

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

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Lewis Wildman

Michael Mahon

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Steven Pitchon - Alt.#2

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Attorney

Michael Steib, Esq.

Engineer

Gravatt Consulting Group

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

Planner

Thomas J. Scangarello, P.F.

Planning Design Collaborative, LLC

Administrative Officer

Zoning Officer

Sarah Paris

ZONING BOARD OF ADJUSTMENT

June 17, 2008

REGULAR MEETING

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

PRESENT: Glenn Malysz, Robert Knight, Michael Mahon,
Adrienne Spota, Steven Pitchon, Jennifer Bajar,
Matthew Weilheimer, Lewis Wildman

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

ABSENT: Michael Fishman

The Board accepted the minutes of June 3, 2008.

MINUTES APPROVED:

Offered:	Glenn Malysz	Second:	Robert Knight
Ayes:	8	Nays:	0
Absent:	0	Abstain:	0

No Public Session.

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

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

Lewis Wildman returned to Board.

Mr. Steib reads list of additional evidence:

- A – 41 Letter from Salvatore Alfieri, Alfieri Cleary & Jones, Lakeview Professional Building, 8 Ravine Drive, PO Box 533, Matawan, NJ requesting Thomas Scangarello, Planning Design Collaborative, LLC, 150 Himmeline Road, Medford, NJ 08055 to review this matter.**
- A – 42 Extension of time letter (through 6/30/08) from Salvatore Alfieri, Cleary Alfieri & Jones, Lakeview Professional Building, 8 Ravine Drive, PO Box 533, Matawan, NJ 07747.**
- A – 43 Notice Pursuant to the New Jersey Freshwater Wetlands Protection Act, dated 6/11/2008, Submitted by A.V. Agovino Associates, LLC, 12 Hastings Lane, Hainesport, NJ and LOI.**
- A – 44 Memo from Marlboro Township Environmental Commission dated June 17, 2008.**
- A – 45 Notice To Adjoining Property Owners**
- A – 46 Adjacent Property Listing**
- A – 47 Certified White Receipts and Green Cards**
- A – 48 Affidavit of Service**
- A – 49 Affidavit of Publication**
- A – 50 Report prepared by Thomas J. Scangarello, P.P., Planning Design Collaborative, LLC, dated June 16, 2008.**

Salvatore Alfieri, Cleary Alfieri & Jones, 5 Ravine Drive, P. O. Box 533, Matawan, NJ.

The use variance was previously granted. The site plan was submitted with an environmental impact report. The applicant's professional met with Mr. Thesing. The issue regarding the property fronting on three streets was discussed. Since the beginning of the year, all road widening is to be by deed (Ernie Peters, Engineering, Marlboro Township). There is a Deed to be granted. New setbacks variance is needed. The applicant will need to redesign the project with new buffers. The EPA was promised access for a staging area. If there is no setback variance, it will restrict them.

The Board's Planner was changed and his opinion is required regarding fronting on all three sides.

Robert Kee of Kee Enterprises, 51 Gerard Avenue, Matawan, NJ is sworn in. He is accepted as a professional Engineer & Land Surveyor, and Planner, since 1976.

The first deviation is the Orchard Street dedication. A section of property was asked to be reserved to an EPA staging area for environmental cleanup of the Imperial Oil site. Cleanup will be done and the trucking volume will go through the Beacon Hill site. This will be reserved for their use, so not to redesign entire site. The Building location site should be accurate.

In response to questions from the Board, Mr. Kee stated they were aware the DEP proposal and that the 8 foot buffer road for dedication now has to be decided. It was pointed out that the building will not be any closer to the roadway; just the property will be less. If the building were to be shifted, the property line will shift 8½ feet.

As the meeting was only a preliminary meeting, they have not yet gone to the County. The Planning Board will ask to vacate, round off and make the curve uniform. The property across the Street will bear the burden of road widening.

The township will own by deed. Trucks will not go through the property. The original design will be held to; if not, they will go to Orchard Street. It was discussed if Orchard Street would become a major thoroughfare and if the residents will now be in view of the warehouse. The neighbors should not see any more since they are only one story structures with landscaping on top and on the embankment. The retaining wall will be there, a minimum of six feet in height. This will be an attractive facility

The use of the building was approved for 16,000 square feet. With the new setbacks that will be required for the road dedication, a building setback variance is now required. Relief needs to be granted, or buildings made smaller. The EPA (DEP) needs to set up requirements. Buffers also need to be designated; the plan does not show buffer area on Orchard Street.

Glenn Malysz stated he was not at the 3/18/08 meeting but, he has listened to the tape and is eligible to vote.

Thomas Scangarello, P.P., Board Planner, was sworn in. Mr. Scangarello said that Beacon Hill was approved for a maximum storage facility and that the most important of the three roads is Orchard Street. It becomes difficult to fit in landscaping. Sloping with low and high areas should be done, not just a straight berm, with trees.

Tom Scangarello asked if the area will be cleared. Robert Kee said yes, it will be done in two phases.

David Thesing said the only remaining item is that a sketch needs to be made for the town and the EPA.

Since there were no other questions, a poll regarding maintenance of setbacks and buffers was taken.

Sal Alfieri responded that his client will submit a revised plan. A date of August 5, 2008 was appointed with no further notice required.

ZB 08-6325 – Meiterman Commercial Properties

Public Hearing for approval to amend Resolution ZB01-6007A for Meiterman Commercial Properties, Preliminary and Final Site Plan, for Block 268.01, Lot 43 and South Pointe Property Management Preliminary and Final Site Plan ZB 03-6097, Block 268.01, Lot 42, 176 Route 9 North, Englishtown, in the C-3 zone.

Jennifer Bajar recuses herself.

Michael Steib reads the Exhibits:

- A – 1 Petition on Appeal**
- A – 2 Indemnification and Hold Harmless Agreement**
- A – 3 Disclosure Statement**

- A – 4 **W 9**
- A – 5 **Tax Collector's Certification**
- A – 6 **Affidavit of Completeness**
- 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 **CME Associates Report Reviewing Meiterman Commercial Properties Applications for Amended Preliminary and Final Site Plan Application #ZB01-6007A, dated May 30, 2003.**
- A – 13 **Memorializing Resolution Re: Meiterman Commercial Properties Application for Amended Preliminary and Final Site Plan Application #ZB01-6007A, Block 268.01, Lot 43 and Southpoint Property Management Application for Preliminary and Final Site Plan Application #ZB03-6097, Block 268.01, Lot 42.**
- A – 14 **Parking and Traffic Study prepared by Jay S. Troutman, Jr., PE, McDonough & Rea Associates, Inc., Dated April 18, 2008.**
- A - 15 **Affirmation of Local Pay To Play Ordinance dated 3/31/08**
- A – 16 **Gravatt Consulting Group Report prepared by David A. Thesing, P.E., dated April 29, 2008.**
- A – 17 **Hamal Associates, Inc. Report prepared by Harold K. Maltz, P.E., President, dated May 2, 2008.**
- A – 18 **Certification of Genuineness of Facsimile Signature signed by Jeffrey Chalal, dated 6/12/08, prepared by Wolfblock, LLP. Document was delivered by Kenneth Pape, Es, Heilbrunn, Pape & Goldstein.**
- A – 19 **Evidence showing pictorial views of parking spaces at Damon's & Northpoint submitted 6/17/08.**

Ken Pape, Heilbrunn, Pape, Goldstein, LLC, 516 Route 33, Millstone, NJ represents the owner regarding the building constructed in 2006 (Northpoint) at 85% occupancy seeking to determine if there is additional room for parking.

Jay S. Troutman, McDonough & Rea Associates, 105 Elm Street, Westfield, NJ sworn in. Mr. Troutman is the Traffic Engineer and submits Exhibit A14: Traffic Study. The study of Damon's parking lot (183 spaces) was conducted on multiple days, the office being observed during the day, and the restaurant in the evening, also weekends). During lunch hour, the office was less, the restaurant more. 86 spaces were occupied during the week, which leaves 90 spaces available.

There are some other factors: the existing Freehold Radiology on the first floor (operating at about 40%) and there are current vacancies on the 2nd and 3rd floors.

Mr. Troutman evaluated that Freehold Radiology has about 7 patients per hour, adding up to 17 to make up to 100%, with additional for employees. There are a total of 62 additional spaces for a 100% fill up. The office component generates a maximum of 75 spaces. A total of 137. (in the daytime). Typical for lunch is 30 spaces. There is no issue on Saturday evenings (115).

Ken Pape stated that 100% fill up will still give you 6 empty spaces and the owner would like to be released of medical prohibition. It appears parking will be more than adequate.

The Board inquired would there be an increase of parking when school is over? Where do the employee's park?

The front lot is occupied by the owners of businesses. In 183 counts, 14 are in front. There is no patient parking in front. These are shared uses: will Damon's increase traffic? What if there is a change of hands? Mr. Troutman believes this is almost a perfect marriage of uses. On the busiest day, you could still have 90 spaces open. You could handle late day traffic also.

The question was also asked why was it approved at only 1/3 medical? Mr. Pape said it was a very appropriate conservative approach—this is not unusual. There is a continuous request for medical use. If the board will consider another 1/3 toward medical, the owners will have the opportunity to increase, and to further collect data they may increase and come back again. Doctor gives permission down to 67% of square footage.

Harold Maltz, P.E., P.P., Hamal Associates, Inc., 19 Porter Road, West Orange, NJ, is sworn in. Mr. Maltz also reviewed in detail. He checked the floors and tenants. The shared usage concept is well established, the restaurant is busy and vice versa with the office.

Chris Suydam, 7 Bartram Road, Englishtown, inquired what if a patient comes to a doctor, and wants to eat before or after visit. Mr. Troutman answered that the analysis assumes, parking for restaurant or visiting a doctor. Mr. Suydam answered you may tie up space for doctor and eating.

Mr. Maltz did suggest not allowing laboratories. The parking situation could become too intense.

The additional increase would be granted as it doesn't negatively impact the neighbor.

Public Questions:

Mr. Chris Suydam sworn in.

If the building is in more use, it will be lit up more at night. He owns the property behind. If there is more traffic flow, is a buffer possible?

Mr. Pape suggested monitoring when the CCO's are issued. It was also suggested that Landlord certification be required. This would not create a burden.

Mr. Steib said that with the Resolution, lots became joined. It reads shared parking, the two are wedded together. The restaurant is a permitted use. Ms. Spota said even though it is two separate lots, they are counted as one lot and cannot stand alone for parking. Mr. Pape suggested making it a condition; it would be deed restricted.

Workshop:

Offered By: Glenn Malysz

Seconded By: Matthew Weilhammer

The Board agrees that medical usage is beneficial, good business, and that 67% would be okay. They agree not to have medical laboratories. Mr. Weilhammer suggested looking into a buffer. Maybe tall shrubs.

Chairman Malysz said he likes the half step approach, "let's change it and test it". It is a self contained area and there should not be an overflow. It will be self policing. Mr. Malysz also agreed with the members regarding a buffer. There should be no medical labs. This is contingent upon the restaurant being a permanent use; if there is a change, they must come back to the board. It is a great use and a good compromise.

Mr. Pape stated the buffer is between 5 & 10 feet wide, there is also a 6 feet vinyl fence and there is no room for an additional buffer. He asked that the area be examined as there is landscaping already in place. The Board looks at pictures; they are entered as Exhibit A-19.

Motion to grant application. The Board offers to approve additional parking up to 67% with no laboratories, and if the restaurant changes, they must come back to the Board even if it is a permitted use. A different use may not complement the parking that exists now. A significant buffer, with engineer's approval will also be included.

Out of Workshop:

Offered by: Glenn Malysz

Seconded by: Matthew Weilheimer

Ayes: 7

Nays: 0

Absent: 1

Abstain: 1

Motion Approved.

ZB 08-6330 – Imperato, Domenic

Public hearing for approval to construct a 1,700 sq. ft., two story addition to existing single family dwelling on a lot with insufficient frontage and width at 492 Tennent Road, Morganville, Block 299, Lot 118, in the R-20 zone.

Michael Steib reads Exhibits:

- 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 A. Ondar Design, Architectural Drawings prepared by Albert Ondar, 19 Truman Drive, Marlboro, NJ, Dated 4/14/08.**
- A – 13 Owner's Affidavit of Authorization and Consent**
- A – 14 Affirmation of Local Pay to Play Ordinance**
- A – 15 Survey prepared by Thomas M. Ernst & Associates Professional Land Surveyors, Inc, dated March 29, 1988.**
- A – 16 Site Plan; Drainage Calculations submitted by Stephen Kutch, P.E., P.P., dated May 5, 2008.**

Domenic Imperato, 22 Whitman Road, Morganville, New Jersey is sworn in.

Mr. Imperato looking to put extension because their mother is now residing with them. They have five children and need additional family room. The existing house is 2,700 square feet with 1,700 to put on (4,400 square foot total).

David Thesing stated the engineer provided a 739 square feet footprint + square footage. There are two stories, with the second floor over the garage. They need one variance and the plan should be adjusted with everything on it. Stormwater needs clarification with respect to the downspouts. He referred to Steve Kutch's letter in which requests must be fulfilled by Domenic Imperato. Mr. Imperato will comply.

Workshop:

Offered By: Glenn Malysz

Seconded By: Michael Mahon

The Board Members agreed this is a good application which was well presented. They are still comfortably under for the lot; slightly over for the building. It is a good application for the surrounding community. Mr. Thesing said there should be better proposed maps showing stormwater tie in to well.

Sarah Paris also stated that the deck will be removed where the proposed addition will be and there will be pavers set in sand.

Out of Workshop:

Offered by: Glenn Malysz

Seconded by: Michael Mahon

Motion to grant application with the paver patio to be clarified.

Offered by: Glenn Malysz

Seconded by: Robert Knight

Ayes: 6

Nays: 1

Absent: 1

Abstain: 1

Motion Approved.

M E M O R I A L I Z A T I O N S

ZB 08-6329 – Sakoutis Builders & Land Developers, LLC.

Memorialization of a Resolution granting approval to construct a single family dwelling on a lot with insufficient frontage and width at 492 Tennent Road, Morganville, New Jersey, Block 299, Lot 118, in a R-80 Residential zone.

Motion Approved

ZB 07-6304 – Borbely, Scott

Memorialization of a Resolution amending condition #4 of the August 21, 2007 resolution, memorialized September 4, 2007, for an approval to construct a single family dwelling on a lot with insufficient setbacks and exceeding permitted lot coverage, located at 45 Schanck Road, Block 156, Lot 1 in the LC zone.

Motion Approved.

Meeting adjourned.

Respectfully,

Yvonne M. Cautillo

