

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

Ibrahim El 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

Sarah Paris

MINUTES

ZONING BOARD OF ADJUSTMENT

OCTOBER 4, 2011

8:00 P. M.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT: Michael Shapiro, Matthew Weilheimer, Jennifer Bajar, Frank Yozzo, Adrienne Spota, Ira Levin, Ibrahim El-Naboulsi, Stacey DiGrande

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

ABSENT: Alan Zwerin

The minutes of the September 20th, 2011 meeting were approved:

Offered By:	Mchael Shapiro	Ayes:	5
Seconded:	Ibrahim IINaboulsi	Abstain:	3
		Absent:	1

There was no Public Session.

ZB11-6424 – Terrizzi, Joseph & Lisa

Continuation of a public hearing for use and bulk variance approval to construct a Mother/Daughter addition which exceeds permitted lot coverage for a principal structure and total building coverage at 73 Guest Drive, Morganville, NJ, Block 281, Lot 6, located in an R-20 Residential Zone.

Additional evidence was entered:

A – 24 Correspondence from Lisa and Joseph Terrizzi, 73 Guest Drive, and attached Certificate of Cancellation, New Jersey Department of the Treasury, Division of Revenue, Title 42:2B-14, dated September 7, 2011.

Everyone on the board was either present or listen to a CD of the hearing.

Ronald Cucchiaro, Board Attorney stated that since the time of the least meeting, the applicant has ceased the operation of a home occupied business and has submitted correspondence confirming the business is defunct. The applicant also submitted a Certificate of Cancellation issued by the New Jersey Department of the Treasury, dated September 7, 2011.

Michael Shapiro stated since all members agreed on the issue of the business and that the age restriction of fifty-five and older is satisfied, and the positive and negative criteria also being satisfied, he would like to put to a vote.

Motion To Workshop:

Offered By: Michael Shapiro Second By: Ibrahim IINaboulsi

All the members agreed they were comfortable that the business no longer comes into play. Mr. Shapiro concurred that the Board is in agreement.

Mr. Cramer and Mr. Cucchiaro stated that anyone purchasing later on would know about the age restriction and would go before the board again.

If this were deemed a two family, you will need a proper point of egress. Mr. Cucchiaro stated that this is not a single family. Ms. Paris inquired if we can use the term mother/daughter? Mr. Cramer said the difficulty is that as a use classification, with a deed restriction that future occupancy would be subject to any future changes, they will come back before the board.

Ms. Spota stated that there will be no separate door, etc. and this makes it clear what the use is. Ms. Paris also stated a second kitchen is allowed, not making it a separate unit. Per Mr. Shapiro, this is an extension with a kitchen.

Out of workshop:

Offered By: Michael Shapiro Second: Ira Levin

The Professionals took a break to discuss.

During the break, Mr. Cucchiaro looked deeper into the zoning ordinance. As a use variance, this must go forward to the board. The testimony given helped with the facts and what was stated by the board. The building was designed and is occupied by family. This structure appears to be a single family dwelling with three generations and two kitchens. Mr. Cramer also shares this view determining it to be a single family dwelling with multi-generations occupying. This is not a different type of use. Mr. Cucchiaro said this does point to one meter, one mail box. He also said if additional meters appeared, etc., this would be a two family and would require going before the board.

Ms. Paris stated that the second kitchen must be open with no lock on it.

Mr. Shapiro thanked the professionals for properly following through.

Mr. Cucchiaro would like to open to the public.

Public:

Mr. Louis Dottrina, 71 Guest Drive, Morganville, was previously sworn in and remains under oath. He does not understand why this is allowing a second kitchen. If the Terrizzi's sold, who is to stop others from doing so and then renting to others; this is establishing a precedent.

Mr. Levin responded that if they choose to remove the kitchen, they can still have the same size addition. Removing the kitchen would not make the addition any smaller. We cannot say who can live in a house.

Mr. Dottria inquired as to what happens if he purchased the Terrizzi house with the extension. rent.

Mr. Cucchiaro said it will be a single family and you could not go forward without a use variance.

Mr. Dottria also inquired as to what is an extended family. Mr. Cucchiaro said it is the facts of a situation that decides. Do they do all family like things together?

Mr. Shapiro stated that the use variance will be eliminated and this will be a single family residence with an extension (bulk).

There were no additional comments from the Public.

Mr. and Mrs. Terrizzi had no comments.

Motion to approve (as set forth also by Mr. Cramer), to be a single family multi generational household. Mr. Cucchiaro stated the zoning ordinance to interprets this rendering to be a single family dwelling with one mail box, one utility, with openness of the kitchen. Mr. Cucchiaro stated there will be a restriction on rental and approval of a bulk variance. Mr. Yozzo asked that no additional exterior doors be put in and Mr. Levin asked that no commercial use be added to the approval and resolution.

Offered By:	Michael Shapiro	Seconded By:	Matthew Weilheimer
Ayes:	8	Nays:	0
Absent:	1	Recused:	0

Motion Approved.

ZB11-6425 – Pokhis, Bill and Irina

Continuation of a Public Hearing for approval to construct an in ground pool with three foot walkway having insufficient rear yard setback and exceeding permitted lot coverage and insufficient distance between structures at 120 Bond Drive, Morganville, NJ, Block 148, Lot 10.33, located in an R-20AH2 Residential Zone.

Ms. Spota recused herself. Ms. Bajar and Mr. Yozzo have each listened to the previous tape.

Additional evidence was entered:

- A – 17 Pool Grading Plan depicting Stormtech Chamber System and drainage calculations prepared for Block 148, Lot 10.33, by Chester DiLorenzo, Midstate Engineering, Inc., 32 Walnut Hill Lane, Freehold, NJ, updated 9/26/11.**
- A – 18 Revised Pool Grading Plan for Block 148, Lot 10.33, by Chester DiLorenzo, Midstate Engineering Inc., 82 Walnut Hill Lane, Freehold, NJ on 9/29/11.**
- A – 19 Report prepared by James A. Priolo, PE, PP, CME, Birdsall Service Group, 611 Industrial Way West, Eatontown, NJ, Dated 10/03/11.**

Mr. Priolo stated that modifications were made to the plans. A three and one-half foot wall is proposed with four foot fence. This will set off the property line.

Between wall and property a stone fence would be installed. The runoff will be picked up, and will remain on the property.

Mr. Priolo said that this would also require keeping up maintenance of stone in the trench. Roof drains should be redirected toward back.

Mr. Pokhis stated the drains have been turned already.

Ms. Bajar inquired about the exposed fence and Mr. Pokhis answered he will be putting evergreens

Mr. Pokhis, we will be putting evergreen around rear of property; Mr. Priolo stated there isn't room for trees. Ms. Bajar said that planters on the rear wall is a suggestion.

Mr. Pokhis said backwashing will go to the street from the side. Ms. Bajar stated that is over sixty feet. Will you be hard piping that; she believed a softer type of pipe can be used. She also stated the fence will have to be four feet.

Questions from the Public

Mr. Robert Brennan, 210 Jensen Court, Morganville, inquired how you can be sure this will be done. Ms. Bajar stated that a cartridge filter does not allow backwashing.

He also inquired how a trench is done? Mr. Shapiro stated the township can be called and have an engineer come out or Sarah will ask the Engineering department to inspect. You can put this into a resolution that the applicant agrees to rectify any drainage situation.

Ms. Bajar inquired if Mr. Brennan is behind the applicant, is the fence Mr. Brennan's. Mr. Brennan stated that Mr. Pokhis has the white vinyl fence and he has a metal fence.

Ms. Bajar believed vegetation should be behind the fence. Mr. Pokhis offered making everything all one color.

Motion to Workshop

Offered By: Michael Shapiro Second By: Matthew Weilheimer

The Board had no problem with the application. They believed the resolution should state what to do about flooding or overflow.

Mr. Cucchiaro stated that we do not speak about damage in the resolution. If there is some impact caused by this improvement, then the applicant would be responsible to rectify.

Ms. Sarah stated that the Township Engineer goes out and they will suggest remediation. Mr. Cucchiaro stated this should go into the resolution.

Mr. Weilheimer stated he is leery to put this in a resolution. We do not put this in other resolutions. Mr. Yozzo stated we must be sure the owner maintains the drainage. Ms. Bajar stated there should be a stipulation for a certain square foot filter.

Mr. Shapiro stated the Board is happy with the application and any problem should be eliminated with Mr. Brennan's property.

Motion Out of Workshop

Offered By: Michael Shapiro Seconded By: Jennifer Bajar

Motion to Approve with white fence.

Offered By:	Michael Shapiro	Seconded By:	Ira Levin
Ayes:	7	Nays:	0
Absent:	1	Recused:	1

Motion approved.

Mr. Brennan will get copy of resolution.

Mr. Pokhis had further questions and was asked to speak with the Zoning Officer.

Ms. Paris reminded the Board of sending in suggestions for discussion of year end recommendations.

If we speak of a mother/daughter residence, per Mr. Shapiro, we need counsel on this type of situation.

Mr. Cucchiaro stated that this type of case turns up specific facts with various situations. We can streamline and the applicants will have to clarify.

It was suggested to consider pods and parking.

Mr. Shapiro thanked everyone with respect to tonight's matters.

Meeting Adjourned at 9:50 p.m.

Respectfully submitted,

