

MINUTES
ZONING BOARD OF ADJUSTMENT
MARCH 18, 2008
REGULAR MEETING
SALUTE TO FLAG
SUNSHINE LAW READ

ROLL CALL

PRESENT: Michael Fishman, Robert Knight, Michael Mahon,
Steven Pitchon, Adrienne Spota, Matthew
Weilheimer, Lewis Wildman

ALSO PRESENT: Michael Steib, Esq. Board Attorney
Sarah Paris, Administrative Officer
David Thesing, Engineer
Dean Staknys, Engineering Department

ABSENT: Glenn Malysz, Joseph Sparacio

The Board accepted the minutes of March 4, 2008.

Offered: Michael Fishman	Second: Robert Knight
Ayes: 7	Nays: 0
Absent: 0	Abstain: 0

Public Comment – There is no sign up from the public.

ZB 06-6262- Mannion Manor

Request for an Extension of Time of John Croddick, Croddick Real Estate Holdings, LLC, also known as Manion Manor, 63 Buckley Road, Marlboro, NJ, Block 417, and Lot 7. Said property is located in the R-80 zone. Applicant received a preliminary major subdivision approval for three residential building lots.

Mr. Steib read letter from Mel Warren, dated March 7, 2008, requesting extension of time of the variance. Although the sub-division is good for two years, the use variance only has a one year expiration. Mr. Fishman suggested that written notice be sent to Mr. Warren requesting his appearance before the Board so that the members could get a better explanation of why they needed more time. Mr. Fishman suggested we table this discussion until the applicant returns before the board.

The Board members are in accord to carry this request to April 1, 2008 to obtain more in-depth information.

MEMORIALIZATION

ZB 08-6321-Vitale, Vincent

Memorialization of a Resolution granting approval to construct a fence in a front yard, less than twenty feet from the property line at 2 Livingston Court, Block 360, Lot 25.22 in the R-20AH1 Zone.

Offered by: Michael Fishman

Seconded by: Michael Mahon

Ayes: 7

Nays: 0

Absent: Glenn Malysz, Joseph Sparacio

Abstain: 0

Motion granted.

ZB 07-6311 – Ayyala, Krishna & Laxmi

Continuation of a Public hearing for an approval to construct a 20' x 16' addition for a sunroom with an insufficient rear yard setback for principal structure, located at 47 Cape May Drive, Block 206.01, Lot 46 in the R-1.5 zone.

Mr. Ayyala sworn in.

The application was read into the record. The Board took jurisdiction. The following additional evidence was entered:

A - 17 Lot Coverage Calculations by Robert Burdick, received 2/21/08

A - 18 Report from Dean Staknys, Assistant Township Engineer dated 2/26/08.

Mr. Fishman stated the continuation is to grant a variance for an extension of a sunroom providing forty-five feet from the property line. Mr. Ayyla said this is correct, and that it would not be cost effective to make the sun room smaller. The back and sides will be surrounded by trees and will not effect or inconvenience Mr. Ayyla's neighbors.

Dean Staknys said there is hardship presented as only one side of lot is in compliance and the lot line is on an angle.

There is no public comment.

Workshop

Offered by: Michael Fishman

Seconded by: Robert Knight

The Board members agreed that they would be in favor of granting the application providing for forty-five feet setback from the property line instead of the required fifty feet.

Out of Workshop

Offered by: Michael Fishman

Seconded by: Robert Knight

Ayes: 7

Nays: 0

Motion granted.

ZB 08-6320 – Santangelo & Nebesnak

Public hearing for approval to construct an 8' x 10' shed and a 4' fence within 100 feet of the top of the bank of a stream at 38 Guest Drive, Block 275, Lot 36 in the R-20 zone.

Mr. Santangelo is sworn in.

The application was read into the record. 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 W 9
- A – 6 Tax Collector's Certification
- A – 7 Notice To Adjoining Property Owners
- A – 8 Adjacent Property Listing
- A – 9 Certified White Receipts and Green Cards
- A – 10 Affidavit of Service
- A – 11 Affidavit of Publication
- A – 12 Owners Affidavit of Authorization and Consent
- A – 13 Conflict and Contribution Disclosure Statements
- A - 14 Survey prepared by Scott C. Willard, PLS, LLC dated 4/6/07 depicting new location of fence (in yellow)
- A – 15 Fence Estimate from Craney Fence Inc. dated 12/15/07
- A – 16 Report from Township Engineer submitted 3/18/08.

Mr. Santangelo states he wants to install a new fence around the entire yard; he did purchase the house with an existing fence and pool. He is also in the process of obtaining a permit for the shed. Mr. Fishman noted that there is erosion at the stream bank. Mr. Fishman suggested that the DEP should look at this problem due to the fact they are requesting fence be put within fifteen to twenty-five feet of the stream and the shed about thirty-five feet.

Public Comment:

Mindy Gelfand, 40 Guest Drive, Marlboro, is sworn in:

Ms. Gelfand has an existing fence on her neighbor's property and that Mr. Santangelo wants to put a fence on the property line. If Mr. Santangelo obtains a variance will she have to move her fence off of his property and will therefore be required to go through the same process. She wanted the Board to either excuse her from the requirement of the variance or agree to it now. Per Zoning Officer, Sarah Paris, she will need a variance. Michael Steib said the board cannot render answers to the fence on neighbor's property as this is a matter between the property owners. Mr. Santangelo is entitled to request this variance. Mr. Fishman asked that Ms. Gelfand talk with Zoning Officer Sarah Paris.

Mr. Fishman asked Mr. Santangelo why he needs the fence moved. Mr. Santangelo says he wants the property enclosed for safety reasons. Mr. Fishman says the situation is not stable and

he would be uncomfortable to approve. Michael Steib, Esq. says it is his burden to prove why the fence should be closer to the stream.

Michael Steib, Esq. stated that if this is a transition area, then the applicant must address this to the DEP. He needs a Letter of Interpretation.

Adrienne Spota asked if the application be conditional on the DEP? The Zoning Office, Sarah Paris, asked Mr. Thesing what the turn around time from the DEP would be? David Thesing said it could take a couple of months.

Michael Fishman said he is uncomfortable choosing a distance for the fence from the stream.

Michael Steib, Esq. says the fence may stay per ordinance (now grandfathered). The fence was put up in 1982. Robert Knight said it may not be 100 feet; they should come up with a number. Ms. Spota also asked about the rest of the neighborhood.

David Thesing stated plants should be used, and what about rain off. This could lead to flooding in the yard. He also recommends consulting with the DEP for an allowance.

Again Mr. Fishman states the stream is a safety issue. If he had to vote now, he would want fence not so close to the stream.

Mr. Fishman stated that if you keep the present position of the fence, you should wait until you hear from the DEP—He asked Mr. Santangelo how he would like to proceed? Would you like the Board to vote now?

Mr. Santangelo stated that he would like to adjourn to a new date.

Mr. Santangelo was asked to sign an extension of time. The extension moves the continuance to April 15, 2008.

9:00 PM – 5 Minute Break after which Mr. Robert Knight announced that he will be chairing the meeting for Michael Fishman.

ZB 06-6241 A – Beacon Hill Self Storage, LLC

Continuation of a public hearing for an approval of a Site Plan to construct a self-storage facility with five self-storage buildings of varying sizes, located on the corner of Tennent and Greenwood Road, Block 122, Lot 39, in the C-2 zone.

The application was read into the record. The Board took jurisdiction. The following evidence was entered:

- A – 34 Stormwater Management Report dated February 25, 2008. revised from October 29, 2007
- A – 35 Site Plan, Revised 2/01/08 as per Engineering Letter Dated November 15, 2007
- A – 36 Engineering Report (Review No. 3) from Gravatt Consulting Group, dated March 10, 2007, prepared by David A. Thesing, PE.
- A – 37 Marlboro Township Traffic and Safety Report dated March 12, 2008.
- A – 38 Marlboro Township Fire Sub-Code Official/Fire Inspector's Report dated March 12, 2008.

Additional evidence entered 3/18/08:

A – 39 Standard Lease Agreement entered 3/19/08.

A - 40 Beacon Hill Self Storage Architectural Rendering entered 3/18/08

Sal Alfieri, Esq. stated on behalf of the applicant, that Beacon Hill received a use variance last year and they are now here for a site plan. He called first witness Vince Agovino, an Environmental Engineer, accepted as an expert. He did the Phase I Environmental Report from November, 2005 which was part of the use variance.

Witness – Vince Agovino, AV Agovino Associates, LLC, 12 Hastings Lane, Hainesport, NJ 08036-6232 sworn in.

Mr. Agovino addressed issues in the Gravatt report dated 3/10/08. Mr. Agovino said that cleanup is recommended by sampling pollutants. Everything was normal with the exception of Arsenic. Arsenic is frequently present where there is use of pesticides for vegetation growth.

There is a recommendation for the EPA (DEP) to conduct further cleanup and testing to the northeast of this site. If the applicant does the cleanup, the soil needs to be either taken out, and disposed of or dug up and diluted with fresh soil. The remediation will then be overseen by the DEP. Mr. Alfieri asked if the applicants agreed to this. Their response was “yes”, in conjunction with Imperial Oil.

Mr. Vince Agovino also stated that there was evidence of a foundation of a house and driveway. They checked for underground structure and found no tanks or leakage. The trailers should also be removed.

There is an area of isolated wetlands along Greenwood Road which is shown on the newest plans.

Mr. Pitchon and Mr. Mahon each stated that they have listened to all of the previous tapes regarding this hearing.

Second Witness: Mr. Jeffrey Supnick, 1300 Route 73, Suite 314, Mt. Laurel, NJ, 08054, sworn in as expert in the self storage business.

Mr. Alfieri asked Mr. Supnick about the parking spaces which are now expanded from the original four to six, which includes four trips per hour.

Mr. Supnick also responded to questions regarding dumpster use and loading zones. A dumpster will be provided, but no loading zones. The trash will be fenced, gated and locked. Cameras will be installed for security. There will be a key pad for entering/exiting.

Hours of operation will be from 7:00 am to 10:00 pm. There will be no toxic or noxious chemicals, or radioactive or illegal substances stored in buildings. No gas will be stored by commercial landscapers.

There will be a NOX Box system. The garage doors will face the inside. The largest building will be climate controlled. The facility will be 40,500 square foot plus office.

James Ferrano, JJR Realty Capital Group, 740 State Highway 34, Matawan, NJ, 07747, sworn in.

Mr. Ferrano is the principal of the company.

Exhibit 40 is entered rendering the Beacon Hill Self Storage Architectural Drawing entered 3/18/08.

Proposed is a one story, cream colored, stucco sided, building with forest green peaks. There will be a green lawn with sprinklers. There are plans already submitted for the formal landscaping. They are not removing any wood surrounding the property.

Mr. Ferrano stated he will drive a company van and use it at the site each day.

Public Comment:

There were no questions from the public.

Hearing is adjourned. Continued to May 20, 2008; an extension of time was signed.

Meeting adjourned at 11:00 p.m. by Robert Knight and seconded by Michael Mahon.

Respectfully,

Yvonne M. Cautillo