

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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Stacey DiGrande - Alt # 2

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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 1, 2012

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

**Matthew Weilheimer, Alan Zwerin,
Ira Levin, Jennifer Bajar, Frank Yozzo,
Ibrahim El Naboulsi, Stacey DiGrande**

ALSO PRESENT:

**Ronald D. Cucchiaro, Esq, Board Attorney
Sarah Paris, Administrative Officer
James Priolo, PE, Birdsall Services Group**

ABSENT:

Michael Shapiro

The minutes of the April 17, 2012 meeting were approved:

Offered: Matthew Weilheimer

Ayes: 7

Seconded: Ira Levin

Nays: 0

Absent: 1

No one signed to speak from the Public.

ZB12-6441 – Pereira, Jose & Stacy

Public Hearing for approval to construct an in-ground pool, patio and fence having insufficient rear yard setback for accessory structure and exceeding lot coverage for a principal structure at 31 Ellis Court, Morganville, NJ, Block 147, Lot 32.10. Property is located in a C-2 Zone.

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 Topographic Survey prepared for 31 Ellis Court, Block 147, Lot 32.10, by Martin G. Miller, III, PE, 8 Strathmore Court, Freehold, NJ, Dated 12/07/07.
- A – 16 Variance & Inground Swimming Pool Grading Plan prepared for Jose & Stacy Pereira, Block 147, Lot 32.10, By William F. Voeltz, PE, 17 North Cherokee Lane, Brick, NJ, Dated 3/9/12.
- A – 17 Location Map of Block 147, Lot 32.10, submitted by William F. Voeltz.
- A – 18 Flood Insurance Rate Map, National Flood Insurance Program, Monmouth County, New Jersey, Effective Date September 25, 2009.
- A – 19 Report prepared for 31 Ellis Court, Block 147, Lot 32.10, by James A. Priolo, PE, Birdsall Services Group, 611 Industrial Way, Eatontown, NJ, Dated April 24, 2012.

Mrs. Stacey Pereira, 31 Ellis Court, Morganville, NJ, is proposing a pool, patio and fence around the pool. Mrs. Pereira is looking to enhance the home for their children.

Questions from the Board:

The size of the pool (15' x 27') was questioned. Questions also followed regarding the detention basin and paver patio. The type of filter on the pool was questioned.

A distance of twenty feet is required from the edge of the pool to house. There is a ten foot requirement from the water line of the pool.

No further questions for the applicant.

Workshop:

Offered by: Matthew Weilheimer
Seconded by: Jennifer Bajar

Mr. Levin questioned the closeness to the retention basin. Mr. Priolo stated it was okay.

- 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 Survey prepared for Block 287, Lot 36, by Richard Zinn,
Brunswick West, Inc., 219½ South Main Street,
Flemington, NJ 08822, Revised 2/10/12.
- A – 16 Proposed Addition prepared by Jose Alberto Ortiz Architect,
92 Highland Avenue, Ste 105, Jersey City, NJ, Dated 3/01/12.
- A – 17 Correspondence regarding Artur Avetisyan (ZB1-6396)
- A – 18 Correspondence from Jonathan M. Heilbrunn, Esq., Heilbrunn Pape, 516 Highway 33,
Millstone Township, NJ, Dated December 20, 2011, with copy of survey prepared by Charles
Widdis for Block 287, Lot 34.
- A – 19 Report prepared for Artur Avetisyan, Block 287, Lot 36, by James Priolo, PE, Birdsall Services
Group, 611 Industrial Way West, Eatontown, NJ, and Dated April 24, 2012.

Peter Klauser, Esq., Heilbrunn Pape, 516 Highway 33, Millstone Township, NJ, represents Artur Avetisyan. He said that two variances are required: front yard setback and the property does not front on a public street. They are proposing a first floor addition, second floor, paver walkway and a stairway that will be reconfigured. They are trying to modernize the existing home.

Per Mr. Klauser stated the plans are now conforming. The existing size of the house is 2,550 square feet, the proposed is now 3,010 square feet. Size of the first floor is 1,740 square feet, the second is 1,640 square feet. The driveway will be pavers.

Per Mr. Levin’s question, Mr. Avetisyan said in the future he will get a permit to finish the basement.

Ms. Bajar inquired if a structural engineer checked the foundation. Messrs. Cucchiaro and Klausner each commented that whether using the walls or not, that is what the variance is for in this R20 Zone.

Mr. Avetisyan also stated they are hooked up to the sewer now. Ms. Bajar said the property appeared to have standing water after the rain; Mr. Priolo said the homeowner will have to comply with this.

Mr. Avetisyan said the old garage will be taken down and that the garage will line up with the driveway.

Discussion followed regarding the square footage of the house and a grading plan.

Mr. Cucchiaro stated there are two variances required: the first being that it is a hardship, not being on an approved road and the second being there is not enough front yard setback. He also stated the size of the house is not a matter.

Motion to Workshop:

Offered By: Matthew Weilheimer

Seconded By: Alan Zwerin

Mr. Il Naboulsi stated there is still a question on the square footage of the construction.

Ms. Bajar stated she is comfortable with the application; it will be a major improvement. Messrs. Yozzo, Levin, DiGrande, and Zwerin said they had no issues with the application. Mr. Weilheimer stated he is also in favor; it is in character with the neighborhood.

Out of Workshop:

Offered by: Matthew Weilheimer

Seconded by: Jennifer Bajar

Ms. Bajar stated that the paperwork needs to be complete and Ms. Paris stated grading and stormwater plans are required.

Motion to Approve.

Offered by: Matthew Weilheimer

Ayes: 7

Seconded by: Ira Levin

Nays: 0

Absent: 1

MEMORIALIZATIONS

ZB12-6442 – Okun, Janet

Memorialization of a resolution for approval to construct a 675 square foot addition to an existing garage exceeding permitted lot coverage for an accessory structure at Block 299, Lot 135.01 in an R-20 Residential Zone located at 491 Union Hill Road, Marlboro, NJ.

ZB12-6437 – Tiba Associates, LLC - Amended

Memorialization of a resolution for approval to use property as a 7,350 plot cemetery where it is not a permitted use and to retain an existing home as a care taker's residence at Block 146, Lot 48 in an LC zone located at 340 Spring Valley Road, Morganville, NJ.

Motion to adjourn at 9:05 pm.

Offered by: Matthew Weilheimer

Seconded by: Jennifer Bajar

Respectfully submitted,

