

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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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

APRIL 5, 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: Ronald Cucchiaro, Esq. Board Attorney
Sarah Paris, Administrative Officer
James Priolo

ABSENT: Frank Yozzo

The minutes of the March 1st, 2011 meeting were approved:

Offered: Michael Shapiro Ayes: 5

Seconded: Matthew Weilheimer Nays: 0

ZB10-6415 – Berger, Judy

Public Hearing for approval to keep an existing shed having insufficient rear yard setback, insufficient distance between structures, and exceeding permitted lot coverage at 221 Tracy Drive, Morganville, NJ, Block 311, Lot 4, located in the R-20 Zone.

The Board took jurisdiction. The following exhibits were entered into evidence:

- A – 1 Petition on Appeal
- A – 2 Denial
- A – 3 Indemnification and Hold Harmless Agreement
- A – 4 Disclosure Statement
- A – 5 W-9
- A – 6 Tax Collector's Certification
- 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 Report prepared by James A. Priolo, PE, Birdsall Services Group, Inc., 611 Industrial Way West, Eatontown, NJ 07724, Dated March 29, 2011.
- A – 12 Affirmation of Local Pay to Play Ordinance
- A – 13 Affidavit of Service
- A – 14 Owners Affidavit of Authorization and Consent
- A – 15 Application Affidavit of Completeness
- A – 16 impervious Coverage Plan prepared for Block 311, Lot 4, Chester DiLorenzo, PE, Midstate Engineering Inc., 82 Walnut Hill Lane, Freehold, NJ, Dated 3/16/11.

Mrs. Judy Berger was sworn. She explained that she only realized that there had never been a permit issued for her shed when she went to sell her house. Her husband had passed away and he had always gotten permits for everything they built. She met with the Zoning Officer who checked the files and found permits for everything but the shed, which was built within the rear yard setback. It is possible that the shed was a last minute decision and the responsibility for getting the permit was left to the builder, who never applied for it. In workshop, the Board had no problem granting the variance.

There were no questions or comments from the public.

A motion was made to grant the setback relief for the shed.

Offered:	Mr. Shapiro	Ayes: 6
Seconded:	Mr. Levin	Nays: 0

ZB 11-6413 – Berlaga, Eleanor/Finkel, Arkady

Public Hearing for approval to construct a tennis court with associated lighting and fencing and to construct an in ground pool with paver patio exceeding total permitted lot coverage at 1 Embry Farm Road, Marlboro, NJ, Block 157, Lot 3.01, located in the LC Cluster Zone.

The Board took jurisdiction. The following exhibits were entered into evidence.

- A – 1 Petition on Appeal
- A – 2 Denial
- 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 Existing Conditions Plan for One Embry Farm Road, prepared by AJ Garito, Jr., Two River Engineering, PO Box 155, Colts Neck, NJ, Dated 2-28-11.
- A – 16 Storm Water Management Report prepared for Block 157, Lot 3.07, by AJ Garito, Jr., PE, Two River Engineering, PO Box 155, Colts Neck, NJ, Dated 2-24-11.
- A – 17 Survey of One Embry Farm Road, Block 157, Lot 3.07, prepared by Frank W. Blum, PLS, French & Parrello, 1800 Route 34, Suite 101, Wall, NJ, Dated 8-13-07.
- A – 18 Report prepared by James Priolo, PE, Birdsall Services Group, Inc., 611 Industrial Way West, Eatontown, NJ, Dated March 29, 2011.

David Finkel was sworn and stated that they had lived in town for four years. The original plan when they purchased the house was to build a pool and tennis court. His job doesn't allow him to be home very much and he wanted to be able to exercise and enjoy family time whenever possible.

Marc Lieber, P.E. sworn. The following evidence was entered: A - 19 – Photo board with six (6) color Photos: A – 20 – Color aerial photo; A – 21 – Color rendering of the site plan. Mr. Lieber stated that the storm water management system of pipes was designed to carry water to swales and into a storm chamber underground. Exhibit A – 22 Variance Exhibit Plan dated 8/23/10 was entered. The construction will not encroach into the easement Mr. Priolo suggested that there should be a note about the grading in the resolution.

There were no questions or comments from the public.

A motion was made to approve the application subject to a revised plan being submitted which will show the fence.

Offered:	Michael Shapiro	Ayes: 6
Seconded:	Matthew Weilheimer	Nays: 0

ZB 11-6414– Champagne, Richard and Carol

Public Hearing for site plan approval for medical office at 480 Route 79, Morganville, NJ, Block 126, Lot 332, located in the R-30/20 Residential Zone.

The Board took jurisdiction. The following exhibits were entered into evidence:

- A – 1 Petition on Appeal
- A – 2 Indemnification and Hold Harmless Agreement
- A – 3 Disclosure Statement
- A – 4 Tax Collector's Certification
- A – 5 W-9
- A – 6 Notice To Adjoining Property Owners
- A – 7 List of Property Owners within 200 feet
- A – 8 Certified White Receipts and Green Cards
- A - 9 Affidavit of Publication
- A – 10 Affidavit of Service
- A – 11 Affirmation of Local Pay to Play Ordinance
- A – 12 Owners Affidavit of Authorization and Consent

- A – 13 Application Affidavit of Completeness
- A – 14 Resolution of Dr. Richard and Carol Champagne, ZB09-6373, Block 126, Lot 33, Approved February 16, 2010, and Memorialized March 16, 2010.
- A – 15 Proposed Site Plan for Block 126, Lot 33, prepared for Ronald Kacmarsky, Architectural Group, 242 Lake Road, Brick, NJ, Dated 1-24-11.
- A – 16 Storm Water Report prepared for Block 126, Lot 33, by RC Burdick PE, PC, 1023 Ocean Road, Point Pleasant, NJ, Dated 3-3-11.
- A – 17 Drainage Area Maps prepared for Block 126, Lot 33, by RC Burdick, PE, PC, 1023 Ocean Road, Point Pleasant, NJ, dated 2-18-11.
- A – 18 Proposed Floor Plan and Wall Sections prepared by Ronald Kacmarsky Architectural Group, 242 Lake Road, Brick, NJ, Dated 1-24-11.
- A – 19 Report prepared by James Priolo, PE, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, 07724, Dated 3/29/2011.
- A – 20 Report from Mark Kataryniak of French and Parrello. Dated March 30, 2011.

Jennifer Bajar had to reuse herself.

Salvatore Alfieri, Esq. on behalf of the applicant.

Ronald Kacmarsky, Architect was sworn. The proposed building is 60' x 60'. The main entrance will be on the eastern elevation. The basement has been eliminated due to the water table. He further stated that he didn't want to make the building higher and intrusive to the neighbors. The building will be 30' 10" at the peak. Instead of a basement for storage, they will use a few rooms in the attic for storage and mechanicals.

Robert Burdick, P.E., was sworn and spoke to the additional variances they were now seeking. A variance is being requested for parking in the front yard at 36.5' from Roosevelt. One parking space for handicapped within 18', where 30' is required. They will provide 24 parking spaces, the sign will be moved and they agree to widen the street. They are requesting not to have to build a sidewalk around the entire building as the doors in the back are really only fire exits and they don't want people thinking they are there for entrance purposes.

Testimony was given that this use will provide for an appropriate use and upgrade Route 79 corridor. It will provide an aesthetic enhancement to the site.

Mr. Priolo stated that he would like to see a landscape feature on the Route 79 side of the lot. Some Board members still had concerns about the runoff.

There were no questions or comments from the public.

A motion was made to approve the preliminary and final site plan with the bulk variances requested, subject to the Board's Engineer being satisfied with the revised detailed storm water report, otherwise the plan will have to be turned over to the state DOT for approval. The approval is also subject to the applicant making a good-faith effort to work with his neighbor.

Offered:	Michael Shapiro	Ayes: 5
Seconded:	Alan Zwerin	Nays: 0

Continuation of a Public Hearing for approval to construct a wireless communications facility, requiring use and bulk variances for an undersized lot and having insufficient fall zone on property located at 112 Amboy Road, Morganville, NJ, Block 172, Lot 34, in an IOR Zone.

The Board had previously taken jurisdiction and the following exhibits had been 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 Application Addendum
- A – 6 W-9/Corporate Ownership Schedule
- A – 7 Owners Affidavit of Authorization and Consent
- A – 8 Letter of Intent of T-Mobile Northeast LLC
- A – 9 Proposed Radio Frequency Site in Marlboro Township, NJ
- A – 10 Antenna Site FCC RF Compliance Assessment and Report prepared by Pinnacle Telecom Group, 14 Ridgedale Avenue, Cedar Knolls, NJ, dated April 27, 2010.
- A – 11 Notice To Adjoining Property Owners
- A – 12 Adjacent Property Listing
- A – 13 Certified White Receipts and Green Cards
- A – 14 Affidavit of Service
- A – 15 Affidavit of Publication
- A – 16 Memorializing Resolution for Marlboro Township Zoning Board of Adjustment for Petruzzelli General Contractors (ZB99-5886), Block 172, Lot 34, Dated 6/9/1999.
- A – 17 Survey for Block 172, Lot 34, prepared by Charles P Stewart, GCStewart Associates, Inc., 320 Runnymede Road, Essex Fells, NJ, Dated 4/13/10.
- A – 18 Site Plan prepared for 112 Amboy Road, Block 172, Lot 34, prepared by Charles P Stewart, GCStewart Associates, Inc., 320 Runnymede Road, Essex Fells, NJ, Dated 6/8/10.
- A – 19 Report prepared by John Borden, Fire Sub-Code Official, Marlboro Township, NJ, Date 6/23/10.
- A – 20 Report prepared by Richard S. Cramer, PP, Planner, T&M Associates, Eleven Tindall Road, Middletown, NJ dated 7/8/10.
- A – 21 Report prepared by Marlboro Township Environmental Commission, Dated 6-3-10.
- A – 22 Report prepared by Alan P Hilla, Jr. Birdsall Engineering, 611 Industrial Way West, Eatontown, NJ, Dated 7/30/10.
- A – 23 Report prepared by Mark Kataryniak, PE, PTOE, Zoning Board Traffic Consultant, Tylin International/Medina, 550 Broad Street, Newark, NJ, Dated 8/20/20.
- A – 24 Site Plan prepared for 112 Amboy Road, Block 172, Lot 34, prepared by Charles P Stewart, GCStewart Associates, Inc., Kunjan Shukla, Amara, 320 Runnymede Road, Essex Fells, NJ, Dated 4/05/10 received 8/26/10.
- A – 25 State of New Jersey Letter of Interpretation/Line Verification, Department of Environmental Protection, Trenton, NJ, Dated 2/10/06.
- A – 26 Freehold Soil Conservation District Exemption, 4000 Kozloski Road, Freehold, NJ, dated 6/23/10.
- A – 27 Copy of Non Executed T-Mobile Letter of Intent for 112 Amboy Avenue, Block 172, Lot 34.
- A – 28 Second Report prepared by Richard S. Cramer, PP, Planner, T&M Associates, Eleven Tindall Road, Middletown, NJ dated 9/2/10.
- A – 29 Second Report prepared by James Priolo, Birdsall Engineering, 611 Industrial Way West, Eatontown, NJ, Dated 9/20/10.
- A – 30 Visual Analysis for T-Mobile Northeast including photo simulations of 112 Amboy Road, Marlboro, NJ, Dated 8/25/10.
- A – 31 Copy of 4/21/10 signed site lease forwarded by Price, Meese, Shulman & D'Arminio, 50 Tice Boulevard, Woodcliff Lake, NJ, 8/27/10.
- A – 32 Site Plan prepared for 112 Amboy Road, Block 172, Lot 34, prepared by Charles P Stewart, GCStewart Associates, Inc., and Kunjan Shukla, Amara, 320 Runnymede Road, Essex Fells, NJ, Revised 10/06/10.

- A – 33 Report (Revised Use Variance and Site Plan) prepared by Richard S. Cramer, PP, AICP, T&M Associates, Eleven Tindall Road, Middletown, NJ, Dated 10/15/10.
- A – 34 Correspondence re Block 172, Lot 34 Site Plan for T-Mobile Northeast, LLC, from Robert W. Clark, PP, Director, Monmouth County Planning Board, Freehold, NJ, Date 9/27/10.
- A – 35 Report (Revised Review #2) prepared by James A. Priolo, PE, PP, CME, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, Dated 10/19/10.
- A – 36 Report prepared by Sgt. Joseph Lenge, Traffic & Safety Bureau, 1979 Township Drive, Marlboro, NJ, Dated 10/12/10.
- A – 37 Revised Report (Revised Review #2) prepared by James A. Priolo, PE, PP, CME, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, Dated November 1, 2010.

Mr. Weilheimer recused himself. The applicant’s attorney was noticed in advance about the number of voting members that would be available this evening. He chose to get testimony on the record and agreed that members could listen to the tapes before the next meeting.

Reginald Jenkins, Esq. on behalf of the applicant.

Joseph Mineo, RF Engineer sworn. The following additional exhibits were entered.

- A - 40 Summary of National Environmental Policy Act Checklist NJ08554E
- A - 41 Letter from John Moricz, Project Manager of T-Mobile USA. Inc. to Jonathan Capp, B. A. , regarding the soliciting of a bid at the MTMUA site on Tennent Road dated 2/11/11
- A – 42 Letter from John Moricz of T-Mobile USA, Inc. dated Oct. 26, 2010.
- A – 43 Deed to the property
- A – 44 Three (3) page overlay showing existing coverage area and proposed covered area

Mr. Mineo went over the RF testimony that had already been given by a former RF Engineer during the earlier part of the application. He described the exhibits he entered. There were no questions from the public.

Professional Planner and P. E., Christopher Nevill was sworn. The following exhibits were entered:

- A – 45 Google Earth Aerial photo showing T-Mobile from Route 18 side of road and the subject property – 2 photos
- A – 46 View of subject property from 136 Amboy Road looking across the road
- A – 47 View from 112 Amboy Road looking northeast
- A – 48 View from Triangle Business Park at 165 Amboy Road
- A – 49 View of proposed equipment area from Amboy Road

Mr. Nevill described the various photos that he entered into evidence. The tower is being moved back to the location that had originally been submitted.

There were no questions from the public. This application was adjourned to May 3, 2011. The Board requested that the one neighbor that had objected to the original location, be noticed about the next meeting date and the fact that the proposed tower was being moved back to the original location. An extension of time was signed.

MEMORIALIZATIONS

ZB10- 6407 – Mohsen & Mona Kalliny

Memorialization of a resolution granting approval construct a tennis court exceeding total permitted lot coverage on property located at 24 Four Columns Drive, Morganville, NJ, Block 155, Lot 4.13, in the LC Cluster Zone.

Offered: Michael Shapiro Ayes: 4
Seconded: Alan Zwerin Nays: 0

ZB10- 6410 – Bellone, Kathleen

Memorialization of a resolution granting approval to construct an inground pool, spa and paved patio exceeding lot coverage for principal structure and exceeding total lot coverage, insufficient lot area, frontage, width, side and rear yard setback for accessory structure on property located at 16 Collier Lane, Morganville, NJ, Block 153, Lot 64.01, in the LC Land Conservation Zone.

Offered: Michael Shapiro Ayes: 5
Seconded: Matthew Weilheimer Nays: 0

ZB11- 6411 – Gold, Marc & Michele

Memorialization of a resolution granting approval to construct an inground pool and 2,727 square foot patio exceeding permitted lot coverage for principal structure and exceeding total lot coverage for property located at 5 Huxley Court, Marlboro, NJ, Block 415, Lot 33.01, in the R-40GAH Zone.

Offered: Michael Shapiro Ayes: 4
Seconded: Matthew Weilheimer Nays: 0

ZB 11-6412 – Puppyz/Robert Maiman

Memorialization of a resolution granting approval to add to the height of an existing Pylon sign and add one 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.

Offered: Michael Shapiro Ayes: 5
Seconded: Alan Zwerin Nays: 0

Respectfully Submitted
Sarah Paris