

# 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

MARCH 2, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

## ROLL CALL

### PRESENT:

Mark Ellenberg, Alan Zwerin,  
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:

Frank Yozzo, Sarah Paris,  
Paul Schlaflin

## Public session.

The firm of Beattie Padovano, LLC, 50 Chestnut Ridge Road, Montvale, NJ representing TSI stated that last year the Honorable Lawrence Lawson reversed the use variance granted by the Board. As of this date, Marlboro Sports Center filed an appeal of Judge Lawson's decision. He questioned how the Board will be reacting to this going forward.

Mr. Cucchiaro, Esq. stated the Board will be able to give an idea of what will be done after Executive Session.

The Board accepted the minutes of February 16, 2010.

**Minutes Approved:**

**Offered:** Michael Shapiro                      **Second:** Michael Mahon

**Ayes:** 6    **Nays:** 0

**Absent:** 3     **Abstain:** 0

**Motion Granted.**

**ZB 10-6378 – David Green**

Public Hearing for approval to construct a 25'x30' sports court at 15 Blake Drive, Marlboro, NJ on Block 421.03, Lot 10, located in the R-40 GAH Zone.

Applicant will notice in the newspaper for the March 16, 2010.

**ZB 09-6376 – Land Baron, LLC**

Continuation of a 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. The existing house on Block 172, Lot 43 will be demolished and replaced with a proposed 45' x 70' pole barn at 308 and 312 Tennent Road, Morganville, NJ, located in the IOR Zone.

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            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, Es., 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.

Pasquale Menna, Esq. Menna Supko & Nelson, LLC, 830 Broad Street, Montvale, NJ, stated the use variance will be bifurcated.

The applicant, Mr. James Baron, residing at 26 Daniel Drive, Manasquan, was sworn in. He is the president of a property holding company. He buys and sells landscaping materials and is seeking to build a pole barn. The 45' x 70' pole barn is used for maintenance and storage of equipment.

Richard K. Heuser, PE, 307 Main Street, Matawan, NJ, prepared the site plan submission for the board.

Ms. Bajar inquired as to spillage and Mr. Mahon inquired as to the storing of hazardous equipment. There were additional inquiries as to excavation equipment and having parking bays. Mr. Menna stated all site plan issues will be addressed by the engineer.

Mr. Menna stated they do have drainage and clearing permits.

Mr. Kataryniak asked how many deliveries will be made to the site; Mr. Baron said probably four to six a day.

Mr. Baron said he will also secure with an electric gate. Mr. Menna said that Mr. Heuser will address the parking spots. Mr. Baron stated the spaces are for regular trucks. He believes this said is a good location for this type of business; there is a lawnmower business across the street. He also believes there will be no traffic interference.

Mr. James Higgins, a professional planner over thirty years has testified before the board before. He is familiar with the site, IOR Zone, ordinances and the Master Plan. The rear portion is wetlands and forces development towards front of site. The two lots are closer to the five acres. The second dwelling would be an office. The issue is the utilization of the land behind the pole barn which is about 13,000 square feet. He stated the applicant will provide a berm along Tennent Road.

Mr. Higgins also said it would be very difficult for other business to use the land because of its size. There are similarities to a landscaping business. He also stated that an office and warehouse are permitted in this zone and there is no major impact on the master plan. It is consistent with other surrounding uses. There are special reasons for granting the variances. The uses are permitted and will not change the character of the area.

The site will be in conformity with zoning ordinance. Mr. Higgins believes the area is much too small for other uses.

Mr. Cucchiaro stated there would be undue hardship because the property cannot be used for other things. Two non conforming uses will still be used as one non conforming. The person passing by would not notice this non conforming use.

Mr. Ellenberg asked if the berm would be across the entire front of property. Mr. Higgins stated there would be three to six feet evergreen trees on the top of the berm saying this

could also be expanded. Mr. Cucchiaro stated that landscaping could be provided when you come back. Mr. Cramer stated that if consolidated, buffering would enhance it so you would not see the road. The pole barn would require additional illumination.

Ms. Bajar inquired if the applicant went to the County. Mr. Menna answered they did go to the County.

Mr. Dean Staknys, Assistant Engineer for Marlboro Township was sworn in say there was activity here in the past. The right side was cleared and filled in. There was a question about disturbance to the wetlands on the left side. Left side may need something for the buffer disturbance. This must be addressed with the County. Mr. Staknys said he did not know where this stands.

Mr. Staknys inquired if the applicant submitted this to the DEP. Mr. Cucchiaro stated County approval would also be necessary.

Mr. Levin has arrived at 8:55 pm.

**Workshop:**

Offered by: Michael Shapiro                      Seconded by: Alan Zwerin

Mr. Weilheimer believes this is a good site.

Mr. Kataryniak believes the increase of traffic will not be a negative impact. Route 18 does make it more accessible.

Al Hilla stated he cannot say if the pole barn is too large for the site; they are under lot coverage.

Messer's. Weilheimer, Zwerin, Ellenberg, Mahon are in favor of use application. Mr. Mahon would like to know more about the flow of traffic. This would be contingent upon county approvals.

Ms. Bajar believes there are some concerns about the traffic, both left and right and the county must be heard from first. There are contingencies. She believes the parking spots should also be addressed.

Mr. Levin also asked if this wholesale and you demolish to put up a pole barn there would be an issue of larger trucks backing in. Mr. Shapiro stated this would be addressed when they come back.

The question is if they are comfortable with a vote on the use. Mr. Cucchiaro stated you can approve with conditions, all of which will be done when they come back before the Board.

Mr. Shapiro stated we, either postpone, or approve. I am for the use.

**Out of Workshop**

Offered by: Michael Shapiro                      Seconded by: Michael Mahon

Mr. Menna stated if the board approves for the use, the application will return with a Traffic and Safety Engineer.

Motion to Approve the site as a landscape supply yard. And to retain the house on Block 172, Lot 42 as an office. The proposed 45' x 70' pole barn will be limited to the maintenance of machinery and vehicles with limited hours. The two lots will be consolidated, with landscaping and no retail sales and no hazardous materials. Architecturals and outside agency approvals are required.

Motion to Approve:

Offered By:	Michael Shapiro	Seconded by:	Michael Mahon
Ayes:	6	Nays:	0
Absent:	3	Abstain:	0

Motion Approved.

Motion to Executive Session:

Offered:	Michael Shapiro	Seconded :	Michael Mahon
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Motion Out of Executive Session:

Offered:	Michael Shapiro	Seconded:	Jennifer Bajar
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**ZB 09- 6371 – TDA Capital, LLC**

Continuation of a Public Hearing for site plan approval to construct a warehouse and office at 114 Tennent Road, Morganville, Block 147, Lot 28.02 in the C-2 Neighborhood Commercial Zone.

- 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     Conflict and Contribution Disclosure Statement
- A – 16     Preliminary and Final Site Plan prepared by Victor Vinegra of Harbor Consultants dated 5/18/09.
- A -17     Architectural Drawing and reduced elevations by Roy Quackenbush dated 5/28/09.
- A - 18     Stormwater Management Report prepared by Harbor Consultants dated 5/18/09.
- A - 19     Planning Board Resolution 920-04 granting subdivision approval
- A – 20     Report from Gravatt Consulting, prepared by Bruce Jacobs, P.E., dated Oct. 14, 2009.

- A – 21 Report prepared by Thomas Scangarello, PP Planning Design Collaborative, 150 Himmelein Road, Medford, NJ, Dated October 20, 2009.
- A – 22 Report from John W. Borden, Fire sub-Code Official dated October 14, 2009
- A – 23 Waiver Request from providing Environmental Impact Report, prepared by Harbor consultants dated October 2, 2009
- A – 24 Letter of Absence of Wetlands and Transition Area from NJDEP stamp dated January 14, 2004.
- A – 25 Test Pit Log dated 2/5/08
- A – 26 Traffic Engineering Review prepared by Mark W. Kataryniak, PE, Medina Consultants, 3379 Quakerbridge Road, Suite 200, Hamilton, NJ, Dated October 19, 2009.
- A – 27 Color rendering of *SHEET #5* of Site Plan.
- A – 28 Report prepared by Marlboro Township Environmental Commission, 1979 Township Drive, Marlboro, NJ dated October 27, 2009.
- A – 28 Proposed Office/Storage Building Architecturals for 114 Tennent Road, Block 147, Lot 28.02, prepared by Roy L. Quackenbush, Architect & Planning Consultant, 346 Pleasant Valley Road, Old Bridge, NJ Revised 11/30/09.
- A – 29 Preliminary and Final Site Plan for 114 Tennent Road, Block 147, Lot 28.02, prepared by Victor E. Vinegra, Harbor Consultants, 320 North Avenue East, Cranford, NJ Revised 11/25/09.
- A – 30 Traffic Analysis prepared by McDonough & Rea Associates, Inc., 1431 Lakewood Road, Suite C, Manasquan, NJ 08736 dated December 3, 2009.
- A – 31 Report prepared for, 147 Tennent Road, Morganville, NJ, by Bruce Jacobs, Gravatt Consulting Group, 414 Lacey Road, Forked River, Dated December 8, 2009.
- A – 32 Report prepared by John W. Borden, Fire Sub-Code Official/Fire Inspector, Marlboro Township, 1979 Township Drive, Marlboro, NJ Dated 12/8/09.
- A – 33 Traffic Engineering Review #2 prepared by Mark W. Kataryniak, PE, Medina Consultants, 3379 Quakerbridge Road, Suite 200, Hamilton, NJ, Dated December 14, 2009.
- A – 34 Report #2 prepared by Thomas Scangarello, PP Planning Design Collaborative, 150 Himmelein Road, Medford, NJ, Dated December 11, 2009.
- A – 35 Environmental Report prepared by Marlboro Township Environmental Commission, Township of Marlboro, 1979 Township Drive, Marlboro, NJ dated December 14, 2009.
- A – 36 Preliminary and Final Site Plan, Layout and Dimensioning Plan, 114 Tennent Road, prepared by Victor E Vinegra, Harbor Consultants Inc., 320 North Avenue East, Cranford, NJ, revised 2/15/10.
- A – 37 Report prepared by Alan P Hilla, Jr, PE, PP, CME, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, Dated 2/24/10.
- A – 38 Report prepared by Richard Cramer, PP, AICP, T & M Associates, Eleven Tindall Road, Middletown, NJ, dated 3/1/10.
- A – 39 Report prepared by Mark Kataryniak, PE, PTOE, Medina Consultants, 550 Broad Street, Suite 500, Newark, NJ dated 3/02/10.
- A – 40 Report prepared by John W. Borden, Fire Official, Marlboro Township, 1979 Township Drive, Marlboro, NJ 07746 Dated 3/2/10.
- A – 41 Correspondence prepared by Richard S. Cramer, Planning Consultant, T&M Associates, Eleven Tindall Road, Middletown, NJ, dated 3/1/10.
- A – 42 Color rendering of *SHEET #6* of Site Plan.

Sal Alfieri, Esq, 5 Ravine Drive, Matawan, NJ stated that in November, 2009 there was a resolution and they are now seeking approval for site plan.

Mark Ellenberg recused himself.

**Anthony Callerano, accepted as an expert licensed Engineer and Planner having appeared before this Board before.**

**On Sheet No. 6, applicant is proposing two buildings with two stories. Each will have offices on 2<sup>nd</sup> floor. Office and storage will be linked together.**

**Regarding the access to the site on Tennent Road the driveway will be twenty feet in width, thirty car parking, with spaces in front of the building. Landscaping, shade trees, buffering will be provided while maintaining as much vegetation as possible.**

**The stormwater runoff, quality and recharge were discussed. It will disturb more than one acre and is suitable for infiltration 100% back into the ground. Service will be by city water. There is no spillover of lighting on to adjoining properties; the applicant has agreed to put lighting on timers.**

**Applicant is needs to go through the variances. There is a three acre requirement, two setbacks, retaining wall front and rear yard setbacks required. There is no parking allowed (basically for fire protection) within thirty feet of the outer walls of the structure. The fire official is now satisfied. There are two waivers pertaining curbing.**

**The trash enclosure was located between the two buildings. The fire official also wanted this moved, to make a turn around for trucks. There will be no parking in that area and pedestrians would have to walk across the parking lot.**

**This is no application for public sewer yet. They will run a sanitary sewer line. The retaining wall is left up to the engineer and architect. There is no basement.**

**A refuse enclosure for storage of waste and substances will be provided. A single sign is being proposed.**

**Ms. Bajar inquired as to what is the property is used for today.**

**William Trochiano is sworn in. He is the Principal of the company since 1995 and has owned property since 2001.**

**He stated the barn is for storage and the house is used as home office.**

**Al Hilla, Jr., Board Engineer stated the greatest concern is the stormwater.**

**Color rendering of *SHEET #6* of Site Plan presented as addition evidence.**

**John Rea, Traffic Expert, McDonough Rea, 105 Elm Street, Westfield, NJ did a traffic report showing peak hours between four and five pm. There are approximately fifteen peak hour trips. It is a Level C Service. There is now an entrance and exit for traffic. Mr. Katryniak suggested flipping the driveways. The applicant has no problem with this.**

**Types of vehicles are single unit trucks and the trash pick up has been approved by the fire official.**



**ZB 10-6377 – Vaysman, Alex & Zena**

**Memorialization of a resolution for approval to keep existing shed within the side yard setback. In addition, the driveway and patios exceed permitted lot coverage and side yard setback for accessory structure at 311 Bayview Drive, Morganville, Block 153.02, Lot 5 in the R-80 residential zone.**

<b>Offered by:</b>	<b>Michael Shapiro</b>	<b>Seconded by:</b>	<b>Michael Mahon</b>
<b>Ayes:</b>	<b>6</b>	<b>Nays:</b>	<b>0</b>
<b>Absent:</b>	<b>3</b>	<b>Abstain:</b>	<b>0</b>

**Meeting adjourned at 10:45 pm.**

**Respectfully submitted,**