

MARLBORO TOWNSHIP ZONING BOARD

April 9, 2019

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... MR. SOLON, MR. VERDI, MR. ZWERIN, MR. WEILHEIMER, CHAIRMAN SHAPIRO, MS. DiGRANDE, MR. POWERS, and MR. YOZZO

PRESENT ... {5} MR. VERDI, MR. ZWERIN, CHAIRMAN SHAPIRO, MS. DiGRANDE, and MR. POWERS

ABSENT... {2} MR. WEILHEIMER and MR. YOZZO

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

MR. SOLON ARRIVED AT 7:36 PM

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

Z.B. 19-6676 Cornell Developers, LLC. - Public Hearing for Bulk Variance to demolish existing one story frame dwelling and metal shed and build a new two story, single family dwelling with a side entrance three car garage, located at 53 Harbor Road, Block 170, Lot 18, in the LC zone

Applicant requested to carried to the May 28, 2019 hearing without further notice to property owners.

Z.B. 18-6665 David Jones - Public Hearing requesting Certification of Pre-existing non-conforming use for Davy Jones Paving, an auto repair garage, and a residential rental on same lot, and Appeal of Zoning Officer's Decision, located at 184 Texas Road, Block 108, Lot 3 in the LC zone

Applicant requested to carried to the May 14, 2019 without further notice to property owners.

Z.B. 16-6583 Marlboro Muslim Cemetery, Inc. – Continued Public Hearing for Use Variance and Amended Site Plan approval requesting to construct a 20' x 30' equipment shed and to utilize a separate section for smaller graves for babies where sixty-five already exist and where another one hundred and thirty-five plots are proposed, located at 340 Spring Valley Road, Block 146 Lot 48, in the LC zone

Application carried to April 30, 2019 without further notice to property owners.

Z.B. 16-6584 Tuhap Holdings, LLC. - Continued Public Hearing for a Use variance to use existing single family home in front of site as two family home and to use a trailer as office and the rear building for storage of vehicles and equipment for an Industrial Steam Cleaning Company, located at 168 Tennent Road, Block 147, Lot 35 in the C-2 zone

Application carried to May 14, 2019 without further notice to property owners.

Z.B. 18-6671 Robert & Dana Stein - Public Hearing for Bulk Variance to place a fence in second front yard with the fence coming off of the front corner of the house and being setback ten (10') feet from the property line, located at 2 Plowshare Court, Block 374, Lot 33, in the R-30/20 zone.

Robert Stein was sworn in and gave testimony. Mr. Stein stated that he was seeking to install a six foot high vinyl fence along the side and rear property lines, as well as within the front yard area along Weathervane Way outside the limits of a sight triangle easement at the roadway intersection, in order to create a play area for his children. Mr. Stein further stated that there were certain existing non-compliant conditions on the property.

Laura Neumann, P.E, P.P., confirmed that the following non-compliant conditions existed: Section 220-54E (*Table II*) – The minimum required lot frontage for a corner lot shall be 150 feet; 99.7 feet provided along Weathervane Way. Section 220-54E (*Table II*) – The minimum required lot width for a corner lot is 150 feet; approximately 114 feet is provided at the building setback line along Weathervane Way. Section 220-54E (*Table II*) – The required rear yard setback is 50 feet; approximately 35 feet is provided to the easterly property line. Ms. Neumann confirmed variance relief was required for: Section 220-95A – Fences located within a front yard area shall be open fences exceed 3 feet in height; a 6 foot high vinyl fence is proposed within the front yard area along Weathervane Way. Section 220-95A(8)(b)[1] – For corner lots, a fence within a designated rear yard 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 proposed fence is indicated to have a 10 foot setback from the Weathervane Way right-of-way line and the fence connects to the front corner of the dwelling rather than the rear corner.

Mr. Solon recused himself from this application

Ms. Neumann asked Mr. Stein if he'd be willing to plant a double row of evergreens in a staggered pattern as a buffer, Mr. Stein agreed.

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: 4 (Mr. Viridi, Mr. Zwerin, Chairman Shapiro, & Ms. DiGrande)
Second:	Mr. Zwerin	Nays: 1 (Mr. Powers) Absent: 2 (Mr. Weilheimer, & Mr. Yozzo) Recused: 1 (Mr. Solon)

Z.B. 19-6677 Francisco Lopes - Public Hearing for Bulk Variance to construct an 828 sq. ft.

pool with 1331 sq. ft. pool coping/patio, a 507 sq. ft. covered patio and a 916 sq. ft. free-standing garage with 240 sq. ft. of it being a bathroom/cabana area for the pool located at 54 Brown Road, Block 170, Lot 47 in the LC zone

Mr. Viridi recused himself from this application.

Catherine Kim, Esq., introduced the application to the Board. Ms. Kim stated that the Applicant proposes to construct a detached two-car garage with a covered breezeway connection to the existing dwelling, as well as a covered porch addition (approximately 62 s.f.) along the front of the existing dwelling. An in-ground swimming pool with associated patio, which includes a covered patio area (approximately 484 s.f.), with associated fence enclosure are also proposed. A minor reconfiguration of the existing driveway at the proposed garage, including proposed curbing and additional lighting along the drive and a concrete apron along Brown Road are also proposed. The dwelling will be serviced by a septic disposal system which is to be relocated along the northerly side property line to accommodate the proposed improvements and all proposed improvements are located outside of the wetland buffer and JCP&L right-of-way areas encumbering the subject property. Ms. Kim also stated that there were some existing non-compliant conditions that the Applicant was seeking approval to legitimize.

Chester DiLorenzo, P.E., (Applicant's Engineer) was sworn in and gave testimony. Mr. DiLorenzo stated that the subject Property contains approximately 2.9 acres and was constrained by wetlands, as well as a high-tension power lines in the front yard. Mr. DiLorenzo observed that most properties in the subject area were also undersized. Mr. DiLorenzo stated that the following were existing non-compliant conditions on the subject Property: Section 220-47C (Table I) — The minimum required lot area is 5 acres; 2.9 acres is provided. Section 220-47C (Table 1) — The minimum required lot frontage is 400 feet; 201.6 feet is provided. Section 220-47C (Table I) — The minimum required lot width is 400 feet; approximately 200 feet is provided along the front setback line. Section 220-47C (Table I) — The minimum required side yard setback is 75 feet; 11.9 feet is provided to the dwelling. Section 220-140E(2)(c) — Sheds shall not be larger than 200 s.f. in area on lots greater than 40,000 s.f.; approximately 735 s.f. appears provided for the easterly shed. Section 220-165C — Each lot must front upon an approved public street at least 50 feet in width; Brown Road has a 33 foot existing right-of-way width along the subject site frontage. Mr. DiLorenzo then stated that the following new variance relief was required for the proposed improvements: Section 220-35D(22) — No septic tank or system part thereof shall be constructed closer than 20 feet to any property line; 15 feet appears proposed to the relocated septic tank along the northerly side property line. Section 220-35D(24)(e) — The maximum grade for lawns more than 5 feet from a building shall be 25% (4:1); 33% (3:1) is proposed along the pool patio. Section 220-47C (Table I) — The maximum permitted total lot coverage is 5%; approximately 7.4% is indicated as proposed. A coverage limit of approximately 5.4% is indicated as currently existing on site. Section 220-140D (Table III) — The maximum percentage of building coverage permitted for a principal building within an LC Zone District shall be 2%; approximately 2.5% is proposed, including the existing dwelling and porches, the garage and breezeway, and the covered patio area. Section 220-140D(1) — The maximum percentage of building coverage permitted for a principal building within an LC Zone District shall

be 2%; approximately 3.4% was initially proposed. This was later slightly reduced due to the elimination of the two sheds. Mr. DiLorenzo testified that the existing shed in the wetlands would be removed as a condition of approval. He further stipulated that the proposed swales would be subject to the review and approval of the Board Engineer. In response to questions from the Board, he stated that the fence relocation plan would require NJDEP approval.

Ms. Neumann asked why the shed placed in wetlands can't be placed in a compliant location.

The Applicant agreed remove both existing sheds and construct one new shed containing 400 square feet which would thereby reduce the existing lot coverage by 990 square feet. Ms. Kim noted that the new shed would not be located within any wetlands area. Ms. Kim also stated that all setback requirements would be complied with.

A motion in the affirmative as stipulated on the record

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

RESOLUTIONS

Z.B. 19-6678 Alice & Samuel Rein - Memorialization of Resolution granting to keep amenities (patio and walks) built during the construction of an in-ground pool which require a variance for exceeding principal building, and total lot coverage, located at 145 Micki Drive, Block 306, Lot 2, in the R-20 zone.

A motion in the affirmative as requested

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

Z.B. 19-6674 Paul Triolo - Memorialization of Resolution granting to construct a 2,767 sq. ft., two story residential home on an undersized, flag lot., located at Greenwood Road (Morganville) Block 111, Lot 31, in the R-60 zone.

A motion in the affirmative as requested

Offered: Chairman Shapiro, Ayes: 5 (Mr. Solon, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande & Mr. Powers)

Second: Mr. Zwerin Nays: 0
Absent: 2 (Mr. Weilheimer, & Mr. Yozzo)
Recused: 0

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

Respectfully submitted
Jennifer Bajar