

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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

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Jennifer Bajar

Adrienne Spota

Ibrahim ElNaboulsi - 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

MARCH 6, 2012

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT: Matthew Weilheimer, Alan Zwerin, Ira Levin,
Jennifer Bajar, Stacey DiGrande, Frank Yozzo,
Adrienne Spota

ALSO PRESENT: Ronald D. Cucchiaro, Esq., Board Attorney
Sarah Paris, Administrative Officer

ABSENT: Michael Shapiro, Ibrahim El Naboulsi

The minutes of the February 21, 2012 meeting were approved:

Offered:	Alan Zwerin	Ayes:	7
Seconded:	Matthew Weilheimer	Nays:	0
		Absent:	2

Tillyros, Angelina, 284 Spring Valley Road, Morganville, NJ. Mr. Cucchiaro stated that she will be able to make a statement after hearing the Tiba application.

Daniel Matarese, 485 Texas Road, Morganville, NJ, stated his concern about making complaints about business and zoning in town not being enforced.

Mr. Cucchiaro also referred Mr. Matarese to the governing body. He stated the Board does not enforce zoning ordinance.

Mr. Weilheimer, also stated if there are issues, you should approach council.

Mr. Cucchiaro also reiterated that the Board cannot operate one inch beyond the Municipal Land Use Law. We are a quasi judicial body. If there are questions, people have the right to file an appeal within twenty days. They can file for an interpretation.

ZB12-6437 – Tiba Associates, LLC

Public Hearing for approval to use property as a 7,350 plot cemetery where it is not a permitted use in an LC zone located at 340 Spring Valley Road, Morganville, NJ, Block 146, Lot 48.

The Board took jurisdiction. The following evidence was 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 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 Use Variance Plan for Block 146, Lot 48, prepared by Sharif H. Aly, Amertech Engineering, Inc., 757 Ridgewood Avenue, North Brunswick, NJ 08902, Dated January 5, 2012.
- A – 16 Report prepared by John Borden, Fire Sub-Code Office/Fire Official, Township of Marlboro, 1979 Township Drive, Marlboro, NJ, Dated 2/16/12.
- A – 17 Report prepared by James A. Priolo, PE, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ 07724, Dated 2/29/12.
- A – 18 Report prepared by Mark W. Kataryniak, PE, Zoning Board Traffic Consultant, French & Parrello, 1800 Route 34, Wall, NJ, Dated March 1, 2012.
- A – 19 Report prepared by Marlboro Township Environmental Commission, 1979 Township Drive, Marlboro, Dated 2/13/12.
- A – 20 Report prepared by Richard S. Cramer, PP, Planning Consultant, T&M Associates, Eleven Tindall Road, Middletown, NJ, Dated 3/5/12.
- A – 21 Aerial Map of Tax Map Block 146, Lot 48 drawn up by Amertech Engineering, Inc., 757 Ridgewood Avenue, North Brunswick, NJ, Tax Map 34, Dated 3/5/12.
- A – 22 **Sheet 202, Color rendering of Block 146, Cemetery Layout Plan, prepared by Sharif H. Aly, Amertech Engineering, Inc., 757 Ridgewood Avenue, North Brunswick, NJ, Dated 1-05-12.**

Sal Alfieri, Esq., 5 Ravine Drive, Matawan, NJ, represents the applicant. The application will be bifurcated and if approved, all outside agencies will have to supply approvals from Council, NJDEP, etc. The application will be bifurcated to save expense. Mr. Alfieri said he will present four witnesses.

Mr. Sharif H. Aly, PE, Ameritech Engineering, Inc., 757 Ridgewood Avenue, North Brunswick, NJ, presented an aerial photo of property of Block 146, Lot 48, Exhibit A-21. He stated the surrounding roads and 18 acres of this property is usable land. There is only one residence, with an existing driveway which leads to the house, garage and active horse farm. Access of the existing stone driveway ends at a cul-de-sac (about 800 linear feet) is intended to be used. There is a looped driveway around the proposed cemetery, with a five foot area between existing grave yards. The main driveway and surrounding circle around would be stone.

Mr. Alfieri stated there are three structures: the house for the groundkeeper, garage for the equipment and a trailer. A zone in town does allow for cemeteries. A buffer area can also be put for the neighbor.

An LOI application is pending with a fifty foot buffer being contemplated. He stated that the land to the north belongs to the town and there will be signage at the front entrance.

Ms Bajar questioned the dwelling for the groundskeeper and if this means that it's a mixed use variance? Mr. Cucchiaro responded that the house may be a second principal use.

Ms. Spota stated the cemetery lots will go down to 750 lots.

Mr. Cucchiaro stated that cemeteries are appropriate to the town and that the governing body does look at whether it is acceptable to town. They are largely regulated by state statute. A lot of site plan issues are regulated by state.

Ms. Spota believes there are no more than five cemeteries permitted. Mr. Alfieri stated there are more than five and the governing body may do a resolution.

Mr. Yozzo inquired about a berm. Mr. Priolo, Zoning Board Engineer, said it could be three to four feet high with evergreens five to ten feet apart. The road will be one way, but can be made wider so there will be room for two cars in passing.

Mr. Priolo asked about stormwater management and Mr. Aly stated they will address in detail at site plan time. He also said there is an area which may be used as a detention basis. Mr. Priolo answered that they may lose some land and may need to grade the site.

Mr. Cramer asked if the building could be used as an office.

Mr. Aly stated that as the area is phased (about every 500 plots); it will be cleared. He also said no mausoleum is planned.

Ms. Paris said that all residential uses do require a one car garage. Mr. Aly stated that the detached three car garage may also accommodate the equipment.

The residential use also requires a Notice.

There were no questions from the public.

The next witness was Mr. Mohamed Mosaad, president of TIBA, and Vice President of Islamic Society of Monmouth County (located at 96 River Road, Middletown, NJ). He is speaking on behalf of each.

He stated services are performed at the Mosque and the cemetery is attended by family and friends, taking about fifteen minutes. There is only one other cemetery in Millstone and that is almost at capacity.

Mr. Mosaad stated that he is the contract purchaser. They will be opened seven days and no nights. Burial is during the day and visitation is normally during the day. Everyone is buried underground. The grave site has a marker, with no tombstone. There will be no retail site.

The cemetery will not be gated; traffic is limited.

Mr. Cucchiaro stated that hours are usually regulated by the State.

Mr. Levin inquired if there are wetlands and how high is the water table. Mr. Aly stated that plots would be a minimum of 70 feet from wetlands. There will be soil testing done.

Mr. Cucchiaro confirmed that there is a basement on the existing dwelling.

Mr. Priolo stated that historically this is a flooding area; Mr. Alfieri said they will provide water tables.

Five Minute Break.

Mr. Alfieri inquired has to available routes to come to the cemetery. Available routes would be from Route 79 to Tennent Road. There would also be about five or six funerals a month.

The Engineer also stated there will be a loss of about 75 gravesites, if vegetation is increased.

There were no questions from the public.

Mr. Alfieri stated that he could not answer regarding Storm water Management. Per Mr.Cucchiaro, the water is high and you may have limited gravesites.

Mr. Alfieri said they can come back and renote in April for the residential unit.

Scott Kennel, Traffic Engineer, McDonough & Rae, Lakewood Rd, Manasquan, NJ, is accepted as a traffic expert. He stated that he studied the site, area and also French & Parrello's report. Two burials a week would be conservative number. During the week, peak hours would be 10:00 am to 2:00 pm; weekends could be about 100 trips. The existing roadway should accommodate the traffic with minimal impact.

Mr. Kennel said that based on available information, there may be some grading necessary. This would be prepared in a survey conducted along Spring Valley Road. He also confirmed that there will be a sign when you approach Texas Road. Any road improvements would be part of the application.

Mr. Kataryniak, Traffic Engineer, French & Parrello stated that it is safe to say the trips generated would be higher than anything permitted in this zone. Traffic would be increased; this mitigation should be provided.

A – 21 Aerial Map of Tax Map Block 146, Lot 48, submitted by the Ameritech Engineering, Inc., 757 Ridgewood Avenue, North Brunswick, NJ.

A - 22 Cemetery Layout Exhibit prepared by the Ameritech Engineering, Inc., 757 Ridgewood Avenue, North Brunswick, NJ.

There were questions from the Board.

Ms. Spota inquired if the trips generated are according to the number of plots. Mr. Kataryniak said there is no real standard as to what the variables are. The only variable statistic is acreage.

Mr. Kennel stated fifty vehicles is the basis on number of acres being usable. Mr. Kataryniak said his concern would be traffic spillage on to road.

Questions from the public.

Mr. Daniel Matarese, 50 Texas Road, Marlboro, NJ, asked if Mr. Kennel was aware of a previous study that was done saying there should be a light there. Mr. Kennel answered that he was not aware.

Mr. Matarese said it was also not considered that Costco would be built, along with the Shops at Old Bridge. Mr. Kennel stated there will be minimal impact due to the cemetery. Mr. Matarese believes more needs to be done with the intersection.

There were no other questions.

Mr. Alfieri said that the Planner for this application will be heard at the April meeting. An extension of time was signed for April 17, 2012, at 8:00 pm, with a notice to property owners and to also be published.

Mr. Levin inquired if the soil boring tests will be done on the land closest to the wetlands.

Mr. Cucchiaro will review the New Jersey Cemetery Act, saying the buffer will also be revised, and the application amended for the residence. The question of the trailer will be discussed. After testimony is complete, the public will be able to speak at the April 17, 2012 meeting.

MEMORIALIZATIONS

ZB12-6436 – Suraci, Michelle – Meyers, Michael

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

Motion to Adjourn at 9:45 p.m.

Offered By: Michael Shapiro

Seconded By: Alan Zwerin

Respectfully submitted,