

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

PHONE: (732) 536-0200 EXT.1809; (732) 617-7225

web: www.marlboro-nj.gov e-mail: zoning@marlboro-nj.gov

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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

FEBRUARY 7, 2012

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

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

ALSO PRESENT:

Ronald Cucchiaro, Esq. Board Attorney
Sarah Paris, Administrative Officer

ABSENT:

0

The minutes of the January 24, 2012 meeting were approved:

Offered: Michael Shapiro

Seconded: Ira Levin

Ayes: 5

Nays: 0

Abstain: 4

There was no Public Session

ZB 12-6434 – Viridi, Kamalpreet S.

Continuation of a public hearing for approval to construct a new single family dwelling which exceeds permitted lot coverage for principal structure at 201 Walnut Drive, Block 153.01, Lot 2, on property located in the LC zone.

Mr. Levin recused himself from the application.

Michael Bruno Esq., Giordano, Halleran, Ciesla, 125 Half Mile Road, Suite 300, Red Bank, NJ stated that 201 Walnut Drive is part of the Pleasant Valley Estates subdivision approved under the R80 zone. There were some undeveloped lots in the subdivision that were sold off, this being one of them.

AJ Garito, PE, Two River Engineering, PO Box 155, Colts Neck, NJ, is accepted as a professional.

Additional evidence was submitted:

A-17 Color Rendering 201 Walnut Drive, dated 1-30-12
Variance for allowable building coverage; as shown the dwelling is 6.24%.

Mr. Garito stated that the house and septic fit into the area. There are no negative impacts.

Ms. Bajar stated the driveway should be changed to pavers for future consideration.

Ms. Spota inquired if the total lot coverage includes the piece behind the garage. She asked if Mr. Garito did a recalculation based on the pavers. Mr. Garito said they will now have an additional 3,000 square feet.

Mr. El Naboulsi asked what is behind the breezeway; Mr. Garito answered that this is the garage.

Mr. Garito that that this is comparable with the rest of the neighborhood.

Workshop

Offered By: Michael Shapiro Seconded By: Matthew Weilheimer

The Board agreed that pavers are a must and are in favor of the application with the pavers included.

Mr. Cucchiaro stated if the applicant does not go with the pavers, they may have to return before the Board.

Motion Out of Workshop:

Offered By Michael Shapiro Seconded By: Ibrahim El Naboulsi

Motion to Approve:

Offered By: Michael Shapiro Seconded By: Michael Yozzo

Motion Approved; applicant may proceed as per previous discussion.

ZB10-6394 – T-Mobile Northeast LLC

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.

Mr. Weilheimer recused himself; Mr. Levin returned to the dais.

Everyone stated they were present for previous testimony.

Reginald Jenkins, Esq., Price, Meese, Schulman & D'Arminio, PC, Mack-Cali Corporate Center, 50 Tice Boulevard, Woodcliff Lake, NJ, stated that all testimony has been concluded and there is still a question as to the state of the property. He stated he has spoken with Mr. Petruzzelli and Mr. Petruzzelli will be represented by counsel this evening.

Steven Tripp, Esq., Wilentz, Goldman & Spitzer, PA, 90 Woodbridge Center Drive, Woodbridge, NJ stated that Mr. Petruzzelli is aware of the existing conditions and will remedy certain conditions. He has an engineer, who will come back with additional plans showing surveying and as built.

Additional evidence was entered:

A – 66 Zone Map: T-Mobile Search Ring NJ8554E, 112 Amboy Road, Marlboro, NJ, submitted as evidence by TK Design Associates (labeled as A-61)

Mr. Christopher Petruzzelli is sworn in as the owner of 112 Amboy Road, Morganville, NJ. As the owner of the property, he intends to enter into a lease and maintain his excavating company on the property. He stated in October that he would alleviate some conditions and also do some modifications. Mr. Petruzzelli would like to increase the amount of vehicles at property.

The height of the stockpiles has increased, and he will need to come back before the Board to change. The height was about 35 feet and it is now down to 20 - 22 feet in height. He has been working on reducing this height.

He also stated that the road dedication was not done and is currently being done. Trees will be moved out of right of way.

The stockpile is unlawful. There is debris by the water on backside of the pond. Ms. Paris stated that part of the pond is secure. Mr. Petruzzelli stated that this is also owned by a neighbor and that he did move material further away onto his neighbor's property.

Mr. Petruzzelli also commented that a two-tier retaining wall was to be installed. Five trees were taken down; most of which were dead. He wanted to level entire area.

Mr. Cucchiaro asked if he wanted to level to put an improvement on another property and inquired if he went across the property line to level. Mr. Cucchiaro said we will not know until you get the survey to see whether you are encroaching on another property.

In answer to Mr. Cucchiaro's question, Mr. Petruzzelli stated that after the last meeting, he had written a letter saying he could be available but at that time, he was out of the state.

Ms. Paris also addressed Mr. Petruzzelli stating she sent letters as to not being in conformance.

The question of moving the location was brought up in a July 8, 2011 letter. Mr. Petruzzelli also stated the yard is too small and it would be impossible to move the location.

Questions from the Board:

Discussion followed as to it being unclear where the property line is.

Ms. Bajar asked if he requested monuments be put down. Mr. Petruzzelli said there are currently stakes in the rear corners.

Mr. Petruzzelli stated he is about eight foot over at present. Mr. Tripp said that they will be coming back with a formal request to ratify the amount.

The Board took a break.

Mr. Cucchiaro asked Mr. Priolo about the stockpile; Mr. Priolo said he believes the original stockpile may have been over line.

Mr. Tripp stated that when it is staked out, he believes the stockpile questioned by Mr. Priolo will be within Mr. Petruzzelli's property.

Mr. Cucchiaro and Mr. Cramer each confirmed it is smaller with insufficient lot area. The variance is for a non-conforming use and there is a need to evaluate use of the site.

Mr. Tripp said another use is being added. We are trying to bring into compliance. Mr. Jenkins stated that T-Mobile's survey was done for T-Mobile's purpose and was not provided for Mr. Petruzzelli.

Mr. Cucchiaro stated that nobody called to go out and review the land, after receiving the report. Mr. Jenkins said that Mr. Petruzzelli is here saying the report will be addressed.

Mr. Priolo stated the original application was for 2.41 acres, after the dedication it will be 2.19 acres. Mr. Jenkins said the dedication has yet to happen; it should not be that much of an impact.

Mr. Shapiro is concerned about the lot delineation. As a Board we look for the future owners, for you, and the other properties surrounding.

Motion to Workshop:

Offered By: Michael Shapiro

Seconded By: Jennifer Bajar

The Board agreed it is not easy to create something that will be able to work with both applications. There are questions regarding the borders, the fall zone and the fact there is no LOI.

Mr. Zwerin agreed with Ms. Spota. Do we take the two together, or separately.

Mr. Cucchiaro said positive/negative criteria must be determined. Important to understand what is on the property; this is why we asked for Mr. Petruzzelli to come in. We now understand when he will be in compliance.

Mr. Cucchiaro said we will vote on T-Mobile, but, it may be a risk to Mr. Petruzzelli's future application. Mr. Cucchiaro said if there is a vote, he must bring it into compliance in order to go forward. It must be conditioned.

Motion Out of Workshop.

Respectfully submitted,