

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

Dr. Michael Adler

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

M I N U T E S

APRIL 9, 2013

8:00 P.M.

Salute to Flag

Sunshine Law Read

PRESENT:

Michael Shapiro, Matthew Weilheimer,

Ira Levin, Jennifer Bajar, Alan Zwerin,

Frank Yozzo, Stacey DiGrande

ALSO PRESENT:

James Priolo, P.E., Birdsall Engineering

Mark Kataryniak, PE, French & Parello

Sarah Paris, Administrative Officer

ABSENT:

Dr. Michael Adler

PUBLIC SESSION – No one signed up for Public Session

MINUTES OF MARCH 19, 2013

Offered: Mr. Weilheimer

Ayes: 3

Seconded: Mr. Levin

Nays: 0

Mr. Levin arrived at 8:05 pm.

ZB12- 6438A – FSP, Marlboro, LLC

Public Hearing for preliminary and Final Site Plan approval to construct a two story, seventy-nine unit Assisted Living Facility with associated parking, located at 23 Route 520 and 53 Route 520, Marlboro, NJ, Block 176, Lots 38, 39, 40 and 41, in the OPT II Zone.

The Board took jurisdiction. The following evidence was entered:

- A – 1 Petition on Appeal**
- A – 2 Indemnification and Hold Harmless Agreement**
- A – 3 Disclosure Statement**
- A – 4 Tax Collector's Certification**
- A – 5 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 Owner's Affidavit of Authorization and Consent**
- A – 14 Approved Resolution of 12/18/12 for FSP-Marlboro, LLC, Block 176, Lots 38, 39, 40 & 41, 23 & 53 Route 520, and Memorialized 1/29/13.**
- A – 15 Environmental Impact Statement prepared for 23 & 53 Route 520, by Kauker & Kauker, 356 Franklin Avenue, Wyckoff, NJ, Dated 3-20-13.**
- A – 16 Preliminary & Final Site Plan prepared for FSP – Marlboro, LLC, Block 176 Lots 38, 39, 40 & 41, by Daphne A. Galvin, Dresdner Robin, 7 Doig Road, Wayne, Dated 3–15-13.**
- A – 17 Boundary & Topographic Survey, Prepared for Block 176, Lots 38, 39, 40 & 41, by Greg S. Gloor, Dresdner Robin, Hanson Engineering Division, 7 Doig Road, Wayne, NJ 07470, and Dated 1-21-12.**
- A – 18 Tree Removal Plan prepared for FSP – Marlboro, LLC, By James J. Langenstein, Longstone Gardens, 227 Arlingham Road, Flourtown, PA, Dated 3-19-13.**
- A – 19 Stormwater Management Report, For FSP – Marlboro, LLC, Prepared by Daphne Galvin, PE, Dresdner Robin, Hanson Engineering Division, 7 Doig Road, Ste 1, Wayne, NJ, and Dated 3-15-13.**
- A – 20 Existing Conditions Drainage Area Map for FSP Marlboro, Block 176, Lots 38, 39, 40 & 41, by Daphne A. Galvin, Dresdner Robin, Hanson Engineering Division, 7 Doig Road, Wayne, NJ, Dated 3-15-13.**
- A – 21 Wetlands Plan, prepared for Block 176, Lots 38, 39, 40 & 41, by Daphne A. Galvin, Dresdner Robin, 7 Doig Road, Wayne, NJ, Dated 1-08-13.**
- A – 22 Application for Letter of Interpretation-Line Verification by Michael Kovacs, EcolSciences, Inc. 75 Fleetwood Drive, Ste 250, Rockaway, NJ, Dated 3-20-13.**
- A – 23 Wetlands Investigation Report prepared for Shelbourne Healthcare Development Group, LLC, by EcolSciences, Inc., 75 Fleetwood Drive, Ste 250, Rockaway, NJ, Dated 1-8-13.**
- A – 24 Freshwater Wetlands Wetlands Letter of Interpretation Application Checklist & Fee Table, forwarded by Michael Kovacs, ECO1Sciences, 75 Fleetwood Drive, Ste 250, Rockaway, NJ, Dated 3/30/13.**
- A – 25 Wetlands Permitting Plan, prepared by Daphne A. Galvin, Dresdner Robin, 7 Doig Road, Wayne, NJ, Dated 3-15-13.**
- A – 26 Report prepared by John W. Borden, Fire Sub-Code Official/Fire Official, Township of Marlboro, 1979 Township Drive, Marlboro, and Dated 4/2/13.**
- A – 27 Report prepared by James Priolo, PE, Birdsall Services Group, 611 Industrial Way, Eatontown, NJ, and Dated 4/4/14.**
- A – 28 Report prepared by the Marlboro Township Environmental Commission, 1979 Township Drive, Marlboro, NJ, Dated April 2, 2013.**
- A – 29 Report prepared by Mark Kataryniak, PE, French & Parrello, 1800 Route 34, Suite 101, Wall, NJ, Dated 4/08/13.**

Marc Policastro, Esq. Giordano, Halleran & Ciesla represents the applicant.

Ms. Daphne Galvin, PE, Dresdner Robin, Hanson Engineering Division, 7 Doig Road, Wayne, NJ, was accepted as an expert. She submitted A – 30 as evidence.

A – 30 FSP Landscape Plan is a Color Rendering; LA – 203.

The Submission of Waivers was offered.

Offered by: Michael Shapiro

Seconded by: Alan Zwering

The Submission of Waivers was accepted.

Ms. Galvin stated the wetlands are not being touched. The site does drain back to the wetlands area. All existing improvement, house and associated structures will be removed. This will be a two-story building reduced to seventy-nine units. The driveway now provides for right/left turns. The emergency drive will go around the building for the emergency equipment.

There are fifty (forty are required) proposed spaces, with low turnover. The 9x18 parking spaces will be used by the staff primarily. Sidewalks are also proposed in a continuous loop around the building.

Landscaping will provide better screening; it exceeds the minimum required. Lighting will be sixteen feet high with three feet high bollards directly to the ground.

All the necessary utilities are being approved. The LOI is pending.

The detention basins are in the back area. All paved areas drain to sand area for treatment, then drains to basin once it is cleaned. Drainage is underground; it is all structured piping (no downspouts).

Ms. Galvin stated that the proposed drains were to be open.

Questions from the Public.

Frank LaQuinta, 8 Bluffs Court, inquired if the garbage could be put on the opposite side (away from the homes).

Ms. Galvin explained the process of backing the trucks to pick up the trash.

Mr. LaQuinta also inquired about the difference between the two plans from the use variance to the site plan.

Ms. Galvin reviewed the floor plans; they were the same. The entrance driveway is shifted; now allows for emergency access.

She also stated there are restricted hours for trash collection and if the trash bin were moved between retention basins, it would be about 160 feet distance.

Discussion followed on changing the internal layout.

Questions from Public.

Mr. Edward Zglobicki, 51 Route 520, inquired about the driveway across the street.

Mr. Juanito Solidum, 12 Bluffs Court, inquired about the retaining wall. The retaining wall that is proposed is 35 feet off the property line and comes to the end of the emergency drive. It is six feet high.

Mr. Frank LaQuinta, 8 Bluffs Court, wanted to confirm whose liability any damage would be.

Mr. Jimmy Chum, 4 Bluffs Court, inquired how long construction would take (about one year).

Mr. Edward Zglobicki, 51 Route 520, also inquired if the lights will be shielded and was told there would be no spillage on any other property. Ms. Daphne Galvin, PE, there will be some spillage towards the Goddard School.

Regarding the Birdsall Report, the parking spaces were addressed; the lighting will be from dusk to dawn. During the night the lights may be at 50% level. The applicant will comply with all the items of the Birdsall Report, dated April 4, 2013.

Mr. Policastro stated they will comply with the Marlboro Township Environmental Commission (A – 28 Report), 1979 Township Drive, Marlboro, NJ, Dated April 2, 2013. They will comply with GeoTech and the soil logs.

They will also comply with report (A-26) prepared report by John Borden, Fire Sub-Code Official/Fire Official, Township of Marlboro, 1979 Township Drive, Marlboro, and Dated April 2, 2013.

Mr. Mark Kataryniak, PE, French & Parrello, 1800 Route 34, Suite 101, Wall, NJ, stated that the van space will be provided. The proximity of trash enclosure configuration of the delivery area was also addressed. He also suggested they seek a variance for overnight parking.

Mr. Frank LaQuinta, 8 Bluffs Court, also confirmed there would be no residents parking on the site; and also there would be about fifty spaces for staff. This was confirmed.

No further questions from the public.

The applicant's traffic expert, David Shropshire, Shropshire Associates, LLC, 662 Main Street, Suite B, Lumberton, NJ, exhibited evidence for a concept plan for roadway improvement that was submitted to the County Department of Transportation. It was submitted as A – 31.

A – 31 Conceptual Roadway Improvement Plan, Shropshire Associates, LLC, 277 White Horse Pike, Suite 203, Atco, NJ 08004, 2/2013.

Mr. Shropshire said they looked at several scenarios. The County had them shift their driveway ten feet to the east and also suggested aligning with driveway across the street and to lengthen the middle turn lanes, a 200 foot left turn area and minor widening from Bluffs Court (3'- 4' widening into a right-o-way). Mr. Shropshire said there will be signage with striping for a dual left turn.

Mr. Frank LaQuinta, 8 Bluffs Court, asked what would happen if the County does not grant approval. He said approval is contingent upon an outside agency's approval. Ronald Cucchiaro, Esq. said they would have to come back; they need County's approval. Mr. Cucchiaro stated a pool code fence should also be around the detention basins. He also stated deliveries would be accomplished during the day.

Mr. LaQuinta also asked about the fifty spaces for parking. He was told forty spaces is generally accommodating, but going .6 spaces would make it optimum.

Mr. Sglobicki inquired about community events; Mr. Shropshire relayed that they are sensitive to these types of events. The van would be used to transport people.

Mr. Weilheimer said it would be beneficial to wait for the County. Mr. Shropshire stated they have done everything according to the county's recommendations.

There were no more questions from the public.

Mr. James Langenstein is a Landscape Architect with Longstone Gardens, 227 Arlingham Road, Flourtown, Pa. Trees would be around eight to nine feet near the Goddard School; they would grow to twelve feet and would be white pine, American holly and hemlock. Mr. Cucchiaro stated the species of the trees should be approved by the Township. Mr. Langenstein stated they will be under a two year warranty. Mr. Langenstein also explained the diamond pattern to the resident. The dumpster would be ninety feet away and covered. There will be nothing in the front so as not to obstruct the view. This completed questions from the Public.

There were no more questions from the Board.

Planning testimony needed to be heard. An Extension of Time was signed for May 14, 2013.

MEMORIALIZATION

ZB 13-6469 – Roman Dijour

Memorialization of a resolution granting approval to place a generator within eight (8') feet of the side yard property line where ten (10') feet is required at 54 Crescent Court, Block 148, and Lot 10.07 in the R-10AH zone.

Meeting adjourned at 10:45 pm.

Respectfully submitted,

ZB 13-6469 – Roman Dijour

Memorialization of a resolution granting approval to place a generator within eight (8') feet of the side yard property line where ten (10') feet is required at 54 Crescent Court, Block 148, and Lot 10.07 in the R-10AH zone.

ZB12-6459 – Syed Alzaidy

Memorialization of a resolution granting approval of a use variance for density, for a subdivision with bulk variances located at Conover Road, Block 153, Lot 39.03, in the LC Land Conservation zone.