

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

PHONE: (732) 536-0200 EXT. 3509 FAX: (732) 617-7225
web: www.marlboro-nj.gov e-mail: zoning@marlboro-nj.gov

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T & M Associates

Richard Cramer, P.P.

Administrative Officer

Zoning Officer

Sarah Paris

Traffic Engineer

Medina Consultants

Mark Kataryniak, PE, PTOE

ZONING BOARD OF ADJUSTMENT

AUGUST 17, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL:

PRESENT:

Jennifer Bajar, Michael Mahon,
Matthew Weilheimer, Alan Zwerin,
Frank Yozzo, Mark Ellenberg

ALSO PRESENT:

Ronald Cucchiaro, Esq., Board Attorney,
James Priolo, P.E., Board Engineer
Richard Cramer, P.P., Board Planner
Mark Kataryniak, Traffic Engineer

ABSENT:

Michael Shapiro

The Board accepted the minutes of July 6, 2010.

Offered: Jennifer Bajar Second: Ira Levin

Ayes: 7 Nays: 0

Absent: 1 Abstain: 0

The Board accepted the minutes of August 3, 2010.

Offered: Jennifer Bajar Second: Alan Zwerin

Ayes: 7 Nays: 0

Absent: 1 Abstain: 0

No Public Session

ZB 10-6389 – Ivan Pinhas

Continuation of Public Hearing for approval for a use variance for more than one principal structure and multiple uses (two single family dwellings and a landscape business), including an expansion of one of the homes, at 244/246 Boundary Road, Marlboro, NJ, Block 360, Lot 3, located in an R-80 Residential Zone.

Robert Munoz, Esq., 244/246 Boundary Road, Colts Neck, NJ representing the applicant introduced John Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 32, Manalapan, NJ.

Mr. Pinhas has two single family dwellings and a business for about fifteen years on the subject property. There are two existing mulch piles, fencing, houses, pole barn and designated employee parking for five vehicles as shown in the previously marked (A-22) aerial map. There is industrial activity to the north and single family dwellings to the south which are represented by additional evidence A-33.

Additional evidence entered into record.

A – 33 Color Photographs taken by applicant as of 8/17/10.

A – 34 State of New Jersey Office of the Attorney General Division of Consumer Affairs License Certification #13VH05865200 – Naturally Green Landscaping LLC, Ivan S. Pinhas, 246 Boundary Road, Colts Neck, NJ, 7/20/2010.

Ms. Bajar inquired if the businesses are in Colts Neck or Marlboro. Mr. Ploskonka answered that they are in Marlboro.

Mr. Munoz inquired as to what the conclusion as to the suitability of the property. Mr. Ploskonka stated that it is an ideal situation with low intensity use. It is a good transitional area. There is recycling of materials and the business only uses natural materials.

Ms. Paris inquired if the applicant has approval for solid waste recycling from the county. Mr. Ploskonka said they will do so.

Mr. Munoz stated that the applicant agrees to comply with the Birdsall Engineering report and will take care of all items in the report.

Mr. Kataryniak, the Board's Traffic Planner, stated there is no objection with the traffic.

Mr. Cramer, Board Planner, stated there were two use variances, one for the landscaping business and one for the non-conforming use of the two residences.

There were no questions from the Board.

No Questions from the Public.

Mr. Munoz stated they had obtained licensing from the State of New Jersey, A -34.

Workshop

Offered: Jennifer Bajar

Second: Ira Levin

The Board had questions and comments. Mr. Weilheimer stated that the negative impact is minimal and he believes there should be a compromise to stay there. The landscaping business should be looked into more to keep the business and the house.

Mr. Mahon stated that he would like to be fair, but also stated more testimony should be heard on the business; Mr. Zwerin also agreed. Mr. Ellenberg had no comments.

Mr. Yozzo stated that the applicant has answered everything; but, there are landscaping business questions. Should we let it keep going.

Mr. Ellenberg referred to the fact that there are no objections from the adjoining property owners.

Mr. Cucchiaro stated the applicant must obtain all agency approvals; ultimately it is suitable for this type of use.

Ms. Bajar commented that the business appears to be sprawling, it should be utilized in a cleaner manner.

Mr. Levin stated the use is not a negative. There should be discussion where the business is going forward, should be worked out of Workshop. All State licensing should be gotten regarding pesticides.

Mr. Cucchiaro stated if someone else came in, and if they have approval, they can go forward. It will carry with the land.

Out of Workshop

Offered: Jennifer Bajar

Second: Michael Mahon

Mr. Pinhas has stated that there are no chemicals, only organic; we recycle, and reuse the soil. The soil does not come back to the business, only the grass clippings. Ms. Paris stated grass is considered solid waste.

Mr. Weilheimer questioned the machinery on site. Mr. Pinhas stated there are two/three dump trucks, small excavator, and a tractor. He has eleven employees who carpool, one of whom takes home the company car, other lives in the house. The lawn mowers are kept inside pole barn; bigger machines go in the shop. The pole barn was originally graveled and now has pavers. After the crew leaves in the morning, all our work is done at other houses, no employee remains there all day. Mr. Pinhas works directly for the public; he does not sub-contract out. There is no retail.

Mr. Mahon confirmed that there is no delivery of materials on site and no storage of fuel. There are some gallon gas cans that are fenced in. Mr. Pinhas also stated all vehicles are registered and all employees are documented.

Mr. Pinhas also stated they have a license. It was not required until 2006.

Mr. Zwerin inquired about lighting. Mr. Pinhas answered there is a spotlight over the garage, over the pole barn and on the other side, besides lighting on the house.

Per Mr. Yozzo's question regarding the temporary storage container and what was in it, Mr. Pinhas answered there are hand tools, shovels, etc. in the storage containers.

Mr. Cucchiaro told the Board that there are options either vote now, with any modifications told to Mr. Pinhas now.

Workshop:

Offered: Jennifer Bajar
Second: Michael Mahon

The Board discussed seeing a site plan, and condensing the property to make neater.

Mr. Cucchiaro stated that the professionals must know what satisfies conditions.

Out of Workshop

Offered: Jennifer Bajar
Second: Michael Mahon

Mr. Ploskonka stated there is 5.6% lot coverage. They can do containment units for mulch. Mr. Pinhas said the mulch would not decompose if it is not exposed.

Mr. Cucchiaro said to put in the resolution, subject to Board's professionals.

Mr. Cucchiaro said the Board can vote with agreement to conditions:

1. no retail operation,
2. no signage on property,
3. pole barns are for mowers
4. vehicles those which were discussed tonight,
5. bins are for composting.

Motion to approve with the above conditions.

Offered:	Jennifer Bajar	Second:	Ira Levin
Ayes:	5	Nays:	2
Absent:	1	Abstain:	0

Motion Approved.

ZB 10-6393 – Bris Avrohom, Inc.

Public Hearing for a use variance to modify and expand the building footprint of a House of Worship. This includes an addition to the front of the building at 176 Route 79, Marlboro, NJ, Block 207, Lot 10, located in the LC Land Conservation Zone.

The application was read into the record. The Board took jurisdiction. 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 Application Affidavit of Completeness
- A – 14 Prior Approvals:
 - A. Site Plan approval and conditional use approval for Monmouth Worship Center, December 16, 1992,
 - B. Preliminary and Final Site Plan approval, Monmouth Worship Center, June 7, 1995.
 - C. Resolution Granting Extension of Time, September 15, 1999.
- A – 15 Architecturals prepared by Steven M Prawer, PA, 28 Golf Oval, Springfield, NJ 07081, Dated 6/11/10.
- A – 16 Preliminary & Final Major Site Plan and Variance Plan prepared by Peter W. Strong, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone, NJ 07535.
- A – 17 Completeness Checklist for Bulk Variance Application, dated 6/16/10.
- A – 18 Completeness Checklist for Use Variance Application, dated 6/16/10.
- A – 19 Report prepared by John W. Borden, Fire Sub-Code Official, Marlboro Township, 1979 Township Drive, Marlboro, NJ, dated 6/22/10.
- A – 20 Owners Affidavit of Authorization and Consent
- A – 21 Correspondence from Kenneth L. Pape, 2501 Highway 516, Old Bridge, NJ, regarding Bris Avrohom of Old Bridge, Inc., a Title 14, Not-for-Profit corporation, dated 6/28/10.
- A – 22 Report prepared by Richard Cramer, PP, T&M Associates, Eleven Tindall Road, Middletown, NJ, dated 6/29/10.
- A – 23 Report prepared by Mark W. Kataryniak, PE, Zoning Board Traffic Consultant, TYLin International/Medina, 550 Broad Street, Newark, NJ Dated 7/01/10.
- A – 24 Report prepared by Alan Hilla, Jr., PE, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, dated 7/13/10.
- A – 25 Report prepared by Environmental Commission, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated 6-30-10.
- A – 26 Revised report prepared July 30, 2010, by Richard S. Cramer, PP, AICP, Planning Consultant, T&M Associates, Eleven Tindall Road, Middletown, NJ.
- A – 27 Resolution Authorizing the Exemption of Bris Avrohom, from Certain Land Use Application Fees dated July 17, 2010.

Additional Evidence Entered:

- A – 28 Color rendering of Site Plan prepared by Peter W. Strong, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ dated 5/28/10.
- A – 29 Drawing A4A, revised 8/13/10.
- A – 30 Drawing A4B, depicting second floor balcony for women.
- A – 31 Proposed facade of Bris Avrohom in Old Bridge. The front shows three religious icons with names acknowledging benefactors prepared by Steven M. Prawer, P.A.
- A – 32 Rear elevation of building prepared by Steven M. Prawer,
- A – 33 Reverend Jasko's letter dated August 3, 2010.
- A – 34 Pictures by Rabbi Yossi Kanelsky depicting examples of benefactors.

Mr. Pape represents the applicant stating that this is an exciting application. They are an established congregation (having over 200 members) in the State of New Jersey. They are seeking a permanent home and The Assembly of God that is for sale has 560 seats with

parking stalls. Reverend Jasper from The Assembly of God has grown his own membership to 1,000.

Rabbi Yossi Kanelsky is sworn in. He stated his father established and grew it spiritually and materially. He opened a school and year-by-year there is more involvement. He would like to see the congregation from 350 to 400 people. Usually on weekdays and Sundays there are Bar/Bat Mitzvahs having 70 to 80 people. They would be comfortable with a size of 100 people and 140 parking spaces. They would like to encourage people to walk whenever possible.

Questions from the Board.

Mr. Weilheimer inquired about the sidewalks. The applicant will be responsible for the sidewalks.

Mr. Peter W. Strong sworn in and accepted as a professional. There are limited changes; architectural changes are the only changes. There is also the need for a sidewalk. Stormwater facilities discharge to east. Parking is 9' X 18', little less than township.

A – 28 Site Plan/Variance Plan prepared by Peter W. Strong, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ dated 5/28/10.

Mr. Weilheimer questioned how many feet of sidewalk; Mr. Pape answered 300 feet of sidewalk.

Stephen M. Prawer, RA, has been accepted as a professional previously. The existing building is over 17,000 square feet. It is in the process of being purchased. There are administrative offices and classrooms. The sanctuary had the altar at the front of building and it must now face east. The first floor will remain the same. There will be an angled wall added in the front, with a covered entry in the rear. The existing building is stucco and stone, with additional glass. The architectural (A-15) contain an infant's room, classroom, business area, and kitchen area.

A – 29 Drawing A4A, revised 8/13/10 (Divider – Men and women not on the same level.)
Total of 371 seats on the 1st floor.

A – 30 A4B, will show the second floor for women.

A – 31 Depiction of proposed facade in Old Bridge. In the front there are three religious icons, depicting names of benefactor acknowledgements.

A – 32 Rear elevation of building.

Mr. Pape stated the building is generally the same, the bumpout is 790 square feet.

Mr. James Priolo inquired about Sheet A-4 and the staircase confirming the small storage space enclosed.

Mr. Cucchiaro also confirmed that the kitchen is not a catering facility. Mr. Pape stated there will be no social parties.

Ms. Bajar requested numbers to include the proposed 2nd floor. There could be 556 people on the balcony. Mr. Pape wrote to Peter Liccata and he directed Reverend Jasko to write. Regarding Ms. Bajar's query, the 500 - 600 number is a current one.

- 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 Plot Plan for Block 282, Lot 6, prepared by Robert P. Freud, PE, Insite, River’s Edge Professional Building, 2052 Highway 35, Wall, NJ, Dated 5-26-10.
- A – 16 Report prepared by Alan P. Hilla, Jr., Birdsall Engineering, 611 Industrial Way West, Eatontown, NJ, Dated August 4, 2010.
- A – 17 Resolution Denying Variance Approval for Application No. ZB 05-6208 for the estate of Benjamin Wiesenfeld, dated March 21, 2006.
- A – 18 Resolution Denying Variance Approval for Application ZB 08-6318 for Vladimir Delevi, dated April 16, 2008.
- A – 19 Copy of Superior Court of New Jersey Decision of Vladimir DeLevi v. Zoning Board of Adjustment of the Township of Marlboro (Docket No. A-2744-08T3), argued January 5, 2010.

Kenneth Pape, Esq., on behalf of application, stated the Board was not comfortable with in previous applications. Judge Lawson also denied and the appellate affirmed. The application is now 2,500 square feet, half of the previous application. This single family dwelling requires a number of bulk variances. The offer to purchase property in Manalapan was not explored.

Mr. Pape stated he did not write to see if any Manalapan property owners wanted to purchase.

Mr. Mahon inquired what the Fair Market Value of the property was; we do not have an appraisal.

Mr. Cucchiaro answered that we do not need to know Fair Market Value.

Mr. Pape asked that the application be carried and he will notify everyone in Manalapan.

Mr. Pannone, 48 Eastwood Boulevard, was told he must return October 5, 2010 for his questions. He was also asked to provide any copies to the Board.

Motion to adjourn to the September 21, 2010 meeting.

Motion to Approve.

Offered:	Jennifer Bajar	Second:	Alan Zwerin
Ayes:	6	Nays:	0
Absent:	1	Abstain:	1

EXECUTIVE SESSION

MEMORIALIZATIONS

ZB 10-6397 – Charles Asaro

Memorialization of a resolution granting approval to raze existing home and build a new single family dwelling having insufficient lot area, frontage, width, depth, and side yard for principal structure exceeding permitted lot coverage for principal structure, total building structure and total lot coverage at 44 Devonshire Road, Morganville, NJ, Block 171, Lot 39 in the LC Conservation Zone.

Offered:	Michael Mahon	Second:	Frank Yozzo
Ayes:	6	Nays:	0
Absent:	1	Abstain:	1

Motion to Cancel meeting of 9/21/10.

Offered:	Jennifer Bajar	Second:	
Ayes:	0	Nays:	0
Absent:	0	Abstain:	0

Motion Granted.

Motion to adjourn.

Meeting Adjourned at 11:20 p.m.

Respectfully submitted,