineering Consultants, PA, 227 Route 33, Manalapan, NJ, dated 5/02/10.

Mr. Ploskonka stated you can see Blueberry Hill to the left and to the left is the Croddick property.

Mr. Ploskonka responded to Mr. Hilla's report.

Regarding the dirt driveway, encroachment at Buckley is touching by about two feet. The applicant is not planning on to doing anything. They are reforesting a portion of the property and are placing about thirty evergreens.

The non conforming building will be taken down.

The homes will have landscaping and the plantings should be done upon purchase. There are three septs, city water and they will provide a dry well system.

Mr. Shapiro asked if the board sees fit, will you then meet with the landscape people as part of resolution compliance. Mr. Sonnenblick said yeas and they also responded they will come up with bonding, sidewalks, etc.

Board Questions:

Mr. Ellenberg was told the building is used for recycling of fragrances.

Mr. Sonnenblick stated this was a clean property per Mr. Weilheimer's question.

Motion to Approve upon provisions submitted for the landscaping and easement condition.

Offered: Michael Shapiro

Second: Jennifer Bajar

Motion Approved.

ZB 10- 6380 – Anil & Rupali Jain

Continuation of Hearing for two residential structures that require both existing and proposed front yard setbacks located at 9 Station Road, Morganville, NJ, Block 171, Lot 73 and within the LC Zone.

House proposed from street, redesigned slightly. Currently small house will be razed.

Jeffrey Carr, Engineer, Lindstrom Deisner & Carr, Brick, NJ was accepted as a professional witness.

Mr. Carr was involved with the DEP previously. There are two pocket areas, which needed buffering. They are proposing a 65 foot setback. The roadway was 75 feet reduced by 17 feet. The house is a little smaller in size with a semi circular driveway with a bermed area and with additional landscaping. Mr. Alfieri inquired if this variance can be granted and

Mr. Carr answered there is probably not a better sight for this property. He also said there is a substantial benefit to eliminate the older house; it is in the right of way.

House architecturally had a large inviting circular staircase which has been eliminated. There now will be two similar staircases similar to across the street. A walkout was basically created. Mr. Cucchiaro said it is basically not a basement.

Mr. Alfieri stated the applicant is trying to conform; the house is about 4,600 square feet with the height barrier are complied with. He does not believe the neighborhood is what you should be looking at.

Ms. Bajar stated that this is an illusion. This is a first floor, not a basement. The applicant stated they wanted to count this as living space.

Ms. Bajar said the difference from the other houses is square footage.

Mr. Shapiro would like to poll.

Cheryl Vota, 8 Station Road, Morganville, stated the tax map says there is less than one acre. The smaller house will be raised later, she asked why it cannot be done before the CO. She stated she does not see this as a hardship; she is concerned that this is wetlands.

Ron Cucchiaro stated that the property was purchased with a hardship. It is not something to defeat the variance. He does not see the importance of whether this is a basement or not. What does it look like in that location? Does it advance the aesthetics of the neighborhood? Have they softened the look to the surrounding neighborhood?

Workshop

Offered: Michael Shapiro Second: Michael Mahon

Mr. Levin stated the house is still the same size, whether you count a basement or not; it appears lower into the ground. Ms. Bajar stated the width of the house is approximately the same. The overall size from the aerial is closer to the older homes.

Mr. Levin commented the trend is that the residents are buying smaller homes, razing them, and building larger. Mr. Zwerin commented it will help the neighborhood and more houses will come in. Mr. Ellenberg agreed with Mr. Zwerin, farther up the block, they are larger.

Mr. Shapiro, Mr. Levin and Mr. Weilheimer are not decided.

Out of Workshop

Offered: Michael Shapiro Second: Michael Mahon

Questions from the Public:

Mr. Rajiv Singh, 27 Pueblo Court, Marlboro stated the house is so close to the road; to raze this house is good for everyone.

Exhibit: A - 24 – Is a five page package of colored renderings.

Mrs. Rupali Jain owner of the property is sworn in. She stated they eliminated the elevators and bathrooms. She also stated she had the property records from the Tax Assessor.

Mrs. Jain said that further on Ardsley there are eight smaller houses, the largest is 6,200 square feet. The three newer houses are 2,875; 3,526 square feet being the largest. Opposite is a 2,831 square foot home. Mrs. Jain also mentioned her house will be facing the larger houses, not smaller.

Lastly, is a series of four photos. They are 6,200 and 5,200 square feet. Her house will look more like the 5,200 square feet. The 4,800 square foot house has around the same setbacks. Both sides are fully wooded from the street. If you stand directly in front of the house, you see the house, but from the sides you can not see.

Mr. Cucchiaro commented on the explanation of the houses location with their footage. The Board would like to check square footages of the area houses.

Comments from the Public:

Mr. Sunil Sethi, 7 Osprey Court is sworn in stating newer generations have the larger houses. He commented that he travels Station Road a lot and this will help the neighborhood.

Mr. Alfieri stated that you can look at the assessment cards. Ms. Paris said that you can ask for individual houses. Ms. Bajar inquired if they can provide surveys.

Mr. Shapiro stated that it appears the Board has problem with the three story look. The house is almost double from across the street. Would like to review the other house.

A June 15, 2010 meeting is scheduled. Mr. and Mrs. Jain will provide the property records.

ZB 10- 6383 – V. Ferraina Limited Liability Company

Public Hearing for site plan approval. The applicant proposes to demolish an existing one-story home and to construct a two-story auto-repair building located at 101 North Main Street, Route 79, Marlboro, NJ, Block 225, Lot 196. The property is within the C2 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 Statement of proposed use prepared by V. Ferraina Limited Liability Company.

- A – 16 Variance Plan, Block 225, Lot 196, prepared by Joseph E. Maloney, Ted Maloney Associates, 321 Kings Hwy East, Middletown, NJ, Dated 12/29/09.
- A – 17 Report prepared by John Borden, Fire Sub Code Official, Township of Marlboro, 1979 Township Drive, Marlboro, NJ, Dated March 23, 1010.
- A – 18 Environmental Report submitted by Township of Marlboro Environmental Commission dated 3/24/10.
- A – 19 Traffic Engineering Review prepared by Mark W. Kataryniak, PE, PTOE, TYLIN International, 550 Broad Street, Suite 1105, Newark, NJ, Dated April 14, 2010.
- A – 20 Engineering Report prepared by Alan Hilla, Jr, PE, PP, CME, Birdsall Engineering, Inc, 611 Industrial Way West, Eatontown, NJ Dated April 15, 2010.
- A – 21 Report prepared by Richard Cramer, T&M Associates, Eleven Tindall Road, Middletown, NJ dated 4/30/10.

Sal Alfieri, Esq. noticed for the use and site plan. The applicant is running a small auto repair building and is moving his business because he is being displaced from the building.

The DOT will not approve two access points. Mr. Vince Ferraina resides at 101 North Main Street and is sworn in. He stated that he resides in one of the houses, as does a cousin and friends. His cousin will vacate and move into the south rear home.

Vinny's Auto Repair is now in the Raceway gas station. The landlord wants him to vacate in September and said maybe a store will go in there.

Mr. Ferraina stated that he is there approximately sixteen years and has owned for two years. He does automotive and general maintenance with no employees. Hours of operation are from 8 a.m. to 4 p.m., and 7 a.m. to 1 p.m. on Saturday. He has regular customers, has two bays, with three or four cars on sight at one time.

Mr. Ferraina stated a second floor will be used for an office and extra parts. He also stated there will be no storage of waste oil or any type of environmental. Mr. Ferraina receives deliveries of small parts in small trucks. The two remaining homes will not park by the auto repair.

Mr. Alfieri inquired about garbage removal. Mr. Ferraina stated he will probably use cans with a private trash pickup. Waste oil will be stored in a 275 gallon metal tank located in the interior of the building. He also stated he will curb the entire frontage.

Mr. Cucchiaro stated there will be no body work on site, and no engine or transmission overhauls. The hours of operation will be the same. There will be no more than four cars on site at one time. He asked if there will be a lease restriction on parking. It can be deed restricted or in a lease.

Mr. Shapiro stated that 21 parking spaces are needed for this type of property. What if there are new owners? Mr. Alfieri said they can be accommodated if need be. There will be parking for three and three will be in the rear. No used cars will be sold.

Ms. Paris would like to suggest allowing for more parking spaces. Everyone is in agreement and Mr. Alfieri also recommended recording a resolution with the County.

Mr. Mahon inquired about the storage of recycled oil. Mr. Ferraina answered a metal tank or drum will be inside the building and the tank can either be taken or siphoned with a

hose. Mr. Ferraina also stated that floor drains are not allowed. Mats will be used, they absorb the oil. The waste company disposes of this.

Mr. Kataryniak stated the applicant will be removing two spaces for parking on the northern house. At least one handicapped parking space is needed. New Jersey has certain guidelines.

He also sees a compliance issue with the driveway and asked where will a handicap ramp go?

Mr. Joseph Maloney, Ted Maloney Associates, Ted Maloney Associates, 321 Kings Hwy East, Middletown, NJ is licensed and accepted as a professional. He stated they are serviced by city water; there is no septic. NJDOT requires side property line requirement. The driveway is currently on property line; it will be shifted about 20 feet. Not practical to change to a single access driveway.

Mr. Alfieri stated if we can bifurcate, we can do the plan later.

Mr. Levin asked if the six parking spots were in front, would this alleviate the DOT restrictions. Mr. Maloney answered you can put them in front. This can be looked into.

Mr. Shapiro stated the applicant will need to come back for the parking, DOT with one entrance.

Mr. Weilheimer stated this should be bifurcated. Mr. Cucchiaro asked if the use variance can move forward.

Mr. Weilheimer asked if we are looking at automotive repair, can we do this with a house in the rear or can we just do automotive.

The planner stated that you can repair cars, but this is not a permitted use in this property. This is a mix of residential use, you have to determine the conflicts you may have for this location.

Mr. Cucchiaro stated these are all "d" variances. This site must be suited for the auto shop and the other buildings on site.

Mr. Weilheimer stated they need to hear why they need two houses. Mr. Mahon and Ms. Bajar have concerns about the two houses on the property. Messrs. Zwerin and Ellenberg want to hear more about the two homes.

Out of Workshop:

Offered: Michael Shapiro Second: Michael Mahon

Mr. Alfieri stated that they can come back with a redesign. They want to come back for use with a different variance plan. Their Planner will tie together.

An extension of time was signed with a date of June 15, 2010.

MEMORIALIZATIONS

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 11:15 p.m.

Respectfully submitted,