

**MARLBORO TOWNSHIP ZONING BOARD**

**June 26, 2018**

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**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, CHAIRMAN SHAPIRO,  
   MS. DiGRANDE, DR. ADLER, MR. POWERS, and  
   MR. YOZZO**

**ABSENT...            {3} MR. SOLON, MR. VERDI, & MR. WEILHEIMER**

**PROFESSIONALS PRESENT...    MR. KEATING, P.P., MR. CUCCHIARO, ESQ.**

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

**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 September 25, 2018 without further notice to property owners.*

**Z.B. 18-6642**      **Richard & Lenore Putch** – Public Hearing for a Bulk variance to keep in-ground pool built in violation of rear yard setback and driveway built too close to property line in front by the street, located at 28 Pecan Valley Drive, Block 415, Lot 21.17 in the C-5/FDR zone.

The subject property contains 18,573 square feet with 63 feet of road frontage along the cul-de-sac terminus of Pecan Valley Drive within the C-5 (Community Commercial District II) Zone. The subject property is currently improved with a 2-story dwelling with associated walks, rear patio, an in-ground swimming pool and patio, as well as an accessory shed structure with perimeter rear yard fencing with access via a combination of paved and paver block driveway along the Pecan Valley Drive site frontage.

The Applicants are seeking bulk variance relief in order to retain the existing site improvements, which specifically include the in-ground pool and driveway, which both violate the C-5 Zone District bulk standards. Section 220-35C(4) – No paved terrace shall be permitted closer than 5 feet to any side or rear property line; approximately 4 feet is provided to the existing driveway along the southerly side property line at the right-of way. Section 220-42G(3) –A private swimming pool shall comply with the Zoning Regulations as to rear and side line requirements governing accessory buildings, whereby, a 20-foot setback is required along the rear property line; 17.8 feet is provided to the existing in-ground pool.

Richard Putch, who stated that he bought the property on September 12, 2017 in its current condition. Mr. Putch further stated that he would relocate the fence which extends onto a neighboring property within 180 days.

**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, Chairman Shapiro, Mr. DiGrande, Dr. Adler, Mr. Powers & Mr. Yozzo)
		Nays: 0
Second:	Mr. Zwerin	Absent: 3 (Solon, Verdi, & Weilheimer)
		Recused: 0

**Z.B. 18-6654**      **David Stattel** – Public Hearing for a Bulk variance to keep wood deck which was previously built too close to side property line and concrete pool patio which was built less than five feet from rear property line, located at 3 Talbot Road, Block 228, Lot 9 in the R-30/20 zone.

The subject property contains 20,178 square feet with 101 feet of frontage along River Road to the west and 200 feet of frontage along Talbot Road to the north and is a corner lot within the R-30 (Residential) Zone District. The subject property is currently improved with a 2-story dwelling with associated porch and walks, a rear deck, an in-ground swimming pool and patio with perimeter fencing, and a paved driveway along the Talbot Road site frontage.

Salvatore Alfieri, Esq. (Applicants Attorney) introduced the application to the board. Mr. Alfieri stated the Applicant is seeking bulk variance relief to retain an existing deck and in-ground swimming pool which currently violate the required zone district requirements.

David Stattel (Applicant) was sworn in and gave testimony. Mr. Stattel stated that he bought the property as-is and did not construct the deck. Mr. Stattel further stated he obtained prior surveys and permits demonstrating that the deck has existed as far back as 1969. Mr. Stattel also testified that an existing fence on the property encroached to the neighboring lot. He agreed to provide proof that the encroachment was lawful as a condition of approval.

Mr. Alfieri 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; the block and paved patio surrounding the in-ground pool is located within 5 feet along the easterly property line. Section 220-54E (Table II) - The minimum required lot frontage required for a corner property shall be 150 feet; 101 feet, including the right-of-way intersection tangent, is provided along River Road. Section 220-54E (Table II) — The minimum lot width required for a corner property shall be 150 feet; 101 feet is provided along River Road. Section 220-54E (Table II) - The minimum rear yard setback required for an accessory structure shall be 20 feet; approximately 1 foot is provided for the rear deck from the southerly property line. The setback distance for the in-ground pool from said property is 19 feet. Section 220-54E (Table II) — The maximum permitted lot coverage is 28%; approximately 36% exists. 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 underground structures such as in-ground swimming pools; approximately 7 feet is provided between the deck and the in-ground swimming pool and a 18.5 feet is provided between the dwelling and the in-ground swimming pool.

**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, Chairman Shapiro, Mr. DiGrande, Dr. Adler, Mr. Powers & Mr. Yozzo)
		Nays: 0
Second:	Mr. Power	Absent: 3 (Solon, Verdi, & Weilheimer)
		Recused: 0

**Z.B. 18-6650      CBG Farms, LLC.** - Public Hearing for a Use Variance to change use from commercial business to that of a restaurant/café and keep existing residential on site, located at 411 Route 79, Block 151, Lot 5 in the C-2 zone.

The subject property contains 4.3 acres with 593 feet of frontage along the west side of NJ State Highway Route 79 opposite the Beacon Hill Road intersection and is located within the C-2 (Neighborhood Commercial) Zone District. The subject property is currently improved with a 1-1/2 story dwelling, a partial 1-1/2 and 2-story commercial building, a 1-story accessory building, and a gazebo within the southeast portion of the site. Access is provided via a full-movement paved drive along the Route 79 site frontage with paved parking areas along the buildings and an apparent gravel parking area toward the rear. A site identification sign also exists onsite south of the site access drive.

Salvatore Alfieri, Esq. (Counsel for the Applicant) introduced the application to the board. Mr. Alfieri stated the Applicant is seeking bifurcated use variance relief to retain the existing 1-1/2 story dwelling as a residential use and to convert the 1-1/2 and 2-story commercial building (3,280 square feet) to a restaurant/café use with 54 seats, and retain the accessory building and gazebo. Access is to remain as currently exists along Route 79 and the paved parking area along the front of the commercial building is to be reconstructed, including perimeter curbing, to provide 18 parking spaces, including 1 handicap parking space . Landscape improvements are depicted along the proposed reconstructed parking area for the restaurant/café building.

Nando Ghorehin (prospective owner and operator of the proposed restaurant) was sworn in and gave testimony. Mr. Ghorehin stated that he has experience operating multiple similar restaurants in various boroughs of New York City. He further explained that the residential structure on the site would be used exclusively by the owner or operator of the restaurant. Mr. Ghorehin also noted that the barn on the site would be used for storage. Mr. Ghorehin testified that it was his intent to rehabilitate the commercial building on the site into a 54 seat restaurant which would operate between 7:00 am and 8:00 pm 7 days a week. Mr. Ghorehin anticipated that staff would arrive around 6:00 am. Mr. Ghorehin testified that the restaurant would initially serve coffee and pastries but that lunch and dinners might also be served. He agreed that tractor trailer deliveries would be prohibited. Mr. Ghorehin also stated that a dumpster would be used on site and that special cooking oil pick-ups would be scheduled.

Matthew Sharo, PE. (Applicant's Engineer) was sworn in and gave testimony. Mr. Sharo stated that the site had not been fully engineered because the Applicant was only seeking bifurcated use variance relief at this time. Mr. Sharo agreed to delineate all wetlands on the plan. Mr. Sharo stated that the existing light pole would be demolished as part of the application and that there would not be any tree removal. Mr. Sharo further stated that the Applicant would seek amended use variance relief if outdoor seating were proposed in the future.

Christine Herbert, PP, AICP (Applicant's Planner) was sworn in and gave testimony. Ms. Herbert stated that the residential and commercial buildings already existed on the property.

Ms. Herbert stated that the Applicant was simply seeking to convert the existing commercial use to a restaurant. Ms. Herbert further noted that the restaurant is a permitted use by itself, but requires use variance relief because of the mixed use with the residential structure. Ms. Herbert testified that the application really just continues the existing mixed use of the property and that it has always been an appropriate location for commercial and residential uses. Ms. Herbert also noted the close proximity of residential communities which would benefit from the restaurant. It was her conclusion that the benefits far outweighed any detriments of the grant of use variance relief.

**PUBLIC** - John Giblin of 407 Rt. 79 expressed concern over flooding and the intensity of new lighting. Mr. Alfieri stated that any proposed lighting would be moved away from any residential structures, Mr. Sharo also responded that the plan for the subject property would actually improve the existing flooding situation.

**PUBLIC** - Henry Cross of 412, Rt. 79 stated that he was concerned about traffic generation. Henry Cross also did not believe that adequate parking was provided for the proposed size of the restaurant.

**PUBLIC** - Jack Appel of 20 Coventry Terrace also echoed the concerns about traffic and parking.

*A motion in the affirmative as requested*

Offered:	Chairman Shapiro	Ayes: 5 (Mr. Zwerin, Chairman Shapiro, Mr. DiGrande, Mr. Powers & Mr. Yozzo)
		Nays: 1 (Dr. Adler)
Second:	Mr. Power	Absent: 3 (Solon, Verdi, & Weilheimer)
		Recused: 0

**RESOLUTIONS**

**Z.B. 18-6643**      **Matthew & Leslie Fischer** - Memorialization of Resolution granting a Bulk variance to keep two existing sheds and a hot tub that were built in violation of side and rear setback requirements, with insufficient distance between structures, and previously built driveway installed closer than five feet from side property line. Exceeds permitted Total lot coverage, where a setback of 20 feet from property line is required, located at 18 Cambridge Court, Block 139, Lot 16 in the R-30/20 zone

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

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

*Respectfully submitted  
Jennifer Bajar*