

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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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

M I N U T E S

FEBRUARY 26, 2013

8:00 P.M.

Salute to Flag

Sunshine Law Read

PRESENT:

Yozzo,

Matthew Weilheimer, Ira Levin, Frank

Jennifer Bajar, Dr. Michael Adler, Michael Shapiro, Stacy DiGrande, Ibrahim El Naboulsi, Alan Zwerin

ALSO PRESENT:

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

ABSENT:

Frank Yozzo, Ibrahim ElNaboulsi

PUBLIC SESSION – No one signed up for Public Session

MINUTES OF JANUARY 12, 2013

Offered: Mr. Weilheimer Ayes: 4

Seconded: Dr. Adler Nays: 0

ZB12-6437A – Tiba Associates, LLC

Continuation of a Public Hearing for Preliminary and Final Site Plan Approval for a cemetery at Block 146, Lot 48 in an LC zone located at 340 Spring Valley Road, Morganville, NJ.

An Extension of Time was signed for April 23, 2013 by Salvatore Alfieri, Esq.

ZB12-6466 – Ronko Developers, Inc.

Public Hearing for approval to demolish existing mobile home and build a single family dwelling having insufficient lot area, frontage, width, and depth and exceeding lot coverage for principal structure at Block 107, Lot 7 at 13 Wicker Place, Morganville, NJ in the R-30-23 zone.

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 Application Affidavit of Completeness
- A – 14 Survey for 13 Wicker Place, Block 107, Lot 7, prepared
By Robert H. Morris, 1123 Morris Avenue, Point Pleasant
Borough, NJ, Dated 10/10/12.
- A – 15 Report prepared by James A. Priolo, Birdsall Services Group,
611 Industrial Way West, Eatontown, NJ, Dated 1/10/13.

The applicant was represented by Frederick Kalma, Esq., 84 Main Street, Matawan, New Jersey. He stated the lot contains 11,999.4 square feet and they are seeking bulk variance relief to construct a single family dwelling on the property.

The owner of the lot, Mr. Koenig for Ronko Developers, was sworn in. He is seeking to remove the mobile home and to construct a two story single family dwelling and paved driveway. It is located in the R-30/20 Zone. There is 11,999.4 existing square feet. The total proposed existing lot coverage is 15.9%. This exceeds the allowed 14%. The proposed single family dwelling will not exceed 1,900 square feet.

The applicant also stated letter were sent to the adjacent property owners inquiring if they were willing to sell a portion of their property so they may create a conforming lot. There was no response to the letters.

Mr. Koenig presented plans.

- A – 16 Plans

Ronald Cucchiaro, Esq., requested the letters.

Mr. Koenig presented the letters which were marked:

- A – 17
- A – 18
- A – 19

Mr. Koenig will be improving the site for sale.

Variances are required for the size, lot frontage, width and depth and building coverage.

There were questions from the Board.

Mr. Weilheimer inquired if this is with or without the family room (1674).

The garage is not included in the square footage.

Ms. DiGrande inquired if there was a full basement.

Dr. Adler inquired if he will build before the sale. Mr. Koenig answered “no”.

Workshop

Offered: Mr. Michael Shapiro

Second: Mr. Matthew Weilheimer

Dr. Adler had no comments; Ms. Di Grande stated she is okay with the application and Dr. Adler said the application will benefit the community.

Mr. Levin stated it must say whether there is a family room.

Mr. Weilheimer said if it is 19.5 X 11 square feet, he is okay with the application.

Ms. Bajar said it is hard to look at with the options on the house.

Mr. Cucchiaro stated that it is the total coverage that the Board is concerned about (not the family room).

Out of workshop:

Offered: Mr. Michael Shapiro

Second: Mr. Matthew Weilheimer

Ms. Sarah Paris stated the 1904 is within the coverage (15.09 building coverage includes the fireplace).

Mr. Kalma stated they are within all the setbacks. With the family room and the fireplace they are within the setbacks.

There were no questions from the public.

Motion to Approve:

Mr. Cucchiaro stated the applicant must agree to minimum lot coverage; that they do not exceed square footage and they are approving 15% where 14% is required.

Offered:	Mr. Michael Shapiro	Ayes:	6
Second:	Mr. Matthew Weilheimer	Absent	3

ZB12-6463 – M&M at 483 Route 79, LLC

Continuation of a Public hearing for a use variance for a convenience store and associated gasoline service station at 483 Route 79, Block 122, Lots 27.03 and 27.04.

Salvatore Alfieri, Esq., stated that M&M at 483 Route 79, LLC is here for the use variance. He said that they do have an interpreter here and since the person is not here, he is requesting she be able to leave. Request was granted.

Ronald Aulenbach, Gary Dean, Les Nebenzahl, representatives of Quick Check were all present. Additional evidence was presented:

A – 27 Reduced paper copy of power point presentation
A – 28 CD of power point presentation

Mr. Aulenbach discussed the December 14, 2012 Birdsall report saying the items will be addressed now and some will be addressed at site plan.

Keith Cahill, PE, Koehler Engineering, stated he worked with Quick Check the past twelve years. They have gone from the beginning operation of stores to the present with gasoline.

Items will also be addressed regarding the January 2, 2013, T&M Report.

The convenience store will have 5-8 deliveries a week, off peak hours. Quick Check has also implemented that a transfer switch would be allowed in case of emergency. A generator could be set up immediately.

There were questions from the Board Members.

No public questions.

Gary Dean, PE, Traffic Expert, Dolan & Dean, 792 Chimney Rock Road, Martinsville, NJ, was accepted as a professional witness. He has been working with the construction and the DOT. A number of studies been previously done. We have reviewed traffic the changes, weekday, morning and evening peak hours and on Saturday morning. The signal was designed to allow for more additional traffic. There is currently about seventy-two movements, and up to ninety-six total trips during the peak hour. The efficiency of access is prime importance, along with the locations. It is an ideal location for this use.

Mr. Dean also stated the light changes every ninety seconds and it is coordinated with the signal that is south. It will detect a vehicle. If no vehicle, the traffic will flow easier. Mr. Dean said he will furnish documentation from the DOT.

Ms. Bajar stated there are also traffic issues. There are 34 stalls now, as opposed to 44 that were.

Mr. Kataryniak also stated that he would like the opportunity to verify the calculations. Would you pursue a Letter of No Interest. He would recommend this be included.

Mr. Cucchiaro requested that a formal traffic report be included: Mr. Dean agreed.

The following were Public Questions:

Dwight Macock, owner of Genesis Associates, Morganville said he did meet with the original owners. Our access to Tennent Road is an easement. Over the years, there has been a problem with drivers exiting through the property to avoid the backup at the light. He stated that he is in favor of the application, but he doesn't want any overflow parking from this site.

Mr. Aulenbach said there is also a drainage ditch which would not be comfortable for walking through.

Workshop

Offered: Michael Shapiro

Seconded: Ira Levin

Mr. Cucchiaro stated that this is a conditional use variance. Mr. Cramer list five conditions that have not been satisfied. He also stated that this still falls within the conditional use.

Ms. Bajar said she still has concerns over the intersections; Dr. Adler said he is uncomfortable with the retail in the rear (traffic).

Out of Workshop

Offered: Michael Shapiro

Second: Ira Levin

Sal Alfieri said they will go back to the Department of Transportation.

Lester Nebenzohl, Planner is sworn in. He is accepted as a professional witness and is a consulting Planner for many municipalities. Given the four conditions that cannot be met we must prove that the site is still suitable for our proposed plan

Mr. Cramer noted the four that deviated.

1. No building to be located closer than 100feett from the street line; the canopy is a structure to be considered as far as setbacks.
2. Can see no detriment that the pavement is not forty feet,
3. The width to the driveway is not a detriment,
4. Stations should be 2500 feet apart. He would not preclude this from being a suitable site for this station. Since 1985, distance requirements do not serve as valid plan requirements.

He also sees no detriment to any properties either.

Mr. Nebenzohl stated that Planning did approve. If all the requirements were met, we would not be here for a variance.

There were no questions from the public.

Mr. Alfieri stated that his presentation was concluded. More traffic information is required and the applicant would like to keep the March 19, 2013 meeting.

Discussion followed requiring a checklist be submitted for completeness of an application. Mr. Cucchiaro agreed that the completeness and the complexity issue should be considered and that an applicant would not have to renounce if required to return before the Board.

MEMORIALIZATION

ZB12-6462 – Mark Cohen

Memorialization of a resolution granting 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.

Offered:	Mr. Weilheimer	Ayes:	4
Seconded:	Dr. Adler	Nays:	0

Meeting Adjourned at 11:30 p.m.

Respectfully submitted,

