

MARLBORO TOWNSHIP ZONING BOARD
September 4, 2018

THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD CHAIRMAN MICHAEL SHAPIRO AT THE MARLBORO TOWNSHIP TOWN HALL, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30 P.M.

SALUTE THE FLAG

CHAIRMAN MICHAEL 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. ZWERIN, MR. WEILHEIMER,
CHAIRMAN SHAPIRO, MS. DiGRANDE,
DR. ADLER, and MR. POWERS,**

ABSENT... {3} MR. SOLON, MR. VERDI, and MR. YOZZO

PROFESSIONALS PRESENT...

MS. LAURA NEUMANN, P.E., JOHN MILLER, ESQ., & JUSTIN DiBIASE, P.E.

A motion to approve the minutes of May 22, 2018 was offered by Chairman Shapiro, seconded by Dr. Adler. In favor: Mr. Zwerin, Chairman Shapiro, Ms. DiGrande, Dr. Adler, & Mr. Powers.

A motion to approve the minutes of June 12, 2018 was offered by Chairman Shapiro, seconded by Ms. DiGrandi. In favor: Mr. Weilheimer, Ms. DiGrande, Dr. Adler, & Mr. Powers.

A motion to approve the minutes of July 10, 2018 was offered by Chairman Shapiro, seconded by Ms. DiGrandi. In favor: Mr. Weilheimer, Ms. DiGrande, Dr. Adler, & Mr. Powers.

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

Z.B. 18-6645 Shantiniketan NJ1, LLC. - Public Hearing for Use Variance approval to allow the development of an age restricted (55+) residential apartment development containing 80 units and a community center approximately 6,700 s.f., located at 309 Texas Road, Block 120 Lot(s) 29 & 31, in the RSCS zone

Applicate requested to carried the application and will notice property owners of new scheduled date.

Z.B. 18-6663 Anthony Cioffi & Jennifer Dalcamo - Public Hearing for Bulk Variance to keep a gazebo, wood foot bridge and block walkway that was built in the front yard by a former owner of the house. No record of a permit could be found, located at 191 Beacon Hill Road, Block 132 Lot 53, in the LC zone

The subject property contains 2.4 acres with 398 feet of frontage along the north side of Beacon Hill Road at the Reids Hill Road intersection within the LC Zone District. The subject property is currently improved with a two-story and partial three-story dwelling with associated walks, rear deck, and a semi-circular paved driveway along the Beacon Hill Road site frontage. The subject property also contains an existing gazebo and walkway along the west side of the access drive.

Jennifer Dalcamo was sworn in and gave testimony. Ms. Dalcamo stated that she is seeking to maintain the existing 10 foot by 10 foot by 12 foot (height) gazebo and walkway, which he claims has existed on the subject property for over 30 years. He, therefore, requested the following variance relief: **Section 220-47C (Table I)** — The minimum lot area required is 5 acres; 2.4 acres is provided.

Section 220-47C (Table I) - The minimum lot frontage required is 400 feet; approximately 398.6 feet is provided. **Section 220-47C (Table I)** - The minimum lot width required is 400 feet; approximately 338 feet is provided. **Section 220-47C (Table I)**— The minimum front yard setback required for an accessory building is 100 feet; approximately 76 feet is provided to the gazebo structure. **Section 220-47C (Table I)**— The minimum aide yard setback required is 75 feet; 55.0 feet is provided to the existing dwelling. **Section 220-47C (Table I)** — The minimum side yard setback required for an accessory building is 40 feet; approximately 33 feet is provided to the gazebo structure. **Section 220-47C (Table I)** - The maximum percentage of lot coverage permitted is 5%; approximately 14.2% is provided. **Section 220-140D (Table III)** - The maximum percentage of building coverage permitted for a principal dwelling as well as for total building coverage is 2%; approximately 4.2% is provided for both the principal building and total building coverage including the accessory gazebo structure. **Section 220-140E (1)**- If located in a front yard, accessory buildings or structures shall be setback a minimum of twice the distance from any street line than is required for a principal building, whereby 150 feet would be required; approximately 76 feet Is provided to the gazebo structure. **Section 220-165B**— In so far as is practical, side lot lines shall not deviate more than 10 degrees from perpendicular to a straight street or radial to a curved street; the northerly side property line deviates more than 10 degrees from perpendicular to the Beacon Hill Road right-of-way. **Section 220-165C**— Each lot must

front upon an approved public street at least 50 feet in width; Beacon Hill Road has a 40-foot wide right-of-way width along the subject site frontage.

Upon questioning, Mr. Cioffi testified that the existing walkway does not extend over a pond. He did, however, state that a pond exists on each side of the walkway.

PUBLIC: There were no members of the public expressing an interest in this application

A motion in the affirmative as requested

Offered:	Chairman Shapiro	Ayes: 6 (Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, & Mr. Powers)
		Nays: 0
Second:	Ms. DiGrande	Absent: 3 (Mr. Solon, Mr. Viridi, & Mr. Yozzo)
		Recused: 0

Z.B. 18-6662 Katherine Hede - Public Hearing for Bulk Variance approval to keep existing fence that was installed connecting to the front of the house, where the ordinance requires the fence in a second front yard to be installed only off of the rear of the house and to keep an 8' x 8' hot tub installed too close to the house, located at 1 Peregrine Drive, Block 171.01 Lot 1, in the RSCS zone

The subject property contains 0.3 acres and is a corner lot located within the RSCS Zone District with 81 feet of frontage along Tennent Road (County Route 3) to the north and 125 feet of frontage along Peregrine Drive to the west. The subject property is improved with a two-story dwelling along with associated walks and rear deck, a hot tub/spa, side and rear yard perimeter fencing, and brick paver driveway along the Peregrine Drive site frontage.

Katherine Hede was sworn in and gave testimony. Mrs. Hede stated that she wishes to legitimize the existing fencing and spa/hot tub. She, therefore, requested the following variance relief:

Section 220-35C(4) - No paved terrace shall be permitted closer than 5 feet to any side or rear property line; approximately 3 feet is provided from the existing paver walkway to the southerly side property line. **Section 220-35D** - No fence shall be constructed within a conservation easement; the existing and relocated fence is within a 75-foot wide conservation easement along the Tennent Road site frontage. **Section 220-44D** – Private recreational structures and equipment shall be setback a minimum of 20 feet from any other structures, such as fencing, sheds and pools; a play structure exists on-site along the north side of the dwelling apparently with less than a 20 feet separation distance which should be verified with the Board as well as setback distance from said apparent play structure to on-site fencing. This is an additional variance aside from the previously testified fence and hot tub. **Section 220-95A(8)(b)[1]** – A fence constructed on a corner lot may start at the rear corner of the principal

structure and must be erected 20 feet from the property line, but in no event closer than 10 feet from any sidewalk; the existing fence begins near the front northwest corner of the dwelling and is located within 20 feet, including proposed relocation, of the Tennent Road right-of-way line. **Section 220-95A(8)(b)[3]** – The area between the fence and the property line on a corner property must be landscaped in a diamond pattern of a double row of landscaping, as specified therein; no landscaping appears provided between the fence and the Tennent Road right-of-way line. **Section 220-140C** – The minimum distance between an accessory building or structure and any other building(s) on the same lot shall be 20 feet; approximately 2 feet appears provided between the hot tub/spa facility and the dwelling.

PUBLIC: There were no members of the public expressing an interest in this application

A motion in the affirmative as requested

Offered:	Chairman Shapiro	Ayes: 6 (Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, & Mr. Powers)
		Nays: 0
Second:	Mr. Zwerin	Absent: 3 (Mr. Solon, Mr. Viridi, & Mr. Yozzo)
		Recused: 0

Z.B. 18-6648 Buckdale, LLC - Public Hearing for a Bifurcated Use variance to develop 45 residential homes comprised of 26 single family homes and 19 townhouses, in the C-2 Neighborhood Commercial zone, located at Buckley Road, Block 355, Lot(s) 6, 7, 8, & 11 in the C-2 zone.

Salvatore Alfieri, Esq. introduced the application and gave a brief synopsis of the application to the board members.

Sid Husain, P.E. (Applicant’s Engineer) was sworn in and gave testimony. Mr. Husain gave a description of the subject property. Mr. Husain submitted exhibit A-28 Variance Plan dated 7/17/18, revised 8/22/18. Luran Neumann, P.E. P.P., (Zoning Board’s Engineer & Planner) asked if the new submission A-28 is strictly related to a Subdivision and Site Plan stage, Mr. Husain stated that Ms. Neumann was correct. Mr. Husain submitted exhibit A-29 Marlboro Township Tax Map page 96 showing the four subject lots. Mr. Husain described the character of the surrounding properties. Mr. Husain testified that the proposed development will be able to connect to city water and sewer systems. Proposed development roads will be 24’ wide with sidewalks on both sides.

Mr. Alfieri stated that if the application is approved and they come back for Site Plan approval, Mr. Husain will provide further testimony and details.

Frank Miskovich, P.E. (Applicant's Traffic Engineer) was sworn in and gave testimony. Mr. Miskovich provided testimony to support his report. Mr. Miskovich stated that Buckley Road is a relatively low volume road way.

Justin DiBiase, P.E. (Zoning Board's Traffic Engineer) agreed with Mr. Miskovich's report.

Kristine Cofone, P.P. (Applicant's Planner) stated that the proposed application is particularly suitable for the area. Ms. Cofone stated the application will not have a negative impact on any of it's neighbors, it's a transitional piece.

PUBLIC: Mr. John Collins of 17 South Main Street – Commented that he would be willing to sell his lot to the Applicant if the Applicant has a need for it.

Lauran Neumann, P.E. P.P., (Zoning Board's Engineer & Planner) agreed with the Applicant's Planner, that this is a transitional area.

PUBLIC: There were no other members of the public expressing an interest in this application

A motion in the affirmative as requested

Offered:	Chairman Shapiro	Ayes: 6 (Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, & Mr. Powers)
		Nays: 0
Second:	Mr. Zwerin	Absent: 3 (Mr. Solon, Mr. Viridi, & Mr. Yozzo)
		Recused: 0

Z.B. 18-6653 Hindu American Temple & Cultural Center - Public Hearing for Use Variance approval to Amend Food Service Building with a new driveway access for same to be added, with a portion of the building to be elevated to 25 feet to accommodate storage of Chariot, and overhead doors to be modified to a double man door; An eagle state with a 13 foot high canopy to provide shelter for people viewing statue; Two canopies installed at entrance to temple; Paving existing overflow parking with drainage which will be connected to existing storm water basin, located at 1 Wooleytown Road, Block 147 Lot(s) 17.01 (f/k/a 13,17, &28.01), in the LC zone

Kenneth Pape, Esq., was sworn in and gave testimony. Mr. Pape, stated that the subject site has been occupied as a temple use for almost 25 years. Mr. Pape provided a brief history of the site stating that the Applicant had received use variance relief along with preliminary and final site plan approval in 2014 to construct substantial improvements to the property. Mr. Pape characterized the instant application which seeks use variance relief along with amended preliminary and final site plan approval as proposing five “technical improvements.”

Jay Patel, P.E., (Applicant’s Engineer) was sworn in and gave testimony. Mr. Patel stated that the Applicant was proposing the following improvements: Improvements and renovation to the food service building (Pole Barn # 2) to include a new driveway, raising a portion of the building to a 25-foot height for storage purposes and modification of overhead access doors. Construction of a canopy structure (10 feet x 8 feet; 13 feet height) including a sculpted eagle statute (a.k.a.-Garuda Mandapam) at the easterly end of the meditation/reflecting pool area. Construction of two (2) entry canopies and extension of existing stairs/landing and walkway along the easterly side of the temple building. Paving of the existing overflow parking area including drainage improvements connecting to the existing on-site stormwater basin. Mr. Patel specifically testified that the proposed canopy for the stature is necessary in order to protect worshipers. Mr. Patel then stated that the height of pole barn # 2 was being increased by 25 feet in order to provide additional storage on the site. He further explained that the proposed canopy of the easterly side doors is necessary in order to protect the individuals who are entering the temple. Mr. Patel next testified that the proposed improvements to the parking lot were intended to improve drainage. Mr. Patel next stated that the Applicant would comply with all recommendations contained in the Board Engineer’s report.

Lorelei Totten, P.P., A.I.C.P., (Applicants Planner) was sworn in and gave testimony. Ms. Totten stated that the Applicant had previously received use variance relief along with preliminary and final site plan approval. She stated that the proposed improvements constituted only a *de minimis* expansion of the previously approved project but that such expansion nonetheless required new use variance relief along with an amended preliminary and final site plan approval. Ms. Totten also stated that the use is inherently beneficial and therefore, presumptively satisfies the positive criteria. There was further testimony that the negative criteria continued to be satisfied because the proposed improvements were only minor in nature.

Nehal Jhaveri, A.I.A., (Applicant’s Architect) was sworn in and gave testimony. Mr. Jhaveri stated that as an increase of the roof on pole barn # 2 is necessary to accommodate necessary storage on site. He also stated that the canopies for the eastern entrance would be approximately 7 feet by 22 feet. Mr. Jhaveri also noted that the proposed staircase would result in a safer means of internal circulation and the existing walkway stairs. Mr. Jhaveri finally stated that the canopy to protect the statute area would consist of four (4) columns and a roof.

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

A motion in the affirmative as requested

Offered: Chairman Shapiro Ayes: 6 (Mr. Zwerin, Mr. Weilheimer,
Chairman Shapiro, Ms. DiGrande,
Dr. Adler, & Mr. Powers)
Nays: 0
Second: Mr. Zwerin Absent: 3 (Mr. Solon, Mr. Viridi, & Mr. Yozzo)
Recused: 0

RESOLUTIONS

Z.B. 18-6657 Eric & Janine Zaslavsky - Memorialization of Resolution granting a Bulk variance to construct a 512 sq. ft. in-ground pool, associated pool patio and fence within 100 feet of the top of bank of stream and to keep spa/hot tub in existing location, located at 24 Goshawk Court, Block 171.02, Lot 7 in the RSCS zone.

A motion in the affirmative as requested

Offered: Chairman Shapiro Ayes: 5 (Mr. Solon, Mr. Weilheimer,
Chairman Shapiro, Ms. DiGrande, &
Dr. Adler)
Nays: 0
Second: Ms. DiGrande Absent: 2 (Mr. Viridi, & Mr. Zwerin)
Recused: 1 (Mr. Powers)

A motion to adjourn was offered by Chairman Shapiro, seconded by Dr. Adler.

Respectfully submitted
Jennifer Bajar