

# 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

### Chairperson

Michael Shapiro

### Vice-Chairperson

Matthew Weilheimer

### Secretary

Alan Zwerin

### Members

Frank Yozzo

Ira Levin

Jennifer Bajar

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

### Zoning Officer

Sarah Paris

## MINUTES

### ZONING BOARD OF ADJUSTMENT

JULY 17, 2012

8:00 p.m.

### SALUTE TO FLAG

### SUNSHINE LAW READ

#### PRESENT:

Michael Shapiro, Alan Zwerin,

Ira Levin, Frank Yozzo,

Stacey Di Grand

#### ALSO PRESENT:

Ron Cucchiaro, Esq, Board Attorney

Sarah Paris, Administrative Officer

James Priolo, P.E., Birdsall Engineering, Inc.

Mark Kataryniak, Traffic Engineer

Richard Cramer, P.P.

#### ABSENT:

Matthew Weilheimer, Jennifer Bajar,

Ibrahim El Naboulsi

The minutes of the June 19, 2012 meeting were approved:

Offered: Michael Shapiro

Ayes: 1

Seconded: Ira Levin

Nays: 0

Absent: 7

The minutes of July 10, 2012 carried to August 7, 2012.

No one signed up for Public Session.

ZB12-6447 – McLaughlin’s Auto Service Center, Inc.

**Public Hearing for approval to construct a 1,912.25 square foot addition to house three additional bays and 782.25 square foot storage area where no nonconforming building shall be expanded and having insufficient front and side yard setbacks. There also shall be no structure built within one hundred feet of top of bank of a stream located at 139 Route 9 South, Morganville, Block 275, Lot 50 in a C-3 Community Commercial Zone.**

**The applicant is requesting a full quorum. Mr. Munoz signed an Extension of Time to August 7, 2012, with no Notice required.**

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           **Resolution for Variance Application ZB 00-5930, Block 275, Lots 51 and 52, Dated 12/20/00.**
- A – 16           **Resolution for Variance Application ZB 01-5978, Block 275, Lots 51 and 52, Dated 7/11/01.**
- A – 17           **Amended Preliminary and Final Major Site Plan with Use Variance For McLaughlin’s Auto Service Center Inc., Block 275, Lot 50, State Highway Route 9, Marlboro, NJ, Prepared by John L Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Bldg 2, Unit 7, Manalapan, NJ, Dated 5-01-12.**
- A – 18           **Completeness Checklist for Bulk Variance**
- A – 19           **Completeness Checklist for Use Variance**
- A – 20           **Report prepared by John W. Borden, Fire Sub-Code Official/Fire Inspector, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated 06/04/12.**
- A – 21           **Report prepared for Block 275, Lot 50, by Richard S. Cramer, PP, T&M Associates, Eleven Tindall Road, Middletown, NJ, Dated 6/28/12.**
- A – 22           **Report prepared for McLaughlin’s Auto Center, Inc., Block 275, Lot 50, By the Environmental Commission, Marlboro Township, 1979 Township of Marlboro Drive, Marlboro, NJ, Dated 7/2/12.**
- A – 23           **Report prepared for 139 Route 9 South by Birdsall Services Group, Inc., 611 Industrial Way West, Eatontown, NJ, and Dated 7/12/12.**
- A – 24           **Report prepared for Block 275, Lot 50, by Mark W. Kataryniak, PE, French & Parrello Associates, 1800 Route 34, Suite 101, Wall, NJ, Dated 7/16/12.**

ZB12-6449 – JNE, LLC

**Public Hearing for approval to use as an art studio where no non conforming use may be expanded and exceeding total permitted lot coverage at 509 Route 79, Morganville, Block 122, Lot 22 in an R-60 Residential Zone.**

**Salvatore Alfieri, Esq., 5 Ravine Drive, Matawan, represents the applicant, JNE, LLC. 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          Survey prepared for 509 Route 79 by A-1 Land Surveys, Inc.,  
PO Box 1192, Trenton, NJ, Dated February 27, 2003.**
- A – 16          Report prepared for 509 Route 79, by James A. Priolo, Birdsall Services Group, 611  
Industrial Way West, Eatontown, NJ, and Dated July 12, 2012.**
- A – 17          Report prepared for Block 122, Lot 22, by Richard S. Cramer, T&M Associates, Eleven  
Tindall Road, Middletown, NJ, Dated 7/16/12.**
- A – 18          Report prepared for Block 122, Lot 22, by Mark AW. Kataryniak, French & Parrello, 1800  
Route 34, Suite 101, Wall, NJ, Dated 7/16/12.**
- A – 19          Resolution – ZB Application ZB 07-6285, for property located at 509 Route 79, and Dated  
March 6, 2007.**

**Mr. Naggi, 20 Lisa Lane, Morganville, is the principal owner. He occupies 1200 square feet for electrical contracting, with the apartment rented. The space in question is 400 square feet. There are 20 lined parking spaces. Residents park on the driveway on the side.**

**There were no questions for Mr. Naggi.**

**Mark Kolessar, principal of the art business was sworn in. He has been involved for twenty-two of the thirty years the art supply store has been in business. He occupies about 4,500 square feet at South Street, Freehold, where he also teaches children. He would like to add another satellite location as the commute will be easier for their current students. Classes could be from 10:00 a.m. to 12:00 p.m.; and later again from 4:30 p.m. to later in the evening.**

**Additional rooms will be used for stock and another for a classroom. An additional twelve students, ages five to twelve, will be dropped off for painting, clay work, etc.**

**There will be no deliveries at this location; products will be brought in from the other location.**

**The exterior of the building will not be changed. There will be no new signs; an existing sign will be used.**

**Mr. Shapiro inquired how many classes there are per day. Mr. Kolessar said the most a morning class will have is twelve and there will be another afternoon class where parents drop the students off.**

**Mr. Levin inquired if the parents remain for the younger students. Mr. Kolessar stated the parents will probably leave. Mr. Levin inquired if classes will be back-to-back and Mr. Kolessar answered that they will not be.**

**Mr. Kolessar stated that they will be only teaching art classes at this location; there will be no pottery. Adults will bring their own supplies with them.**

**Mr. Cucchiaro inquired about the containers on the property. Mr. Naggi answered that the containers house his electrical stuff. He will clean this up.**

**Mr. Shapiro stated that the parking lot will need striping.**

**Mr. Cucchiaro said regarding the electrical, we want to make sure there are no violations.**

**Mr. Kataryniak recommended the paved area in front be restriped, as well handicapped marked.**

**Mr. Cramer said we are here because there is now an educational use. The concern is mainly parking. He also suggested a storage area be designated.**

**Ms. Paris said if they will be providing sheds, the setbacks are twenty feet from the side and twenty feet from the rear.**

**Mr. Yozzo also commented there should plans for the removal of debris.**

**Mr. Kolessar said debris is minimal; all paints are water based.**

**There were no questions from the public.**

#### **Offered Workshop**

**Offered By: Michael Shapiro**

**Seconded By: Alan Zwerin**

**Mr. Levin would like to be sure there are timed interims for entrance and exits.**

**Ms. Di Grande also stated the timeframe for classes is important. Mr. Zwerin also agreed with Mr. Yozzo regarding the removal of debris.**

#### **Out of Workshop**

**Offered: Michael Shapiro**

**Seconded By: Alan: Zwerin**

**Mr. Kolessar agreed to a thirty minute interim for classes.**

**Motion to Approve with no new sign proposed for the purpose of teaching art classes, and the submission of a parking lot striping plan (including handicapped space), entrance and exit, and showing existing storage containers.**

<b>Offered By:</b>	<b>Michael Shapiro</b>	<b>Ayes:</b>	<b>5</b>
<b>Seconded By:</b>	<b>Ira Levin</b>	<b>Nays:</b>	<b>0</b>
		<b>Absent:</b>	<b>3</b>

**Motion Approved.**

**The meeting was adjourned at 9:15 pm.**

### **MEMORIALIZATION**

#### **ZB12-6448 – Perri, John & Helena**

**Memorialization of a resolution granting approval to construct an in-ground pool, patio, and fence, and move shed to expand a pre-existing, non-conforming use and having insufficient side and rear yard setbacks for accessory structures (but will meet the R-20 Bulk standard requirements), located at 10 Orchard Street, Marlboro, NJ, Block 219, Lot 7 in a Light Industrial Zone.**