

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

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Chairperson

Michael Shapiro

Vice-Chairperson

Matthew Weilheimer

Secretary

Alan Zwerin

Members

Frank Yozzo

Ira Levin

Jennifer Bajar

Adrienne Spota

Ibrahim Naboulsi - Alt #1

Stacey DiGrande- 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

MAY 17, 2011

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

Frank Yozzo, Michael Shapiro, Ira Levin
Alan Zwerin, Matthew Weilheimer,
Jennifer Bajar, Adrienne Spota,
Ibrahim El-Nabousi, Stacey DiGrande

ALSO PRESENT:

Ronald Cucchiaro, Esq. Board Attorney
Sarah Paris, Administrative Officer
James Priolo, P.E., Birdsall Engineering
Richard Cramer, P.P., T&M Associates

ABSENT:

The minutes of the April 26th, 2011 meeting were approved:

Offered: Matthew Weilheimer

Ayes: 6

Seconded: Michael Shapiro

Nays: 0

Abstain: 3

No Public Session

ZB09-6376A – Land Baron, LLC

Public Hearing for site plan approval for landscape supply yard at 308 and 312 Tennent Road, Morganville, NJ, Block 172, Lots 42 and 43, located in an IOR Residential Zone.

Application was read into record and the Board took jurisdiction. The following evidence was entered:

- A – 1 Petition on Appeal
Schedule A: Identification of all sections of zoning
Ordinance sought.
Schedule B: Statement of reasons why variances are needed.**
- A – 2 Indemnification and Hold Harmless Agreement**
- A – 3 Disclosure Statement**
- A – 4 Affidavit of Completeness**
- A – 5 W – 9 Form**
- A – 6 Tax Collector's Certification**
- 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 Marlboro Zoning Board of Adjustment Resolution
(Application No. 09-6376) Approved March 2, 2010.**
- A – 15 Revised Drainage Computations for Land Baron, LLC, Site Plan, prepared by Richard K. Heuser, PE & LS, 307 Main Street, Matawan, NJ, Dated 7/21/10.**
- A – 16 Pre-Development Drainage Area Map of Block 172, Lots 42 & 43, Revised by Richard K. Heuser 7/21/10.**
- A – 17 Post-Development Drainage Area Map of Block 172, Lots 42 & 43, prepared by Richard K. Heuser dated 7/20/10.**
- A – 18 Site Plan prepared by Richard Karl Heuser, PE & LS, 307 Main Street, Matawan, NJ, Revised 7/21/10.**
- A – 19 Conflict and Contribution Disclosure Statements**
- A – 20 Report from John Borden, Fire Sub-Code Official dated April 21, 2011.**
- A – 21 Report prepared by Marlboro Township Environmental Commission, dated April 26, 2011, with copy enclosed from the January 25, 2010 report.**
- A – 22 Report prepared by Mark W. Kataryniak, PE, PTOE, Zoning Board Traffic Consultant, Rench & Parrello Associates, PA, 1800 Route 34, Suite 101, Wall, NJ, Dated May 12, 2011.**
- A – 23 Report prepared by James A Priolo, PE, PP, CME, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, Dated May 12, 2011**

The service is in order.

Mr. Yozzo and Ms. Bajar recused themselves.

Pasquale Menna, Esq. requested a continuance. The applicants' Engineer and Traffic Review would like an opportunity to review and revise their plans according to the Board Engineer's report.

Pasquale Menna, Esq. signed an Extension of Time to June 21, 2011.

Adrienne Spota and Ibrahim ElNaboulsi arrived for the Zoning Board meeting.

ZB11-6418 - Mautone, Anna Marina

Continuation of a public hearing for approval to construct a single family residential dwelling in a commercial zone having insufficient lot area, frontage, width, and side yard setbacks for principal and accessory structures at 150 Tennent Road, Morganville, NJ, Block 147, Lot 33, located in a C-2 Neighborhood Commercial Zone.

Additional evidence entered:

A – 19 Report prepared by James Priolo, PE, PP, CME, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, Dated May 12, 2011.

Jeffery B. Gayle, Esq. 2814 Highway 35, Hazlet, NJ, gave a timeline of events for 150 Tennent Road, Morganville. This is a C2 zone that was part of a major subdivision. It was later removed from the subdivision.

A dry cleaning service lot was sold to Mautone. The adjacent property was a major subdivision (lot 33 was incorporated with lot 32). The applicant withdrew the request for lot 33 and lot 32 was the one approved.

Ronald Cucchiaro, Esq., Zoning Board Attorney, approved the service.

Justin Auciello, P.P was accepted as a professional. He stated that he visited the site. He presented:

Exhibit A-20 Image of Google 2011 map off 450 Tennent Road, Block 147, Lot 33, showing the C-2 Zoning.

The applicant would like to develop a single family dwelling with a basement and a two car garage that is consistent with the type of homes to the northeast. The 2003 subdivision shows division into 32 lots. The opposite side of road on Tennent is a salvage yard. There is also a single family dwelling immediately adjacent to the requested variance. A use variance would be in accordance to the surrounding area.

Mr. Auciello stated the house is consistent with area homes. The site is particularly suited; it is surrounded by residential properties. If developed as a commercial property, it would have to be a minimum of three acres.

The positive and negative criteria were reviewed.

Ronald Cucchiaro inquired about the overgrown land (Section 3). He asked if they needed a thirty foot buffer; he would like to put something in a resolution.

A – 21 Exhibit: Planning Board Resolutions

Mr. Shapiro inquired regarding the positioning of the house.

Richard Karl Heuser, P.E., 307 Main Street, Matawan, NJ, is accepted as a professional.

He stated the house is facing the proposed direction to fit in more with the development. Mr. Shapiro stated if the house faced Tennent there would be no problem with the pool.

Mr. Hueser stated there would be no increase in the stormwater runoff.

Board members were concerned about having a sidewalk and having enough driveway room for turns and exiting from driveway.

Mr. Priolo stated there should be a small collection system for stormwater drainage.

Mr. Cramer stated the positive and negative criteria were satisfied. It is an undersized lot.

No Public Questions.

Motion to Workshop:

Offered by: Michael Shapiro

Seconded by: Jennifer Bajar

Mr. Levin stated this is a residential/commercial property. If the house were turned, the driveway would allow more cars.

It was questioned if they will be conforming to residential or commercial. Mr. Priolo stated the only runoff would be from the grass and patio.

Mr. Zwerin would also like to adjust, putting the pool in the rear.

All the members agreed with rotating, setting house further back.

Ms. Spota didn't think it is suitable for residential. She is against.

Mr. Weilheimer would like to see sidewalks.

Mr. Shapiro stated that his is in favor of the application; it would be most beneficial, if the property were flipped.

Mr. Shapiro asked if the applicant would be willing to adjust the front of house. If in agreement, they would need a new plan.

They would be in favor of residential, with the house turned. Mr. Levin stated it should conform to an R30.

Mr. El-Naboulsi did not want to see this approved due to the cost. Mr. Yozzo stated he thought the cost would be less to turn the house and put in a French drain.

Mr. Cucchiaro stated that a variance is the most extreme requiring highest proof. The law requires it to be the least amount of detriment.

Mr. Weilheimer inquired if they still need 26% lot coverage.

Out of Workshop:

Offered by: Michael Shapiro

Seconded by: Jennifer Bajar

ZB 11-6417 – John & Alisa Vitale

Memorialization of a resolution granting approval to construct a pool, paver patio, fence and gazebo which exceeds permitted lot coverage at 11 Saratoga Court, Block 159, Lot 10.17 in the R-80 (60/30) zone.

Offered:	Michael Shapiro	Ayes:	6
Seconded:	Alan Zwerin	Nays:	0
		Abstain:	3

ZB 11-6212 – Robert Maiman – Puppyz

Memorialization of a revised resolution granting 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.

Offered:	Michael Shapiro	Ayes:	6
Seconded:	Matthew Weilheimer	Nays:	0
		Abstain:	3

Meeting Adjourned 10:00 p.m.

Respectfully,

Yvonne Cautillo
Zoning Board Clerk

