

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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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 & Parrello

Mark Kataryniak, PE, PTOE

Administrative Officer

Zoning Officer

Sarah Paris

MINUTES

ZONING BOARD OF ADJUSTMENT

JANUARY 29, 2013

8:00 P.M.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

Michael Shapiro, Ira Levin, Stacey Di Grande, Frank Yozzo, Alan Zwerin, Ibrahim El-Naboulsi, Matthew Weilheimer, and Dr. Adler

ALSO PRESENT:

Ron Cucchiaro, Esq, Board Attorney
James Priolo, P.E., Birdsall Engineering,
Mark Kataryniak, PE, French & Parrello
Sarah Paris, Administrative Officer

ABSENT:

Jennifer Bajar

Mr. El Naboulsi was sworn in to the position of Alternate #1.

Mr. Zwerin arrived late, at 8:30 p.m. and only sat on the Cohen Application.

MINUTES of January 15, 2013 accepted. Offered: Mr. Shapiro Seconded: Dr. Adler

Ayes: 5 Nays: 0

MEMORIALIZATIONS

ZB12-6464 – Monmouth Acupuncture

Memorialization of a resolution granting a use variance for approval to convert an existing single family dwelling to a medical office. There is 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.

Offered: Mr. Shapiro

Seconded: Mr. Yozzo

Ayes: (6) Mr. Shapiro, Mr. Yozzo, Mr. Weilheimer, Dr. Adler, Mr. El Naboulsi and Ms. Di Grande

Absent: Ms. Bajar

ZB12- 6438 – FSP – Marlboro, LLC

Memorialization of a resolution granting approval for a use variance to construct a two story, seventy-nine unit Assisted Living Facility with associated parking where Assisted Living Facility in the OPT II Zone located at 23 Route 520 and 53 Route 520, Marlboro, NJ, Block 176, Lots 38, 39, 40 and 41.

Offered: Dr. Adler

Seconded: Mr. Yozzo

Ayes: (4) Mr. Yozzo, Mr. Weilheimer, Dr. Adler, Mr. El Naboulsi

Absent: Ms. Bajar

ZB12 – 6465 – Jaswinder K. Kohly

Memorialization of a resolution granting approval to construct a 5' high chain link fence in front yard, ten feet from the property line at 1 Landmark Lane, Block 392, Lot 38.13, in the R-25 zone.

Offered: Mr. Shapiro

Seconded: Ms. Di Grande

Ayes: (4) Mr. Levin, Mr. Shapiro, Mr. Weilheimer, Ms. Di Grande

Absent: Ms. Bajar

ZB12-6467 – Karp, Hope & Tepper, Charles

Memorialization of a resolution granting approval to keep driveway built by prior owner, within five feet of the property line at Block 226, Lot 160, at 18 Bingham Drive, Marlboro, NJ, in the R-30/20 zone.

Offered: Mr. Shapiro

Seconded: Ms. Di Grande

Ayes: (6) Mr. Shapiro, Mr. Levin, Mr. Weilheimer, Mr. Zwerin, Dr. Adler, Ms. Di Grande

Absent: Ms. Bajar

ZB12-6464 – Monmouth Acupuncture

Public Hearing for site plan 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.

Salvatore Alfieri, Esq. on behalf of the applicant.

Chester Di Lorenzo, P. E. Mr. Di Lorenzo began by giving a brief description of what was approved in the use variance phase. An existing one story dwelling in a residential zone will be used as an Acupuncture office. At the use variance phase, Board members had expressed concern about the number of parking spaces. They were now requesting a variance for 9' x 18' spaces and they are proposing a total of nine (9) parking spaces. They agreed that the driveway would be twenty-five feet (25') wide from the street up to the front of the building and it would then narrow to twenty-two feet (22') in width. There will be curb stops and curbing at the entrance if allowed by the county.

Because it is not yet clear whether the county will accept an easement or demand a full dedication, the applicant is requesting additional variance for insufficient front yard setback, 35.8% lot coverage where 28% is permitted and insufficient lot area.

They will plant hollies and juniper along the west side of the building and in the rear to buffer from the car's headlights at night at a height of 3' – 4'. The original ID sign is proposed to be placed ten (10') feet from the right-of-way but if a full dedication is needed, it will be placed further back on the property. Applicant will submit a new plan showing the trees that will be served and the proposed junipers and hollies. Applicant agreed to move the ramp to the rear of the building

There were no public questions or comments.

Vote to approve site plan.

Offered: Michael Shapiro

Seconded: Dr. Adler

Ayes: (7) Mr. Shapiro, Mr. Yozzo, Mr. Weilheimer, Mr. Zwerin, Dr. Adler, Mr. El Naboulsi, Ms. Di Grand

ZB12-6462 – Cohen, Mark

Continued 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.

Steve Sukel, Esq. on behalf of the applicant.

John Ploskonka, P.E. reviewed the case, describing the lots to the right and left as all undersized. Changes were made reflecting the requests of the Board members from the last meeting. A new minor change to the plan is a basement entry in the rear so he can enter the home when working in the yard and have a mud room to clean up in. This will not be a walk-out basement. There will be an interior stairwell into the upstairs.

The proposed new home would be 20% or 400 sq. ft., smaller than the 1900 sq. ft. required in the zone. The home they are replacing was similar in size, maybe a little bit larger, according to Mr. Ploskonka.

Mr. Cucchiaro asked Mr. Sukel if they tried to bring the lot in better conformity by either offering to sell the lot to adjacent lot owners or to purchase from them. Mr. Sukel said the applicant's former attorney, Mr. Sonnenblick made efforts to reach out to adjoining property owners but the lots were under the 5 acre lot size requirements. Mr. Sukel submitted copies of letters, that Mr. Sonnenblick had sent to adjacent property owners. Mr. Cucchiaro said you don't have to bring it into conformity you have to make it better conform.

Public: Russell Reeves of 98 Reids Hill Road, Morganville was sworn in and made a statement about the history of the lots and the zoning in the area. He asked the Board to decide whether a Good faith effort was made to either offer that lot for sale or attempt to purchase an adjoining lot to make this one further conform. Mr. Reeves feels the house is out of character with the other houses in the area because it fails to meet the minimum house size.

Entered: O-1 - Informational packet from Mr. Reeves

Mr. Cucchiaro advised the board about a self created hardship but also asked if at any time both lots were owned by the same person. The letter sent by Mr. Sonnenblick does not offer to purchase any of the adjacent properties but does offer to sell. But Mr. Cucchiaro said that it would appear there was a good faith effort made. Mr. Cucchiaro advised the Board members that they can only a vote on this one lot

Melodie Greenblatt 79 Reids Hill Rd, President of Reids Hill Estates Section I, was sworn in. She stated that the homeowners of her Association wanted the house to be the required minimum sq. footage required by the ordinance.

Charles Kelly of 93 Reids Hill Road was sworn in and read a letter which reflected his personal opinion, into the record. He complained that seven variance were being requested and that he felt this was too many variances.

Mr. Sukel responded to Mr. Kelly's letter. "I find it offensive that my client is disabled and on a Fixed income and being attacked because of these issues. I am offended that the affordability has Become an issue. Four of the variances are preexisting on this site. They are only asking for three variances.

Ying Qin who owns 84 Reids Hill Road was sworn in and testified that she didn't care about the square footage of the house as much as she didn't want a second story on it. She said that this would violate her privacy as the new neighbors could see into her home. "If this house is built as 2 story they will see our house and we will not have privacy" she stated. Mr. Ploskonka showed the plans for the new home and there was only a bathroom window facing her property. He explained that the Cohens would most probably want to put up window coverings as they would not want her to watch them in their bathroom. Ms. Qin ended her comments by saying "They should not buy a house in a \$500,000 area if they cannot afford it." Later in the hearing, it was discovered that Ms. Qin lives in Colts Neck and rents this house out.

Jeffrey Wolf 8 Center Street, Marlboro was sworn in and stated that as a 17 year resident "I'm very disappointed by what I'm hearing here tonight. This is a mixed area, you don't live in Mansions. This is a mixed area. I don't understand how people can think this way".

Russel Reeves remains sworn. We live in what is thought of as the country. In an area where there is a vacant lot people tend to dump things. I don't think it detracts at all. We expect and accept that there. If I have to, I'll take a saw myself and will take care of it. It will eventually disappear. But someone will eventually put another couch there. We expect that.

This hearing is carried to Feb. 12, 2013. An extension of time was signed. No further notice will be given.

ADDITIONAL MEMORIALIZATIONS

Memorialization of appointment of Michael Shapiro to the position of Board Chairman

Offered:	Mr. Shapiro	Ayes:	7
Seconded:	Mr. Yozzo	Nays:	0

Memorialization of appointment of Mr. Weilheimer to the position of Vice Chairman.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion of appointment of Mr. Zwerin to the position of Board Secretary.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint Ronald Cucchiaro, Esq. of Weiner Lesniak, LLP as Board Attorney.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint Lawrence Sachs, Esq. as Conflict Attorney.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint James Priolo, P.E. of Birdsall Engineering as Board Engineer.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint Richard Cramer, P.P. of T&M Associates a Board's Planner.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Levin Nays: 0

Motion to appoint the firm of Heyer & Gruel as Conflict Planner.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint Mark Kataryniak, P.E. of French and Parrello as Traffic Engineer.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint Sarah Paris as the Board's Administrative Officer.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint The Asbury Park Press and Star Ledger as the official newspapers.

Offered: Mr. Shapiro Ayes: 7
Seconded: Mr. Yozzo Nays: 0

Motion to appoint the following meeting dates for 2013 including a January date for re-organization.

Note: Meeting nights have been changed from 1ST & 3RD to 2ND & 4TH Tuesday of the month and will begin at 8:00 p.m.

January 15 (Re-organization)
29
February 12
26

March	12	
	19*	(the 4 th Tuesday is Passover)
April	9	
	23	
May	14	
	28	
June	11	
	25	
July	9	
	23	
August	13	
	27	
September	10	
	24	
October	8	
	22	
November	12	
	26	
December	10	
	17*	(24 th – Christmas Eve)

December 30, 2013 Noticed Meeting for Interviews for Board's Professionals

Reorganization Meeting January 14th, 2014

Offered:	Mr. Shapiro	Ayes:	7
Seconded:	Mr. Yozzo	Nays:	0

This meeting was adjourned at 11:45 p.m.

Respectfully,

Sarah Paris