

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

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Michael Shapiro

Vice-Chairperson

Matthew Weilheimer

Secretary

Alan Zwerin

Members

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Ira Levin

Jennifer Bajar

Adrienne Spota

Ibrahim ElNaboulsi - Alt #1

Stacey DiGrande - Alt # 2

Zoning Board Clerk

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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 21, 2012

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

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

ALSO PRESENT:

Bryant Gonzalez, Esq. Acting Board Attorney
Sarah Paris, Administrative Officer

ABSENT:

Ibrahim El Naboulsi

The minutes of the February 7, 2012 meeting were approved:

Offered: Michael Shapiro

Ayes: 8

Seconded: Frank Yozzo

Nays: 0

Abstain: 1

There was no Public Session

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.

Bryant Gonzalez, Esq., Acting Attorney for the Board, stated T-Mobile requested to be carried to 3/20/12.

Extension of Time to March 20, 2012.

ZB12-6435– Atlantic Tree Reality, LLC

Public Hearing for approval of a use variance for a wood recycling facility, to demolish the existing house and garage and to construct a 60' x 40' shop/office building and a 60' x 100' shop building with a 25' x 100' canopy work area located in an LC Zone, on property located at 198 Tennent Road, Morganville, NJ, Block 172, Lots 58 and 59.

Kenneth L Pape, Esq., 516 Highway 33, Millstone, NJ addressed the Board and Public.

Mr. Pape asked that the Atlantic Tree Reality, LLC application be removed from the Agenda until it is determined that the Zoning Board has jurisdiction. It became known today that Monmouth County may pre-empt the Board as it may be Class B and would be under the jurisdiction of the Monmouth County Freeholders. At this time, Mr. Pape stated it is not known who will take jurisdiction. He said the Board will be notified in writing after hearing from the county.

In answer to the Board's questions, Mr. Pape stated as of now there is no application with the DEP. Before today, it was not determined that it was a class B recycling.

Mr. Gonzalez said you will have to apply for a county application. Mr. Pape answered that he will approach Lawrence Zyanger, Executive Director of the Monmouth County Solid Waste Advisory Council. Mr. Pape also stated that he will submit an open ended Extension of Time. The applicants will republish and renotice with a new date.

An Extension of Time, through an open letter, will be sent and we will republish if the Board will be renoticed.

Mr. Gonzalez said if the applicant proceeds before the Zoning Board, then the public will come before Board. Per Mr. Gonzalez, there is no application being heard tonight; therefore we can not hear the Public. As the public still wanted to be heard, they were told it would not be fair to the applicants; we must comply with procedure.

Mr. Shapiro also confirmed that we must abide by the law. If there is nothing heard, there is nothing to address.

ZB12-6436 – Suraci, Michelle – Meyers, Michael

Public Hearing for approval to construct a 930 square foot pavilion 5' from the house where 20' is the required distance located at 105 Haven Way, Morganville, NJ, Block 132, Lot 20.10, in an R-80/60 Zone.

Motion Offered to Approve:

Offered By: Michael Shapiro

Seconded By:

Matthew Weilheimer

Motion Approved.

ADDITIONAL AGENDA ITEMS: YEAR END REPORT

The Board discussed the following list of issues and agreed to approve the list that will respectfully be submitted to Council to review for amendment or creation of new ordinances:

- 1. Portable Storage Units - An ordinance establishing a new section 220-45 was submitted to mayor and Council last year but was tabled. The Board is urging that it be re-visited as the use of pods is growing throughout the town.**
- 2. An ordinance addressing the use of Solar panels, trees, awnings, overhangs, car ports, etc. and wind-turbines is recommended.**
- 3. Lot Coverage – Remediation via systems for re-use of water i.e., cisterns.**
- 4. Lot Coverage – Zone Classifications R60/40, R-40 AH, R-40 G AH. Increase the total permissible lot coverage to 18%.**
- 5. Lot Coverage - Zone Classification R-30. Increase the total permissible lot coverage to 25% for conventional (non-cluster) development.**
- 6. Medical Marijuana Dispensaries – Recommendation that the governing body study this issue in order to be pre-emptive and possibly take action within its Development Regulations.**

Motion to Approve the above list of issues discussed:

Offered By: Michael Shapiro

Seconded By:

Jennifer Bajar

Ayes:

8

Nays:

0

Absent:

1

MEMORIALIZATIONS

ZB 12-6434 – Virdi, Kamalpreet S.

Memorialization of a resolution 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.

Motion to Adjourn at 8:40 p.m.

Offered By: Michael Shapiro

Seconded By:

Jennifer Bajar

Respectfully submitted,