

# TOWNSHIP OF MARLBORO

## ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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

### Chairperson

Michael Shapiro

### Vice-Chairperson

Jennifer Bajar

### Secretary

Michael Mahon

### Members

Frank Yozzo

Ira Levin

Matthew Weilheimer

Alan Zwerin

Keith Goff, Alt. # 1

Marc Ellenberg Alt. # 2

### Zoning Board Clerk

Yvonne Cautillo

### Attorney

Ronald D. Cucchiaro, Esq.

### Engineer

Birdsall Engineering

James Priolo, P.E., P.P.

### Planner

T & M Associates

Richard Cramer, P.P.

### Administrative Officer

### Zoning Officer

Sarah Paris

### Traffic Engineer

## ZONING BOARD OF ADJUSTMENT

DECEMBER 21, 2010

SALUTE TO FLAG

SUNSHINE LAW READ

### ROLL CALL:

### PRESENT:

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

### ALSO PRESENT:

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

### ABSENT:

Michael Shapiro

The Board accepted the minutes of December 7, 2010.

### Minutes Approved:

Offered: Jennifer Bajar

Second:

Michael Mahon

Ayes: 6

Nays:

0

Absent: 2

Abstain:

1

Motion Granted.

**The Board accepted the minutes of December 13, 2010.**

**Minutes Approved:**

<b>Offered:</b>	<b>Jennifer Bajar</b>	<b>Second:</b>	<b>Michael Mahon</b>
<b>Ayes:</b>	<b>4</b>	<b>Nays:</b>	<b>0</b>
<b>Absent:</b>	<b>5</b>	<b>Abstain:</b>	<b>0</b>

**Motion Granted**

**The Board accepted the minutes of December 15, 2010.**

**Minutes Approved:**

<b>Offered:</b>	<b>Jennifer Bajar</b>	<b>Second:</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>

**Motion Granted.**

**There was no Public Session.**

**ZB10- 6407 – Mohsen & Mona Kalliny (Jurisdiction Only)**

**Public Hearing for approval construct a tennis court exceeding total permitted lot coverage on property located at 24 Four Columns Drive, Morganville, NJ, Block 155, Lot 4.13, in the LC Cluster 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 prepared by Andrew Wu, PE, Formosa Engineering Inc.  
56 Bridge Street, Metuchen, NJ, Dated 9/08/10.
- A – 16     Site Plan, prepared by Andrew Wu, Formosa Engineering Inc., 56 Bridge Street, Metuchen,  
NJ, Dated 9/08/10.
- A – 17     Report prepared for 24 Columns Drive, Block 155, Lot 4.13, by James A. Priolo, PE, Birdsall  
Services Group, 611 Industrial way West, Eatontown, NJ, Dated 12/16/10.

**Mr. Alfieri signed an Extension of Time for the January 11, 2011 Reorganization Meeting**

**Mr. Yozzo arrived at 8:10 p.m.**

ZB10 - 6408 – Steven Pabon (Satcom)

Public Hearing for approval to demolish an existing commercial building and to rebuild in the same footprint having on a lot having pre-existing, non conforming mixed commercial/residential uses at 32 Tennent Road, Morganville, NJ, Block 121, Lots 2 and 3.01, in the C-2 Neighborhood Commercial 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
- 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 prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Building #2, Unit #7, Manalapan, NJ, Dated 12/10/09.
- A – 16 Architectural prepared by Albert Ondar, A. Ondar Design, 19 Truman Drive, Marlboro, NJ, Dated 9/15/09.
- A – 17 Use Variance Plans by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Building #2, Unit #7, Manalapan, NJ, Dated 11/29/10.
- A – 18 Stormwater Management Report, prepared for Block 121, Lots 2 and 3.01, by Concept Engineering Consultants, PA, 227 Route 33, Building # 2, Unit # 7, Manalapan, NJ, dated November, 2010.
- A – 19 Survey prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Building #2, Unit #7, Manalapan, NJ, Dated 12/06/10 (12/10/09).
- A – 20 Report prepared by John W. Borden, Fire Sub-Code Official/Fire Inspector, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated 12/14/10.
- A – 21 Report prepared by Martin Truscott (for Richard Cramer), T & M Associates, Eleven Tindall Road, Middletown, NJ, Dated December 17, 2010.
- A – 22 Report prepared for 32 Tennent Road by Marlboro Township Environmental Commission, 1979 Township Drive, Marlboro, NJ, Dated December 17, 2010.
- A – 23 Aerial Map of Block 121, Lots 2 and 3.01, prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Building #2, Unit #7, Manalapan, NJ, dated 12/17/10.
- A – 24 Reduced copy of Use Variance, Tax Map Sheet #47, prepared by John J. Ploskonka, PE, Concept Engineering Consultants, PA, 227 Route 33, Manalapan, NJ, dated 11/20/10.
- A – 25 Parking area photos (taken about one year ago) and proposed parking layout dated 12/21/10.
- A – 26 Report prepared by Sgt. Joseph Lenge, Traffic & Safety Bureau, 1979 Township Drive, Marlboro, NJ, dated 12/16/10.

Salvatore Alfieri, Esq., Cleary Alfieri & Jones, 5 Ravine Drive, Matawan, NJ, stated that the applicant is asking for a waiver of site plan.

John Ploskonka, PE, Concept Engineering Consultants, PA was sworn in. He is accepted as a Professional Planner, located in Manalapan, NJ.

He stated the property is one acre at intersection of two streets, with Henry Hudson Trail in the rear. The existing building has two businesses and most of the activities off site. The applicant has only one acre and there is a three acre minimum. They would like to rebuild the building and are in violation of the setbacks.

Mr. Alfieri stated there should be a five foot correction in the applicant's plans. There is an error in the width of the rear line of the building. This will be revised. The Board's Engineer, James Priolo, stated the plan show it is 79 feet 6 inches, where it is almost 85 feet.

Mr. Alfieri said his client will have two businesses, with one half of the driveway to be used for parking three cars. He also stated the area is paved for the commercial parking lot. Mr. Ploskonka said there is no increase of impervious surface. There is a natural buffer and they will plant an additional three evergreens. There is a new plan for the building. There will also be two lights.

Mr. Alfieri stated there are many variances required. Mr. Ploskonka stated that Mr. Cramer's report (page 4) lists the required variances. Mr. Priolo pointed out the front yard parking (two spaces) is an existing condition. The distance between the structures is only seventeen feet. The site will be improved with no additional landscaping.

There are also eight items in the Environmental Commission's report. There is no increase in the storm water and the fence would stay.

There were questions for Mr. Ploskonka. Mr. Levin inquired if the stone driveway will be removed. The stone driveway off Greenwood will remain. The perpendicular driveway will remain for access to the commercial site.

Mr. Yozzo asked about signs. There will be no freestanding sign on property at all.

The county will be doing environmental testing.

Mr. Pabon, who is the resident at 52 Greenwood Road, was sworn in. He has operated Don's TV since 1966. Around 2008, he decided to go forward with a new façade and a pitched roof.

Mr. Pabon stated the hours of operation are from 9:00 a.m. to 5 p.m. with Saturday possibly up to 2:00 p.m. Saturday is to catch up on current work. There are no more than four employees.

They would like no additional structure for the refuse containers.

Mr. Weilheimer confirmed the house is on lot 21.

Mr. Pabon said he is not a retail business and does not have much inventory.

Mr. Priolo inquired about trash collection. Mr. Pabon said he has a trash dumpster with one for cardboard.

Ms. Bajar inquired about vehicles and Mr. Pabon said they currently have three vehicles.

Per Mr. Cucchiaro, there will be a lot merger, which would not impact a future sale.

**Motion to Workshop**

**Offered By:** Jennifer Bajar **Seconded By:** Matthew Weilheimer

Mr. Weilheimer stated he has no objection with the application. Messer's Goff, Mahon, Zwerin, Ellenberg, Yozzo, are also positive about the application.

Ms. Bajar stated she only questioned the parking. Anyone parking would have better access if a niche were created for the dumpsters.

Mr. Levin stated that trucks go straight back and you would force a truck to make a turn. Mr. Weilheimer stated that it is in the rear and not creating an issue.

There were no questions from the public.

The Board was polled regarding the parking. Messer's Goff, Levin, Weilheimer, Mahon, Zwerin, Ellenberg, Yozzo, leave as is.

**Motion to come Out of Workshop:**

**Offered By:** Jennifer Bajar **Seconded By:** Michael Mahon

**Motion to Approve with a Waiver of Site Plan:**

<b>Offered By:</b>	Jennifer Bajar	<b>Seconded by:</b>	Michael Mahon
<b>Ayes:</b>	8	<b>Nays:</b>	0
<b>Absent:</b>	1	<b>Abstain:</b>	0

**ZB10 - 6406 – Luther Gueyikian**

Public Hearing for approval to construct an inground pool having insufficient side yard setback for an accessory structure and having a pool fence less than 6 feet from the water line of existing pool for property located at 110 Mountainside View, Morganville, NJ, Block 154, Lot 1.05, in the LC Cluster 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 154, Lot 1.05, prepared by Chester Di Lorenzo, PE, Midstate Engineering, Inc., 82 Walnut Hill Lane, Freehold, NJ, Dated 12/07/10.
- A – 16 Pool Grading Plan for Block 154, Lot 1.05, prepared by Chester DiLorenzo, Midstate Engineering, Inc., 82 Walnut Hill Lane, Freehold, NJ, dated 12/07/10.
- A-17 Report prepared for 110 Mountainside View, Block 154, Lot 1.05, by James A. Priolo, Birdsall Services Group, 611 Industrial West, Eatontown, NJ, Dated 12/16/10.



ZB10 - 6409 – Craig & Joanne Neustater

Public Hearing for approval to construct a covered masonry patio, pool, and shed exceeding permitted lot coverage for principal structure and total lot coverage at 13 Blake Drive, Marlboro, NJ Block 421.03, Lot 11, in the R4OAH 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          Plot Plan prepared by Anthony B. Koval, Brian P. Murphy FWH Associates, PA, 1856 Route 9, Toms River, NJ, dated 12/9/10.
- A – 16          Architecturals for Block 421.03 Lot 11, prepared by Richard Groves, Architect, 35 East River Road, Rumson, NJ, Dated 12/7/10.
- A – 17          Report prepared for 13 Blake Drive, Block 421.03, Lot 11, by James A. Priolo, PE, Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ, Dated 12-16-10.

Mr. Weilheimer recused himself.

Mr. Neustater, who resides at 13 Blake Drive, is sworn in.

Mr. Richard Groves, 35 East River Road, Rumson is a professional architect and is accepted as a professional witness.

Mr. Neustater lives in Kensington Gate. He would like to construct a covered patio, pool, hot tub and a shed. He would like to replace bilco door stairway. This will be 61 square feet. There is 15% coverage allowed and 13.3% is requested. The house is 7.4%. The current zoning is limiting and with the direction of the house, there is no shade at all. We want to create a healthy environment within the neighborhood. A shed would be needed to store equipment.

They would like to build a brick patio and a roof to match the house. Basement stairs allow for water to go down the stairs when it rains. They want to remove and make roof with a drywell to accommodate for the rain.

Questions from Board:

Mr. Neustater answered Mr. Mahon's question as to length of time. Mr. Neustater said he is the original homeowner having been there for the last nine years. Kensington Gate lot coverage is 15%, they thought they had 20%. Mr. Neustater stated that their plans say 20%.

No questions from the public.

