

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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### Chairperson

Michael Shapiro

### Vice-Chairperson

Matthew Weilheimer

### Secretary

Alan Zwerin

### Members

Frank Yozzo

Ira Levin

Jennifer Bajar

Adrienne Spota

- Alt #1

- Alt #2

### Zoning Board Clerk

Yvonne Cautillo

### Attorney

Weiner Lesniak

Ronald D. Cucchiaro, Esq.

### Engineer

Birdsall Engineering

James Priolo, P.E.,

### Planner

T & M Associates

Richard Cramer, P.P.

### Traffic Engineer

French & Parrello

Mark Kataryniak, PE, PTOE

### Administrative Officer

### Zoning Officer

Sarah Paris

## MINUTES

### ZONING BOARD OF ADJUSTMENT

MARCH 1, 2011

8:00 p.m.

### SALUTE TO FLAG

### SUNSHINE LAW READ

**PRESENT:** Alan Zwerin, Matthew Weilheimer,  
Michael Shapiro, Jennifer Bajar,  
Adrienne Spota, Ira Levin

**ALSO PRESENT:** Brian Gonzalez, Esq. Board Attorney  
Sarah Paris, Administrative Officer  
James Priolo

**ABSENT:** Frank Yozzo, Keith Goff

Board accepted the minutes of February 15, 2011.

**Offered:** Michael Shapiro **Ayes:** 5

**Seconded:** Alan Zwerin **Nays:** 0

No one signed up for Public Session.

### ZB 11-6412 – Puppyz/Robert Maiman

Public Hearing for approval to add to the height of an existing Pylon sign and an additional sign on the side of the building located at 14 Route 9, Morganville, NJ, Block 176, Lot 12, located in the C-4 Regional Commercial Regional 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	List of Property Owners within 200 feet
A - 9	Certified White Receipts and Green Cards
A - 10	Affidavit of Publication
A - 11	Affidavit of Service
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 prepared for Block 53, Lot 11, By Yitzhak Goldstein, PE, Goodman, Allgair & Scott, PE, 133 Harriott Street, Woodbridge, NJ dated 8/16/84.
A - 16	Report prepared by James A. Priolo, PE, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, Dated 2/28/11.

Mr. Salvatore Alfieri represented the applicant and Mr. Maiman was sworn in. Mr. Alfieri stated that they are here simply for the sign and not for other variances.

Mr. Maiman would like to create a puppy store. The kennels will be hand built and will have a large expansive environment to live. He has a network of quality breeders and they animals are properly transported. He also has testimonials as to his quality care. Mr. Maiman stated they decided on Route 9 for their business because of the exposure.

There are two areas of signs; one is freestanding, and the other is to add a 31" panel to enhance my business. A certain size is required, and they would like this height for visibility.

Future tenants will also advertise on this sign.

Mr. Weilheimer inquired as to the tenants. There are only four units, the fifth will be for Garden Irrigation.

Ms. Paris said that with Garden Irrigation it makes four units.

Mr. Maiman stated he opted for the larger space on the sign. His spot would be bisected if the sign came down.

Mr. Cucchiaro stated there also could be another advertiser going in. This is a height variance.

Mr. Alfieri stated the square footage of the sign is needed.

Mr. Alfieri stated that the landlord requested he obtain approval.

Mr. Cucchiaro stated the size is probably related to safety.

Ms. Bajar inquired if they are only approved for one. Mr. Alfieri said if the landlord wants to come back, he can do so in the future.

Mr. Maiman stated the design of one sign is longer, the other is more of a square and this is the design concept thought to be more beneficial.

Mr. Weilheimer asked how large the Garden Irrigation sign is.

Mr. Jay Davis was sworn in. Mr. Sign is the local sign contractor for some years in town. There would be three sections that are 31" and one of 15½ and 15½.

Mr. Maiman would like the top space; the visibility is from the top.

Mr. Shapiro stated if you do grooming, both sides can have both, with the grooming, on each side.

Ms. Bajar asked if you can do the sign with white bisecting or if you are able to cover with a veneer of white. Mr. Davis said it is already done in brown.

Mr. Alfieri went on record for allowing 10% due to the smaller lot and stated the white strip, is self imposed by the owner of the property.

Mr. Davis said the space will add another four inches. Garden Plaza will be removed.

#### Workshop

Offered: Michael Shapiro

Seconded: Adrienne Spota

We are looking at a hardship, where the frontage is directly related (greater height is expected; 10% of the existing building) is also smaller. Do not see detriments; the sign will still be smaller than the neighbors.

Mr. Levin stated that the applicant should not be seeking approvals for future tenants. Height should not be an issue. It will help to enhance business in Marlboro. Ms. Bajar said she saw the need for wanting the sign. She is comfortable with one sign on the side. Mr. Zwerin agreed with Ms. Bajar

Mr. Weilheimer believes this is a man made hardship.

Mr. Shapiro is in favor of one sign on the building.

#### Out of Workshop:

Offered: Michael Shapiro

Seconded: Ira Levin

Questions followed regarding lighting. It will be back lit and Mr. Davis proposed 2' x 15' long. The side of the building is 609 inches. 10% of this is 913 square feet. It is constructed of aluminum and on a timer.

Mr. Alfieri stated we are only granting 30 square feet.

Motion to approve with one sign, not three, and without prejudice if someone returns.

Offered: Michael Shapiro

Seconded: Jennifer Bajar

Ayes: 5

Nays: 1

Absent: 2

Abstain: 0

Motion Approved.

ZB 10-6395–Vladimir DeLevi

Continuation of a Public Hearing for a bulk variance to construct a single family dwelling having insufficient lot area, depth, front and rear yard setback for principal structure at 17 Hawkins Corner Road, Marlboro, NJ, Block 282, Lot 6, located in the R -60 Residential Zone.

Mr. Pape stated the application was heard in August and October and they noticed for the last meeting. We are going forward without noticing.

Ms. Adrienne Spota stated she listed listened to the previous recording.

Mr. Shapiro inquired if Mr. DeLevi was present. Mr. Pape stated Mr. DeLevi resides in San Francisco. He also stated there is no legal precedence regarding sciping. An appraisal was obtained and the case will go forward with the appraisal.

Mr. Pape stated the property is the last property before Manalapan. The proposed is a single family residence, 2,500 square foot in size, and requires three additional variances for residential development. It was previously before the Planning Board and was earlier proposed at a greater size.

The Nash Letters were written and the neighbors were given the opportunity to buy/sell property.

The Otteau Valuation Group, Inc. stated the fair market value dated November 22, 2010 was forwarded to Board. The appraisal identified the value at \$165,000. The submitted value provided by the 2010 Tax office is \$196,000 and was provided as evidence.

**Additional evidence entered:**

- A - 27 2010 Final Tax Bill for Block 282, Lot 6 dated October 8, 2010.
- A - 28 Appraisal of 17 Hawkins Road (Block, Lot 6), prepared by Otteau Valuation Group, Inc., 15 Brunswick Woods Drive, East Brunswick, NJ, dated November 22, 2010.

Mr. Pape said that given variance relief, this number would be higher. If someone from the public offered \$165,000, he would consider this to be a NASH defeat for the variance.

Mr. Cucchiaro commented that the appraisal is low, but we can agree that this is attractive if someone were looking to purchase.

- A - 29 March 3, 2008 Letter to Vladimir DeLevi from Michael DiMinino, Western Monmouth Utilities Authority, 103 Pension Road, Manalapan, NJ, stating they are within the service area and that sewers are available.
- A - 30 Letter of Interpretation for Block 282, Lot 6, from David Fanz, Supervisor, State of New Jersey, Department of Environmental Protection, PO Box 439, Trenton, NJ, Dated August 3, 2005.

Mr. Weilheimer inquired if the assessment is at 100% of assessed value. Mr. Weilheimer found the percentage in the appraisal stating it is assessed at 92.65% (\$211,000).

Mr. Pape introduced Mr. Robert Freud, Incite, River's Edge Professional Building, 2502 Highway 35, Wall, NJ. Mr. Freud, was sworn in and accepted as a professional.

Mr. Freud stated that Hawkins Corner runs east/west. It has 785 feet of frontage and is in an R60 zone, where 60,000 square foot is required. He has observed the property many times and sees no change in the characteristics of the property.

**Additional evidence presented:**



Mr. Pape asked if the applicant is returning, he would also like Mr. Pannone be examined at that time. He also asked if he and Mr. Priolo, the Board Engineer, could go out to the property with them.

Extension of time was signed for April 26, 2011; no further notice required.

## **MEMORIALIZATIONS**

Memorialization of resolutions appointing Conflict Alternate Professionals.

**Motion to appoint John Carley - Alternate Planner.**

<b>Offered:</b>	<b>Mr. Shapiro</b>	<b>Ayes: 4</b>
<b>Seconded:</b>	<b>Mr. Zwerin</b>	<b>Nays: 0</b>

**Motion to appoint Alternate Engineer, Susan Gruel, Heyer & Gruel**

<b>Offered:</b>	<b>Mr. Shapiro</b>	<b>Ayes: 4</b>
<b>Seconded:</b>	<b>Mr. Levin</b>	<b>Nays: 0</b>

There will not be a Zoning Board meeting on March 15, 2011.

T-Mobile will be heard April 5, 2011 with no further notice.

Mr. Cucchiaro spoke on the previously approved applications stating the applicants should be allowed to go forward with their permits.

Moved to Adjournment

<b>Offered:</b>	<b>Michael Shapiro</b>	<b>Seconded:</b>	<b>Ira Levin</b>
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**Meeting Adjourned at 11:15 p.m.**

**Respectfully submitted,**