

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

AUGUST 7, 2012

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT: Michael Shapiro, Alan Zwerin,
Matthew Weilheimer, Frank Yozzo,
Stacey Di Grande, Ibrahim El Naboulsi

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: Jennifer Bajar, Ira Levin

The minutes of the July 10, 2012 meeting were approved:

Offered:	Michael Shapiro	Ayes:	4
Seconded:	Alan Zwerin	Nays:	0
		Absent:	4

The minutes of July 17, 2012 meeting were approved:

Offered:	Michael Shapiro	Ayes:	4
Seconded:	Alan Zwerin	Nays:	0
		Absent:	4

No one signed up for Public Session.

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

Continuation of a 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.

Evidence was previously accepted into the record:

- 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, 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.

Additional Evidence Entered:

A - 25 Amended Preliminary and Final Major Site Plan with Use Variance, for Block 275, Lot 50, prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Building #2, Unit 7, Manalapan, NJ, Dated May 1, 2012.

A – 26 Aerial Photograph of site from DEP website from 2007

A – 27 Series of Photographs – seven colored photographs taken by John Ploskonka Concept Engineering Consultants, PA 227 Route 33, Building #2, Unit 7, Manalapan, NJ and Dated July 17, 2012 and August 7, 2012.

A – 28 Architectural rendering prepared by Kevin C Roy, Architect LLC, 34 Main Street, P O Box 777, Englishtown, NJ, and Dated June 21, 2012.

John Ploskonka, PE, Manalapan, NJ, Professional Planner sworn in; he has practiced over 40 years. He is accepted as professional witness.

Back in 2001, they came before the Board for expansion of the parking. A vacant convenience store was demolished and a parking area put in with landscaping, paving and fenced in. The variances were granted and vehicles were allowed to park there.

Cars to be worked on will be left over night and towing is also done for Marlboro with the tow truck going home in the evening. Customers also now come in and wait while work is done. This building was a pre existing building with plans to add 2,000 square feet and expand the three bays to five bays. The new building will be about 3,000 square feet. The more bays you have, the quicker you expedite the turnover of vehicles.

Some of the variances required will be for front yard setback from Route 9, front yard setback from Longfellow and side yard setback along the northern property line.

Mr. Yozzo inquired as to spaces being eliminated. There is no striping now, so there are more spaces. In the rear, fifty spaces will stay the same. On the right, some spaces will be removed. The spots in the north will be replaced with the spots in the south.

A – 27 Series of Photographs – seven colored photographs taken by John Ploskonka Concept Engineering Consultants, PA 227 Route 33, Building #2, Unit 7, Manalapan, NJ and Dated July 17, 2012 and August 7, 2012.

You can see all the buffering, fencing, trees, with the natural vegetation, etc.

There is a 75 foot requirement. The new addition will be about 71' back (including the new building). 58' is proposed on the Longfellow drive side; the shed is there.

In order to grant a conditional use, the deviation is minor from the ordinance. The land use law allows for the Board to consider this as it exists over 30 years.

Per Mr. Cucchiaro said you are allowing for a buffer. The goal is not to impair in any way.

Mr. Ploskonka said he reviewed the reports and said he does not see any negative effect on the property.

The Engineer report centered around the striping and elimination.

With the shed removed, there would be inside storage. One tree died and will be replaced in the fall.

Mr. Ploskonka stated that they will be able to comply with all the recommendations in the reports.

Mr. Shapiro inquired about the drainage and where will the water go from heavy rains.

Mr. Ploskonka said there is no increase in storm water runoff at this time.

He also inquired why the building was not flipped away from the stream; you are now about 17 feet away.

Mr. Ploskonka answered that they will work with the engineer's office regarding the roof drainage.

Mr. Il Naboulsi asked about the chemicals, etc.

Mr. Cucchiaro said he did not have a problem with no storm water plan. This is more of a site plan issue; a use variance could currently be acted on tonight. The Board should decide that this is only the use variance. Mr. Ploskonka again stated that the cars should now move out from the bays quicker.

Mr. Yozzo asked about employee parking. Mr. Ploskonka stated there should be two additional employees.

Mr. Weilheimer initiated discussion regarding the stream and the buffer. He wanted to know if the buffer was because of flooding. Mr. Ploskonka stated the buffer would help mitigate the buffer to the stream. He said there will be less runoff because some water will go through the ground.

Mr. Shapiro inquired as to the nature of the storage room. Mr. Ploskonka stated it will be all the items used with oil also being stored. Mr. Munoz stated that this storage is required.

Mr. Weilheimer asked if the building was within the buffer. Mr. Ploskonka answered about the building being within the buffer and stated a waiver from the town was granted and does not believe one is required from the DEP.

Mr. Shapiro inquired of Mr. Kataryniak if there will be a change in hours, with the two additional employees. He said the color exhibit shows along Longfellow Drive.

Mr. Cramer spoke on the use say that this is now an expansion of this use. There is now a further deviation (which is the setback). The lot is undersized. What is the maximum number of cars on site at one time. What if emergency vehicles need to get on site.

ZB12-6440 – Piccone, Paul & Beth

Public Hearing for approval of a preliminary and final major site plan for a new proposed pool, garage and storage building on property that received a mixed use variance located at 240 Spring Valley Road, Morganville, Block 147, Lot 4.03 in an LC Zone.

The Board took jurisdiction. The following evidence was entered:

- A – 1 Application**
- A – 2 Petition on Appeal**
- 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 Preliminary & Final Major Site Plan for Block 147, Lot 4.03, prepared by Christopher P. Rosati, FWH Associates, PA, 1856 Route 9, Toms River, NJ, Dated 1/18/12.**
- A – 16 Report prepared by John W. Borden, Fire Sub-Code Official/
Fire Office, Township of Marlboro, 1979 Township Drive,
Marlboro, NJ, Dated July 3, 2012.**
- A – 17 Use Variance Resolution for ZB11-6421, Picone, Paul and Beth,
240 Spring Valley Road, Dated November 1, 2012.**
- A – 18 Report prepared by Marlboro Township Environmental commission for Block 147, Lot
4.03, 240 Spring Valley Road, and Dated July 25, 2012.**
- A - 19 Report prepared by James A. Priolo, PE, Birdsall Services Group, Inc., 611 Industrial
Way West, Eatontown, NJ, and Dated August 2, 2012.**
- A – 20 Correspondence from Salvatore Alfieri, Cleary Giacobbe Alfieri Jacobs, LLC 5 Ravine Drive,
PO Box 533, Matawan, NJ, Dated July 30, 2012 and enclosing a Declaration of Covenants and
Restriction (not executed) for the Picone Application ZB11-6421.**
- A – 21 Re: ZB 11-6421: Ronald Cucchiaro, Weiner Lesniak, LLP Correspondence requesting a
recorded instrument of Declaration of Covenants and Restrictions Dated August 6, 2012.**
- A – 22 Preliminary and Final Major Site Plan for Block 147, Lot 4.03, prepared by Christopher P.
Rosati, FWH Associates, PA, 1856 Route 9, Toms River, J, and Dated January 18, 2012.**

Sal Alfieri, Esq., 5 Ravine Drive, Matawan, stated that a use variance was approved last fall.

Mr. Christopher Rosati, PE, FWH Associates, PA, 1856 Route 9, Toms River, NJ. He has been a Professional Engineer in land development for eighteen years and is accepted as a professional.

He presented a color rendering, A-22, a final major site plan. It shows the landscaping at 240 Spring Valley Road in the LC zone. There is a metal garage, storage building and driveway. The garage is a three car detached. The purpose of the storage shed is for items with the business. The approval for this business was in November.

