

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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MINUTES

ZONING BOARD OF ADJUSTMENT

JUNE 1, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

PRESENT:

Michael Shapiro, Jennifer Bajar,

Michael Mahon, Ira Levin,

Matthew Weilheimer (Late),

Frank Yozzo, Mark Ellenberg

ALSO PRESENT:

Ronald Cucchiaro, Esq. Board Attorney

Al Hilla, P.E., Board Engineer

Richard Cramer, P.P., Board Planner

Mark Kataryniak, PE, Traffic & Safety

ABSENT:

Alan Zwerin, Paul Schlaflin

No one signed up for Public Session.

ZB 10-6382 – Joseph and Barbara Drago

Continuation of a Public Hearing for approval to convert existing office to a landscaping business office where it is not a permitted use at 24 Route 9, Morganville, NJ, Block 176, Lot 14, located in a C-4 Regional Commercial Zone.

Additional evidence was presented:

- A – 26 Report prepared by Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, NJ, Dated 5-14-10.
- A – 27 Survey prepared by Richard Karl Heuser, PE, 307 Main Street, Matawan, NJ, 07747, Dated 5/11/10.

Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, NJ, recapped that in April, there were several issues. This is a limited use. He stated that Mr. Drago's sons are only storing equipment behind the building. There is no grass, pesticides, etc.

Mr. Alfieri sent his letter May 14, 2010. He also included Mr. Drago's letter from 1983, saying any impounded vehicles would be moved to rear of the building. An as built survey was also provided. Mr. Alfieri also stated the Planning Board minutes of 1982 will be looked into. He also said there were no mercantile licenses.

The approval was obtained from the Planning Board. Mr. Cucchiaro said the issue of permits is the objective.

There were no questions from the Board.

This application is carried to July 6, 2010, with no further notice.

ZB 10-6388 – Brian Baum

Public Hearing for approval to construct a garage within the 100 foot stream corridor buffer having insufficient lot depth, area, frontage, width, insufficient front and side yard setbacks and exceeds permitted lot coverage at 18 Lisa Lane, Morganville, NJ, Block 171, Lot 94, located in an LC 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 Survey for Block 171, Lot 94 prepared by Frank J Barlowski, PLS, LGA Engineering, Inc., 750 Vassar Avenue, Lakewood, NJ, Dated 10/03/09.
- A – 16 Drawing of House on Block 171, Lot 94.
- A – 17 Plans, prepared by Yve Hopen, Architect, 2 McCampell Road, Holmdel, NJ.
- A – 18 Plans with alteration scheduled attached listing of preexisting nonconformities and the required variances prepared by Yve Hopen, Architect 2 Campbell Rd, Holmdel, NJ.
- A – 19 Report prepared by Alan Hilla, Birdsall Engineering, 611 Industrial Way West, Eatontown, NJ, Dated 5/24/10.

- A – 13 Variance Sketch for Block 360, Lot 3, prepared by John Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Building #2, Manalapan, NJ 07726, Dated 4/12/10.
- A – 14 Owners Affidavit of Authorization and Consent
- A – 15 Application Affidavit of Completeness
- A – 16 Amendment to include relief that may be necessary for the pole barn located on Block 360, Lot 3, submitted by Robert Munoz, Lomurro, Davison, Eastman & Munoz, PA, dated May 4, 2010.
- A – 17 Report prepared by Chief Bruce Hall, Division of Police, Township of Marlboro, 1979 Township Drive, Marlboro, NJ, Dated 5-19-10.
- A – 18 Report prepared by Richard S. Cramer, PP, T&M Associates, Eleven Tindall Road, Middletown, NJ, Dated 5/25/10.
- A – 19 Report prepared by Mark Kataryniak, TYLin International/Medina, 550 Broad Street 1105, Newark, NJ 07102 Dated, 5/26/10.
- A – 20 Report prepared by Alan Hilla, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, Dated 5/24/10.
- A – 21 N/A
- A – 22 Aerial Map of Block 360, Lot 3, prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Manalapan, NJ, dated 2/12/2010.
- A – 23 Series of six colored photographs showing existing single family home with foliage depicting conditions as of 6/1/10.

Robert Munoz, Esq., Lomurro, Davison, Eastman & Munoz, PA, 100 Willow Brook Road, Freehold, NJ presented the application for approval to construct a second story addition at 244/246 Boundary Road.

He presented John Ploskonka, a Professional Planner, representing Concept Engineering Consultants, PA, 227 Route 33, Manalapan, NJ. As a licensed professional engineer for over forty years, he was sworn in as professional previously accepted before the Marlboro Board previously and presented the following:

- A – 22 Aerial Map of Block 360, Lot 3, prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Manalapan, NJ, dated 2/12/2010.
- A – 23 Series of six colored photographs showing existing single family home with foliage depicting conditions as of 6/1/10.

Mr. Ploskonka gave a description of the aerial GIS 2007 prepared by his office, also explaining the structures on the property. The proposed addition is basically adding a second story. Mr. Pinhas family is growing and he will need additional room for the extremely small house.

Other than two homes, there is a landscaping business which is pre-existing non-conforming for fifteen years. He transports mulch piles to properties from behind his house towards the Industrial Park. Variances are needed for the proposed second story and side yard relief.

Per Mr. Cucchiaro, the landscaping company is an expansion of a non-conforming structure. Nothing was ever said about a business. Ms. Paris asked if they advertised as a mixed residential/commercial.

Mr. Cucchiaro stated that it does not sound like a preexisting non conforming use. Does sound like it has been there. We were not aware there is a problem, until the photos. Mr. Cucchiaro said unfortunately, we were not aware of the business. You will need a use variance.

Mr. Munoz followed they will come back and re-notice for the necessary variances. The date of July 6, 2010 was set with the required Notice and the necessary variances.

MEMORIALIZATIONS

ZB 10- 6385 – Hersey, Alan

Memorialization of a resolution 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 in the R-30/20 Residential Zone.

ZB 10-6386 – Kiss Golf, LLC

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

ZB 10-6384 – Lucas Development, LLC

Memorialization of a resolution Public Hearing for approval of an Adult Day Care Facility which in 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.

Meeting adjourned 9:00 pm

Respectfully submitted.