

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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### **Chairperson**

Glenn Malysz

### **Vice-Chairperson**

Michael Fishman

### **Secretary**

Robert Knight

### **Members**

Matthew Weilheimer

Adrienne Spota

Lewis Wildman

Michael Mahon

Joseph Sparacio - Alt.#1

Steven Pitchon - Alt.#2

### **Zoning Board Clerk**

Yvonne Cautillo

### **Attorney**

Michael Steib, Esq.

### **Engineer**

Gravatt Consulting Group

David Thesing, F.E., P.F.

### **Planner**

Thomas J. Scangarello, P.F.

Planning Design Collaborative, LLC

### **Administrative Officer**

### **Zoning Officer**

Sarah Paris

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**ZONING BOARD OF ADJUSTMENT**

**APRIL 15, 2008**

**REGULAR MEETING**

**SALUTE TO FLAG**

**SUNSHINE LAW READ**

### **ROLL CALL**

**PRESENT:** Glenn Malysz, Robert Knight, Michael Mahon,  
Adrienne Spota, Lewis Wildman

**ALSO PRESENT:** Michael Steib, Esq. Board Attorney  
Sarah Paris, Administrative Officer  
David Thesing, Engineer

**ABSENT:** Michael Fishman, Matthew Weilheimer, Joseph  
Sparacio, Steven Pitchon

The Board accepted the minutes of April 1, 2008.

Offered: Glenn Malysz

Ayes: 5

Absent: 4

Second: Michael Mahon

Nays: 0

Abstain: 0

No Citizens Voice.

ZB 08-6322 – Perri, John, Jr.

Petition of John Perri, Jr. respectfully shows applicant is owner of property known as 10 Orchard Street, Marlboro, New Jersey, Block 219, Lot 7. Said property is located in the LI, Light Industrial zone.

The application was read into record. The Board took jurisdiction; there are five voting members present for this use variance. 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    Minor Site Plan by Andrew R. Stockton dated 2/21/08  
(sheet 1 of 1)
- A - 14    Contribution Disclosure Statement
- A - 15    Seepage Pit Volume Computation Report from Eastern Civil Engineering, LLC prepared  
by Andrew R. Stockton, dated February 14, 2008
- A - 16    Letter from Andrew Stockton, PE dated 2/21/08.
- A - 17    Letter of Approval from John W. Borden, Fire Sub-Code Official/Fire Inspection.
- A - 18    Traffic Safety Letter Dated March 24, submitted by Chief Robert C. Holmes, Sr. and Sgt .  
Joseph M. Lenge
- A – 19    Gravatt Consulting Group, Inc. Report, prepared by David A. Thesing, P.E., P.P., C.M.E.  
Zoning Board of Adjustment Engineer, dated March 20, 2008.
- A – 20    Report prepared by Thomas J. Scangarello, P.P. from Planning Design Collaborative, LLC  
150 Himmelein Road, Medford, NJ 08055, dated April 9, 2008.
- A – 21    Correspondence announcing Salvatore Alfieri, Cleary Alfieri & Jones, 5 Ravine Drive,  
Matawan, NJ 07747, has been retained by the applicant and he will be at the 4/15/08  
hearing.
- A – 22    Affidavit of Completeness
- A – 23    Frank Betz Associates, Inc., 1800 Lake Park Drive, Smyrna, Georgia 30080, Architectural  
drawings, Dated 12/14/05.
- A – 24    Artist's color rendering of proposed residence with two car garage by Home Plans, revised  
12/01/98.
- A – 25    Current location map with 18 photos of surrounding homes.
- A – 26    Minor Site Plan for Block 219, Lot 7, Prepared by Eastern Civil Engineering, LLC, 31  
Grand Tour, Highlands, NJ 07732, Dated February 15, 2008.

Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, New Jersey, introduced himself as being retained by the applicant.

Mr. Alfieri introduced John Perri, Jr. as the owner of 10 Orchard Terrace, Marlboro, New Jersey, Block 219, Lot 7. Mr. Perri wants to raze the present house and construct a new 2,240 square foot home for his family. Mr. Alfieri submitted architectural drawings consisting of four bedrooms and two car garage with driveway. The new Victorian type structure will be one foot wider and eight feet closer to the road due to the garage.



**ZB 08-6323 – Steve & Joann Erickson**

Public hearing for approval to construct a 1,436 square foot addition to the existing house in excess of permitted lot coverage for principal structure at 25 Mitchell Court, Marlboro, New Jersey, Block 225, Lot 173, in the R-30/20 residential zone.

The application was read into 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 Affidavit of Completeness
- A - 14 Affirmation of Local Pay To Play Ordinance dated 3/6/08
- A - 15 Harbor Consultants Inc. proposed addition plan, Block 225, Lot 173, prepared by Victor E. Vinegra, 320 North Avenue East, Cranford, dated 3/07/08.
- A – 16 A. Ondar Design Floor Plan for Erickson Residence, Block 225, Lot 173 dated 3/10/08.
- A – 17 Gravatt Consulting Group Report dated March 26, 2008

Steve and Joanne Erickson were sworn in as owner-residents of 25 Mitchell Court, Marlboro, NJ for twenty-five years.

There will be a basement under the addition which will include making the kitchen and family room larger as they have family residing with them.

The second review by the Gravatt Consulting Group addressed all comments.

The C-3 Variance R30/20 allows for 11% maximum coverage for the building, 13.4% is proposed. Sarah Paris said it was decided that up to 28% lot coverage was permitted.

**Comments from the Public:**

Edward Falk, 25 Mitchell Court, Marlboro, New Jersey, said he resides in the house next door and that the soils are wet. The dry well is ten foot from his fence and asked if there could be flooding. Mr. Thesing said the soil log and water criteria are met.

Tony Gallerino, Harbor Consultants Engineer and Planner was accepted as an expert witness. He stated the dry well is designed to accommodate and not disturb any existing trees. If it ever overflowed, the runoff should run away from the property line. Mr. Thesing asked if any drainage occurred, would the applicant be willing to remediate. The applicant responded “yes”.

Out of Workshop

Offered by: Robert Knight                      Seconded by: Michael Mahon

Lewis Wildman stated there was not a problem, along with the remainder of the Board. Robert Knight also stated that he has no objection as long as the owner is willing to remediate if there is a water problem.

Workshop:

A motion was offered to approve the application.

Offered by: Robert Knight                      Seconded by: Lewis Wildman  
Ayes: 4    Nays: 0

Motion Approved.

**ZB 08-6320 – Santangelo, Steve & Nebesnak, Stacie**

Continuation of 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.

Steve Santangelo and Stacie Nebesnak sworn in.

The Board has jurisdiction.

- 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                      CME Associates Report prepared by Ernest J. Peters, Jr. dated March 18, 2008.
- A – 17                      Affidavit of Completeness

The following additional evidence was entered:

- A – 18                      New Jersey DEP Aerial Map: Overview of 38 Guest Drive
- A – 19                      GIS State of New Jersey aerial map dated 3/18/08

Mr. Santangelo submitted exhibits from the DEP showing there are no wetlands and that the I-Maps state so. Gary McCarthy referred her to FEMA. This waterway is called Barkleys Brook and they are

not required to come out to survey a brook. It flows into the Raritan River and does not need monitoring as it is not a category flood zone.

Out of Workshop

Offered by: Robert Knight

Seconded by: Michael Mahon

The applicant does need relief as he would not want his fence into the pool. There is about ten feet from the drop off. There is about fifteen feet on the left side from the existing fence and twenty-five feet on the right side. The deepest part from the top of the bank is forty-four feet and the fence should not be on the drop. After discussion, it was decided the fence setback to be twenty-five feet from rear property line corners, with the shed not being moved. The fence will be a four foot chain link fence, pool grade.

Workshop:

A motion was offered to approve the application.

Offered by: Robert Knight

Seconded by: Lewis Wildman

Ayes: 4

Nays: 0

Motion Approved.

**ZB 08-6324 – Fazio, Thomas & Melissa**

Petition of Thomas & Melissa Fazio respectfully shows applicant are owners of property known as 276 Spring Valley Road, Morganville, New Jersey, Block 147, Lot 1. Said property is located in the LC zone.

Applicant applied to the Zoning Officer for permission to: construct a 350 square foot deck with insufficient rear yard setback for an accessory structure.

The application was read into record. The Board took jurisdiction.

- 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 & Contribution Disclosure Statements
- A - 14 Affirmation of Local Pay To Play Ordinance dated 2/8/08
- A - 15 Affidavit of Completeness
- A – 16 Frame Notes by Thomas Longo received 3-14-08
- A – 17 Top Views of Deck by Thomas Longo received by 3-14-08  
A & B
- A – 18 Plot Plan by Tomas Holding by Richard C. Gabel, Jr. Architect, last revised 5-30-03
- A – 19 ZB 01 – 6609 Resolution
- A – 20 Report from Dean Staknys, P.E., Assist Township Engineer, Marlboro Township, NJ.

Thomas and Melissa Fazio sworn in.

They reside at the 276 Spring Valley Road property and state that the deck is required due to an unlevelled backyard. Tables and chairs cannot be put on this uneven ground and the larger deck is required for extended family.

Out of Workshop

Offered by: Robert Knight                      Seconded by: Michael Mahon

Mr. Fazio also states the yard is fenced in per Robert Knight's question.

Workshop:

A motion was offered to approve the application.

Offered by: Robert Knight                      Seconded by: Lewis Wildman  
Ayes: 4    Nays: 0

Motion Approved

### ***MEMORIALIZATIONS***

#### **ZB 06-6262 – Mannion Manor**

Memorialization of a Resolution granting approval for an Extension of Time of John Croddick, Croddick Real Estate Holdings, LLC, also known as Mannion Manor, 63 Buckley Road, Marlboro, NJ, Block 417, and Lot 7. Said property is located in the R-80 zone.

Offered by: Robert Knight                      Seconded by: Lewis Wildman  
Ayes: 4    Nays: 0

Motion granted.

#### **ZB 08-6318 – Vladimir DeLevi**

Memorialization of a Resolution denying approval to construct a new single family dwelling on an undersized lot at 17 Hawkins Corner Road, Block 282, Lot 6, in the R-60 zone.

Offered by: Robert Knight                      Seconded by: Michael Mahon  
Ayes: 4    Nays: 0

Motion Approved.

**Appointment of a Special Traffic Engineering Consultant**

Memorialization by the Zoning Board of Adjustment of the Township of Marlboro to appoint Harold Maltz, P.E., of Hamal Associates, 19 Porter Road, West Orange, New Jersey to perform services as Special Traffic Engineering Consultant in the case of Meiterman Commercial Properties (Block 268.01, Lot 43) and Southpoint Property Management (Block 268.01, Lot 42).

Offered by: Robert Knight

Seconded by: Adrienne Spota

Ayes: 4

Nays: 0

Motion Approved.

Public Comment:

There were no questions or comments from the public.

Hearing is adjourned at 11:05 p.m. by Robert Knight and seconded by Michael Mahon.

Respectfully,

Yvonne M. Cautillo