

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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

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Michael Shapiro

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Birdsall Engineering

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Planner

T & M Associates

Richard Cramer, P.P.

Administrative Officer

Zoning Officer

Sarah Paris

Traffic Engineer

ZONING BOARD OF ADJUSTMENT

NOVEMBER 9, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL:

PRESENT:

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

ALSO PRESENT:

Ronald Cucchiaro, Esq., Board Attorney,
James Priolo, P.E., Board Engineer
Richard Cramer, P.P., Board Planner
Sarah Paris, Zoning Officer

ABSENT:

0

The Board accepted the minutes of October 19, 2010.

Offered: Michael Shapiro

Ayes: 3

Absent: 0

Second: Michael Mahon

Nays: 0

Abstain: 4

No Public Session.

ZB10-6402 – Pallavi Bokkisam

Public Hearing for approval to construct a single family residence having insufficient width, frontage and side yard setbacks on an undersized lot for property located at 37 Brown Road, Morganville, NJ, Block 148, Lot 23, R-60 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 **W-9**
- A – 6 **Tax Collector's Certification**
- A – 7 **History of Application prepared by Ram Badey (POA for Pallavi Bokkisam).**
- A – 8 **Notice To Adjoining Property Owners**
- A – 9 **Adjacent Property Listing**
- A – 10 **Certified White Receipts and Green Cards**
- A – 11 **Affidavit of Service**
- A – 12 **Affidavit of Publication**
- A – 13 **Affirmation of Local Pay to Play Ordinance**
- A – 14 **Owners Affidavit of Authorization and Consent**
- A – 15 **Application Affidavit of Completeness**
- A – 16 **Power of Attorney and Authorization for Pallavi Bokkisam,
The agent is Ramchandrar Badey, December 23, 2004.**
- A – 17 **Memorializing Resolution of Denial for ZB 04-6143, Block 148, Lot 23, dated 7/27/05.**
- A – 18 **Architecturals for Block 148, Lot 23, prepared by Robert M. Braun, Architect,
1200 River Avenue, Lakewood, NJ, dated 7/11/00.**
- A – 19 **Variance Plan for Block 148, Lot 23, Charles Surmonte, PE &
PLS, 301 Main Street, Allenhurst, NJ 07711, dated 8-31-10.**
- A – 20 **Order Entering Judgment Affirming Decision of Zoning Board and Dismissing Complaint
with Direction Remand Herein, Pallavi Bokkisam vs. Zoning Board of Adjustment of the
Township of Marlboro executed by The Honorable Alexander D. Lehrer, PJ Ch,
Dated 10/10/06.**
- A – 21 **Report prepared by James A. Priolo, PE, Birdsall Service Group, Inc., 611 Industrial
Way West, Eatontown, NJ 07724, dated November 1, 2010.**

Monica Kowalski, Esq., 509 Main Street, Avon, NJ, on behalf of Ms. Bokkisam owner of 37 Brown Road, Morganville, NJ. 37 Brown Road is in a residential zone requiring four bulk variances; three preexisting variances are due to the nature of the lot. The property was purchased in 2003 to develop a home in 2004. A denied appeal bought it back to the Board where the home was reduced to 3,000 square feet with a two car garage. This too was denied. After initial judgment, this is their first opportunity to come back before the Board. The order entering the Judgment (A-20), dated October 20, 2006, was noted.

Ms. Kowalski stated the Board Planner, T&M, did an analysis of site (A-22; December 1, 2004).

Mr. Ram Badey, 39 Wooleytown, Road, Morganville, is POA for his daughter, and is sworn in.

Ms. Kowalski stated the setbacks are non-conforming in a majority of cases. Each house has a 20 foot maximum. Mr. Badey stated the houses are about 2,500 square feet.

Additional evidence was entered.

- A – 23 **Packet contains pictures of subject property and surrounding properties and
tax map page.**

ZB10-6404 – V. Ferraina Limited Liability Company

Public Hearing for approval to demolish an existing one-story home and construct a two-story auto repair building having insufficient lot area, frontage, wide front and side yard setback for principal and accessory structures at 101 North Main Street, Route 79, Marlboro, NJ, Block 225, Lot 196, in a C-2 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 Site Plan for Block 225, Lot 196, prepared by Joseph E. Maloney, Ted Maloney Associates, 321 Kings Hwy East, Middletown, NJ, dated 8/23/10.**
- A – 14 Report received from Sgt. Joseph Lenge, Traffic & Safety Bureau, Division of Police, Marlboro Township, 1979 Township Drive, Marlboro, NJ, and Dated October 12, 2010.**
- A – 15 Owners Affidavit of Authorization & Consent**
- A – 16 Report prepared by John W. Borden, Fire Sub-Code Official/Fire Inspector, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated October 7, 2010.**
- A – 17 Report prepared by Richard S Cramer, PP, AICP, Planning Consultant, T&M Associates, Eleven Tindall Road, Middletown, NJ, Dated November 2, 2010.**
- A – 18 Report prepared by Marlboro Township Environmental Commission, 1979 Township Drive, Marlboro, NJ, and Dated October 27, 2010.**
- A – 19 Report prepared by James Priolo, PE, Birdsall Services Group, Inc., 611 Industrial Way West, Eatontown, NJ, Dated November 2, 2010.**

Mr. James Cleary of Cleary, Alfieri, Jones, 5 Ravine Drive, Matawan, NJ, is representing the applicant.

Mr. Weilheimer recused himself from this application.

Mr. Joseph Maloney of Ted Maloney Associates, 321 Kings Highway East, Middletown, NJ, was sworn in. He has been a professional engineer and planner for ten years.

He stated this application removes the front and southerly dwellings. A two story auto repair is proposed, along with installing the asphalt drive on the southerly line.

The variances are related directly to the land and there are a number of variances required. The service garage is not allowed in the C2 zone and the bulk is due to the narrowness. The hardship is the bulk variances. If you contrast this use with other allowed uses in the area, this will be a low use in a developing commercial corridor. This site is particularly suited and the variance can be granted without detriment to the public good.

There were questions from the Board.

Ms. Bajar questioned the size of the building and Mr. Mahoney stated that it is ten feet wider to improve access to the building.

Mr. Shapiro inquired about the back end having more future parking. Mr. Maloney stated the idea was to have a bank of spaces for future use.

Mr. Ferraina, who resides at 101 North Main Street, is sworn in. He said he purchased the property from his parents and resides in one of the homes. Mr. Ferraina has plans for operating the garage.

Ms. Bajar inquired regarding the increased size of the garage. Mr. Ferraina, stated that the garage size was tight and the size would be to accommodate the bays.

Mr. Ferraina also stated that he was asked by the Board to incorporate the parking into the plan.

Public questions:

Mr. Charles Meglio of Route 79, Marlboro, was sworn in. He said the business would definitely improve the area. Nobody does repairs in the area and residents do not want to go out of town. It will keep people in Marlboro.

No questions following.

Workshop

Offered: Michael Shapiro

Seconded: Michael Mahon

Mr. Levin would agree to approve. He believes the additional ten foot width is a reason to bifurcate.

Mr. Cucchiaro stated that regarding bifurcating there needs to be something approved, so we can “review” architectural. The Engineer will review for compliance.

The Board agreed they were comfortable with the use and is better than previously. One building is eliminated, one is extended by ten feet, and the parking is showing. Mr. Yozzo believed the second floor need to be separated. Discussion followed regarding bifurcation.

Out of Workshop

Offered By: Michael Shapiro

Seconded By: Michael Mahon

Mr. Ferraina confirmed that the second floor will be for storage and office use and that Mr. Ferraina will have a small desk and waiting area.

He also confirmed there will be a wall and bathroom for his use only.

Mr. Maloney stated the office upstairs will be over the customer service area with the floor above the bays being higher. He confirmed the structure is to be thirty-two feet.

Mr. Shapiro asked since the sixteen spaces would be a requirement, can the applicant do gravel. Mr. Priolo said yes. There will be conformity in utilizing all the spaces.

