

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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MINUTES

ZONING BOARD OF ADJUSTMENT

FEBRUARY 15, 2011

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

Alan Zwerin, Matthew Weilheimer,
Michael Shapiro, Adrienne Spota,
Ira Levin, Keith Goff

ALSO PRESENT:

Brian Gonzalez, Esq. Board Attorney
Sarah Paris, Administrative Officer
James Priolo

ABSENT:

Jennifer Bajar, Frank Yozzo

ZB 10-6395-Vladimir DeLevi

Continuation of a Public Hearing for a bulk variance to construct a single family dwelling having insufficient lot area, depth, front and rear yard setback for principal structure at 17 Hawkins Corner Road, Marlboro, NJ, Block 282, Lot 6, located in the R -60 Residential Zone.

Continued to March 1, 2011. Extension of time signed. No further Notice is required.

ZB10- 6410 – Bellone, Kathleen

Public Hearing for approval to construct an inground pool, spa and paved patio exceeding lot coverage for principal structure and exceeding total lot coverage, insufficient lot area, frontage, width, side and rear yard setback for accessory structure on property located at 16 Collier Lane, Morganville, NJ, Block 153, Lot 64.01, in the LC Land 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 Lot, Building & Accessory Use Coverage Assessment
- A – 5 Correspondence of Kathleen Bellone giving Michael Bellone Signatory Power
- A – 6 Disclosure Statement
- A – 7 Tax Collector's Certification
- A – 8 W-9
- A – 9 Notice To Adjoining Property Owners
- A – 10 Adjacent Property Listing
- A – 11 Certified White Receipts and Green Cards
- A – 12 Affidavit of Service
- A – 13 Affidavit of Publication
- A – 14 Affirmation of Local Pay to Play Ordinance
- A – 15 Owners Affidavit of Authorization and Consent
- A – 16 Application Affidavit of Completeness
- A – 17 Aerial Showing property in relation to wetlands and environmental issues of 16 Collier Lane, Block 153, Lot 64.01.
- A – 18 Flood Map, Map Number 34025C0151F, prepared by Monmouth County, dated September 25, 2009.
- A – 19 Topographic Survey, prepared for Block 153, Lot 64.01, Prepared by Martin G. Miller, III, 8 Strathmore Court, Freehold, NJ, dated 12/24/10.
- A – 20 Inground Swimming Pool Grading Plan for Block 153, Lot 64.01, prepared by William F. Voeltz, PE, 17 Cherokee Lane, Brick, NJ, Dated 12/27/10.
- A – 21 Final A-built Survey prepared for Block 153, Lot 64.01, by William M Kurtz, 1903 Atlantic Avenue, Manasquan, NJ, Dated 11/23/06.
- A – 22 Report prepared by James Priolo, PE, PP, CME, Birdsall Services Group Group, 611 Industrial Way West, Eatontown, NJ, Dated 1/27/11.
- A – 23 Report prepared by Dean Staknys, Assistant Town Engineer, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated 1/31/11.

Mr. Michael Bellone, residing 16 Collier Lane, was sworn in.

Mr. William Voltz was sworn in and accepted as a professional witness.

Mr. Bellone would like to put in an inground pool. The property was originally approved as an R-80; the property was then rezoned to an LC. The characteristics are unique with steep slopes and wooded. The southeast corner is the only flat place to build a pool. Drainage from the pool will go into a swale and then down the hill towards the ravine. The variance is in keeping with the ordinance.

Questions from the Public:

Michael Steib, Esq., 16 Cherry Tree Farm Road, Middletown, NJ, represented Mark McKinnon, 13 Colliers Lane, Morganville, NJ. Mr. Steib inquired how far the pool location is from the house. Mr. Voltz answered about twenty-five feet. The pool is a proposed thirty-four feet.

Mr. Steib inquired if it could be closer to the house.

Mr. Voltz stated that they believe it to be a proper location. They would like to appropriately fit an area for a patio and fence around it. The pool location is dictated by the already cleared area. The highpoint is on the west and it will drain toward the stream as most things do; it will not directly discharge into the stream. Two drainage swales are created, one on each side.

Mr. Steib inquired if Mr. Voltz prepared calculations: Mr. Voltz did not do calculations.

There were no additional questions.

Questions from the Public.

Mr. Andrew Shoneman, 17 Collier Lane, Morganville, was sworn in. Mr. Shoneman stated that Mr. Bellone is a good neighbor for the past ten years, stating the pool is on the far side of his home. He is west of the property on the south side.

Mr. Ben Britton, 23 Collier Lane, Morganville, was sworn in and stated he has no objections and that everything goes down stream. Mr. Bellone has always been a good neighbor.

Mr. Bellone stated he developed the property in 2004 and it is over 350 feet down to the stream. No one looks into his yard. Exhibit A-24, pictures were presented showing good drainage when he was building.

Mr. Kevin Comerford, 15 Collier Lane, was sworn in. He stated he is in support of Mr. Bellone who is a good neighbor assisting everyone with neighborly things such as plowing. He stated he had worked at Proctor & Gamble doing environmental work. He believes Mr. Bellone is doing nothing wrong here.

Mr. Steib inquired about the common driveway they shared and Mr. Comerford stated they do share a common driveway. He also stated that the complainant's driveway was also plowed by Mr. Bellone.

Mr. McKinnon, 13 Collier Lane, Morganville, was sworn in. He stated Mr. Bellone's property was located in front of his lot; the property was developed in 2000-2001. He stated the building plans shows he is not five feet away from his property line and that drainage runs in his yard. The drainage ditch was built and it sends runoff right into my yard.

Evidence was presented:

A – 25 Series of five photographs starting with January 3, 2009, February 1, 2009 and March 13, 2010, depicting back quarter of property, with runoff.

There is no evidence of erosion. Water percolates in the driveway.

Motion to workshop

Offered: Michael Shapiro

Seconded:

Ira Levin

The Board Members all agreed.

