

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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Vice-Chairperson

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Secretary

Alan Zwerin

Members

Frank Yozzo

Ira Levin

Jennifer Bajar

Dr. Michael Adler

Ibrahim ElNaboulsi – Alt #1

Stacey DiGrande - Alt # 2

Zoning Board Clerk

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Attorney

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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

M I N U T E S

FEBRUARY 12, 2013

8:00 P.M.

Salute to Flag

Sunshine Law Read

PRESENT: Matthew Weilheimer, Ira Levin, Frank Yozzo,
Jennifer Bajar, Dr. Michael Adler

ALSO PRESENT: Ron Cucchiaro, Esq, Board Attorney
James Priolo, P.E., Birdsall Engineering,
Mark Kataryniak, PE, French & Parello
Sarah Paris, Administrative Officer

ABSENT: Michael Shapiro, Stacy DiGrande, Ibrahim El
Naboulsi, Alan Zwerin

PUBLIC SESSION – No one signed up for Public Session

Minutes of January 29, 2013

Offered: Mr. Weilheimer

Ayes: 4

Seconded: Dr. Adler

Nays: 0

Ira Levin appointed as acting secretary.

Matthew Weilheimer substituting for Chairman who is ill tonight.

ZB12-6459 – Syed Alzaidy

Continuation of a Public Hearing for approval of a use variance for density, for a subdivision with bulk variances located at Conover Road, Block 153, and Lot 39.03, in the LC Land Conservation zone.

The Board took jurisdiction. A letter was received from Philip J. Morrin, Esq., on behalf of the applicant, requesting an adjournment and granting an extension of time for consideration and disposition of the application for an additional sixty (60) days. The matter was adjourned to March 19, 2013.

ZB12-6463 – M&M at 483 Route 79, LLC

Continuation of a Public hearing for a use variance for a convenience store and associated gasoline service station at 483 Route 79, Block 122, Lots 27.03 and 27.04.

Due to four Board members being absent, this matter was adjourned to February 26, 2013 with no further notice required.

ZB12-6462 – Cohen, Mark

Continued Public Hearing for approval to construct a single family dwelling having insufficient lot area, frontage, width, depth, front yard setback for principal structure, and insufficient gross floor area with insufficient ground floor area located at 90 Reids Hill Road, Morganville, Block 154, and Lot 5, in the LC-Land Conservation Zone.

Ms. Bajar stated for the record that she listened to the hearing. Ms. Bajar also asked that all Board members be more diligent about speaking into the microphones and having the witnesses speak directly into the microphones because it makes it very difficult to hear the testimony when they do not.

Mr. Sukel, Esq. on behalf of the applicant entered the following into the record:

A-26 A letter to Lee & Lena Argush of 216 Doe Trail as it appeared that a small corner of the lot might be touching this lot (although it was not on the 200' list prepared by the Assessor).

A-27 A letter to Idealina Guerra of lot 4.

A-28 A letter to Ying Qin & Bin He of 23, owners of Reids Hill Road. The letter was sent to their principal residence in Holmdel.

The letters offered to purchase the adjoining properties or offered to sell this property to them. Mr. Sukel stated that there were no responses to any of the letters we sent.

A-29 Real Estate listing for 23 Reids Hill Road for the years 2010, 2011, and 2012 were read into the record. All three were for the rental of the property – not for the sale of it.

Public Comments or Questions regarding today's testimony: No one asked to speak. This closed the public portion of the hearing.

Before the Board went into workshop, Mr. Weilheimer explained to the public what goes on in workshop, and what they could expect to hear from the members. He further explained that this portion is closed and no questions could be asked until they come out of workshop. Mr. Cucchiaro then advised the members about what is required by law in cases of undersized lots. He cited the Nash case. It is the applicant's responsibility to offer to purchase surrounding lots to bring his lot more into conformity or he needs to offer to sell the lot to adjacent property owners. The Board members must decide from hearing the testimony, whether the applicant had done his due diligence and also showed that this was not a self-imposed hardship.

In workshop (Offered by Mr. Weilheimer, Seconded by Mr. Yozzo)

All of the members agreed that this new house would be an aesthetically beautiful improvement to the overgrown vacant lot with furniture dumped on it and an open pool which attracts mosquitoes and presents a danger. Ms. Bajar said that the property hasn't changed size and that there was a house on it before. If the neighbors had gotten together and wanted to purchase the property to preserve it as a park, that would be a different matter. Mr. Levin stated that this is the best use according to the law as the property is residentially

zoned he did not see enough negative criteria to leave this as an overgrown lot. Mr. Yozzo stated that many times we see homes that are huge and overly designed for the piece of property they want to build it on. "This design fits well with the size of the property". Dr. Adler stated that he had visited this property prior to its coming before the Board. He had found the steep hill to be a challenge. He felt that the oversized real estate sign was an eyesore and that a nice new home would be an improvement. Dr. Adler had asked the residents at an earlier meeting if they really believed that the vacant, unkempt lot with the dumped furniture on it was preferable to a nice, new smaller home and could not understand why they felt it was. Mr. Weilheimer stated that he believed that the applicant had proven that they tried to offer the property for sale and tried to purchase surrounding lots. Of the seven variances, Mr. Weilheimer reminded the members, that four already existed and that they were actually asking for three new variances. Mr. Weilheimer stated that he had been in the real estate business for a few years and honestly did not believe that the construction of a nice new house on this property would bring down the value of other homes in the area. "I think exactly the opposite" Mr. Weilheimer said. It shows that people want to come to this area.

Out of Workshop. A motion was made to approve this application.

Offered: Mr. Weilheimer Ayes: 5 (Mr. Levin, Mr. Weilheimer, Ms. Bajar, Mr. Yozzo,
Dr. Adler).
Seconded: Dr. Adler Nays: 0

MEMORIALIZATION

ZB12-6464 – Monmouth Acupuncture

Memorialization of a resolution granting approval of a site plan to convert an existing single family dwelling to a medical office with certain bulk variances granted at 82 Route 520, Morganville, NJ, Block 177, and Lot 1, in an R-20 Residential Zone.

Offered: Mr. Weilheimer Ayes: 3
Seconded: Dr. Adler Nays: 0
Absent: Mr. Shapiro, Mr. Zwerin, Ms. DiGrande,
Mr. El Naboulsi

Motion to Adjourn at 8:30 p.m.

Respectfully submitted,

Sarah Paris

