

MARLBORO TOWNSHIP ZONING BOARD

July 11, 2017

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 ... {6} MR. SOLON, MR, ZWERIN, MR. WEILHEIMER, MS. DI GRANDE, DR. ADLER and MR. POWERS

ABSENT... {2} MR. VERDI, and CHAIRMAN SHAPIRO

PROFESSIONALS PRESENT... MS. NEUMANN, P.E., and MR. CUCCHIARO ESQ.

SALUTE THE FLAG

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

Z.B. 17-6615 Weisurk, LLC. – Continued Hearing for a Use Variance to change from Dental Office to a Veterinary Hospital, located at 90 Route 520, Block 176, Lots 103 in the R-20 zone.

The subject property is currently improved with a one-story building which was previously used as a dentist office and has parking for twenty-eight vehicles. The site has an access via a one-way entry drive near the westerly side property line and a one-way exit drive near the easterly side property line with a site identification sign located along the Route 520 site frontage.

The Applicant is now seeking use variance relief in order to convert the existing building to a veterinary clinic. The Applicant will not be conducting any site improvements.

Salvatore Alfieri, Esq. Counsel for the Applicant, was sworn in and gave testimony. Mr. Alfieri stated that the subject site was last used as a dentist office and that the Applicant was seeking to convert same to a veterinary clinic and that no site improvements were proposed.

Dr. Scott Turk, the Applicant was sworn in and gave testimony. Dr. Turk stated that the subject property currently contains a vacant structure which was previously used as a dentist office. Dr. Turk noted that he currently operates a veterinary clinic on Route 9 within the Township. He characterized the practice as being a full service veterinary clinic with hours of operation from 8:00 a.m. to 8:00 p.m. during the weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays and 8:00 a.m. to 3:00 p.m. on Sundays. He further noted that there are holiday hours from 8:00 a.m. to 12:00 p.m. He specifically stipulated that these would be the permanent hours of operation. He further stated that the existing building and site accommodated the needs of the clinic and that there were no site improvements being proposed. The only modifications would be in the interior of the building. In response to questions from the Board, Dr. Turk stated that he understood that no other tenants would be permitted in the building without further variance relief. He also noted that the existing freestanding sign would be maintained with the only change being the identification of the veterinary clinic.

Dr. Turk stated that there would be a maximum of twelve employees on the site at any given point in time. He further testified that there are twenty-eight parking spaces which would accommodate both the employees and customers. Dr. Turk explained that medical waste would be kept on-site and removed via a contractor on a weekly basis. He also noted that deliveries come by box trucks. In response to questions from the Board, he stated that the Applicant does not board any animals overnight in any circumstance. He further noted that there is a dumpster on the property which handles non-medical waste.

John Rea, P.E. Applicant's traffic engineer, was sworn in and gave testimony. Mr. Rea testified that he had reviewed the ITE Standards for veterinary clinics and opined that a clinic of this size required twenty-four parking spaces whereas twenty-eight spaces exist. He did, however, note that the Applicant had depicted only one handicap parking space where two were required. He stated that there was enough space on the property that an additional handicap parking space could be provided without losing any other spaces. The Board's Traffic Engineer agreed with this analysis. Mr. Rea further commented that the Applicant was proposing 9 x 18 parking spaces which would generally be suitable for this type of use.

Jason Auciello, P.P., AICP. Applicants Planner, was sworn in and gave testimony. Mr. Auciello stated that veterinary clinics were not permitted in any zone within the Township. He stated that the subject site had been used for a medical use previously which had been found to be particularly

suitable for the site. He opined that the proposed veterinary use was a similar medical use which would also be suitable to this site. He, therefore, concluded that the positive criteria was satisfied. Mr. Auciello also concluded that the negative criteria had been satisfied because the previous dental use operated without any substantial detriment to the zone plan or zoning ordinance and that the proposed veterinary use contained adequate parking and would operate in a smaller manner. He further characterized the proposal as an adaptive use of the property.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 6 (Mr. Solon, Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande, Dr. Adler & Mr. Powers)

Nays: 0

Second: Mr. Zwerin

Absent: 2 (Mr. Viridi, & Chairman Shapiro)

Abstain: 0

Z.B. 16-6570 Collier Services, Inc. - Public Hearing to amend a Use Variance and associated Site Plan for placement and hook-up of one additional classroom trailer and a five year extension to allow this new trailer and existing temporary classroom trailers to remain until April 15, 2023, located at 160 Conover Road, Block 153, Lots 38 & 47 in the LC zone.

The subject site contains approximately 225 acres within the LC (Land Conservation) Zone with frontages of 2,038 feet along Beacons Hill Road to the north as well as 1,886 feet along Pleasant Valley Road to the south with an additional 866 feet along Conover Road to the west. The subject site contains various principal buildings and accessory structures in conjunction with its use as a private non-profit school for the education of students of middle school and high school age. Access to the subject site is provided by a paved driveway along Pleasant Valley Road and a paved drive along Conover Road. The subject property also has access from Beacon Hill Road via a paved driveway which also provides access from Beacon Hill Road for single family properties east of the site. A portion of the Tan Vat Brook, which is a category one waterway, traverses the site toward the south and also forms a portion of the easterly property line of the site. Various other tributaries to the Tan Vat Brook also traverse the site. A cemetery burial plot also exists on site with an apparent right-of-way easement (3 feet wide) from Pleasant Valley Road. A JCP&L power line easement also exists along the westerly property line. The Applicant was previously granted Amended Use Variance Relief along with Amended Preliminary and Final site plan approval in a Resolution memorialized on April 14, 2015 permitting the placement of

five trailer units on site for temporary classroom use. The approved trailers were to be 23.5 feet double-wide. Three trailer units are currently utilized for middle school classrooms north of Smith Hall and two trailer units are currently utilized as high school classrooms southwest of the existing high school building on site. Sidewalks, step/ramps and decks exist along the trailer units for pedestrian access. Condition # 4 of the Resolution required the trailers to be removed within three years and replaced with permanent structures.

The Applicant was then granted amended approval in a Resolution memorialized on April 12, 2016 to construct a one-story Arts Center Building (9,080 square feet) as well as a one-story building addition (8,955 square feet) attached to the existing high school classroom building. The Applicant was further approved to construct an additional thirty-nine parking spaces within the vicinity of the existing site improvements. The Applicant was permitted to widen and reconstruct the existing site access drive from Pleasant Valley Road which provides one-way exit traffic from the site. The Applicant was also to widen and curb portions of the existing interior looped circulation drive, as well as to provide sidewalk areas and a pedestrian crosswalk. Drainage improvements and re-grading of the above site access drive and interior circulation drives, which includes construction of an on-site underground retention basin to accommodate the proposed additional roof area runoff as well as a surface stormwater basin, were also approved. Septic disposal fields associated with the proposed building and building additions were further to be constructed.

The Applicant now proposes to locate a temporary trailer unit (1,440 s.f.; 24 feet x 60 feet) on-site for temporary classroom use as well as an access ramp/deck for same. The trailer unit is to be located west of the existing classroom building on-site and opposite additional classroom trailer units currently on-site. No additional site improvements, including parking and access/circulation are proposed with this application, however, the Applicant does request that a previously approved time frame restriction for the temporary classroom units per Resolution 15-6534 be extended for an additional five year term to expire April 15, 2023.

John Giunco, Esq. Counsel for the Applicant, was sworn in and gave testimony. Mr. Giunco stated that the Applicant had previously received use variance and preliminary and final site plan approval to permit a school and associated uses on the property. He explained that the capital campaign to finance these improvements was taking longer than expected and that an additional temporary trailer was required as well as a relaxation of the prior condition concerning the time period the trailers were permitted to remain on the subject site.

Eric Wagner, AIA, Applicant's architect, was sworn in and gave testimony. Mr. Wagner explained that the Board had previously granted use variance relief permitting two clusters of temporary trailers on the site. The new proposed trailer will be added to the cluster currently containing two trailers for a total of three trailers in the cluster. He testified that three new classrooms and one staff workroom will be provided as a result of the new proposal. A lavatory will be provided in the staff workroom and power is already available to the area. He stated that there will not be any additional students coming to the site, rather the existing students will be redistributed in a more efficient manner.

Sister Debbie Drago was sworn in and gave testimony. Sister Debbie reaffirmed that the new trailer was not intended to increase enrollment. She further provided a description of the school's curriculum as

well as its summer programs which included agricultural activities on the site. She noted the entire site would be handicapped accessible.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 6 (Mr. Solon, Mr. Zwerin, Mr. Weilheimer,
Ms. DiGrande, Dr. Adler & Mr. Powers)

Second: Mr. Zwerin

Nays: 0
Absent: 2 (Mr. Viridi, & Chairman Shapiro)

Abstain: 0

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

Respectfully submitted
Jennifer Bajar