

MARLBORO TOWNSHIP PLANNING BOARD

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SEPTEMBER 17, 2008

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THE MEETING OF THE MARLBORO TOWNSHIP PLANNING BOARD WAS CALLED TO ORDER BY THE PLANNING BOARD CHAIRMAN LARRY JOSEPHS AT THE MARLBORO TOWNSHIP OFFICES, 1979 TOWNSHIP DRIVE, MARLBORO AT 8:00P.M.

MR. JOSEPHS READ THE MEETING NOTICE, ADEQUATE NOTICE PURSUANT TO THE OPEN PUBLIC MEETING ACT OF 1977 HAS BEEN GIVEN OF THIS MEETING BY PUBLICATION IN THE ASBURY PARK PRESS, AND BY POSTING IN THE MUNICIPAL BUILDING IN THE TOWNSHIP OF MARLBORO AND FILED IN THE TOWNSHIP CLERK'S OFFICE.

ROLL CALL

**PRESENT ... MR. BARENBURG, MR. BERGH, MR. GUPTA,
MR. HUSAIN (ARR.8:30), MR. JOSEPHS, MR. HEGT,
MR. POLLAK, COUNCILMAN LA ROCCA, MAYOR HORNIK,
MR. PARGAMENT**

ABSENT... MS. FERNANDEZ

PROFESSIONALS PRESENT... MR. PETERS, MR. CRAMER, MR. HERBERT

SALUTE THE FLAG

CITIZENS VOICE

No one from the public spoke

Mr. Pargament will be sitting in for Ms. Fernandez

A motion to approve/amend the minutes of August 6, 2008 was offered by Mr. Pollak, seconded by Mr. Barenburg. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pollak, Mr. Josephs, Councilman LaRocca, Mr. Hegt, Mayor Hornik.

A motion to approve/amend the minutes of August 20, 2008 was offered by Mr. Bergh, seconded by Mr. Barenburg. In favor: Mr. Barenburg, Mr. Bergh, Mr. Gupta, Mr. Pollak, Mr. Josephs, Mr. Pargament, Councilman LaRocca, Mayor Hornik.

**P.B. 1000-07 MARLBORO TENNIS & TRAINING – MEMORIALIZATION OF
RESOLUTION GRANTING PRELIMINARY & FINAL SITE PLAN APPROVAL**

A motion in the affirmative was offered by Mr. Bergh, seconded by Councilman LaRocca. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pollak, Mr. Josephs, Councilman LaRocca, Mr. Hegt, Mayor Hornik.

P.B 1013-08 BR ELECTIC – MEMORIALIZATION OF RESOLUTION

Carried to the meeting of October 15, 2008.

P.B. 1017-08 TOUBIN – MEMORIALIZATION OF RESOLUTION GRANTING A WAIVER OF SITE PLAN APPROVAL TO ENCLOSE OUTDOOR FIRE ESCAPE STAIRCASE

A motion in the affirmative was offered by Councilman LaRocca, seconded by Mr. Bergh. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pollak, Mr. Josephs, Councilman LaRocca, Mr. Hegt, Mayor Hornik.

ORDINANCE 2008-28 – AMENDING CHAPTER 84 – FENCES REAR YARDS VANDERBRUG ROAD

Mr. Richard Cramer, P.P. stated that this ordinance will amend the Township regulations to permit an exception from the general limitations on fence height to allow a fence height of up to 8’ in the rear yards of property along Vanderburg Road between the Henry Hudson Trail and Boundary Road. The exception is limited to the rear yard of property in the line of sight of commercially or industrially zoned property

It is his opinion that this ordinance is consistent with the Master Plan.

The Board found the changes to be appropriate, but requested certain statements be added to the ordinance.

Residential lots with frontage on Vanderburg Road will be permitted to have a rear yard fence on its lot frontage along Vanderburg Road provided that each of the following conditions be met:

1. The residential lot has lot frontage on two or more streets, one of which is Vanderburg Road
2. There is no vehicular access to the residential lot from Vanderburg Road
3. The fence shall be no closer than ten feet to any sidewalk within a right of way
4. The fence shall not be located within the required sight triangle of any street intersection

A motion to approve was offered by Councilman LaRocca, seconded by Mark Barenburg. In favor: Mr. Barenburg, Mr. Bergh, Mr. Gupta, Mr. Pollak, Mr. Josephs, Councilman LaRocca, Mr. Hegt, Mayor Hornik, Mr. Pargament.

ORDINANCE 2008-29 AMENDING CHAPTER 84 – REQUIRING CERTAIN ENVIRONMENTAL INFORMATION FOR PLANNING/ZONING APPLICATIONS

Mr. Richard Cramer, P.P. stated that this ordinance will amend the Township requirements,

regulations and standards for the submission of site investigation and soil sampling reports with applications for development approval.

It is his opinion that this ordinance is consistent with the Master Plan.

The Board found the change to be appropriate, but requested that the soil investigations be no older than six months when part of applications. They also asked that the exemption for recreational property be reviewed further.

A motion in the affirmative was offered by Mr. Barenburg, seconded by Councilman LaRocca. In favor: Mr. Barenburg, Mr. Bergh, Mr. Gupta, Mr. Pollak, Mr. Josephs, Councilman LaRocca, Mr. Hegt, Mr. Pargament, Mayor Hornik.

P.B. 964-06 SCIBOR – CONTINUED PUBLIC HEARING – PRELIMINARY & FINAL SITE PLAN APPROVAL

This application is being carried to the meeting of October 15, 2008, without further notice.

P.B. 997-07 PESCE – CONTINUED PUBLIC HEARING – PRELIMINARY & FINAL MAJOR SUBDIVISION APPROVAL

The applicant's attorney was not present. The Board moved to dismiss the application without prejudice. The reason for the dismissal was the applicant's inability to proceed as well as the fact that the time within which to act on the application would expire at this meeting.

A motion in the affirmative to deny was offered by Mayor Hornik, seconded by Councilman LaRocca. In favor: Mr. Barenburg, Mr. Bergh, Mr. Gupta, Mr. Pollak, Mr. Josephs, Mr. Pargament, Councilman LaRocca, Mayor Hornik.

P.B. 970-06 WILDFLOWER/ORLEANS HOME BUILDERS – CONTINUED PUBLIC HEARING – PRELIMINARY & FINAL MAJOR SUBDIVISION & PRELIMINARY & FINAL SITE PLAN APPROVAL

Ken Pape, Esq. represented the applicant. The proposed site is 75.5 acres in a MFDII zone. The applicant is proposing to subdivide the site into 168 building lots for age restricted, single family detached dwellings and 2 multi family structures containing 50 affordable (non age restricted) dwelling units. They are also proposing a 6, 054 s.f. clubhouse.

The approval they are seeking at this meeting is for Preliminary approval only.

Public Hearings took place on the following days:

- May 7, 2008
- May 21, 2008,
- June 16, 2008
- June 30, 2008
- September 17, 2008

Exhibits A-1 thru A-23 were entered into evidence.

The following issues were discussed:

1. Time frame for the building of the COAH units
2. The buffering with regard to Tim Tierney's property
3. Concerns regarding emergency access to Phase II
4. Possibility of relocating the COAH units

The following Professionals spoke:

Mark Selover – Environmental Consultant – Stated that the DEP would have jurisdiction over the site as it is cleaned up

William Underwood – Underwood Engineering – Stated that the soils at the site would allow stormwater phases to function

William Feinberg – Architect – Affordable housing structures comply with COAH regulations

Ken Biedzynski – Marlboro Affordable Housing Attorney - Working with the Township's administrative agent(HAS) to ensure that the Township enforce its affordable housing ordinance and complies with the requirements mandated

David Horner – Traffic Engineer - Reviewed the bus stop issues and is working with the Board of Education to make sure that a bus stop was placed near the affordable housing units

Gary Vecchio – Engineer – Discussed the changes made to the drainage basins. Will continue to work with the Board's professionals to bring the site plan into better compliance. Will also look into the number of proposed parking spaces for the clubhouse

The Board's professionals, Ernie Peters and Richard Cramer reviewed their reports and answered questions from the Board.

PUBLIC HEARING OPENED

Mr. Tierney – 85 Tennent Road

He is concerned about the variances that were being imposed upon his property by the location of the buffer.

Ms. Imholte

Testified on behalf of her parents whose house and garden lies upon the property line of this site. She does not want her parents driveway to be disturbed by this project.

PUBLIC HEARING CLOSED

After many comments from the Board members they agreed to vote for a Preliminary approval with conditions.

A motion in the affirmative was offered by Mr. Gupta, seconded by Mr. Barenburg. In favor: Mr. Barenburg, Mr. Bergh, Mr. Gupta, Mr. Pollak, Mr. Husain, Mr. Pargament, Mr. Josphehs. Opposed: Councilman LaRocca, Mayor Hornik.

A motion to adjourn was offered by Mr. Husain, seconded by Mr. Barenburg. One vote was cast.

Respectfully submitted

Donna Pignatelli