

**MARLBORO TOWNSHIP ZONING BOARD**  
**FEBRUARY 10, 2015**

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THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD CHAIRMAN MICHAEL SHAPIRO 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 ... MR. SOLON, MR. LEVIN, MR. ZWERIN, MR. WEILHEIMER,  
CHAIRMAN SHAPIRO, MS. DI GRANDE, and DR. ADLER

PROFESSIONALS PRESENT... MS. NEUMANN, MR. KATARYNIAK,  
MR. CUCCHIARO ESQ., AND MS. PARIS (Admin.Officer)

**SALUTE THE FLAG**

**APPROVAL OF THE JANUARY 13, 2015 ZONING BOARD OF ADJUSTMENT  
RE-ORGANIZATION MINUTES**

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer,  
Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Ms. DiGrande Nays: 0

**PUBLIC SESSION** - No one from the public spoke

**Z.B. 14-6514 MICHAEL & VENCENTA RAYA- Continued Public Hearing – Bulk  
Variance** This application is being carried to the meeting of May 26, 2015, without further notice.

**Z.B. 14-6522 JUNE MAGDA - Continued Public Hearing - Bulk Variance**

**Approval to construct a 24.4' x 17' addition to existing house, extending the length of the existing garage at 12 Orchard Parkway, Block 115 Lot 16, in the R-60 zone**

Richard Woodard the contractor for the applicant was sworn in and gave testimony. The applicant would like to extent the existing garage built in the late 70's, an additional 14' to accommodate their cars. Mr. Woodard stated that the impervious coverage will not change with this addition. Mr. Woodard sated that the property has positive drainage away from the house, and that the addition will not create a negative impact.

**In workshop**

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler).

Second: Ms. DiGrande Nays: 0

Mr. Solon stated that the addition would probably improve the property value. Mr. Zwerin agrees that the addition would be an improvement.

**Out of Workshop**

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Dr. Adler Nays: 0

All members were in favor of the application.

**A motion in the affirmative**

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Mr. Zwerin Nays: 0

**Z.B. 14-6523 SCHOOL ROAD PROPERTIES, LLC. – Continued Public Hearing - Use Variance**

Approval for a fifteen lot sub-division creating twelve new lots with new homes and keeping three existing homes that were pre-existing non-conformities on the mother lot, located at 62 School Road East, Block 362 Lot 18, in the R-80 zone

Salvatore Alfieri Esq. introduced the application to the board. Mr. Alfieri stated that the property is approximately 12 acers located on School Road, adjacent to the Bella Vista Country Club.

Mr. Alfieri stated that the best design and the best use for this property is age restricted. This is a bifurcated application. The applicant is seeking approval for the use density variance. If approved, the applicant will come back to the board for a site plan approval. The age restricted housing will be high end housing approximately 3,000 sq. ft. per home, with a two car garage. The roadway storm water management would be owned and maintained by a homeowner's association.

Mr. Cucchiaro asked for clarification regarding the lots. All the new lots will be age restricted, and the tree remaining lots with existing homes will not be age restricted. Mr. Cucchiaro asked if the existing homes will part of the homeowner's association. Mr. Alfieri stated that they will not be part of the association.

Brian Murphy P.E. of FWH Associates, P.A. was sworn in and gave testimony. Mr. Murphy gave a brief description of the neighborhood. Mr. Murphy stated that the site currently has three existing homes that are going to remain. The access road to the three homes will remain. Mr. Murphy confirmed that the stream is a category 1 stream with a 300' buffer. Mr. Alfieri asked if the buffer would be encumbered by a conservation easement. Mr. Murphy stated that it would and that no disturbance would occur in that area. Mr. Alfieri asked if the driveway leading all the way back to another existing home (lot 19) be abandoned, Mr. Murphy responded "yes". Mr. Murphy said that they will provide access to that home (lot 19) from the new road via the cul-de-sac. Dr. Adler asked if they will have vacant lots. Mr. Murphy explained that the existing homes will remain and that nothing can be built within 300' of the stream. Mr. Alfieri stated that the existing homes are not proposed to be age restricted due to the size of the structures. The existing homes cannot be enlarged at all due to the restrictions of the buffer. Mr. Murphy stated that the proposed homes will be supplied with city water and individual septic systems. Dr. Adler asked Ms. Neumann her thoughts regarding the individual septic systems for the proposed homes. Ms. Neumann said that the applicant would have to meet the Monmouth County Health Departments requirements in order to receive approval for the septic systems. Mr. Cucchiaro commented that if you have small lots, it does go negative criteria regarding setbacks of the septic to wells and neighboring properties. Mr. Cucchiaro asked Mr. Murphy, if the application is approved for the use, will they be able to resolve that issue. Mr. Murphy stated that if they get approval for the use, they will come back for Subdivision approval they will indicate the location of the septic systems. Dr. Adler asked if lot 19 can be age

restricted.

Mr. Alfieri said that his client would be willing to include lot 19 with the age restricted homes, it would need to be renovated to make it work. Mr. Alfieri stated that lot 19 is not part of this application, and that he didn't notice for a 13 lot density. When they come back for the subdivision, they will incorporate it into the application and would need to get another density variance.

**Jay Kessel – 71 School Road East**

Voiced his concerns regarding what will happen to the tree line between his home and that of the applicant's property. Mr. Alfieri stated that a landscape plan will be submitted with the subdivision.

**Magdalena Marmarosi – 55 School Road East**

Voiced her concerns regarding the size, and number of the proposed homes. Ms. Marmarosi was told it's best to pose her concerns with the applicant's planner.

James W. Higgins P.P. was sworn in and gave testimony. Mr. Higgins gave a brief description of why a density variance is needed. Mr. Higgins stated that if lot 19 is included into this application, it will reduce the density from 1.13 units per acre to 1.10 units per acre. Mr. Higgins stated that age restricted neighborhoods create less traffic than non-age restricted neighborhoods.

Mr. Levin asked if .43 is the density currently allowed. Mr. Higgins confirmed that it is.

Ms. Neumann asked if the wetlands were excluded from the density calculations to 1.13.

Mr. Higgins responded "no, I did not". Ms. Neumann stated that the wetlands area needs to be excluded in order to get the correct density. Mr. Weilheimer asked what the size of the proposed homes will be. Mr. Alfieri stated that the homes will be 3,000 sq. ft. or less.

Mr. Weilheimer asked if affordable housing will be provided. Mr. Alfieri responded that the applicant will meet whatever COAH obligations necessary. Mr. Kataryniak P.E. (Boards Planner) agrees with Mr. Higgins in regards to the traffic will not be a negative impact.

Mr. Kataryniak requested that Mr. Higgins prepare a written analysis with the traffic intensities that he testified to tonight.

**PUBLIC SESSION**

**Jay Kessel – 71 School Road East**

Voiced his concerns regarding the traffic issues on School Road East. Mr. Kessel stated that the traffic is backed up from Rt. 79, and he feels it's a very congested area. Mr. Kessel feels that this application will create a negative impact on the area.

**Magdalena Marmarosi – 55 School Road East**

Voiced her concerns regarding the traffic issues on School Road East. Ms. Marmarosi is

concerned with the number of homes proposed and would like to see less homes built.

**In workshop**

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Dr. Adler Nays: 0

The board members were in favor of the use. Mr. Weilheimer suggested that a deed restriction be recorded.

**Out of Workshop**

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Mr. Levin Nays: 0

**A motion in the affirmative**

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Mr. Zwerin Nays: 0

A motion to adjourn was offered by Chairman Shapiro, seconded by Ms. DiGrande.

Respectfully submitted

Jennifer Bajar