## MARLBORO TOWNSHIP ZONING BOARD May 24, 2016

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THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE TEMPORARY CHAIRMAN MR. RONALD D. CUCCHIARO, ESQ. AT THE MARLBORO TOWNSHIP OFFICES, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30P.M.

CHAIRMAN SHAPIRO READ THE MEETING NOTICE, ADEQUATE NOTICE PURSUANT TO THE OPEN PUBLIC MEETING ACT OF 1977 HAS BEEN GIVEN OF THIS MEETING BY PUBLICATION IN THE ASBURY PARK PRESS, AND BY POSTING IN THE MUNICIPAL BUILDING IN THE TOWNSHIP OF MARLBORO, FILED IN THE TOWNSHIP CLERK'S OFFICE AND PLACED ON THE TOWNSHIP WEBSITE AND CHANNEL 77.

ROLL CALL

PRESENT ... {7) MR. SOLON, MR. ZWERIN, CHAIRMAN SHAPIRO, MS. DI GRANDE, DR. ADLER, MR. VERDI and MR. NAPPI

ABSENT... {2} MR. LEVIN, MR. WEILHEIMER

# PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO, and MS. SARAH PARIS

SALUTE THE FLAG

**<u>PUBLIC SESSION</u>** – No one from the public signed up to speak.

**Z.B. 16-6572** VAZGEN SEVUMYANTS - Continued Hearing for a Bulk Variance to Construct a 576 sq. ft., Garage addition and to keep a 20'x30' concrete patio placed in wetland buffer and conservation easement, located at 345 Deerfield Road, Block 180, Lots 83.21 in the R30/40 zone

The Applicant proposes to construct a detached garage (24 feet x 24 feet for a total of 576 square feet) within the southerly side yard area to be connected to the existing dwelling by an open-air covered breezeway which includes a minor driveway extension to connect the proposed detached garage. The Applicant is also seeking to retain the existing site improvements, which encroach into the conservation easement/wetland buffer area on-site.

The Applicant appeared at the first hearing on May 10, 2016 and stated that he was seeking to construct a new two-car garage in order to house his vehicles on-site. He also stated the existing sports court requires variance relief. At that time, several of the neighbors including Michael Burns of 335 Deerfield Road, Jordan Stroll of 330 Deerfield Road, Gregg Slater of 325 Deerfield Road, and Mader Fahmy of 350 Deerfield Road all stressed their concern regarding encroachment of the garage closer to their homes. They all believed that the proposed site would visually impair the area and will be inconsistent with the prevailing neighborhood scheme. Upon hearing testimony from all these residents, the Applicant decided to carry the hearing in order to evaluate further development options.

The Applicant returned to the Board May 24, 2016 hearing represented by counsel, Salvatore Alfieri, Esq. Mr. Alfieri was sworn in and explained that a conforming plan for the garage could be designated but such plan would actually encroach closer to the neighbors' yards. Mr. Alfieri noted that the concrete encroachment into the riparian buffer had been removed. Mr. Alfieri, however, stated that the pool equipment was still in the buffer area. There were no members of the public present at the May 24, 2016 hearing to express any further objection to the application. The Board finds the following variance relief is required: **Section 220-35D(1) (a)** – No structure shall be built within 100 feet of the top of bank of a stream or other body of water or within any drainage or conservation easement and no fence shall be constructed on a conservation easement; portions for the fence enclosure around the pool encroach into the conservation easement area which would require variance per Ordinance Section 220-173B(4). **Section 220-50C** – The maximum lot coverage permitted for a principal building within an R-/30 Zone District shall be 8%; 8.8% (3,904 square feet) is indicated as proposed.

**<u>PUBLIC</u>** - No one spoke on behalf of this application.

### A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 7 (Mr. Solon, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande, Dr. Adler Mr. Verdi, Mr. Nappi) Second: Mr. Zwerin

Recused: 0 Nays: 0 Absent: 0 (Mr. Levin, Mr. Weilheimer) Abstain: 0

**Z.B. 16-6575** ESK BUILDERS, INC. - Public Hearing for a Bulk Variance to construct a single family residential dwelling, in-ground pool with five feet of surrounding decking attached to a 20' x 20' patio, and a 12' x 12' shed on an undersized lot, located on Beacon Hill Road, Block 153 Lot 78.01 in the LC zone

The Applicant proposes to remove the remaining site improvements and construct a two-story dwelling with associated walk, rear patio, in-ground swimming pool and accessory shed with access via a paved drive along Kaiser Court.

The Applicant had originally appeared before the Board at its May 10, 2016 meeting at which time its counsel, Salvatore Alfieri, Esq. stated that the subject lot was a pre-existing undersized parcel in which the Applicant seeks to construct a single-family home with amenities.

Testimony was taken from the Applicant's Engineer and Planner, Richard K. Heuser, P.E., P.P. Mr. Heuser described the lot as being a corner lot located on Beacon Road within the LC Zone. He further stated that a conservation easement exists to the rear of the lot. He noted that the lot is currently improved with a shed, concrete and brick pad area, as well as a paved drive along Kaiser Court. He stated that the Applicant was seeking to remove all existing improvements and to construct a two-story dwelling with an associated walk, rear patio, in-ground swimming pool and an accessory shed with access by a paved driveway along Kaiser Court. He testified that the subject lot was a pre-existing undersized lot wherein five acres is required in the LC Zone and 2.2 acres currently exists. He further stated that 400 feet of lot frontage is required wherein 219.9 feet exists along Beacon Hill Road and 288.8 exists along Kaiser Court currently exists. A lot width of 400 feet is also required when 355 feet currently exists, and a lot depth of 500 feet is required wherein 255 feet currently exists.

Mr. Heuser stated that all setback and height requirements would be satisfied. He also noted that the Applicant would comply with all fence height requirements. In response to questions from the Board, the Applicant further agreed to obtain a presence/absence letter from the New Jersey Department of Environmental Protection ("NJDEP").

Mr. Heuser then stated that a small gore exists on the property which had not yet been resolved. He stated that the Applicant would execute a quit claim deed in order to bring the matter to finality.

The Applicant returned to the Board's May 24, 2016 meeting. At that time, Mr. Heuser stated that the following revisions had been made to the plan: The location of the proposed driveway had been shifted further south along Kaiser Court. The garage had been relocated to the south building façade.

The overall proposed lot coverage had been reduced from 7.9% to 6.7%. Drywell system had been provided. General location of private water well and septic system had been provided.

Mr. Heuser also stated that the following variance relief was required: Section 220-47C (Table 1) – The maximum percentage of total building coverage permitted is 2%; 3.2% is indicated as proposed. Section 220-47C (Table 1) – The maximum percentage of total lot coverage permitted is 5%; 7.0% is indicated as proposed. Section 220-42F (1) – All private swimming pools shall be completely surrounded by a permanent fence/barrier which shall be no more than 6 feet nor less than 4 feet in height; no existing or proposed fence is depicted surrounding/ enclosing the proposed in-ground pool.

Mr. Heuser testified that the variance relief was required as the lot was undersized and previously approved under standards of an R-80 Zone rather than the LC Zone. It was therefore, his opinion that the lot could not be easily developed for its permitted use under the current standards. He further stated that the further subject lot is in the harmony with the prevailing neighborhood scheme, and would therefore, not create a substantial detriment to the Zone Plan or Zoning Ordinance.

#### A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	7 (Mr. Solon, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande, Dr. Adler Mr. Verdi, Mr. Nappi)
Second:	Mr. Zwerin	Recused: Nays: Absent: Abstain:	0 0 (Mr. Levin, Mr. Weilheimer)

**Z.B. 16-6577 MICHAEL & JESSICA MARSHALL** - Public Hearing for a Bulk Variance to Construct a to construct a 5' x 17' covered porch with 4' x 6' steps, with Insufficient lot frontage and Insufficient front yard setback for principal structure, located at 197 Route 520, Block 184, Lots 5 in the R20 zone

The Applicants propose to construct a 5 foot x 17 foot landing, steps, and associated stairway along the Deep Run Court façade of the dwelling. The Applicants indicate that there was a previous reorientation of the existing dwelling to relocate the front entry from along Route 520 to the Deep Run Court site frontage.

Michael Marshall was sworn in and gave testimony. Mr. Marshall stated that a covered porch was no longer being proposed and that there would only be a landing, with steps and railing. Mr. Marshall

further stated that the driveway has an existing asphalt surface. Mr. Marshall noted that the fencing has been removed from the property. Mr. Marshall agreed that the following variance relief was required: **Section 220-56C (Table 1)** – The minimum required front yard setback is 40 feet; approximately 38 feet is proposed to the subject improvement. Mr. Marshall agreed further that the following non-conformity exists on the property: **Section 220-56C (Table 1)** – The minimum required along Deep Run Court.

**<u>PUBLIC</u>** - No one spoke on behalf of this application.

#### A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	7 (Mr. Solon, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande, Dr. Adler Mr. Verdi, Mr. Nappi)
		Recused:	: 0
		Nays:	0
Second:	Mr. Nappi	Absent:	0 (Mr. Levin, Mr. Weilheimer)
		Abstain:	0

#### **RESOLUTIONS**

**Z.B. 16-6576** JOHN SILKOWSKI - Memorialization of Resolution granting a Use Variance for an expansion of a pre-existing, nonconforming residential use in a commercial zone, along with an associated Bulk Variance to construct a 16' X 28' addition to existing home, a 10'x 20' deck and a 16' x 32' in-ground pool with 324 sq. ft. of pool patio, located at 8 Bucher Lane, Block 413 Lot 31 in the C-5 zone

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 7 (Mr. Solon, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr.Verdi & Mr. Nappi)

		Recused: 0	
		Nays:	0
Second:	Ms. DiGrande	Absent:	2 (Mr. Levin, Mr. Weilheimer)

**Z.B. 16-6578 ROSA & VINCENT TRAGNI** - Memorialization of Resolution granting a Bulk Variance to approve the existing conditions of the property with lot coverage of 19.8%, where 15% is permitted and building coverage of 6.7%, where 6% is permitted, located at 9 Embry Farm Road, Block 157 Lot 3.11 in the LC zone

A motion in the affirmative

Offered: Chairm	Chairman Shapiro	Ayes: 6 (Mr. Solon, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande, Mr.Verdi, Mr. Nappi)		
		Recused: 0		
		Nays: 0		
Second:	Mr. Zwerin	Absent: 3 (Mr. Levin, Mr. Weilheimer, Dr. Adler)		

**<u>ZB 13-6492</u>** SARAI MANAGEMENT – Revised Memorialization of Resolution granting a Bulk Variance located at Wicker Place, B lock 108 Lots 16 & 17

A motion in the affirmative

Offered: Chairman Shapiro	Ayes: 3 (Mr. Solon, Mr. Zwerin, Chairman Shapiro)	
		Recused: 0
		Nays: 0
Second:	Mr. Zwerin	Absent: 0

A motion to adjourn was offered by Chairman Shapiro, seconded by Mr. Zwerin.

Respectfully submitted

Jennifer Bajar