

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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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

MARCH 12, 2013

8:00 P.M.

Salute to Flag

Sunshine Law Read

PRESENT:

Matthew Weilheimer, Ira Levin,
Frank Yozzo, Jennifer Bajar,
Dr. Michael Adler, Stacey DiGrande,
Ibrahim El Naboulsi, Alan Zwerin

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, Ibrahim ElNaboulsi

PUBLIC SESSION – No one signed up for Public Session

MINUTES OF FEBRUARY 28, 2013

Offered: Mr. Weilheimer

Ayes: 6

Seconded: Mr. Zwerin

Nays: 0

ZB12-6468 – Lance Howard

Public Hearing for approval to keep a generator that was built within a conservation easement at 200 Conway Court, Block 160, Lot 41, located in the R-40/30 Zone.

The Board took jurisdiction. The following evidence was entered:

- A – 1** Petition on Appeal
- A – 2** Indemnification and Hold Harmless Agreement
- A – 3** Disclosure Statement
- A – 4** Tax Collector's Certification
- A – 5** W-9
- A – 7** Notice To Adjoining Property Owners
- A – 8** List of Property Owners within 200 feet
- A – 9** Certified White Receipts and Green Cards
- A - 10** Affidavit of Publication
- A – 11** Affidavit of Service
- A – 12** Affirmation of Local Pay to Play Ordinance
- A – 13** Owner's Affidavit of Authorization and Consent
- A – 14** Survey prepared By Michael H. Saperstein, PLS, Taylor Wiseman & Taylor, 2088 Route 130, Monmouth Junction, NJ, for 200 Conway Court, Morganville, Block 160, Lot 41, and Dated 3/08/00.
- A – 15** Generac Photograph
- A – 16** Report prepared by Jams Priolo, Birdsall Services Group, 611 Industrial Way, Eatontown, NJ, Dated March 7, 2013.

Motion to grant Submission Waivers were voted and approved:

Offered By: Mr. Weilheimer

Seconded By: Mr. Zwerin

Mr. Lance Howard, applicant and owner of 200 Convey Court, was sworn in. Mr. Howard stated he requires the generator for health reasons for his family. The only noise would be from the generator recharging itself. Mr. Howard stated he loses power one or two times a year.

He stated he is not approaching the conservation easement.

Public Questions:

Diones Lazides, 309 Flower Lane, inquired as to the location of the generator. Ms. Paris showed the northeast location.

Mr. Roman Dijour, 54 Crescent Court, Morganville, NJ. He stated that Generac recommends recharging at least one time a week; it run for about eight minutes. He said the sound resembles a lawn mower.

Mr. Howard agreed to have the generator run about 11:00 am to 4:00 pm.

Mr. Cucchiaro stated we evaluate when we are looking at negative criteria. Ms. Paris stated the generators are treated as accessory structures and meeting the setbacks.

Mr. Howard also stated he has not installed the generator yet.

Workshop

Offered: Mr. Weilheimer

Seconded: Dr. Adler

Messrs. Levin, Zwerin, Yozzo, and Dr. Adler all have no issue with the application.

ZB12-6447A – McLaughlin’s Auto Service, Inc.

Public Hearing for Preliminary and Final Major Site Plan approval for an addition of three new service bays and a storage area, with insufficient front and side yard setbacks and within 100 feet from top-of-bank of stream at 139 Route 9 South, Block 275, Lot 50, located in the C-3 Community Commercial Zone.

The Board took jurisdiction. The following evidence was entered:

- A – 1 Petition on Appeal
- A – 2 Attachment to Application
- A – 3 Indemnification and Hold Harmless Agreement
- A – 4 Disclosure Statement
- A – 5 Tax Collector's Certification
- A – 7 Notice To Adjoining Property Owners
- A – 8 List of Property Owners within 200 feet
- A – 9 Certified White Receipts and Green Cards
- A - 10 Affidavit of Publication
- A – 11 Affidavit of Service
- A – 12 Affirmation of Local Pay to Play Ordinance
- A – 13 Owners Affidavit of Authorization and Consent
- A – 14 Resolution for Variance Application ZB 12-6447, Block 275, Lots 51 and 52, Dated 8/21/12.
- A – 15 Amended Preliminary and Final Major Site Plan for McLaughlin’s Auto Service Center, Inc., Block 275, Lot 50, State Highway Route No. 9, Marlboro, NJ, Dated 5/01/12.
- A – 16 Stormwater Management Report, Amended Preliminary & Final Major Site Plan, Block 275, Lot 50, prepared by John J. Ploskonka, PE, PP, Concept Engineering Consultants, PA, 227 Route 33 East, Manalapan, NJ, Dated 11/12/12.
- A – 17 Report prepared by James Priolo, PE, Birdsall Services Group, 611 Industrial Way, Eatontown, NJ, Dated, 3/08/13.
- A – 18 Report prepared by Marlboro Township Environmental Commission for Block 275, Lot 50, Dated 3/06/13
- A – 19 Report prepared by John W. Borden, Fire Sub-Code Official, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated 3/05/13.
- A - 20 Report prepared by Mark W. Kataryniak, PE, French & Parrello, 1800 Route 34, Wall, NJ, Dated 3/12/13.

Motion to grant Submission Waivers were voted and approved:

Offered By: Mr. Weilheimer

Seconded By: Mr. Zwerin

Ms. Bajar and Ms. Stacey DiGrande are recused; Mr. Levin returns to dais.

This is a bifurcated application and they are returning for the site plan. The main issue was to do something with the drainage.

Mr. John Ploskonka, PP, was accepted as a professional witness. He described the plan to add 1,912 square feet to increase the efficiency of work flow. Vehicles will be able to move in and out quicker. The parking is moved from north to south, next to Longfellow. The rear property stays the same. There will be a chain link fence with buffer, stream is staying the same. The dumpster is away from rear of building.

Additional evidence was submitted:

A – 21 Color Rendering of site plan, the parking area.

The new drainage will take runoff from the roof and bring it underground, and will be ready for a twenty-five year storm. The dumpster is being relocated.

Evergreen trees have been replaced. The applicant wants to be 100% in compliance with what was suggested.

There are forty-eight spaces for parking. The applicant will provide a small stone trench along the north, from parking lot out to Longfellow Drive.

The Engineer, Mr. Priolo, stated the applicant should monitor the situation for clean up. He wants to be sure water is not running toward the neighbor, with no adverse impact. Mr. Ploskonka agreed.

Mr. Ploskonka stated that extremely heavy rain will bring down mulch; Mr. Cucchiaro said there must be a program to remove mulch.

Mr. Weilheimer inquiring about tow trucks and where gas will be stored.

Mr. McLaughlin, 217 Pease Road, Manalapan, said there will be no gas stored. Tanks will be filled as we go out on a call.

Mr. Levin inquired as to the direction water traverse and will nineteen feet of trees be enough to stop water travelling to west. Mr. Ploskonka there is a 2 or 3% grade drop, with most of the water running toward double row of evergreens. He believes it serves as an adequate buffer. The water runs toward the rear and towards brook.

Mr. Yozzo inquired if a drain could catch the water preventing water from getting into mulch to begin with and Mr. Weilheimer said there be something in plan in the resolution.

No Public Questions.

Mr. Ploskonka reviewed the Traffic Engineer Report.

The Fire Commission had no objections.

Mr. Kataryniak, the Traffic Engineer, stated he would like to see the end of Route 9 not be used for parking, or standing within driveway. He also stated that with the location of the dumpster it might be tight to put a truck in there. Mr. Kataryniak stated about seven or eight spaces would be lost if the spacing was properly striped.

Mr. Ploskonka will also provide information to the engineer, regarding the NJDEP approvals.

Mrs. Carmela Diver, 6 Longfellow Lane, stated she was concerned about ice on the sidewalk.

Mr. Ploskonka stated the building is going where there is existing black top. We already put trenches to collect from roof. Mr. McLaughlin will put rock so the mulch won't come down.

Public Comments:

Robert Diver, 6 Longfellow Terrace, Morganville. This 20-30 feet of trench, is close to my swimming pool, what will this do to me.

No other public comments.

Workshop:

Offered By: Mr. Weilheimer

Seconded By: Dr. Adler

Mr. Levin said he was in agreement with not parking on the northeast corner, trees need to be replaced and something more concrete about settling the water situation.

Mr. Yozzo and Dr. Adler think the water needs to be addressed. They need to know what will be done. Mr. Zwerin agreed on a more concrete remediation of the water problem. Dumpster needs to be in a good location, what the overall impact is. Mr. Weilheimer agreed the drainage issues need to be taken care. All for the addition, a plan needs to be prepared by professionals.

Some of the Board Members stated they would not be able to make a decision because of the drainage situation.

Mr. Cucchiaro suggested the applicant and neighbor discuss this among themselves. Mr. Weilheimer offered to break for ten minutes.

Out of workshop

Offered: Mr. Weilheimer

Seconded: Mr. Levin

Mr. Munoz stated they will take a break to caucus.

After discussion, the neighbors agreed in order to solve the problem on lot 49, they would look to place a six inch porous pipe, with three inlets for cleaning. Railroad ties would also be place to direct water into the inlet near Longfellow Terrace, piping through the curb. It will further be reviewed to make sure this is satisfied.

Motion to approve preliminary site plan.

Offered by:	Mr. Weilheimer	Ayes:	5
Seconded:	Dr. Adler	Absent:	2
		Abstain:	2

Motion Approved.

Applicant will return on April 23, 2013, for Final Major Site Plan Approval.

MEMORIALIZATION

ZB12-6466 – Ronko Developers, Inc.

Memorialization of a resolution granting approval to demolish existing mobile home and build a single family dwelling having insufficient lot area, frontage, width, and depth and exceeding lot coverage for principal structure at Block 107, Lot 7 at 13 Wicker Place, Morganville, NJ in the R-30-23 zone

Meeting Adjourned at 10:45 p.m.

Respectfully submitted,

