

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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Chairperson

Michael Shapiro

Vice-Chairperson

Matthew Weilheimer

Secretary

Alan Zwerin

Members

Frank Yozzo

Ira Levin

Jennifer Bajar

Dr. Michael Adler

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 & Farrello

Mark Kataryniak, PE, PTOE

Administrative Officer

Zoning Officer

Sarah Paris

MINUTES

ZONING BOARD OF ADJUSTMENT

NOVEMBER 20, 2012

8:00 P.M.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

**Michael Shapiro, Jennifer Bajar,
Matthew Weilheimer Ira Levin,
Stacey Di Grande, Ibrahim El Naboulsi,
Frank Yozzo**

ALSO PRESENT:

**Ron Cucchiaro, Esq, Board Attorney
Elyssa Cummins, P.E., Birdsall Engineering, Inc.
Richard Cramer, P.P., T&M Associates
Mark Kataryniak, PE, French & Parello**

ABSENT:

Alan Zwerin

The minutes of October 16, 2012 meeting were approved:

Offered: Michael Shapiro

Seconded: Stacey DiGrande

Ayes: 3

Absent: 2

Abstained:

No one signed up for Public Session.

ZB12-6453 – Murray, Milena

Continued Public Hearing for approval to construct a 3' x 8' front porch on a new single family dwelling with insufficient front yard setback and insufficient lot depth at 34 Baldwin Avenue, Block 127, Lot 2, in the R-30/20 zone.

Milena Murray previously sworn in. Additional Evidence was received:

A – 22 Correspondence received 11/13/12 regarding ZB #12-6453, 34 Baldwin Avenue, Block 127, Lot 2, prepared by Joseph Vince, PE, Careaga Engineering, Inc.

The Board would like to carry to another meeting since there are neighbors who have not had the opportunity to review; the objectors would need clarification.

Mr. Joseph Vince, PE, Acreage Engineering, Inc. would need to get together and review what variances are required.

The Board voted to carry to December 18, 2012. An extension of time was signed.

ZB12-6457 – Andreasen, Flemming & Angela

Public Hearing for approval to construct a 10' x 16' shed having insufficient distance between structures located at 32 Burlington Drive, Block 206.02, and Lot 3, in a Residential R-1.5 Zone.

Flemming Andreasen, owner/applicant of 32 Burlington Drive, was sworn in. He would like a 10' x 16' shed closed to the house than the 20' required.

The Board took Jurisdiction taken. 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 of Block 206.02, Lot 3, prepared by Daniel P. Hundley, Crest Engineering Associates, Inc., PO Box 1210 State Highway 33, Hightstown, NJ, Dated 11/15/94.
- A – 16 Report prepared for Block 206.02, Lot 3, By James Priolo, Birdsall Services Group, 611 Industrial Way, Eatontown, NJ, Dated November 9, 2012.

The Board inquired if there would be gasoline stored here; the only gasoline that would be stored is in the lawn mower.

Motion to Approve:

Offered By:	Michael Shapiro	Seconded By:	Ira Levin
Ayes:	8	Nays:	0
Absent:	1	Recused:	0

Motion Approved.

ZB12-6458 – Maggiore, Joseph & Jennifer

Public Hearing for approval to construct a 16' x 32' in-ground pool with surrounding concrete and paver patio within five feet of property line, exceeding total building coverage, and having insufficient rear yard setback for accessory structure and with a change in grade raising the elevation of the lot within five feet of property line at 11 Jade Drive, Morganville, Block 147, Lot 32.06, in a C-2/R-10AH Zone.

Joseph Maggiore, owner/applicant of 11 Jade Drive, was sworn in. A bulk variance is required for patio, pool, fencing and shrubbery for screening.

Board took jurisdiction:

- 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 As Built Final Survey for Block 147 Lot 32.06, prepared by Daniel P. Hundley, Crest Engineering Associates Inc., 100 Rike Drive, Millstone Township, Englishtown, NJ, Dated 8/08/08.**
- A – 16 Variance & Inground Swimming Pool Plot Plan, Grading & Drainage Plan, for Block 147, Lot 32.06, prepared by William F. Voeltz, PE, 17 North Cherokee Lane, Brick, NJ, Dated 9/25/12.**
- A – 17 Photographs of the Maggiore Property at 11 Jade Drive, Taken By William F. Voeltz, PE, Dated 8/11/12.**
- A – 18 Flood Insurance Rate Map, depicting 11 Jade Drive, Map Effective Date: September 25, 2009.**
- A – 19 Notes from NJDEP Geo-Web Profile Map:
Re: 11 Jade Drive, Marlboro.**
- A – 20 Topographical Survey for 11 Jade Drive, Block 147, Lot 28, by Martin Miller, PELS, 8 Strathmore Court, Freehold, NJ, Dated 9/04/12.**
- A – 21 Report prepared for Block 147, Lot 32.06, by James Priolo, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, Dated 11/09/12.**

Mr. Maggiore stated there were not grading issues and that the contractor did grade in the rear. He also stated that the air conditioning and gas were located in the proposed area.

Motion to Workshop.

Offered By: Michael Shapiro
Seconded By: Matthew Weilheimer

Ms. Bajar suggested the size of the pool could be reduced to 15' x 30', with concrete patio. This would help with the drainage. The type of filtration system should be known; would like to see the back wash going towards the basin.

Elimination of the three foot walkway was also suggested.

Dr. Adler also inquired about the shrubs which Mr. Maggiore was planning on.

Out of Workshop

Offered By: Michael Shapiro
Seconded By: Matthew Weilheimer

Motion to Approve a smaller pool, eliminating walkway, with pavers only in the rear, and shrubs on each side.

Motion to Approve:

Offered By:	Michael Shapiro	Seconded By:	Frank Yozzo
Ayes:	8	Nays:	0
Absent:	1	Recused:	0

Motion Approved.

ZB12-6438 – FSP–Marlboro, LLC

Continued Public Hearing for approval for amended application to construct a two story, seventy-nine unit Assisted Living Facility with associated parking where Assisted Living is not a permitted use in the OPT II Zone located at 23 Route 520 and 53 Route 520, Marlboro, NJ, Block 176, Lots 38, 39, 40 and 41.

Ira Levin recused himself and Ibrahim El Naboulsi, Stacey Di Grande, Matthew Weilheimer, Frank Yozzo, Jennifer Bajar and Dr. Michael Adler all went on record saying they were either present or have listened to tapes of the hearings. There are six eligible voting members.

Mark Policastro, Esq., on behalf of the applicant, stated that he has renoticed for the November 20, 2012 Zoning Board Meeting and he is comfortable proceeding.

Additional evidence was entered:

- A – 65 Notice To Adjoining Property Owners for November 20, 2012 Meeting dated October 17, 2012, forwarded by Marc D. Policastro, Esq, Giordano, Halleran & Ciesla, PC, 125 Half Mile Road, Red Bank, NJ.
- A – 66 Affidavit of Service
- A – 67 Certified White Receipts and Green Cards

A – 68 List of Property Owners within 200 feet
A – 69 Affidavit of Publication Dated November 10, 2012.

Mark Kataryniak, Planner from French & Parrello arrived at 9:10 pm.

Mark Vincent, Esq., for the objectors stated that his clients had not been noticed for the November 20, 2012 meeting.

Ronald Cucchiaro, Esq., for the Board asked all from the public to come up, be sworn in, and state if they did or did not receive notices.

The following all stated they did not receive a notice:

1. Herbert Green, 15 Bluffs Court, Morganville
2. Juanito Sullivan, 12 Bluffs Court, Morganville
3. Spencer Siu, 16 Bluffs Court, Morganville
4. Frank Laquinta, 8 Bluffs Court, Morganville
5. Ho, Charles, 20 Bluffs Court, Morganville
6. Vincent Dean Gesuele, 23 Bluffs Court, Morganville
7. Lewis Fiorica, 19 Bluffs Court, Morganville
8. Jimmy Cheong, 4 Bluffs Court, Morganville
9. Sarma Ayyagari, 11 Bluffs Court, Morganville
10. Edward Zglobicki, 51 Route 520, Englishtown
11. Cheng, Cheng, 31 Bluffs Court, Morganville

Mark Policastro, Esq. stated they provided notices for the November 20, 2012 meeting. The records showed that all were mailed notices to the proper address, block and lot, on November 9, 2012.

Mark Vincent, Esq. stated that this is a unique situation where there are so many people not receiving notices.

Frank Laquinta said he did not receive a letter through the mail, but read it on the web site.

There was a five minute recess.

Ronald Cucchiaro, Esq., for the Zoning Board, stated the applicant has done everything that is required under the law. Although sent through the post office, some did not make their way to the addressed homes. This is uncharted territory where some have been deprived and it would be prudent to renotice the hearing.

Mark Policastro disagreed. He recalled Herbert Green who had been advised of the hearing from a neighbor, not from the mail. Lewis Fiorica, also had not received a notice, but heard from Herbert Green of the November 20, 2012 meeting.

Ronald Cucchiaro, Esq., stated that his concern was for the people who were not there.

The Board agreed on moving to a December 18, 2012 meeting, with being noticed. An Extension of Time was signed for this date.

A motion was made to appoint a temporary secretary, Stacey DiGrande:

Offered by: Michael Shapiro
Seconded by: Matthew Weilheimer

MEMORIALIZATIONS

ZB12-6455 – Geller, Jeffrey

Memorialization of a resolution to construct a 460 square foot addition, exceeding permitted lot coverage for the principal structure and having insufficient distance between structures at 310 Deerfield Road, Morganville, Block 180.01, Lot 29, in a R-40/30 Zone.

Motion to Approve

Offered: Michael Shapiro

Seconded:

Absent:

Recused:

Motion to Adjourn at 10:00 PM

Offered: Michael Shapiro

Seconded: Alan Zwerin

Respectfully submitted,

