

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

PHONE: (732) 536-0200 EXT. 509 FAX: (732) 617-7225

Web: www.marlboro-nj.gov e-mail: zoning@marlboro-nj.gov

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Vice-Chairperson

Robert Knight

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Lewis Wildman

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Jennifer Bajar

Matthew Weilheimer

Lewis Wildman

Michael Shapiro

Paul Schlaflin Alt #1

Zoning Board Clerk

Attorney

Michael Steib, Esq.

Engineer

Gravatt Consulting Group

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

Planner

Planning Design Collaborative, LLC

Thomas Scangarello, P.P.

Traffic Engineer

Medina Consultants

Mark Kataryniak, P.E.

Administrative Officer

Zoning Officer

Sarah Paris

MINUTES

ZONING BOARD OF ADJUSTMENT

AUGUST 4, 2009

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

PRESENT: Robert Knight, Lewis Wildman, Michael Mahon, Jennifer Bajar, Matthew Weilheimer, Michael Shapiro, Paul Schlaflin

ALSO PRESENT: Michael Steib, Esq.
Sarah Paris, Administrative Officer
David Thesing, P.E.
Thomas Scangarello, P.P.
Mark Kataryniak, P.E.

ABSENT: Glenn Malysz

Public Session:

Patricia Korbiak, 103 Crine Road, Morganville, New Jersey spoke on behalf of Mayor Hornik regarding State sewer regulations. Ms. Korbiak thanked the mayor for working on plans that were approved in 2008 to improve the quality of groundwater and streams.

ZB 09-6357 – Robert Ida

Continuation of a Public Hearing for approval to construct a single family residence in a commercial zone having insufficient lot area, frontage and width at 604 Texas Road, Morganville, Block 176, Lot 6 in a C-4, Regional Commercial zone.

Application adjourned to August 18, 2009 per request of Heilbrunn Pape & Goldstein as Mr. Pape was unable to be present.

Board Members expressed dissatisfaction, as other applicants cannot be scheduled at such a late date.

ZB 09-6359 – Salovic, Bilal

Public Hearing for approval to construct a single family dwelling having insufficient side yard setbacks for principal structure at Texas Road, Morganville, Block 120, Lot 2.01 in a R-60 Zone.

Application read into the record. The Board took jurisdiction and the following was entered as evidence:

- 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 Affirmation of Local Pay to Play Ordinance
- A – 13 Application Affidavit of Completeness
- A – 14 Owners Affidavit of Authorization and Consent
- A – 15 Resolution of the Planning Board of the Township of Marlboro granting Minor Subdivision Approval to Applicant, Anthony J. Castillo, Block 120, Lots 1 & 2, Dated April 21, 2004.
- A – 16 Variance Sketch, Block 120, Lot 2.01, prepared by Peter R. Eshewsky, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ, dated 3/23/09.
- A – 17 Report prepared by David Thesing, P.E., Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ, dated 6/24/09.
- A – 18 Stormwater Management Report prepared by Lorali Totten, PE, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone Township, NJ.

Todd Cohen, Esq. represents Bilal Salovic. He stated the property was created through a minor subdivision for two lots by the Planning Board. Lot frontage and width variances were granted at that time, with a 3,700 square foot footprint and paver driveway.

Peter Strong, Crest Engineering, 100 Rike Drive, Millstone Township, NJ, was sworn in and accepted as professional. He presented additional evidence:

- Exhibit A – 19 Color rendering of various sketches submitted to the Board, March 20, 2009 prepared by Peter Strong, Crest Engineering.
- Exhibit A – 20 Computer printout showing Bilal Salovic as owner of Block 120, Lot 2.01.

Lots 1.01 and 1.02 were created by the Planning Board were named as 2.01 in the resolution per Michael Steib, Esq.

Mr. Strong referred to Exhibit A – 19, citing the size and shape of the lot and required setbacks. The setbacks are for an elongated structure, unlike the house in the surrounding area. The Planning Board approved two identical lots. The lots are 50 feet in width and the R60 zone requires a 225 square foot width. The proposed lot is for a single family dwelling consisting of 3,700 square foot of building and driveway. The two story building with partial basement is set back much further. Pavers are set in sand on the driveway itself.

The lot is narrow and restricted due to its size and shape. It will not be touching wetlands or the buffer.

- Exhibit A – 21 Letter of Interpretation from the Department of Environmental Protection was presented regarding wetlands, dated June 6/20/06 or 2009.

Mr. Cohen stated the house was previously approved and not built. The applicant agrees to meet all the technical comments in Mr. Thesing's letter, including obtaining a survey.

Mr. Knight asked if there is anything the applicant can do to move over the house five or ten feet.

Mr. Cohen spoke with the applicant and believes they are able to change to 35 and 30 feet.

There were no questions from the public.

Motion to Workshop

Offered: Robert Knight

Seconded: Lewis Wildman

Mr. Shapiro was happy to hear they will work to keep trees. He would be in favor of.

Ms. Bajar also agrees, stating she would not like to see the mature trees knocked down. She would like to preserve more trees saying the older trees can never be replaced. She also cited that trees were already marked.

Mr. Thesing commented that trees can be marked to save.

Messers. Mahon and Wildman would like to see trees saved.

Mr. Weilheimer stated that moving the house is a compromise. The house is too large and he is not in favor.

Mr. Schlaflin is also in agreement. The footprint should be smaller.

Mr. Knight believes it is reasonable if the applicant is willing to compromise with 35 feet on the westerly side and 30 feet on easterly side. He is in favor.

Ms. Bajar agreed that as long as they are keeping trees, the setbacks are okay.

Out of Workshop

Offered: Robert Knight

Seconded: Michael Shapiro

Ms. Bajar said there are three extremely old trees that should be saved. Mr. Thesing stated an arborist should look at the trees with regard to which trees stay.

Mr. Salovic was sworn in and stated the markings were not to take the trees down. He said he wants to take some down in front of the house.

Motion to approve based on moving the house 35 feet on the westerly side and 30 feet on the easterly side, with a 75-foot maximum on the dwelling and the center island staying populated.

Offered: Robert Knight

Seconded: Lewis Wildman

Ayes: 7

Nays: 0

Abstain: 0

Motion Approved.

09-6362 – Estate of Gloria Antisell

Public Hearing for approval of a major four lot subdivision having insufficient lot frontage, width, and side yard set back for principal structure for residential use at Reids Hill Road, Morganville, Block 154, Lots 17 and 18 in a C-3 Community Commercial Zone.

Application was read into the record. The Board took jurisdiction and the following was entered as evidence:

- A – 1 Petition on Appeal**
- A – 2 Denial by Zoning Officer**
- A – 3 Indemnification and Hold Harmless Agreement**
- A – 4 Disclosure Statement – N/A**
- 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 Affirmation of Local Pay to Play Ordinance**
- A - 13 Application Affidavit of Completeness**
- A – 14 Owners Affidavit Authorization & Consent - N/A**
- A – 15 Use Variance Plan, Prepared by Frank T. Antisell, Accurate Engineering, PC, 12 Concord Drive, Kendall Park, NJ, dated 5/1/09.**
- A – 16 Report prepared by John W. Borden, Fire Sub-Code Official/Fire Inspector, Marlboro Township, 1979 Township Drive, Marlboro, NJ dated 6-24-09.**
- A – 17 Report prepared by David Thesing, PE, Gravatt Consulting Group, 414 Lacey Road, Forked River, NJ, dated 6-29-09.**
- A – 18 Report prepared by Sgt. Joseph Lenge, Division of Police, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated June 30, 2009.**

- A – 19 Report prepared by Patrick Pentland, Marlboro Township Historic Preservation Advisory Commission, 1979 Township Drive, Marlboro, NJ Dated 7-9-09.
- A – 20 Report prepared by Mark W. Kataryniak, PE, Median Consultants, 3379 Quakerbridge Road, Hamilton, NJ, Dated 7-23-09.
- A – 21 Report prepared b Environmental Commission, Township of Marlboro, Dated 6-29-09.
- A - 22 Planning Report prepared by Thomas Scangarello, P.P. Planning Design Collaborative, LLC, 150 Himmelein Road, Medford, NJ, Dated August 2, 2009.

Robert F. Munoz, Esq. stated the requested variance is for that portion of the property that is in the C-3 zone. Lot 18 in the northeast corner is a very small lot. They would like to develop as residential use. The lots are conceptional only and the applicant will come back to show configuration of the lots.

Frank Antisell, 12 Concord Drive, Kendal Park, NJ is a Civil Engineer and accepted as a licensed professional. He presented addition evidence:

- A- 23 Colored rendering showing four lot subdivision for Block 154, Lots 17 and 18; total of 24.73 acres.

The property was formerly a Christmas tree farm. It is densely wooded with many mature trees and steep slopes. He explained zoning lines; four lots were arrived at with five acre zoning.

Mr. Antisell said that Reids Hill has no commercial uses and it will help preserve the nature of the neighborhood. It allows to develop and to preserve the steep slopes, with preservation of the brook. The Hoprun Brook is 1140 feet from C-1.

If the small portion were developed as commercial, it would create more traffic on Reids Hill. LC zone looks to preserve the environmental with consistency of Monmouth Co. growth guide plan. The house would be on Reids Hill with adequate light and air for preservation of environment. Positive criteria is that the rural character of Reids Hill Road will be preserved.

Out of Workshop:

Offered: Robert Knight

Seconded: Lewis Wildman

Mr. Shapiro asked if the lot was offered for sale. Mr. Antisell said the neighbors had no interest in property.

Mr. Scangarello stated the application is complicated because these type of variances have an affect on what is left over. If not granted, some hardship exists. Would like to see how the other three remaining lots will be developed.

Mr. Munoz thought they can do four lots fronting on the roadway, instead of a cul de sac. This is a concept they are demonstrating. They are here because of the split lot zoning.

No questions from public.

Workshop:

Offered: Robert Knight

Seconded: Lewis Wildman

Mr. Shapiro and Ms. Bajar are in favor of residential; it is logical. It would be inconvenient to use it as commercial. Mr. Mahon agrees.

Mr. Wildman would like to convert to residential use, with the number of lots discussed later.

Mr. Weilheimer is not in favor.

Mr. Schlaflin is in favor. It is a unique property left in Marlboro.

Mr. Knight stated he is personally against changing. It would stay open land if it stays as C-3.

Out of Workshop

Offered: Robert Knight:

Seconded: Lewis Wildman

Ayes: 5

**Nays: 2 (Robert Knight, and
Matthew Weilheimer)**

MEMORIALIZATIONS

ZB 09-6358 – 147 Tennent Road, LLC

Memorialization of a Resolution granting approval to convert a residential house to office space for an existing auto recycling facility with handicap ramp at 147 Tennent Road, Marlboro, Block 170, Lot 2, located in an LC Land Conservation Zone.

Offered By: Robert Knight

Second: Paul Schlaflin

Ayes: 7

Nays: 0

ZB 09-6361 – Douglas Radeke

Memorialization of a Resolution granting approval to deny conversion of existing garage into living space exceeding permitted lot coverage for principal structure, total building and total lot coverage at 134 Nolan Road, Block 132, Lot 49 located in the LC-Land Conservation Zone.

Offered By: Robert Knight

Second: Paul Schlaflin

Ayes: 7

Nays: 0

Mr. David Thesing announced his last meeting will be August 18, 2009 and Bruce Jacobs will replace him.

Meeting adjourned.

Respectfully submitted,