

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

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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

PRESENT:

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

ALSO PRESENT:

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

ABSENT:

Paul Schlaflin

MINUTES

ZONING BOARD OF ADJUSTMENT

JUNE 15, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

No one signed up for Public Session.

ZB 10- 6380 – Anil & Rupali Jain

Continuation of a Public Hearing for two residential structures that require both existing and proposed front yard setbacks located at 9 Station Road, Morganville, NJ, Block 171, Lot 73 and within the LC Zone.

Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, NJ, stated that this was the 3rd continued public hearing and that Mr. and Mrs. Jain provided backup information to support sizes of neighboring homes. They have already reduced the size of the house and in the second hearing, provided additional landscaping.

Mrs. Jain, 15 Erin Court, Edison, NJ was sworn in during the last meeting. Maps showing sizes of homes were obtained from the tax records; all of the houses are closer to the road than what the Jain's are proposing. All of the homes are smaller. Mrs. Jain also submitted a colored drawing with pictures submitting size of lots.

Mrs. Jain also stated there is a pending appeal on a denial at the Planning Board.

There were no questions from the Board.

Questions from the Public

Mrs. Betty Ann Glowacka, 17 Station Road, Morganville, NJ was sworn in and inquired if there will be a buffer for the basement and if they would be cutting down trees. She is also concerned about runoff.

Ms. Gloria Janwich, 12 Station Road, Morganville, NJ was sworn in inquired if this will be a one family home. Mr. Alfieri answered that it is one residence.

Ms. Cheryl Vota, 8 Station Road, Morganville, NJ was concerned about the size of the house. She cannot see where the size of the house is reduced. Ms. Vota also inquired if the older house will be removed prior to construction. She was told "yes".

Mr. Alfieri stated there was minimal disturbance and there was no other grading proposed. The only trees removed will be for the house and the driveway. The basement will be above ground.

There were no further questions.

Mr. Ellenberg said he was concerned about the runoff for the neighbors. Mr. Hilla answered that any runoff that will be placed to the rear of the property, subject to the board engineer. Mr. Alfieri said they will submit a grading plan.

Motion to Approve contingent upon the Board's Engineer.

Motion to Approve:

Offered by: Michael Shapiro Second: Ira Levin

Motion Approved.

ZB 10- 6383 – V. Ferraina Limited Liability Company

Continuation of a Public Hearing for use approval. The applicant proposes to demolish an existing two-story home and to construct a two-story auto-repair building located at 101 North Main Street, Route 79, Marlboro, NJ, Block 225, Lot 196. The property is within the C2 Zone.

Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, NJ,

Mr. Maloney testified previously. Revised plans address the Department Of Transportation. They are required to shift the driveway to north away from the property line. The driveway is now wider. There will be four spaces, two in the front.

Mr. Yozzo arrived at 8:45 pm.

Mr. Alfieri stated that all the reports have been addressed. The suggested parking will be included at the time of the site plan.

Mr. Kataryniak stated they might require a shift in design; but is significantly improved. Testimony was given about operation of a single truck or waste oil. He would like this to be applicant addressed.

Mr. Maloney said that the truck should be able to turn around on the site without backing onto the highway; there is a significant radius.

Mr. Cucchiaro stated if the board acts approvingly, it will also be subject to the Traffic Engineer.

Mr. Alfieri called Christine Cafone, PP, 125 Half Mile Road, Red Bank, NJ. The Planner was accepted as a professional witness.

Ms. Cafone architectural were provided and presented a rendition of the house, which was marked as A- 26. She stated the D1 variance is particularly suited for this proposed use. The site is located in the C-2 Zone and the low intensity of the use makes it particularly useful. The positive criteria are satisfied. Also presented as evidence were pictures of the subject property marked A – 27.

Mr. Cramer's report was reviewed and stated the positive criteria do outweigh the negative.

Mr. Alfieri stated the conditions agreed to: no body work or transmission overhaul, the hours of operation, one employee, and parking spaces that will be assigned for customers only. The second floor will be an office. The oil tank will be stored in the building. There are three principal uses on one lot.

Mr. Cucchiaro stated you cannot mandate how long Mr. Ferraina will be there; what is the plan for maintenance? Mr. Ferraina answered the property will be maintained as if you are living on site. If Mr. Ferraina moved, he would still have to take care of the grass, garbage.

Motion to Workshop:

Offered by: Michael Shapiro Second: Michael Mahon

Mr. Shapiro stated that if he has a house and business, all of the benefits goes with the land and the use.

Messrs. Zwerin and Ellenberg want to hear more about the two homes.

Mr. Levin stated that he was there and has an issue with the mixed use.

Ms. Paris stated mixed use has been granted in the past. Mr. Rubin of Advanced Home Remodeling also has been granted this type of variance.

Mr. Levin stated he was concerned about the high school children and their safety. He also stated he would be more comfortable if the shop was in the rear of property. He is concerned about the traffic in the morning.

As previously discussed at the May 4, 2010 Zoning Board meeting, both Mr. Mahon and Ms. Bajar have concerns about the two houses on the property. Mr. Mahon is comfortable with a commercial use; he is not sold on the residential part. Ms. Bajar stated she has an issue with the residential on the property.

Mr. Yozzo stated that he would not be voting.

Messrs. Ellenberg, Zwerin, and Shapiro had no problem with the mixed use.

Out of workshop

Offered by: Michael Shapiro Second: Michael Mahon

The planner commented that the mixed use is good and is not uncommon; the homes are small structures (600 square feet).

Mr. Shapiro requested more testimony regarding the homes.

Mr. Ferraina stated the house in the rear is the one he will occupy; his cousin occupies the other.

Per Mr. Alfieri and the Planner, they would come back before Board if the footprint remains the same and they build up.

Public Questions

Charles Meglio, 4 Route 79, Marlboro, NJ, the neighbor across the street, does not have a problem. It would be nice to have a repair shop. The business is needed in Marlboro, especially from a local person.

There were no questions from the Board.

Motion to Approve for use only:

Offered by: Michael Shapiro Second: Ira Levin

Approved: 4

Denied: 2

Motion Denied.

ZB 10-6390 – Michael and Susan Weber

Public Hearing for approval to construct a 13' x 16' deck with insufficient distance between structures located and having insufficient lot frontage at 25 Marlboro Street, Morganville, NJ, Block 124, Lot 10, located in a R-30/20 Zone.

The application was read into the record. The Board took jurisdiction and 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 Survey of Block 124 Lot 10.
- A – 16 Report prepared by Alan Hilla, Jr., Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, dated 6/10/10.

The applicants and owners, Mr. and Mrs. Weber, were sworn in. They would like to put a deck a little closer than allowed to the house. There were no questions from Board.

Motion to Workshop:

Offered by: Michael Shapiro Second: Jennifer Bajar

Ms. Bajar stated that there is better access for safety reasons; it is elevated.

Messrs. Levin, Mahon, Yozzo, Ellenberg and Zwerin had no issues with the deck.

Motion to Out of Workshop:

Offered by: Michael Shapiro Second: Jennifer Bajar

Motion to Approve:

Offered by: Michael Shapiro Second: Ira Levin

Motion Approved.

ZB 10-6391 – Carole Leunes

Public Hearing for approval to construct a single family dwelling exceeding lot coverage for principal building at 4 Serenity Place, Marlboro, NJ, Block 364, Lot 41.02, located in an R-80 Residential Zone.

The application was read into the record. The Board took jurisdiction and 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 Foundation Plan prepared by Paul J Rodek, Netta Architects, 25 Route 22 East, Springfield, NJ, dated 8/18/09.

- A – 15 Plot Plan prepared by Hohn A. Buletza, Nelson Engineering Associates, Inc., 1750 Bloomsbury Avenue, Wanamassa, NJ Dated 5/6/20.
- A – 16 Review prepared by Alan P Hilla, Jr., Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ dated 6/10/10.
- A – 17 Durable Limited Power of Attorney given by Carole Leunes to her son, Christopher Leunes, dated 5/27/10.

Christopher Leunes, who has Power of Attorney for his mother, Carole Leunes was sworn in. They need a variance to construct a single family dwelling exceeding lot coverage for the principal building at 4 Serenity Place.

Mr. Shapiro confirmed that Carole Leunes and his family will be living together.

There were no questions from the Board.

Motion to Workshop:

Offered by: Michael Shapiro Second: Jennifer Bajar

Ms. Bajar asked what if they need to add on later. Mr. Shapiro answered that they will have to come before the Board again.

Motion to Out of Workshop:

Offered by: Michael Shapiro Second: Ira Levin

Questions from the Public:

Mr. Michael Denora, 10 Holly Hill Road, is sworn in. He lives behind the cul de sac and inquired about the size of the house for the property. Mr. Shapiro stated that at .74, he is a little over. The zone allows 5% coverage; he is .74 over.

Mr. Denora asked how far his house from the property was. Mr. Hilla stated it was over 120 feet from Mr. Denora's property line. This did not pose a problem for Mr. Denora.

Motion to Approve with the condition if further additions were required, they would come back before the Board:

Offered by: Michael Shapiro Second: Michael Mahon

Motion Approved.

MEMORIALIZATIONS

ZB 10-6388 – Brian Baum

Memorialization of a resolution for approval to construct a garage within the 100 foot stream corridor buffer having insufficient lot depth, area, frontage, width, insufficient front and side yard setbacks and exceeds permitted lot coverage at 18 Lisa Lane, Morganville, NJ, Block 171, Lot 94, located in an LC Zone.

Meeting Adjourned.

Respectfully submitted,