

MARLBORO TOWNSHIP ZONING BOARD

April 30, 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 ... {4} MR. SOLON, MR. ZWERIN, CHAIRMAN SHAPIRO, & MR. POWERS,

ABSENT... {4} MR. VERDI, MR. WEILHEIMER, MS. DiGRANDE, and MR. YOZZO

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

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

Z.B. 19-6680 Billy & Agnes Yan - Public Hearing for Bulk Variance to keep garage addition built in 1985 with a Permit which exceeds permitted front yard setback in the second front yard, located at 87 Ottawa Road South Morganville, Block 327, Lot 17, in the R-20 zone.

The subject property contains 22,331 sq. ft. and is a corner lot with 119 feet of frontage along South Ottawa Road to the north and 115 feet of frontage along Maple Street to the west within the R-20 (Residential) Zone. The subject property is currently improved with a two-story dwelling with associated walks, rear patio and deck, and a concrete driveway along the Maple Street frontage. The Applicants are seeking bulk variance relief in order to retain an existing garage addition which violates the zone district requirements.

Agnes Yan, was sworn in and gave testimony. Ms. Yan testified that she had purchased the home in 2002 with all existing conditions. She further confirmed the absence of any ornamental structures at the end of the driveway. Ms. Yan specifically testified that the following bulk variance relief was required for the existing conditions: Section 220-56C (Table I) — The minimum required lot frontage for a corner shall be 150 feet; 132.5 feet is provided along Maple Street and 136.5 feet is provided along South Ottawa Road including the tangent distance at the roadway intersection. Section 220-56C (Table 1) — The minimum required lot width for a corner lot shall be 150 feet; approximately 130 feet is provided along the Maple Street Front setback line. Section 220-56C(Table I) — The minimum required front yard setback is 50 feet; 24.9 feet is provided to the garage addition from the Maple Street right-of-way line. Section 220-56C(Table I) — The minimum required rear yard setback is 50 feet; 45.8 feet is provided to the easterly property line. Section 220-140D(1)(Table III) — The maximum percentage of building coverage for a principal building within an R-20 Zone shall be 11%; approximately 12.6% is provided for the principal dwelling.

PUBLIC - Lynn Michaels testified that she lived at 3 Maple Street and confirmed that the Applicants' property has had all the existing improvements since at least 1985.

George Billeti of 86 Ottawa Road also testified that he had bought his house in 1983 and that the existing garage on the subject property was already existing.

A motion in the affirmative as requested

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

Z.B. 19-6679 Jared & Rachel Marder - Public Hearing for Bulk Variance to construct a 1,1583sq. ft. two story additions to existing house and to keep shed that was built too close to house located at 47 St. Lawrence Way, Marlboro, Block 312, Lot 126, in the R-20 zone.

The subject site contains 20,000 s.f. and is located within the R-20 Zone District with 100 feet of frontage along the south side of St. Lawrence Way approximately 948 feet east of the Memorial Drive intersection. The subject property is currently improved with a partial one-story and two-story dwelling with associated walk and rear patio, an accessory shed, and a paved drive along the St. Lawrence Way site frontage. The Applicants are proposing to construct an approximate 81 s.f. (6 feet by 13.6 feet) two-story building addition along the westerly rear portion of the dwelling, an approximate 718 s.f. two-story addition above the existing one-story portion of the dwelling, and a rear yard concrete patio area.

Jared Marder was sworn in and gave testimony. Mr. Marder testified that he and his wife were seeking variance relief in order to expand their home to accommodate their growing family. This would include adding a new bedroom, full bathroom as well as an expanded kitchen. He also noted that the concrete patio in the rear would be removed. Mr. Marder further stipulated that the existing shed which currently violates zoning standards would be removed from the subject site. He also agreed that the survey would be updated to depict the existing swingset. The rear fence would also be brought into compliance with zoning standards.

Mr. Marder stated that the following variance relief was being requested: *Section 220-140D(1)(Table III)* – The maximum percentage of building coverage for a principal building within an R-20 Zone is 11%; approximately 11.7% is proposed for the principal dwelling with the subject building additions. *Section 220-140C* – The minimum distance between an accessory building or structure and any other buildings on the same lot will be 10 feet; the existing shed is located within 10 feet of the dwelling.

PUBLIC - Fred Eckhang of 45 St. Lawrence Court testified that a drainage problem currently exists which he attributed to the subject property. He also had concern regarding the height of the proposed improvements. It was explained that the height complied with all zoning requirements. The Applicants also agreed to utilize dry wells subject to the review and approval of the Board Engineer and to also submit a plot plan.

Jennifer Bowman of 49 St. Lawrence Way who asserted that the Applicants had damaged her property in the past and that she wanted to confirm their liability for any damage caused by future actions. It was explained that such issues were beyond the Board's jurisdiction.

A motion in the affirmative as requested

Offered:	Chairman Shapiro,	Ayes: 4 (Mr. Solon, Mr. Zwerin, Chairman Shapiro,
&		Mr. Powers)
Second:	Mr. Zwerin	Nays: 0 Absent: 4 (Mr. Viridi, Mr. Weilheimer,

Z.B. 19-6681 Noel & Donna Beal - Public Hearing for Bulk Variance to renovate existing In-ground pool, to demolish existing concrete patio and replace with paver patio in sand, to replace existing pool code fence within an easement for stream cleaning, put in six, 6 foot tall post lamps, construct a 10' x 10' shed and 65 feet of landscape wall 18" – 24" high within 100 feet of the top of a bank of a stream, located at 5 Prince William Road Morganville, Block 255, Lot 66, in the R-20 zone. The subject site contains 25,403 s.f. and is located within the R-20 Zone District with 124 feet of frontage along the easterly side of Prince William Road approximately 974 feet north of the Floyd Wycoff Drive intersection. The subject property is \ currently improved with a two-story dwelling with an associated front porch and rear deck and a fence enclosed in-ground swimming pool with a surrounding patio. A portion of the West Branch of Deep Run traverses the property serving as the rear property line for the lot. The Applicants propose to renovate/reconstruct the existing in-ground swimming pool and associated patio surround and walk, construct a 100 s.f. (10 feet by 10 feet) accessory shed and retaining walls, all within new pool compliant perimeter fencing.

Donna Beal, was sworn in and gave testimony. Ms. Beal testified that the purpose of the project was to update and renovate several improvements on the subject property. This included adding pavers and a perimeter fence. Pursuant to relevant regulations, she stipulated that none of the improvements would be anchored with pavement in the ground. Ms. Beal also confirmed that a drainage easement with the Township would be required. Ms. Beal stated that the following variance relief was required: *Section 220-35D(1)(a)* – No structure shall be built within 100 feet of the top of bank of a stream or other body of water or within any drainage or conservation easement and no fence shall be constructed on a conservation easement; the proposed shed, pool equipment, portions of the fence, reconstructed in-ground pool and patio, connecting walkway and retaining walls are all proposed within 100 feet of the top of bank along the West Branch of Deep Run traversing along the rear property line. A portion of the existing deck along the rear of the dwelling also appears to be located within the 100 foot setback area. *Section 220-58C (Table I)* – The minimum required side yard setback for an accessory structure is 10 feet; 2.5 feet is proposed to the proposed pool equipment.

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. Solon, Mr. Zwerin, Chairman Shapiro,
Mr. Powers)

Nays: 0

Second: Mr. Zwerin

Absent: 4 (Mr. Viridi, Mr. Weilheimer,
Ms. DiGrande, & Mr. Yozzo)

Recused: 0

Z.B. 18-6651 Marlboro North Main, LLC. – Continued Public Hearing for a Subdivision, Preliminary & Final Major Site Plan & Use and Bulk Variances to demolish two existing homes and construct a Convenience Store with a 16 fueling positions and a two story Medical building, located at 108 and 110 North Main Street (US Highway Route 79), Block 213, Lot(s) 3, 4, &10 in the C-2 zone.

Jason Truval Esq. Applicant's Attorney introduced the application and reminded the Board of the application being before the Board in February.

Mr. Cucchiaro Esq. (Board's Attorney) interjected and asked if there were any other Attorney's here regarding this Application and to approach to enter into the record.

Mr. Joseph Visci Esq. on behalf of Saint Gabriel Roman Catholic Church

Edward F. Listen Jr. Esq. on behalf of B&D Holdings

Mr. Cucchiaro Esq. asked if the Attorney had any objection to the Board taking jurisdiction, the response was "no".

Mr. Cucchiaro noted that only four Board were in attendance tonight.

Mr. Truval gave a brief update to the Board regarding outside agency meeting with the DOT.

Dr. Joseph Cilea (Applicant) was sworn in and gave testimony. Dr. Cilea stated his credentials for the record. Dr. Cilea stated he is the owner of Advanced Wellness, located in Freehold, NJ. and has been for 23 years. Dr. Cilea stated he business focuses on treatment of pain and injuries. Dr. Cilea stated the practice is comprised of chiropractors, physical therapists, acupuncturists, nutritionists, and massage therapists. Dr. Cilea stated they have 28 employees (13 office staff and 15 clinicians). Mr. Truval asked the hours of operations; Dr. Cilea stated 9:30am. – 7:30pm. Monday – Friday, 1:30pm.-2:30pm. The office is closed for lunch. Mr. Truval asked what the typical schedule of patients is during 9:30am. -1:30pm. Shift. Dr. Cilea responded approximately 25 patients.

Mr. Cucchiaro asked if this is the anticipated operations. Mr. Truval stated he is laying the foundation for what is going to be anticipated with some minor changes.

Mr. Truval asked if they have Saturday hours, Dr. Cilea stated they are open 9:00am. to 1:00pm. Mr. Truval confirmed that Dr. Cilea was going to be the owner of the property where the medical building is proposed. Dr. Cilea stated he's looking to relocate to Marlboro to grow the practice

and provide better care for his patients.

Mr. Powers asked the square footage of the proposed building. Mr. Truval responded 20,000 sq. ft. and Dr. Cilea would be operating on the first level of the building. Mr. Powers asked if Dr. Cilea would be looking to sublet out the first floor in any way, Dr. Cilea responded “no”.

Public- Richard Naughton - 463 Route 520 (Mr. Naughton’s mother’s property) has concerns with the school hour traffic.

Michael Testa Applicant’s Architect was sworn in and gave testimony. Submitted ***Exhibit*** A-66 3D computer generated Color Rendering of the building (front door facing Saint Gabriel’s) Mr. Testa have a brief description of the proposed building. Two story steel construction building, (10,000 sq ft per floor) with an elevator with complete handicap accessibility. Mr. Testa stated the building was designed utilizing high-end finishes to better fit in with the community. Submitted ***Exhibit*** A-67 PB1 Floor plan of proposed medical building. Submitted ***Exhibit*** A-68 PB2 Exterior elevations of proposed medical building. Mr. Truval stated that Mr. Testa will be available at future meetings to answer any questions. Mr. Cucchiaro asked that a copy be provided to Mr. Listen for his review.

Public- Richard Naughton - 463 Route 520 (Mr. Naughton’s mother’s property) has concerns with the number of variances the Applicant applied for. Mr. Naughton asked the proposed building heigh. Mr. Testa stated the building height will be 34’10”.

Application carried to June 25, 2019 without further notice to property owners.

RESOLUTIONS

Z.B. 18-6655 John Mullan – Memorialization of Resolution granting a 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

A motion in the affirmative as requested

Offered: Chairman Shapiro, Ayes: 4 (Mr. Solon, Mr. Zwerin, Chairman Shapiro, & Mr. Powers)

Second: Mr. Zwerin Nays: 0
Absent: 0
Recused: 0

Z.B. 19-6677 Francisco Lopes - Memorialization of Resolution granting a 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

A motion in the affirmative as requested

Offered: Chairman Shapiro, Ayes: 4 (Mr. Solon, Mr. Zwerin,
Chairman Shapiro, & Mr. Powers)

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

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

Respectfully submitted
Jennifer Bajar