

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

PHONE: (732) 536-0200 EXT. 3509 FAX: (732) 617-7225

web: [www.marlboro-nj.gov](http://www.marlboro-nj.gov) e-mail: [zoning@marlboro-nj.gov](mailto:zoning@marlboro-nj.gov)

### Chairperson

Michael Shapiro

### Vice-Chairperson

Jennifer Bajar

### Secretary

Michael Mahon

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Frank Yozzo

Ira Levin

Matthew Weilheimer

Alan Zwerin

- 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

## ZONING BOARD OF ADJUSTMENT

JULY 20, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

### ROLL CALL:

### PRESENT:

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

### ALSO PRESENT:

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

### ABSENT:

Jennifer Bajar, Ira Levin

## ZONING BOARD OF ADJUSTMENT

AUGUST 3, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

### ROLL CALL

### PUBLIC SESSION

### 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, Morganville, NJ, Block 299, Lot 3, located in the C-3 Zone.

**ZB 10-6397 – Charles Asaro**

Public Hearing for permission to raze existing home and build a new single family dwelling having insufficient lot area, frontage, width, depth, and side yard for principal structure exceeding permitted lot coverage for principal structure, total building structure and total lot coverage at 44 Devonshire Road, Morganville, NJ, Block 171, Lot 39. Property is located in an LC Conservation 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          Application Affidavit of Completeness
- A – 14          Owners Affidavit of Authorization and Consent
- A – 15          Architectural Plan for new home at Block 171, Lot 39, prepared by Andrew R Stockton, Eastern Civil Engineering, LLC, 31 Grand Tour, Highlands, NJ, Dated 6-01-10.
- A – 16          Plot Plan and Septic System Design for Block 171, Lot 39, prepared by Andrew R Stockton, Eastern Civil Engineering, LLC, 31 Grand Tour, Highlands, NJ, Dated 6-01-10.
- A – 17          Report prepared by Alan P. Hilla Jr., PE, PP, CME, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ, Date 7/27/10.

Andrew Stockton, PE, Eastern Civil Engineering, 31 Grand Tour, Highlands, NJ, sworn in. He is accepted as a licensed professional engineer, land surveyor and planner testifying in Marlboro previously.

The property located at Devonshire Drive, Block 171 Lot 44 is situated in the LC Zone, created by a major subdivision in 1973.

Existing residential single family dwelling has a horseshoe shaped driveway, large deck in rear, with existing landscaping and lawn area. The applicant is proposing a major renovation razing down to the existing footprint. It will be a two story single family dwelling with a proposed attached garage, wood deck and septic system on an undersized lot.

The existing home has a basement and the proposed home will maintain that basement area. There will be clearing and grading with four to six trees removed; the homeowner may want to remove an additional two-three trees. The applicant has agreed to replant trees that will be removed.

The applicant is looking for bulk variance relief on the proposed dwelling. It is within the required setbacks and exceeds the required lot coverage requirements. There is no vacant land available to acquire.

The applicant is seeking variances that are not out of character with the rest of the neighborhood. The non conformities are minimum lot area, front, width and depth. They are also seeking additional variances to include minimum side yard setback (required 75 feet, proposed 50 feet, east side – required 75 feet, proposed 50.2 feet, west side). Total building coverage 3.4% existing while 6.88 is proposed and total lot coverage 10.8% existing and 14.4% proposed.

The variances are due to hardship as there was a zoning change. This is a created non conforming lot which could not be upgrade within the LC zoning.

In answer to Mr. Shapiro's question, Mr. Stockton stated he believes the septic tank is located more than 100 feet away. Mr. Cucchiaro stated if there is approval tonight, there will be a provision in the resolution.

Mr. Hilla stated that trees may be impacted and asked if it can be anticipated in a plan what will be removed such as 8 coming out, 8 are going in.

Mr. Alfieri stated there is no patio proposed in the rear yard, but they are now asking relief. They will be brick pavers with a sand base, serving as 50% coverage. This would offset any increase in impervious coverage.

Mr. Stockton also stated that the deck would remain and Mr. Cucchiaro said this should be captured in the resolution.

Mr. Charles Asaro, the applicant and owner of 44 Devonshire Road, Morganville, NJ, presented testimony that he currently resides in Astoria Queens and will be moving to the Morganville address. He is seeking to create an aesthetic improvement to the neighborhood. He would also like to have two kitchens, but not making it a two family. The small additional kitchen workspace is for the mother and father in-law that reside with his family.

There were no questions from the public.

Mr. Ellenberg inquired as to the size of the home and the architect answered the size to be 6,100 square foot.

Per Mr. Kataryniak stated that with the building of the home and the septic tank, it should be assured that there is no negative impact.

Workshop:

Offered: Michael Shapiro

Second: Michael Mahon

The Board agreed that the house is definitely an upgrade to the neighborhood. There are also larger houses on the cul de sac.

**Out of Workshop**

**Offered:** Michael Shapiro

**Second:** Frank Yozzo

**Motion to approve construction of new single family home with septic tank, paver patio and driveway with partial pavers in sand to offset any increase in impervious coverage created by the new patio.**

**Offered:** Michael Shapiro

**Second:** Frank Yozzo

**Ayes:** 6

**Nays:** 0

**Absent:** 2

**Abstain:** 0

Motion Granted.

**DISCUSSION:**

**YEAR END REPORT TO BE SUBMITTED TO MAYOR AND COUNCIL.**

**Mr. Cramer worked on the report and distributed to the Board Members.**

**The sidewalk situation to require sidewalk construction and to dedicate monies into a trust. Mr. Cramer attached copy of the Middletown, NJ ordinance, which requires sidewalks for local, county and state streets.**

**Offer to Accept Year End Report:**

**Offered:** Michael Shapiro

**Second:** Matthew Weilheimer

**Ayes:** 6

**Nays:** 0

**Absent:** 2

**Abstain:** 0

Motion Granted.

**The Board agreed to accept proposal and to submit to Council.**

**Meeting Adjourned at 9:15 p.m.**

**Respectfully submitted,**

**Yvonne Cautillo**