

MARLBORO TOWNSHIP ZONING BOARD
September 25, 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 ... {5} MR. WEILHEIMER, CHAIRMAN SHAPIRO, MS. DiGRANDE, MR. POWERS, and MR. YOZZO

ABSENT... {4} MR. SOLON, MR. VERDI, MR. ZWERIN, and DR. ADLER

**PROFESSIONALS PRESENT...
MS. LAURA NEUMANN, P.E., & MR. CUCCHIARO, ESQ.,**

A motion to approve the minutes of June 26, 2018 was offered by Chairman Shapiro, seconded by Ms. DiGrande. In favor: Chairman Shapiro, Ms. DiGrande, & Mr. Powers.

A motion to approve the minutes of August 14, 2018 was offered by Chairman Shapiro, seconded by Mr. Powers. In favor: Chairman Shapiro & Mr. Powers.

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

Z. Z.B. 18-6660 John & Robyn Buglino - Public Hearing to construct a one story, 38' x 28' addition to existing single family home and install a 28' x 37' paver patio, located at 5 Colts Run, Block 408, Lot 20 in the PAC zone

Application to be carried to December 11, 2018 without further notice to property owners.

Z.B. 18-6655 John Mullan - Public Hearing to further subdivide two of the three lots, thereby creating a fourth lot, all of which will be undersized for the LC zone they are located in – A Density Variance is now required, located at 67 & 68 Roosevelt Avenue, Block 138, Lot(s) 14.01 & 14.02 in the LC zone

Application to be carried to December 11, 2018 without further notice to property owners.

Z.B. 17-6616 Goddard Estates, LLC - Public Hearing for a Density Use variance to create a five lot sub-division, located at 42 Vanderburg Road, Block 359.01, Lot 26 in the R-20AH-1 zone

Application to be carried to November 27, 2018 without further notice to property owners.

Z.B. 18-6666 Gary Tolchin - Public Hearing to keep existing conditions including the pool, pool house and related amenities, located at 10 Black Walnut Way, Block 363.02, Lot 5 in the R-80 zone

Salvatore Alfieri, Esq. introduced the application to the board. Mr. Alfieri stated the Applicant is seeking bulk variance relief to retain the existing site improvements which currently violate the required zone requirements.

Gary Tolchin (Applicant) was sworn in and gave testimony. Mr. Tolchin stated that he purchased the subject property 22 years ago. Mr. Tolchin also stated that Sylvan Pools obtained permits for the construction of the existing swimming pool, pool house and paved patio but failed to comply with the terms of the permits. Mr. Tolchin added that he is now selling the subject property and that the violations were revealed during a certificate of occupancy inspection. Mr. Tolchin therefore, requested the following variance relief: **Section 220-48C (Table I)** - The minimum required side yard setback for an accessory structure is 25 feet; 9 feet is provided to the shed along the westerly side property line. **Section 220-48C (Table I)** - The maximum percentage of total lot coverage permitted is 15% ; approximately 15.6% is indicated as provided. **Section 220-140 (Table III)** — The permitted building coverage allowed within an R-80 Zone for accessory structures shall be 1,000 s.f.; approximately 1,220 s.f. is indicated as provided including the shed and pool house/cabana. **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, except that accessory buildings or structures may be placed a minimum of 10 feet from pools; 9.4 feet is provided between the pool house/cabana overhang and the in-ground swimming pool. Mr. Tolchin also testified that he has not experienced any drainage issues on the property at any time. Mr. Tolchin further testified that the pool house contains a bathroom and sitting area but does not contain a shower. Mr. Tolchin also stated that the pool house has never been used as a living area at any time.

Laura Neumann, P.E., P.P., (Zoning Board’s Engineer and Planner) testified the construction of the pool and other improvements also triggered the need for bulk variance relief for maximum permitted lot coverage where 28% maximum is permitted and approximately 36% lot coverage exists. Ms. Neumann further testified that she requested that the Applicant provide an analysis of the impact of the improvements on adjacent wetlands.

Marc Leber, P.E., (Applicant’s Engineer) was sworn in and gave testimony. Mr. Leber stated that the distance from the existing swimming pool to the wetlands is approximately 90 feet, which exceeds the 50 foot buffer requirement.

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: 5 (Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Mr. Powers, & Mr. Yozzo)
		Nays: 0
Second:	Ms. DiGrande	Absent: 4 (Mr. Solon, Mr. Viridi, Mr. Zwerin, & Dr. Adler,)
		Recused: 0

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

Respectfully submitted
Jennifer Bajar