

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

DECEMBER 4, 2012

8:00 P.M.

SALUTE TO FLAG

SUNSHINE LAW READ

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

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: Jennifer Bajar

The minutes of November 20, 2012 meeting were approved:

Offered:	Michael Shapiro	Ayes:	5
Seconded:	Alan Zwerin	Absent:	3
		Abstained:	1

No one signed up for Public Session.

ZB12-6461 – Orlando, Joseph & Sheridan, Tami

Public Hearing for approval to retain living space built into the garage and to also keep shed built with insufficient side and rear yard setbacks at 9 Prescott Drive, Marlboro, Block 232, Lot 4, in the R-30/20 residential zone.

Tami Sheridan Orlando, owner of 9 Prescott Drive, was sworn in. She would like to keep a pre-existing room in the garage, with use of the bathroom. It would be ideal for her handicap brother.

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 Property, prepared by Charles Surmonte, PE,
301 Main Street, Allenhurst, NJ, Dated 9-13-12.**
- A – 16 Report prepared for 9 Prescott Drive, Block 232, Lot 4,
by James Priolo, PE, 611 Industrial Way West, Eatontown, NJ,
Dated 11-30-12.**

Ms. Paris answered Mr. Weilheimer’s question about a temporary certificate of occupancy being issued. She said that this is not an unusual situation, we issue a temporary certificate based on an affidavit where buyer agrees to rectify a situation.

**There were no questions from public.
It was agreed there was no issue with the situation.**

Motion to Approve.

Offered:	Michael Shapiro	Seconded:	Matthew Weilheimer
Ayes:	7	Nays:	0
Absent:	2	Recused:	0

ZB12-6462 – Cohen, Mark

Public Hearing for approval to construct a single family dwelling having insufficient lot area, frontage, width, depth, front yard setback for principal structure, and insufficient gross floor area with insufficient ground floor area located at 90 Reids Hill Road, Morganville, Block 154, Lot 5, in the LC-Land Conservation Zone.

Gerald Sonnenblick, Esq., Sonnenblick, Parker & Selvers, 4800 Route 9 South, Freehold, NJ, represents the applicant stating there is front yard setback for principal structure, and insufficient gross floor area with insufficient ground floor area located at 90 Reids Hill Road, Morganville, Block 154, Lot 5, in the LC-Land Conservation Zone.

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 Application Affidavit of Completeness
- A – 14 Correspondence re: Block 154, Lot 5, from John Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Bldg #2, Unit #7, Manalapan, NJ 07726, Dated 9/28/12.
- A – 15 Variance Sketch, Survey and Topographical Survey, prepared for Mark Cohen, Block 154, Lot 5, by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Bldg #2, Unit #7, Manalapan, NJ 07726, Dated 9/06/12.
- A – 16 House Plan 320-143
- A – 17 Report prepared for 90 Reids Hill Road, Block 154, Lot 5, By James Priolo, PE, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, Dated 11-30-12.

Mr. Levin arrived at 8:25 pm.

Mr. Ploskonka, Concept Engineering Consultants, 227 Route 44, Manalapan, was sworn in and accepted as a professional witness.

- A – 18 Color rendering of photograph 3 of 3
- A – 19 Smaller scale – 2007 aerial map
- A – 20 Smaller– duplicate of A – 18
- A – 21 Correspondence From Weichert Realty

Mr. Ploskonka stated the house was removed four years ago. There are some notations showing a 400 foot drop, 40 foot and then 50 foot drop. There is an abandoned swimming pool. The house was a previous was one story, which will now be a two story dwelling. They have gone to the county, will take out pool and build a modest 1300 square foot house, set back about 45 feet. It is a 5 acre zone, with a usable one-half acre. Properties to the right are larger; houses are on one to two acres. Applicant is going forward subject to building the house. There are preexisting non conforming variances. Front setback variance is required. Client intends to put up a four to six foot chain link fence. Minimum gross area variance is also required. This would be a good location to reside. This would be a good property to reside at. There is open air and light with conservation also of open space. The property is two acres, with half buildable. The pool will be removed in its entirety. Amount of runoff should be extremely small; the Board of Health did a boring test. The application will not be a negative to the neighborhood and will be an asset to the community.

Mr. Weilheimer stated that all of the houses are pre existing conditions. It was noted that the Resolution should state that it is facing Reids Hill Road.

It was asked by Mr. INaboulsi if the applicant was planning a pool; the client is not. Mr. Ploskonka said drainage should fall naturally to the 90 foot drop.

Mr. Ploskonka also stated they will tack into the existing driveway; the old septic tank will be removed.

Regarding the House Plan 320-143 (A-16), it was stated that it is confusing because the garage will be on the left side.

Dr. Adler also inquired about a pipe sticking out down the cliff and Mr. Sonnenblick said it would be removed.

Mr. Weilheimer inquired if this was the exact sketch of the front of the house; Mr. Ploskonka said “no”.

Mr. Levin asked if proper plans will be submitted. Mr. Sonnenblick said pictures, with the front door in middle, side entrance driveway, will be a little smaller compared to others.

Mr. Priolo said the numbers would be different in area; Mr. Sonnenblick stated it would be a minimum of 1,300 square feet.

Mr. Shapiro stated we do not know how the house will situate; once you give proper information, we can vote. We need the proper size, with foot plan. There are two different numbers on the application.

Mr. Sonnenblick stated the plan just given is the one they would like to build.

Public:

Melodie Greenblatt, 79 Reids Hill Road, was sworn in. She is currently the president of the Home Owners Association. She said the street is unique. There are about nine acres the street making it quite rural. We feel this house will not fit in.

Ronald Cucchiaro, Esq., said that Ms. Greenblatt cannot testify on behalf of the neighbors. He asked if she was there on behalf of association.

Charles Kelly, 93 Reids Hill Road, was sworn in. Mr. Kelly said this was non conforming, with an R5 zone. All the houses are larger, 2,500-2,700 square feet. We live there wanting the property to be the same.

Ms. Cecilia Rudy, 97 Reids Hill Road, an original homeowner stated they chose a contemporary type beach house. We built a 2,000 square foot home. These were the rules when we moved in forty years ago.

Mr. Sonnenblick stated the applicant cannot purchase the other lot and the neighbor is not known. Mr. Weilheimer stated the pool is on the other lot and Mr. Sonnenblick agreed that it is partially on the other lot.

Mr. Charles Kelly, 93 Reids Hill Road, said the neighbors would be happy to have the lot remain. Mr. Cucchiaro stated that he cannot speak for the neighbors. The township can also purchase.

The applicant, Mr. Marc Cohen, was sworn in. Mr. Cohen stated they chose the property due to monetary reasons.

Offer to Workshop:

Offered: Michael Shapiro

Seconded: Alan Zwerin

Mr. Levin said there are four pre existing non conforming variances. If the home was still there, it would be old and in disrepair. I would think a newer and smaller house would be an improvement. I am assuming that drainage is not an issue. It is certainly an improvement in what was there. Would vote to approve based on the 1,482 square foot floor plan with a smaller driveway and walkway.

Ms. DiGrande said that being there was a previous home there, she would like to see the actual plans, with the actual size.

Messrs. Il Naboulski and Zwerin agree to this beautification saying it is an upgrade. Mr. Weilheimer said there are two issues, the previous house was an eyesore and it is probably back to five acre zoning. He would probably say no as it is. Yes, if the variances are okay.

Dr. Adler believed the sign alone is an eyesore; he would also vote yes.

Mr. Shapiro stated this is an upgrade. The pool could be dangerous. Once we can review, I would vote yes.

Motion: Out of Workshop

Offered: Michael Shapiro

Seconded: Ira Levin.

Mr. Shapiro said he would rather not vote until we have the proper square feet.

Motion to Carry Application

Offered: Michael Shapiro

Second: Alan Zwerin

An Extension of Time was signed for January 15, 2012.

ZB12-6464 – Monmouth Acupuncture

Public Hearing for approval to convert an existing single family dwelling to a medical office. There are insufficient side and rear yard setbacks for an existing shed at 82 Route 520, Morganville, NJ, Block 177, Lot 1, in an R-20 Residential Zone.

Ira Levin recused himself.

Salvatore Alfieri, Esq., stated they did not bifurcate and are only proceeding with the use; they will come back for the site plan.

The Board took jurisdiction and 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 Property of Block 177, Lot 1, 82 Route 520, prepared by Chester DiLorenzo PE, LS PP, Midstate Engineering Inc., 82 Walnut Hill Lane, Freehold NJ, Dated 8/23/12.
- A – 16 Report prepared by John W. Borden, Fire Sub-Code Official/ Fire Official, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated November 7, 1212.
- A – 17 Report prepared for Block 177, Lot 1, by Richard Cramer, PP, T & M Associates, Board Planner, 11 Tindall Road, Middletown, NJ, Dated 11/21/12.
- A – 18 Report prepared for Block 177, Lot 1, by James Priolo, PE, Birdsell Services Group, 611 Industrial Way West, Eatontown, NJ, Dated 11-30-12.
- A – 19 Report prepared for Block 177, Lot 1, by the Marlboro Township Environmental Commission, Marlboro, NJ, Dated 11/27/12.
- A – 20 Report prepared for Block 177, Lot 1, by Mark Kataryniak, PE, French & Parrello, 1800 Route 34, Suite 101, Wall, NJ, Dated 12/4/12.

Ms. Jenny Lin stated that she owns and resides at 18 Jackie Drive. She is a licensed acupuncturist, currently located at 52 Tennent Road. There are three treatment rooms and she will keep the same set up. She has office hours on the following days:

**Monday; 4 pm – 7 pm,
Tuesday; 9:30 am – 1:30 pm,
Wednesday; 1:00 pm and 4:00 – 7 pm
Thursday; 9:30 am to 1: 30 pm
Friday; 2:30 – 6:30 pm (ending about 7:45 pm)
Saturday; 9:00 am – 12:00 pm**

There is a receptionist and Ms. Lin is the only Acupuncturist. Treatment is about forty-five minutes and patients are scheduled at fifteen minute intervals. At peak times, there may be three patients.

Medical waste is put into a sharps container, with a van picking up once a year. This is normal procedure. The only delivery is heating oil and the needles are federal expressed to her home.

Ms. Lin stated five cars would be the most at one time.

Ms. Lin stated she was not a chiropractor.

Questions from the Public:

Carolyn A. Stark, 3 East Francis Avenue, Morganville inquired if some of the trees will be eliminated. Mr. Alfieri stated “yes” when approved, trees and shrubs will be manicured.

Mr. Shapiro stated that any future changes will have to be approved.

Chester DeLorenzo, PE, PP, was sworn in and approved as an expert witness having testified before.

Presented Evidence:

A – 21 Tax Map.

Mr. DiLorenzo explained the property on the northerly side of Route 520, as an existing one story dwelling, across from the junkyard, north of the fire house, and a dental office. The property drains in a southerly direction. He said the applicant wants the facility with seven parking spaces, with some spaces not being used at the same time. He stated that this is a very low impact area, which is not an ideal lot for residential use. A low impact office would be ideal for this particular site. The use will generate thirteen trips a day. Client intent will be off peak hours. There are similar traffic impacts in the area and this is not a hardship.

Mr. Alfieri also stated handicap accessibility will be provided. There will be a detailed free standing sign.

Mr. Alfieri was looking to also have Monmouth County Planning approval.

Mr. DiLorenzo also stated the entrance will be in the front.

Mr. Priolo also stated the shed may be removed, to provide for more adequate parking.

Mr. Cramer said that the applicant did identify why the site is suitable. The adjacent business can be mitigated with landscaping. He inquired if the population is primarily within the township. There are clients from surrounding areas such as East Brunswick and Old Bridge.

Mr. Kataryniak also stated the use is more intense than previously zoned, which is not a concern. There are a few minor issues for site plan and parking.

Mr. Weilheimer inquired if ADA approval is needed. Mr. DiLorenzo said yes.

Mr. Shapiro stated that he believes this is an excellent use for the property. Every point we look for was addressed. Mr. Weilheimer agreed that it was well thought out

Motion to approve use.

Offered:	Michael Shapiro	Seconded:	Alan Zwerin
Ayes:	6	Nays:	0
Absent:	2	Recused:	1

Motion Approved

Reorganization Meeting, January 15, 2013 assigned for the site plan, with no further notice.

Motion to Adjourn:

Offered: Michael Shapiro

Seconded:

IlNaboulsi

Meeting adjourned at 10:30 pm.

MEMORIALIZATIONS

ZB12-6457 – Andreasen, Flemming & Angela

Memorialization of a resolution 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.

ZB12-6458 – Maggiore, Joseph & Jennifer

Memorialization of a resolution 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.