

MARLBORO TOWNSHIP PLANNING BOARD

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MAY 7, 2014
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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. PARGAMENT,
MR. JOSEPHS, COUNCILMAN LA ROCCA, MR. ELMANSOURY,
MR. MESSINGER, MR. ROSENWALD**

ABSENT... MR. BETOFF, MR. GUPTA, MAYOR HORNIK

PROFESSIONALS PRESENT... MS. NEUMANN, MR. HERBERT

SALUTE THE FLAG

A motion to approve/amend the minutes of December 4, 2013 was offered by Mr. Pargament, seconded by Mr. Rosenwald. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Mr. Rosenwald.

A motion to approve/amend the minutes of April 2, 2014 was offered by Mr. Barenburg, seconded by Mr. Bergh. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Mr. Messinger, Mr. Rosenwald.

CITIZENS VOICE

No one from the public spoke

P.B. 452-88A-20HAD/NORTHPOINTE – MEMORIALIZATION OF RESOLUTION DENYING PRELIMINARY & FINAL SITE PLAN APPROVAL

A motion in the affirmative was offered by Mr. Barenburg, seconded by Mr. Pargament. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Mr. Rosenwald.

P.B. 1106-14 HILMAN, INC. – MEMORIALIZATION OF RESOLUTION GRANTING PRELIMINARY & FINAL SITE PLAN APPROVAL

A motion in the affirmative was offered by Mr. Bergh, seconded by Mr. Barenburg. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Mr. Messinger, Mr. Rosenwald.

ORDINANCE 2014-11 (AMENDED) SIGNS & OUTDOOR ADVERTISING TO REGULATE TEMPORARY POLITICAL SIGNS

Laura Neumann, P.E., P.O. testified that this ordinance is consistent with the Township's Master Plan.

PUBLIC HEARING OPENED

Matthew Rasmussen, Esq. stated that he represented Mr. Dean, who is affiliated with the Marlboro Township Republican Party. He believes that the prohibition on temporary political signs in public rights-of-way is a violation of people's First Amendment rights.

He stated that he would like to work with the Planning Board and Council to reconfigure the Ordinance so that is not unconstitutional.

The Board is in favor of this ordinance and a motion in the affirmative was offered by Mr. Bergh, seconded by Mr. Elmansoury. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Councilman LaRocca, Mr. Elmansoury. Abstain: Mr. Messinger, Mr. Rosenwald.

A motion for Michael Herbert to prepare a resolution was offered by Mr. Barenburg, seconded by Mr. Bergh. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Councilman LaRocca, Mr. Elmansoury.

P.B. 11109-14 WHOLE FOODS – WAIVER OF SITE PLAN

The applicant was represented by William Ruggiero, Esq. The site contains approximately 361 feet of frontage on Route 9 and approximately 100 feet of frontage on Route 520, Block 270 Lot 11.01 within the C-3 zone. Currently the property is being developed as a shopping center, namely Marlboro Commons.

The applicant is seeking approval to permit a 24 seat outdoor seating area, including two handicapped seats, within the sidewalk area along the front of the store.

At the last meeting the Board had concerns with the bollard construction details.

Mr. Herchakowski, licensed Architect and project manager for the site testified on behalf of the applicant.

Entered into evidence were the following exhibits:

- A-3 Revised Outdoor Seating Plan, dated April 24, 2014
- A-4 Concrete Bollard detail, dated April 24, 2014
- A-5 Colorized photos of the site
- A-6 Table conversion, dated April 21, 2014
- A-7 Traditional Garden Dining Side Chair

Mr. Herchakowski stated that exhibit A-3 shows a new isle with 5 feet for people to walk and bring shopping carts between the seating and the bollards.

The bollards are 6 inch in diameter located behind the proposed curbing. They go down into a 4 ft. concrete block.

The hours of operation are the same as Whole Foods which is 8:00 A.M. to 10:00 P.M. There will be no canopy and the tables are moveable with a 5 ft. of spacing between tables.

Mr. Lund, P.E. stated that the bollards are 6 inches in diameter and are located behind the proposed curbing. It is his opinion that they would stop cars from crashing into diners.

Ms. Neumann reviewed her report and answered questions from the Board members.

PUBLIC HEARING OPENED

No one from the public spoke

PUBLIC HEARING CLOSED

A motion in the affirmative was offered by Mr. Elmansoury, seconded by Councilman LaRocca. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Councilman LaRocca, Mr. Elmansoury, Mr. Messinger, Mr. Rosenwald.

P.B. 1109-14 WHOLE FOODS MARKET MEMORIALIZATION OF RESOLUTION GRANTING A WAIVER OF SITE PLAN APPROVAL

A motion in the affirmative was offered by Mr. Pargament, seconded by Councilman LaRocca. In favor: Mr. Barenburg, Mr. Bergh, Mr. Pargament, Mr. Josephs, Councilman LaRocca, Mr. Elmansoury, Mr. Messinger, Mr. Rosenwald.

P.B. 1093-12 NET COST MARKET – CONTINUED PUBLIC HEARING – PRELIMINARY & FINAL SITE PLAN

Salvatore Alfieri, Esq. represented the applicant. The site is 7.3 acres and contains 877 feet of frontage along the west side of Route 9, Block 288 Lots 374 & 375, within the C-3 zone. The building is adjacent to businesses in the Mart Center.

The applicant proposed to convert the existing 33,662 s.f. furniture store into a supermarket use

with an associated outdoor seating area at the southeast building corner. Additional improvements will include the construction of a 576 s.f. receiving/loading dock along the north side of the building with an associated loading space and a refuse compactor unit on a concrete pad also along the north side.

Mr. Fried, Dynamic Engineering testified on behalf of the applicant. He stated that the parking areas along the east façade of the building and west of same, are proposed to be reconfigured to provide 235 parking stalls. He stated that from his perspective the proposed parking is enough to support the use proposed. The parking with the adjacent business would unite the stores under the banner of one shopping center. The design of the site would encourage customers to park in the rear of the building, where parking is plentiful.

Net Cost Market is a specialty store and customers would not spend as much time inside the store as they would at a regular supermarket.

Ron Gasiorowski, Esq. for an objector cross examined Mr. Fried.. He stated that a prior approval in 1986 barred supermarkets from this proposed site. He said that a restriction in a resolution of approval is almost the same as a deed restriction. It should be binding unless the applicant can demonstrate that circumstances have changed.

Mr. Gasiorowski entered letters and statements from Marlboro officials from throughout the 1980s and 1990 into the record.

Some Board member said the surrounding area has changed since the original approval.

Mr. Gasiorowski said he plans to cross-examine the applicant's Traffic Engineer regarding the parking at the next meeting.

This application is being carried to the meeting of June 4, 2014, without further notice.

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

Respectfully submitted

Donna Pignatelli