

MARLBORO TOWNSHIP ZONING BOARD
JULY 28, 2015

THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD ACTING CHAIRMAN WEILHEIMER AT THE MARLBORO TOWNSHIP TOWN HALL, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30 P.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 ... CHAIRMAN SHAPIRO, MR. SOLON, MR. LEVIN, MR. ZWERIN,
MR. WEILHEIMER, MS. DI GRANDE, DR. ADLER**

ABSENT ... 0

**PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO ESQ. AND
MS. PARIS (Admin.Officer)**

SALUTE THE FLAG

PUBLIC SESSION - No one signed up to speak.

Z.B. 15-6546 IRENE WYSOCKI – Public Hearing for a Bulk Variance to keep existing gazebo structure which houses a hot tub within 20 feet from principal structure, located at 26 Freneau Drive, Block 117 Lot 7, in the R- 30/20 zone.

Ms. Irene Wysocki was sworn in and gave testimony. Ms. Wysocki stated that in 1999 she was told by the building department, she didn't need a permit for the gazebo and hot tub. Ms.

Wysocki stated that the hot tub was installed on top of an existing patio, and the gazebo covering the hot tub, is anchored to the patio. Mr. Cucchiaro Esq. asked Ms. Wysocki who she spoke with in the building department. Ms. Wysocki said she didn't remember. Chairman Shapiro asked how far the gazebo is from the house. Ms. Wysocki said it is about 2 to 3 feet. Dr. Adler asked what the setback is off the rear property line. Ms. Wysocki said she didn't know. Dr. Adler asked if the gazebo has an opening on the top, or is it glass? Ms. Wysocki stated the top of the gazebo has a fiberglass dome on top, like a skylight. Dr. Adler asked if there was proper drainage between the two structures? Ms. Wysocki stated that there is a drywell installed.

In workshop

Offered: Chairman Shapiro

Second: Mr. Levin

Mr. Solon he has concerns with the distance between structures. Mr. Levin requested proper building inspections be conducted. Mr. Zwerin would like inspections conducted as well. Mr. Weilheimer stated that the structure and hot tube needs to be up to code. Ms. DiGrande would inspections. Dr. Adler has no issues with the application. Chairman Shapiro said he has no issue with the application as long as everything is up to code.

Out of Workshop

Offered: Chairman Shapiro

Second: Mr. Levin

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 6 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler)

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Second: Ms. DiGrande

Absent: 0
Nays: 0

Z.B. 14-6525 MARLBORO MUSLIM CEMETERY – Continued Public Hearing for a minor sub-division which represents an expansion of a non-conforming use, located at 340 Spring Valley Road, Block 146 Lot 48, in the LC zone

This application is being carried to the meeting of September 29, 2015, without further notice

Z.B. 15-6529 LITTLE MILL REALTY – Continued Public Hearing for Use Variance to permit Medical/Dental office in a residential zone, located at 2 East Frances Avenue, Block 176 Lot 102, in the R-20 zone

Mr. Levin recused himself from the application.

Mr. Joseph Paparo Esq. gave a brief overview of the application. Mr. Paparo called Justin Taylor of Dynamic Engineering (Applicant's Traffic Engineer) to testify. Mr. Taylor stated that he attended a meeting on March 5, 2015 with Monmouth County with regards to the driveway entrance off Route 520. Mr. Taylor stated that he submitted additional information the County per their request. On April 13, 2015 he met with development review committee and they determined that they would not approve access to Route 520. Mr. Miskovich P.P. (Boards Traffic Engineer) stated that it is County standard, that if there is access from a side street, they prefer it there. If the driveway was approved off Route 520, it would only be 50 feet from the intersection. It makes for a better situation, to use a side street for the entrance. Mr. Taylor spoke about the number of parking stall proposed. He stated that the applicant is proposing 17 parking stalls where 9 are required, so not to negatively impact the neighbors. Mr. Taylor submitted photos of the surrounding area. Mr. Taylor stated that he found that 1.5 cars were parked on East Frances. Mr. Paparo asked Mr. Taylor to speak about the potential queuing issues of that East Frances and Route 520. Mr. Taylor's findings were that during peak hour, only one to two cars. The proposed application would have a nominal increase in the queue. In Mr. Taylor's opinion, there will not be a negative impact on East Frances due to this application, if it were approved. Mr. Solon asked for clarification regarding the number of photos, number of days, and times they were taken. Mr. Taylor stated that they went every week, four times per week, and on average three or four times per day. Mr. Taylor stated that they probably took over one hundred photos. Mr. Solon asked if any cars were parked within 500 feet of the intersection. Mr. Solon stated that one photos shows three cars parked on East Francis. He asked if they were within 500 feet of the intersection. Mr. Taylor stated that the cars are within 500 feet.

PUBLIC -

Joseph Ambrosini – 6 East Frances Avenue

Voiced his concerns regarding a commercial use on East Francis Avenue.

Susan Kemp – 8 East Frances Avenue

Ms. Kemp asked when the traffic study was done, and voiced her concerns regarding a traffic on East Francis Avenue.

Frank Kemp – 8 East Frances Avenue

Voiced his concerns regarding a traffic on East Francis Avenue.

Richard Junkierski – 14 East Frances Avenue

Voiced his concerns regarding a traffic on East Francis Avenue.

Mr. Paparo called John McDonough (Applicant's Planner) to testify. Mr. McDonough stated that the application is suitable for this location. The applicant is proposing a 25 buffer between the proposed parking area and that of the neighboring property. Mr. McDonough stated that only 39% coverage is proposed with this application. Mr. McDonough feels that this is not tantamount to a rezone. Mr. McDonough said that this application will not create a backlog of traffic. The applicant is keeping the residential integrity by not knocking down the dwelling. Mr. McDonough said for those reasons, there will not be a negative impact or detriment to the surrounding area. He stated that the proposed application goes dark on the weekends as well as at night. Mr. McDonough sees no operative detriment, due to the hours of operation. Mr. Cucchiaro Esq. asked what the Master Plan shows for the area. Mr. McDonough stated that the Master Plan looks at the area with a very broad brush, and keeps it residential. Mr. Weilheimer asked Mr. McDonough what sites he was comparing this application to. Mr. McDonough stated a property two lots down, the fire house. He stated that that lot is affectively 100% covered over. Mr. Weilheimer asked if Mr. McDonough is comparing changing a house to an Orthodontic office to a fire facility. Mr. McDonough said yes, this is stepping down zoning, and as a planner he has to consider that. Ms. Neumann asked what zone the firehouse is in. Mr. McDonough stated that the firehouse is in the IOR zone. Ms. Neumann replied "so not a residential zone, correct?" Mr. McDonough said that he doesn't know if the "R" stands for residential. Ms. Neumann said "it does not". Mr. Paparo asked Ms. Neumann what it stands for. Ms. Neumann said "research". Mr. McDonough said the next property in the chain is the property immediately next to the proposed application. Mr. McDonough stated that property removed large trees, and converted the backyard to a parking lot, 10 feet away from the application site. Mr. McDonough said "I think that impedes the integrity of the residential use". Mr. Paparo asked Mr. McDonough if the property was in the same zone as the proposed site. Mr. McDonough said "it was in the exacted zone".

PUBLIC -

Frank Kemp – 8 East Frances Avenue

Asked how the applicants hours of operation would be confirmed and maintained?
Mr. McDonough stated that the applicant indicated that information in previous testimony.

Joseph Ambrosini – 6 East Frances Avenue

Voiced his concerns regarding preserving the integrity of the neighborhood.

Richard Junkierski – 14 East Frances Avenue

Voiced his concerns regarding the negative impact this application would have on East Francis Avenue.

Mary Ellen Fett – 2 East Frances Avenue

Stated that the majority of the potential buyer for this property wanted to convert it into an office. She feels that if the application is not approved, she won't be able to sell her home.

Frank Kemp – 8 East Frances Avenue

Requested that the Board vote against this application.

In workshop

Offered: Chairman Shapiro

Second: Mr. Zwerin

Mr. Solon has concerns with the application regarding the traffic and parking issues. Mr. Zwerin has concerns with the application. Mr. Weilheimer is against the application. Ms. DiGrande has concerns with traffic on the residential street. Dr. Adler also has concerns with traffic. Chairman Shapiro has concerns with the traffic on East Frances. If the County granted entrance on Route 520 he would be more favorable to this application.

Out of Workshop

Offered: Chairman Shapiro

Second: Ms. DiGrande

Mr. Paparo gave his closing statement and requested that the Board vote in favor of this application.

A motion to deny

Offered: Mr. Weilheimer Ayes: 5 (Mr. Solon, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler)

Second: Ms. DiGrande Absent: 0
Nays: 0
Recused: {1} Mr. Levin

MEMORIALIZATIONS

Z.B. 15-6538 PAWEL WCISLO - Memorialization of Resolution granting Expansion of a non-conforming Use and Bulk Variance approval to construct a deck, shed, and pool to an existing residential use in a C-3 zone, located at 1 Pin Oak Road, Block 269 Lot 17

Offered: Chairman Shapiro Ayes: 5 (Mr. Solon, Mr. Zwerin,
Chairman Shapiro
Ms. DiGrande, Dr. Adler)

Second: Mr. Zwerin Absent:
Nays:

Z.B. 15-6541 STANLEY CLAYTON - Memorialization of Resolution granting approval to construct a driveway within 5 feet from property line, located at 19 Clayton Road, Block 296 Lot 19 in a FRD zone

Offered: Chairman Shapiro Ayes: 5 (Mr. Solon, Mr. Zwerin,
Chairman Shapiro
Ms. DiGrande, Dr. Adler)

Second: Mr. Zwerin Absent:
: Nays:

**Z.B. 15-6540 NEW YORK SMSA LP d/b/a VERIZON WIRELESS – MARLBORO GINESI
SNN**-Memorialization of Resolution granting approval to mount two antennae on top of roof of
existing building located at 704 Ginese Drive, Block 176 Lot 112 in the IOR zone.

Offered: Chairman Shapiro Ayes: 5 (Mr. Solon, Mr. Zwerin,
Chairman Shapiro
Ms. DiGrande, Dr. Adler)

Second: Mr. Zwerin Absent:
Nays:

A motion to adjourn was offered by Ms. DiGrande, seconded by Mr. Zwerin

Respectfully submitted
Jennifer Bajar