

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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### Chairperson

Michael Shapiro

### Vice-Chairperson

Jennifer Bajar

### Secretary

Michael Mahon

### Members

Frank Yozzo

Ira Levin

Matthew Weilheimer

Alan Zwerin

Paul Schlaflin - Alt. #1

Marc Ellenberg. # 2

### Zoning Board Clerk

Yvonne Cautillo

### Attorney

Ronald D. Cucchiaro, Esq.

### Engineer

Birdsall Engineering

Al Hilla, P.E., P.P.

### Planner

T & M Associates

Richard Cramer, P.P.

### Administrative Officer

### Zoning Officer

Sarah Paris

### Traffic Engineer

Medina Consultants

Mark Kataryniak, PE, PTOE

## MINUTES

## ZONING BOARD OF ADJUSTMENT

FEBRUARY 2, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

## ROLL CALL

### PRESENT:

Mark Ellenberg, Alan Zwerin,  
Frank Yozzo, Michael Shapiro,  
Michael Mahon, Ira Levin,  
Matthew Weilheimer

### ALSO PRESENT:

Ronald Cucchiaro, Esq. Board Attorney  
Al Hilla, P.E., Board Engineer  
Richard Cramer, P.P., Board Planner

### ABSENT:

Sarah Paris, Administrative Officer  
Paul Schlaflin

No one signed in for public session.

The Board accepted the minutes of January 19, 2010.

### Minutes Approved:

Offered: Michael Shapiro

Second: Michael Mahon

Ayes: 7

Nays: 0

Absent: 1

Abstain: 0

Motion Granted.

**ZB 09-6376 – Land Baron, LLC**

Public Hearing for approval to use the site as a landscape supply yard. Applicant proposes to keep the house on Block 172, Lot 42 as an office and to demolish existing house on Block 172, Lot 43 to construct a 45' x 70' pole barn at 308 and 312 Tennent Road, Morganville, NJ, located in the IOR Zone.

Michael Supko, Esq., Menna Supko & Nelson LLC, 830 Broad Street, Suite B, Shrewsbury, NJ requested the application be carried. Land Baron carried to March 2, 2010 without further notice.

- 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 Owners Affidavit of Authorization and Consent
- A – 14 Application Affidavit of Completeness
- A – 15 Drainage Computations and Drainage Area Map for Site Plan, prepared by Richard K Heuser, PE, 307 Main Street, Matawan, NJ, Dated 11/09/09.
- A – 16 Site Plan prepared by Richard Karl Heuser, PE, 307 Main Street, Matawan, NJ dated 11/6/09.
- A – 17 Copy of returned undeliverable correspondence regarding service received 2/2/10.
- A – 18 Letter requesting matter to be carried if jurisdiction is appropriate from Pasquale Menna, Esq., Menna, Supko & Nelson, LLC, 630 Broad Street, Suite B, Shrewsbury, NJ, dated 2/2/10.
- A – 19 Report prepared by John Borden, Fire Sub-Code Official/Fire Inspector, Marlboro Township, NJ dated 1/26/10.
- A – 20 Report prepared by Mark W. Kataryniak, PE, Medina Consultants, 3379 Quakerbridge Road, Suite 200, Hamilton, NJ, dated 1/28/10.
- A – 21 Report prepared by Richard S Cramer, PP, T&M Associates, Eleven Tindall Road, Middletown, NJ, dated 1/29/10.
- A – 22 Report prepared by Alan P. Hilla Jr., PE, Birdsall Engineering, Inc., 611 Industrial Way, Eatontown, NJ, dated 2/1/10.
- A – 23 Report prepared by Marlboro Township Environmental Commission, 1979 Township Drive, Marlboro, NJ, Dated 1/25/10.

**ZB 05-6198A – Marlboro Grande aka Royal Pines at Marlboro**

Continuation of a Public Hearing for permission to modify approved site plan to remove from same an offsite sidewalk area extending northerly from the site at 362 Route 9 North, Marlboro, NJ, Block 299, Lot 3, located in the C–3 Zone.

Ms. Bajar recused herself from the dais.

Vincent P. Manning, Esq, Manning, Caliendo & Thomson, 36 West Main Street, Freehold, NJ representing the applicant Mr. Edward Kay, Developer, 165 Amboy Road, Building D, Unit 404, Morganville, NJ stated they did supply the DOT permit and maps.

The applicant stated the permit goes to the condition and they need to put funds and go forward with the sidewalk.

**Workshop**

**Offered by: Michael Shapiro                      Seconded by: Michael Mahon**

Mr. Shapiro stated a sidewalk to nowhere is not possible. It can either be rescinded and place money into the fund, or the applicant can go the Department of Transportation and come back before the Board.

**Out of Workshop:**

**Offered: Michael Shapiro                      Seconded by: Michael Mahon**

Mr. Kay agreed they would like to build the sidewalk, but not on someone else's property. He believes the sidewalk should be there. Mr. Cucciarello, Board Attorney, stated the DOT does not allow us to trespass. Mr. Kataryniak stated that if the DOT issue was no longer there, they can come within a one foot gap between their property and Exclusive Plaza. Everyone agreed; it is one foot. But you cannot build and stop one foot short. Does this open up a liability?

Mr. Kataryniak stated that having the sidewalk is the safest option.

Mr. Al Hilla, Board Engineer, stated the plan meanders around utility poles, encroaching on Exclusive's property. Mr. Kay stated that there was an error made on the plans; they had no idea they were in the right of way.

Thomas Primavera, counsel for Exclusive Plaza stated they do not want a sidewalk there. The plans were not engineered properly.

**Workshop**

**Offered: Michael Shapiro                      Seconded by: Michael Mahon**

During a discussion of whether to grant relief, put money into a fund, or put the sidewalk in going as far as you can. Mr. Shapiro believes it cannot be satisfied. Mr. Kataryniak stated the clarity of the plans are somewhat deficient and that a survey should be required. Mr. Hilla stated that without a survey you are not engineering. All were in agreement.

**Out of Workshop**

**Offered: Michael Shapiro                      Seconded: Michael Mahon**

Mr. Kay stated he thought the township should build. They cannot build without going on the site.

Motion of a date of March 16, 2010 was set for the applicant to provide a survey showing the proposed sidewalk.

<b>Offered:</b>	<b>Michael Shapiro</b>	<b>Seconded:</b>	<b>Michael Mahon</b>
<b>Ayes:</b>	<b>6</b>	<b>Nays:</b>	<b>0</b>
<b>Absent:</b>		<b>Abstain:</b>	<b>2</b>

**Motion Granted without further notice.**

**ZB 10-6379 – Garden State Community Bank**

**Public Hearing for approval to construct new bank building to replace building at 471 Route 520, Marlboro, NJ, Block 213, Lot 5, located in the OPT-2 Zone.**

**Mr. Weilheimer recused himself from the dais.**

**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           Tax Collector's Certification
- A – 6           W-9
- 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          Owners Affidavit of Authorization and Consent
- A – 14          Application Affidavit of Completeness
- A – 15          Primary and Final Major Site Plan for Block 213, Lot 5, prepared by TRE Two River Engineering, P.O. Box 155, Colts Neck, NJ dated 12-28-09.
- A – 16          Architectures prepared by G3 Architecture Interiors Planning submitted to Planning Board, 471 Route 520, Marlboro, NJ, dated 1-04-10.
- A – 17          Trip Generation Report for Proposed Garden State Community Bank for Block 213, Lot 5, prepared by Two River Engineering, PO Box 155, Colts Neck, NJ 0722 dated 12/15/09.
- A – 18          Report prepared by John W. Borden, Fire Sub-Code Official/Fire Inspector, 1979 Township Drive, Marlboro, NJ, dated 1/28/10.
- A – 19          Report prepared by Mark W. Kataryniak, PE, Zoning Board Traffic Consultant, Medina Consultants, 3379 Quakerbridge Road, Suite 200, Hamilton, NJ, Dated January 28, 2010.
- A – 20          Initial Application Review prepared by Freehold Soil Conservation District, 4000 Kozloski Road, PO Box 5033, Freehold, NJ
- A – 21          Report prepared by Alan Hilla Jr., PE, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, dated 2/1/10.
- A – 22          Report submitted by Richard Cramer, PP, Planning Consultant, T&M Associates, Eleven Tindall Road, Middletown, NJ, dated 2/1/10.
- A – 23          Soil Excavation Map prepared by Strategies & Applications, Inc., 495 Union Avenue, Suite 1D, Middlesex, NJ, dated 1/21/10.
- A – 24          Tax Maps of Township of Marlboro with zones also labeled.
- A – 25          Aerial Site Plan
- A – 26          Six Photos taken by Marc Leber taken in the fall of 2009, looking west on Rt. 520.
- A – 27          Preliminary and Final Major Site Plan, Landscaping Plan (Color rendering of proposed bank) similar in size with drive thru and 23 parking spaces, prepared by AJ Garito, Jr., Two River Engineering, PO Box 155, Colts Neck, NJ, dated 12-28-09.
- A – 28          Color rendering of proposed bank showing proposed street elevation, dated 2/2/10.
- A – 29          Exhibit showing all four building elevations, with 7 foot overhang.

**Sal Alfieri, Esq., 5 Ravine Drive, Matawan, NJ stated the applicant is looking to replace the bank building. There was an oil tank leak which the DEP required the applicants to remediate. It is now resolved with a slightly different pad.**

**Andreas Eisenberger sworn in stating the DEP wanted the soil remediated. The plan defines the limit of Soil Excavation Map, Environmental excavations, dated 1/21/10. The excavations required additional soil be removed. She stated they are in the process of compiling the report to the DEP. There is no longer any contaminated soil on site; and there is nothing preventing the bank from rebuilding.**

**Mr. Frank Yozzo joined the Board.**

**Mr. Afieri stated the bank is very ambitious and since there is nothing preventing them, they want to move forward.**

**Ms. Donna Albert, Garden State Community Bank is sworn in. She stated their customers are going to the Morganville Branch since 10/23/10. She stated the drive thru is not open after banking hours.**

**Mr. Marc Leber, Two River Engineering, is accepted as a professional and sworn in. He stated the bank wanted to reconstruct with the same design with a drive thru located in the rear of the building. He also stated the adjacent land uses were predominately commercial. Mr. Leber also stated the garbage would be contained in a dumpster with the applicant agreeing to the dumpster located in the Southeast corner and being properly screened in. There is public with no gas service. Gas service is available with application for a new septic. The sign will be a little over five foot and will conform to all other ordinance requirements.**

**Mr. Leer submitted additional evidence:**

- A – 24 Tax Maps of Township of Marlboro with zones also labeled.
- A – 25 Aerial Site Plan
- A – 26 Six Photos taken by Marc Leer taken in the fall of 2009, looking west on Rt. 520.
- A – 27 Preliminary and Final Major Site Plan, Landscaping Plan (Color rendering of proposed bank) similar in size with drive thru and 23 parking spaces, prepared by AJ Barito, Jr., Two River Engineering, PO Box 155, Colts Neck, NJ, dated 12-28-09.
- A – 28 Color rendering of proposed bank showing proposed street elevation, dated 2/2/10.
- A – 29 Exhibit showing all four building elevations, with 7 foot overhang.

**Richard Cramer, P.P., Board Planner, T& M Associates, 11 Tindal Road, Middletown, NJ, discussed the parking, along decreasing by two for the dumpster. He also discussed adding planting with evergreens.**

**Mark Katarina, Medina Consultants, stated he would a drive thru on the easterly side of the building with a stripped crosswalk.**

**Workshop**

**Offered by:**

**Michael Shapiro**

**Seconded by:**

**Michael Mahon**

**The Board agreed all the positive criteria have been satisfied. There should be yield signs for pedestrians with a second drive thru lane, with 10' x 20' parking stalls and restriping. The Board also confirmed keeping the awning.**

**Mr. Shapiro also agreed stating the two lanes with window would prevent backup on to Route 520.**

**Out of Workshop:**

**Offered: Michael Shapiro                      Seconded by: Michael Mahon**

**The applicant agreed with all discussed. They also agreed with fixing the curbing.**

**Motion to Approve as to keeping the awning, the parking stalls, and moving dumpster back toward Route 520, and having a second land with service.**

<b>Offered By:</b>	<b>Michael Shapiro</b>	<b>Seconded by:</b>	<b>Ira Levin</b>
<b>Ayes:</b>	<b>6</b>	<b>Nays:</b>	<b>0</b>
<b>Absent:</b>		<b>Abstain:</b>	<b>1</b>

**Motion Approved.**

**Meeting adjourned at 10:40 p.m.**

**Respectfully submitted,**