

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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Chairperson

Michael Shapiro

Vice-Chairperson

Matthew Weilheimer

Secretary

Alan Zwerin

Members

Frank Yozzo

Ira Levin

Jennifer Bajar

Adrienne Spota

Ibrahim Naboulsi - Alt #1

Stacey DiGrande- Alt # 2

Zoning Board Clerk

Yvonne Cautillo

Attorney

Weiner Lesniak

Ronald D. Cucchiaro, Esq.

Engineer

Birdsall Engineering

James Priolo, P.E.,

Planner

T & M Associates

Richard Cramer, P.P.

Traffic Engineer

French & Parrello

Mark Kataryniak, PE, PTOE

Administrative Officer

Zoning Officer

Sarah Paris

MINUTES

ZONING BOARD OF ADJUSTMENT

JULY 19, 2011

8:00 p.m.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

Michael Shapiro, Matthew Weilheimer,
Jennifer Bajar, Frank Yozzo, Alan Zwerin,
Adrienne Spota, Stacey DiGrande,
Ibrahim El-Naboulsi

ALSO PRESENT:

Ronald Cucchiaro, Esq. Board Attorney
Sarah Paris, Administrative Officer
James Priolo, P.E., Birdsall Engineering
Richard Cramer, P.P., T&M Associates
Mark Kataryniak, PE

ABSENT:

Ira Levin

The minutes of the June 7th, 2011 meeting were approved:

| | | | |
|-----------|--------------------|----------|---|
| Offered: | Michael Shapiro | Ayes: | 7 |
| Seconded: | Matthew Weilheimer | Nays: | 0 |
| | | Abstain: | 0 |

The minutes of the June 21st, 2011 meeting were approved:

| | | | |
|-----------|--------------------|----------|---|
| Offered: | Michael Shapiro | Ayes: | 7 |
| Seconded: | Matthew Weilheimer | Nays: | 0 |
| | | Abstain: | 0 |

There was no Public Session

Motion to Approve Plan B, with inclusion of the tree line site approval.

| | | | |
|----------|-----------------|-----------|-------------|
| Offered: | Michael Shapiro | Seconded: | Alan Zwerin |
| Ayes: | 7 | Nays: | 0 |
| Absent: | 2 | Abstain: | 0 |

Motion Approved.

ZB10-6394 – T-Mobile Northeast LLC

Continuation of a Public Hearing for approval to construct a wireless communications facility, requiring use and bulk variances for an undersized lot and having insufficient fall zone on property located at 112 Amboy Road, Morganville, NJ, Block 172, Lot 34, in an IOR Zone.

Mr. Weilheimer recused himself.

Reginald Jenkins, Esq., represents the applicant for Price Meese, Shulman & D'Arminio, Mack-Cali Corporate Center, 50 Tice Boulevard, Woodcliff Lake, NJ 07677. Summarized on T-Mobile's investigation of the water tower regarding a recently approved tower by the Planning Board. There are three professionals to provide testimony.

Mr. Jenkins will confirm to go forward with his people because there are only six Board Members present. He stated they prefer a full board for the vote. Mr. Jenkins does have a couple of questions for his witnesses.

Mr. John Moricz, The Lucien Group, 4 Hall Drive, Clark, NJ has a consulting company. He works with T-Mobile and oversees looking for the best possible areas for them. He remains under oath and will answer any question regarding the site.

There were no questions from public.

Mr. Joseph Menio, PierCon Solutions, 63 Beaver Brook Road, Suite 201, Lincoln Park, NJ, is the RF Engineer. He was also previously sworn and accepted as a professional witness.

Mr. Jenkins asked if Mr. Menio looked at the situation again regarding the height. He did say he looked at lowering the site to 100 feet. It was established a total of two 100 foot sites would be needed with an additional possibly at Route 18 and Route 520.

The Planner, Timothy M. Kronk, TKDesign Associates, 23 Wood Road, Morris Township, NJ was previously sworn in. He answered as to the number of towers in the United States. He went back to the website with reference to towers and did come up with a May 18, 2005 USA Today article referencing 176,000 towers as per this article.

This article was submitted for evidence.

A - 63 USA Today, May 18, 2005 Article.

Mr. Shapiro questioned any research on any other possible failures. Mr. Kronk stated that there was nothing additional.

No Public questions.

Mr. Cucchiaro questioned the Petrucelli correspondence, dated July 8, 2011:

A – 61 Petrucelli Letter in which he expressed a desire to appear at the meeting.

A – 62 Petrucelli Letter in which he stated he would not consider moving the sight.

Mr. Cucchiaro asked if he had spoken with anyone in between the two letters. Mr. Jenkins said nobody spoke with Mr. Petrucelli and that this was Mr. Petrucelli's statement.

Mr. Priolo asked regarding his November 11, 2011. There are a number of issues that are not in compliance. There are also encroachments into the wetlands.

Mr. Jenkins stated he was not prepared to answer and has stated that this falls within the powers of the Township. T-Mobile has taken stance that it is not ours to say regarding the owner.

Mr. Jenkins stated we placed objections on record that these are the zoning questions regarding a portion of the property. T-Mobile did go to the landlord regarding the issues. They cannot force the landlord to do anything.

Mr. Cucchiaro asked if Mr. Petrucelli stated he wanted to come, will he attend the next meeting? Mr. Jenkins stated he cannot answer for him; we will bring up this concern.

He also asked the applicant looked into the DEP issues. Mr. Jenkins stated he does not believe they have been resolved. Mr. Jenkins stated that they would like to come back to address questions.

Public Questions:

Mr. Angelo Molozzi, 70 Forest Drive, Springfield, NJ. He is the owner of the adjacent property at 142 Amboy Road.

Would like to ask the property be located to the southern portion of property. Where it is located now, it negatively affects my property. A fall down would go past Amboy Road. If an entrance were closest to my property, a fallen tower would go across my property. He inquired if it can go to another area.

Mr. Jenkins could not say. I cannot answer as Mr. Petruzelli is not here. I am asking the Board to consider all of the negatives. Part of the application is the fall zone, setback, and all of the negative aspects that I am asking the Board to vote negatively.

Mr. Molozzi stated he is the owner of the LLC which is about 33 acres. Mr. Molozzi stated that he has contacted an engineer to make six residential lots; but this is in the future. Mr. Cramer stated that Mr. Molozzi's property is a residential use.

Mr. Cramer stated there is a minimum lot size of five acres. The tallest tower permitted in town would be a 150 foot tower. You would have to have to be a distance of 225 feet away from the tower.

Mr. Yozzo arrived at 9:15 pm.

The applicant indicated that two other carriers may be interested.

Mr. Cucchiaro stated it would be up to the Board to provide for additional carriers. Mr. Jenkins stated that carriers are looking for places to put their antennas. You are getting a tower that will have more than one carrier.

Mr. Yozzo inquired if you can limit the number? Mr. Cucchiaro stated this would not be a reasonable condition. You cannot tell them they must get additional carriers.

Mr. Jenkins stated that the intention of a tower is to have other co-locators. This is the benefit, but the height is necessary for this application.

No questions from Board or Public.

Motion to Workshop:

Offered: Michael Shapiro

Seconded: Andriane Spota

Mr. ElNaboulsi stated that he does not see towers falling, even though possible. I am in favor.

Ms. Spota stated the setbacks are severely off. The Engineering has not been updated. Applicant is requesting expansion of a non-conforming use. It is difficult to determine what the expansion is, without having exactly what is on the property. The fall zone would interfere with other properties. Testimony given does not lead me to believe this is our decision to make. I am not in favor.

Mr. Zwerin questioned the fall zone; Mr. Yozzo believes the fall zone is important. Not in favor as of this point.

Ms. DiGrande had no comments.

Ms. Bajar stated she understands the monopole with fall south. The Article presented goes back to 2005. The number that has failed is relatively small. There is a question of the fall zone. I am in favor of this application.

Mr. Shapiro was concerned about safety with the fall zone. He would like to ask Mr. Petrucelli about moving to a different area. The DEP has also expired. Mr. Shapiro would like these satisfied.

Motion Out of Workshop:

Offered: Michael Shapiro

Seconded: Alan Zwerin

An Extension of Time was signed for September 20, 2011; no further notice required.

ZB09-6376A – Land Baron, LLC

Public Hearing for site plan approval for landscape supply yard at 308 and 312 Tennent Road, Morganville, NJ, Block 172, Lots 42 and 43, located in an IOR Residential Zone.

Ms. Bajar and Mr. Yozzo recused themselves.

Mr. Cucchiaro stated since there was not a full Board; they are eligible to back out.

Pasqual Menna, Esq., Menna, Supko & Nelson, LLC, 830 Broad Street, Shrewsbury, NJ representing the applicant, stated that he was presenting revisions made addressing the Engineer's concerns.

- A – 30 Sheet Two of Revised Site Plan prepared by Richard K Heuser, PC, 307 Main Street, Matawan, NJ, Revised July 14, 2011, showing handicap, employees only and 28 foot buffer.
- A – 31 April 21, 2011, Freshwater Wetland Letter of Interpretation received from Department of Environmental Protection, PO Box 420, Trenton, NJ.
- A – 32 Monmouth County Construction/Use Driveway Permit for Land Baron, LLC, Dated to be completed by December 28, 2010 Pavement and Driveway
- A – 33 Dimensions of pole barn prepared by Shrik Pole Buildings, 111 East Black Creek East Earl, PA.
- A – 34 Reduced copies of Grading Plan, Revised July 14, 2011. Utility Plan for property immediately adjacent to property

The Board's approval was for a use variance March 16, 2010. Part of the use variance is demolishing of the structure, renovating the existing structure as office, and the pole barn. The testimony is continuing without deviation. The plan calls for five employees, 7 am to 5 pm, with Saturdays, 7am to 2 pm. to provide various trade people as he has been doing.

Mr. Richard Heuser, 307 Main Street, Matawan, NJ, prepared the site plan and also original part of use. He stated that are now trying to go forward. He is accepted as a professional.

Mr. Heuser states property is sloping from our site to the adjoining property. There are wetlands; staying away from buffer area. Mr. Priolo's report indicates certain bulk variances. Five acres are required, front and side yard setbacks, parking lot.

They are proposing new setbacks. A chain link fence is proposed. There will be a landscape plan with berm, the top of the berm would be twelve feet wide.

There will be four spaces with gravel for employee parking.

Surface runoff will be to rear of property. There will be a soil log for maintenance. The pole barn is 30 feet not necessitating variance. There will be a retaining wall per Mr. Priolo's request.

Per Mr. Priolo's letter, recent revisions have been corrected.

Mr. Kataryniak, PE, French & Parrello, 1800 Route 34, Wall, NJ, prepared a traffic report which has been complied with.

Mr. Heuser stated they believe they have complied with environmental constraints. They have increased front setbacks for parking.

Mr. Kataryniak asked if they would prefer a letter from the fire official.

On April 21, 2011, Freshwater Wetland Letter of Interpretation received a copy from Department of Environmental Protection, PO Box 420, Trenton, NJ. Mr. Kataryniak stated they are still subject to County Planning Board approval as A-31 is expired.

Mr. Shapiro stated they need time to digest the additional evidence.

There were Questions from Board:

Mr. Weilheimer inquired about Tennent Road if it was county jurisdiction.

Mr. Kataryniak said they may need a turnaround. Mr. Menna stated they can accommodate this concern.

Mr. Weilheimer asked what type of gate was there. Mr. Heuser stated there is about 50 feet of chain link fence. This is what the applicant wanted.

There will be landscaping, with a wall keeping drainage from going on to the adjacent property.

There were no public questions.

An Extension of Time was signed for August 16, 2011 with no further Notice. There will be no movement going forward until final approval by Board.

Motion to Adjourn at 10:30 pm.

Offered: Michael Shapiro

Ayes:

Seconded:

Nays: 0

Respectfully,

Yvonne Cautillo