

MARLBORO TOWNSHIP ZONING BOARD
MARCH 22, 2016

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 7:00P.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. ZWERIN, MR. WEILHEIMER,
CHAIRMAN SHAPIRO, MS. DI GRANDE, DR. ADLER, and
MR. VERDI**

ABSENT... {1} MR. NAPPI

ARRIVED... {7:23PM} MR. LEVIN

**PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO, MS. SARAH PARIS
MR. McGINNIS P.E. {Traffic Engineer}**

SALUTE THE FLAG

**APPROVAL OF THE MARCH 8, 2016 ZONING BOARD OF ADJUSTMENT
MINUTES**

PUBLIC SESSION – *No one from the public signed up to speak.*

Z.B. 16-6567 TRIANGLE BUSINESS PARK, LLC. - Public Hearing for a Use Variance to allow an Adult Medical Day Care facility, not permitted in the zone, located at 165 Amboy Road, Block 178, Lots 293 & 294 in the IOR zone.

Salvatore Alfieri, Esq. gave a brief description of the application.

Alex Krutansky was sworn in and gave testimony. Mr. Krutansky is a consultant specializing in the development and operation of adult daycare facilities. Mr. Krutansky stated that he was consulting on this project and might be the operator but that the actual operator was unknown at this time. Mr. Krutansky noted that he had twenty years of experience in developing and operating adult daycare facilities. He stated that adult daycare facilities are designed to assist with daily living for senior citizens. Mr. Krutansky compared it to a managed care environment and explained that clients arrive at the facility and are usually dropped off by family members. Mr. Krutansky noted that in some instances clients will be dropped off by vans or buses which will be operated by the facility. Mr. Krutansky testified that there is a staffing ratio of nine employees to one patient, as well as one employee for every 70 square feet. Mr. Krutansky stated that the facility could accommodate no more than 150 clients at a time. Mr. Krutansky also noted that clients usually stay for a period of five hours and that the sessions were divided between 8 a.m. to 1 p.m. and 1 p.m. to 6 p.m. Mr. Krutansky stated that there would be no cooking on-site and that meals would be catered with a serving kitchen located in the facility. Mr. Krutansky stated that clients would not spend the entire day in the facility and that some day trips are usually planned. In response to further questions, Mr. Krutansky stated that the buses owned by the facility would be parked on-site. Mr. Krutansky testified that the facility would be licensed by the Department of Health and Human Services and that all floor plans would be approved by the Department of Community Affairs. Mr. Krutansky then explained that medical waste is stored pursuant to state safety standards and special pickups are arranged. In response to other questions, he stated that no more than one or two visitors come a day, would visit the site to run programs for the clients.

Jay Trautman, P.E. was sworn in and gave testimony. Mr. Trautman stated that he specialized in Traffic Engineering. Mr. Trautman stated that there are two hundred twenty-nine parking spaces on-site which would accommodate the forty-one parking spaces which may be necessary to serve the employees, the buses or vans that may be used, as well as the visitors on-site. He stated that the largest van would accommodate fifteen seats.

Loralei Totten, P.E., P.P. was sworn in and gave testimony. Ms. Totten testified that she believed that the use was inherently beneficial as it was similar to an assisted living facility or a daycare facility. Ms. Totten further stated that even if such use was not considered inherently beneficial, it still satisfies the positive criteria. Ms. Totten noted that it was an appropriate use in an appropriate location which served the citizens of the entire area by allowing senior citizens to have proper care during the course of the day when the family members are not necessarily at home with them. Ms. Totten further testified that the Applicant satisfied the negative criteria in that the site was already developed as an industrial

park. Ms. Totten further noted that there was an appropriate number of parking spaces and that the parking demand was actually far less than some of the permitted uses on the site. She further testified that the amount of traffic visiting the site everyday was minimal. Ms. Totten, therefore, opined that there was no substantial detriment to the Zone Plan or Zoning Ordinance.

Mr. Trautman agreed that the spaces in front of the drop-off area would be striped and designated for drop-off and pick-up. Mr. Trautman further stated that employee parking would be located on the north side of the building. Two non-bus drop-off spaces would also be striped.

PUBLIC - *No one spoke on behalf of this application.*

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	6 (Mr. Solon, Mr. Levin, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi)
		Recused:	1 (Mr. Weilheimer)
		Nays:	0
Second:	Mr. Levin	Absent:	1 (Mr. Nappi)

Z.B. 16-6570 COLLIER SERVICES, INC. - Public Hearing for a Use Variance to construct a 8,955 sq. ft., one story addition to existing School and Construct a one story 9,080 sq. ft. Arts Center, not permitted in the zone, located at 160 Conover Road, Block 153, Lots 38 & 47 in the LC zone.

John Giunco, Esq. was sworn in and gave testimony. Mr. Giunco stated that the site is currently developed with an educational use servicing middle school and high school aged students. Mr. Giunco explained that the Applicant previously obtained use variance relief along with preliminary and final site plan approval permitting the placement of temporary classroom trailers. Mr. Giunco noted, however, that the Resolution of Approval required that such trailers be removed within three years and are replaced with permanent structures. Mr. Giunco stated that the Applicant was now proceeding pursuant to that condition to construct the proposed improvements.

Eric Wagner, AIA. was sworn in and gave testimony. Mr. Wagner testified that the subject site contains approximately 255 acres and is currently improved with the existing Collier School. Mr. Wagner stated that the proposed additions are intended to replace the trailers and to expand the existing high school. Mr. Wagner noted that the proposed Arts Building will use materials which will match the existing high school. Mr. Wagner further stated that the Applicant will comply with all the recommendations issued by the Township Fire Marshall.

Daphne Galvin, P.E. was sworn in and gave testimony. Ms. Galvin confirmed that the Applicant was seeking to construct a one-story Arts Building containing 9,080 square feet, as well as a one-story building addition containing 8,955 square feet in addition to creating thirty-nine additional parking spaces. Ms. Galvin characterized the development as “major” and stated that an infiltration basin north of the high school addition had been included to accommodate the increase in stormwater runoff and that there would also be a retention pond which would help the attenuation of peak flows. She further noted that the proposed development resulted in the net increase of twenty-five (25) parking spaces. Ms. Galvin stated that the design had been intended to reduce any impact to tree disturbance. Ms. Galvin also testified that any tree removal would be subject to a tree removal permit which would be reviewed by the Township’s Certified Tree Expert.

Andrew Jafolla, P.E., PTOE. Was sworn in and gave testimony. Mr. Jafolla confirmed that the Applicant was creating an additional twenty-five parking spaces. Mr. Jafolla testified that the site would require 147 spaces and that the net increase would result in 180 spaces which will more than address all parking needs on-site. Mr. Jafolla stated that all students were transported from the sending districts and that none of them drive to the school. Mr. Jafolla stated that the proposed construction would improve the circulation on the site and would accommodate any increased traffic flow. In response to comments from the Board, Mr. Jafolla also noted that the Applicant would include directional signage on-site so as to further facilitate on-site traffic circulation.

PUBLIC - *No one spoke on behalf of this application.*

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	6 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi)
		Recused:	0
		Nays:	0
Second:	Mr. Levin	Absent:	1 (Mr. Nappi)

Z.B. 16-6573 KAMALPREET & IOLEEN VIRDI - Public Hearing for a Use Variance to construct an in-ground pool and hot tub, two covered pavilions, a gazebo, paver patios and walks, staircase and landing, and fencing in both front yards of a corner lot., located at 201 Walnut, Block 153.01, Lot 2 in the R-80/LC zone

Peter Klouser Esq. was sworn in and gave testimony. Mr. Klouser introduced the application to the board. Mr. Klouser state that in 2012 the Applicant was granted a Bulk Variance relief to construct a single family home.

Mr. Levin recused himself from this application.

Christopher McDowell P.E. was sworn in and gave testimony. Mr. McDowell gave a brief description of the application and the reasons for requesting the variances needed. Mr. McDowell explained that the applicant is proposing a 72” fence at the rear and sides of the property. A 54” fence is proposed for the front of the property. Mr. Klouser confirmed with Mr. McDowell that the driveway is gated, and that the applicant has decorative walls flanking the entrance of the driveway. Mr. Klouser confirmed with Mr. McDowell that the applicant is requesting a design waiver for landscaping between the fence and the road.

James W. Higgins P.P. was sworn in and gave testimony. Mr. Higgins gave a brief explanation as to the reasons for the need of the variances. Mr. Higgins stated that the applicant needs variances for lot coverage, as well as for the height of the fence in the front yard, and the setback for the fence in the second front yard. The applicant also need a variance for the landscaping between the fence in the second front yard and the street. Mr. Higgins stated that the Pavilions do not require a variance, that it would require a design waiver due to it being an open air structure. Chairman Shapiro asked if the applicant would have issue moving the pavilions back to come into compliance. Mr. Higgins stated that he didn’t know what the applicant’s intent was. Chairman Shapiro asked Mr. Klouser if he discussed the location with his the applicant, Mr. Klouser said that he doesn’t have his client in the room to ask those types of questions. Mr. Weilheimer asked to clarify the proposed setback of the fence on the second front yard. Mr. Higgins stated that the fence is proposed to be installed one foot off the property line. Mr. Weilheimer asked Ms. Neumann if the required setback was twenty feet, Ms. Neumann confirmed twenty feet is the setback. Dr. Adler asked Ms. Neumann the reason for the need of the setback from the pool. Ms. Neumann confirmed that the setback is for safety reasons. Mr. Klouser stated that the board has raised some concerns that he would need to address with his client and asked that the applicant be carried to the next meeting.

Application to be carried to April 12, 2016 without further notice to property owners.

