

**MARLBORO TOWNSHIP ZONING BOARD**

**March 27, 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 ...            {9} MR. VERDI, MR. ZWERIN, MR. WEILHEIMER,  
                                 CHAIRMAN SHAPIRO, MS. DiGRANDE, DR. ADLER,  
                                 and MR. POWERS**

**MR. SOLON – Arrived at 7:48pm.**

**ABSENT...            {1} MR. YOZZO**

**PROFESSIONALS PRESENT... MS. NEUMANN, P.P., MR. CUCCHIARO, ESQ.,  
                                 MR. DiBIASE, P.E., and  
                                 MS. SARAH PARIS, ASMINISTRATIVE OFFICER**

A motion to approve the minutes of August 8, 2017 was offered by Chairman Shapiro, seconded by Alan Zwerin. In favor: Mr. Virdi, Mr. Zwerin, Chairman Shapiro, Ms. DiGrande.

A motion to approve the minutes of January 23, 2018 was offered by Chairman Shapiro, seconded by Dr. Michael Adler. In favor: Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, & Mr. Powers.

A motion to approve the minutes of February 13, 2018 was offered by Chairman Shapiro, seconded by Dr. Michael Adler. In favor: Mr. Weilheimer, Ms. DiGrande, Dr. Adler, & Mr. Powers.

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

**Z.B. 17-6620 AALKB 8M, LLC I** - Continued Public Hearing for a Bulk Variance to build a new two-story single family dwelling on undersized lot on unimproved streets, located at 4 Thomas Lane, Block 104, Lot 8 in the R-30/20 zone.

*Application to be carried to June 12, 2018 without further notice to property owners.*

**Z.B. 17-6621 AALKB 8M, LLC II** - Continued Public Hearing for a Bulk Variance to build a new two-story single family dwelling on undersized lot, located at 8 Wicker Place, Block 108, Lot 20 in the R-30/20 zone.

*Application to be carried to June 12, 2018 without further notice to property owners.*

**Z.B. 18-6641 Jamie & Keith Tiniakos** - Public Hearing for a Bulk Variance to construct an 18' x 36' in-ground pool with 972 sq. ft. of concrete patio, with proposed lot coverage of 25.9%, water line of pool is eighteen feet away from existing shed where twenty feet is required, located at 1 Hillside Terrace, Block 171, Lot 67 in the LC zone.

Jamie Tiniakos was sworn in and gave testimony. Mrs. Tiniakos stated that she is seeking bulk variance relief in order to construct an in-ground swimming pool and concrete patio surrounding the rear yard area of the existing undersized property. Mrs. Tiniakos further stipulated that there would not be any tree removal and that they would be subject to the comments and recommendations contained in the reports of the Board's Professionals. Mrs. Tiniakos testified that the following existing non-compliant conditions exists on the property: Section 200-35C (4) — No paved terrace shall be permitted closer than 5 feet to any side or rear property line; approximately 2 feet appears provided to the existing driveway along the westerly side property line. Section 200-47C (Table I)— Minimum lot area required is 5 acres; 0.4 acres (21,000 sf) is provided. Section 200-47C (Table I) - Minimum lot frontage required is 400 feet; 105.0 feet is provided. Section 200-47C (Table I) — Minimum lot width required is 400 feet; 105 feet is provided. Section 200-47C (Table I) — Minimum lot depth required is 500 feet; 200 feet is provided. Section 200-47C (Table I)— Minimum front yard setback required is 75 feet; 41.3 feet is provided. Section 200-47C (Table I)— Minimum side yard setback required is 75 feet; approximately 10 feet is provided to the westerly side property line and approximately 17 feet is provided to the easterly side property line. Section 200-47C (Table I)— Minimum side yard setback required for an accessory building is 40 feet; approximately 8 feet is provided to the existing accessory shed structure along the westerly side property line. Section 200-140D(1) (Table III) — Maximum percentage of total building coverage permitted within a LC Zone is 5%; approximately 9.0% is provided for the one-story dwelling.

She further stated that the following additional variance relief was required: Section 200-47C(Table I) — Maximum percentage of impervious lot coverage permitted is 5%; approximately 25.9% is proposed. The existing impervious coverage is 21.3%. Section 200-42G(3)— A private swimming pool shall comply with the Zoning Regulations as to rear and side line requirements governing accessory buildings, whereby 40 foot setbacks would be required; 33 feet is proposed to the westerly side property line and 35 feet is proposed to the rear property line for the subject in-ground swimming pool.

the Marlboro Township Zoning Board of Adjustment, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Township of Marlboro; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant may be granted bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2). The Board finds the Applicant proposes a permitted use but that bulk variance relief is required.

**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. Virdi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler)
		Nays: 0
Second:	Mr. Zwerin	Absent: 0

**Z.B. 17-6638 Tiago R. Hartman** - Public Hearing for a Bulk Variance to construct a partial 2<sup>nd</sup> story addition to existing 1 ½ story home to make it a single family, two story home located at 553 Union Hill Road, Block 299, Lot 163 in the R-80 zone.

Tiago Hartman was sworn in and gave testimony. Mr. Hartman testified that his family has grown and that he was seeking to extend the second floor of the existing house for additional living space. Mr. Hartman further stipulated that there will be no businesses run on the property.

Mr. Hartman stated that the following non-compliant conditions exist on subject property:

Section 220-48C (Table I) - The minimum required lot frontage is 250 feet; 196.9 feet is provided.

Section 220-48C (Table I) - The minimum required lot width is 250 feet; approximately 191 feet is provided. Section 220-48C (Table I) - The minimum required side yard setback required for an accessory building is 25 feet; 7 feet is provided to the detached garage.

Section 220-140D(1) - The maximum permitted building coverage for accessory structures within an R-80 Zone is 1,000 s.f.; the detached garage structure (1,450 s.f.) and accessory shed structure (128 s.f.) total 1,578 s.f. 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; approximately 14 feet is provided between the accessory shed structure and the existing deck along the rear of the dwelling. Mr. Hartman then testified that the following additional variance relief was required by virtue of this application: Section 220-48C (Table I) — The minimum required front yard setback is 50 feet; 31.3 feet is proposed to the subject building addition which would match existing conditions. Section 220-48C (Table I) — The minimum required side yard setback is 50 feet; approximately 47.8 feet is proposed to the subject building addition. We note an existing side yard setback of 41.8 feet provided.

**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. Virdi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler)
		Nays: 0
Second:	Mr. Zwerin	Absent: 0

**Z.B. 17-6637 Alex Papirnik** - Public Hearing for a Bulk Variance to construct a new single family residential house with a circular driveway which exceeds permitted lot coverage for the principal structure (house) and total lot coverage (including driveway). located at 10 Silver Leaf Dr., Block 413, Lot 38.05 in the R-20 zone.

Salvatore Alfieri, Esq. introduced the application to the Board. Mr. Alfieri stated that the Applicant proposed to construct a new home at the end of Old Mill Road which is currently a vacant lot. Mr. Alfieri further stated that the Applicant initially required variance relief for lot coverage. The Applicant had, however, redesigned the property and that such relief is no longer necessary.

Brian Murphy, P.E., P.P. (Applicant’s Engineer and Planner) was sworn in and gave testimony. Mr. Murphy stated that the subject lot was surrounded by single-family homes and had a wood buffer to the adjacent lots. He further noted that the Applicant initially proposed a 30.4% lot coverage where a maximum lot coverage of 28% is permitted by Section 220-56C (Table I) of the Zoning Ordinance. He noted that the driveway had been modified so as to achieve a 23.5% coverage.

Mr. Murphy also stated that the Applicant was seeking variance relief from Section 220-140D(1) (Table III) where a maximum permitted building coverage for a principal building within the R-20 Zone District is 11% and approximately 16.3% is proposed. Mr. Murphy also stated that a concrete pad on the site was going to be removed prior to construction. He further stated that a fence located along the western property line running north to south would also be removed. In response to questions from the Board, he stated that the new driveway plan would be submitted to the Board Engineer for review and approval. Mr. Murphy then testified that the drywell plan would be submitted for review and approval to the Board

Engineer. He then added that some trees would be removed and that all appropriate tree removal permits would be secured. Mr. Murphy also noted that the Applicant would comply with all recommendations contained in the CME Report dated January 19, 2018.

David H. Feldman, AIA., (Applicant's Architect), was sworn in and gave testimony. Mr. Feldman stated that the Applicant was proposing a five bedroom home with a three-car garage. He noted that one of the rooms in the proposed home was a den which would not be served by plumbing and would not have any closets. He also stated that the proposed garage would be attached with a side entry. He stated that the proposed first floor contained 4,090 s.f. with a 2,900 square foot second floor, as well as a basement.

Mr. Murphy then presented planning testimony on behalf of the Applicant. He stated that the proposed design created the most aesthetically pleasing use of the property and that the goals of planning were therefore advanced. He also stated that the Applicant was fully aware of the size of the proposed home, as well as the size of the property and that any future use of the property for a pool would comply with all requirements and to the extent any hardship exists, such hardship is self-created. He further stated the Applicant stipulates that there would not be a pool house or shed constructed on the property in the future.

***PUBLIC - The hearing was then opened to the public.***

***Carol Pantaleo of 8Silverleaf Drive testified that there was only one tree between the subject lot and her home. The Applicant stipulated that he would not disturb the tree. The Applicant further stipulated that there would be a landscaped buffer between the subject lot and Ms. Pantaleo's lot which would be subject to the review and approval of the Board Engineer. Ms. Pantaleo asked what the overall height of the house will be. Mr. Feldman testified the height of the proposed home is 29.5 feet. Ms. Pantaleo asked if the grade will change and if so how will the Applicant prevent the drainage from impacting her lot. Mr. Murphy confirmed that the grading on the site would not cause any stormwater runoff onto Ms. Pantaleo's property.***

***Jerome Ali of 18 Old Mill Road stated that lives to the south of the subject property. He has concerns with the subject site being maintained during construction. Laura Neumann stated that Mr. Ali should notify Code Enforcement, Sarah, or herself, Laura Neumann in the Engineering Department if debris is not cleaned up from the site.***

***A motion in the affirmative with restrictions.***

Offered:	Chairman Shapiro	Ayes: 7 (Mr. Solon, Mr. Viridi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler)
		Nays: 0
Second:	Mr. Zwerin	Absent: 0

## **RESOLUTIONS**

**Z.B. 18-6640 Michael Volpe** - Memorialization of Resolution granting a Bulk variance to keep a 12' x 16' shed that too large for subject property and built in second front yard, located at 17 Appletree Ct., Block 199, Lots 18 in the R-20 zone

*A motion in the affirmative*

Offered: Chairman Shapiro Ayes: 6 (Mr. Solon, Mr. Viridi, Mr. Zwerin,  
Mr. Weilheimer, Chairman Shapiro, &  
Ms. DiGrande)  
Nays: 0  
Second: Mr. Zwerin Absent: 0

**Z.B. 17-6634 Robert P. Ross** - Memorialization of Resolution granting a Bulk variance to keep previously built driveway installed crossing the property line, located at 151 Crine Road, and 149 Crine Road, Block 171.02, Lots 31& 32 in the R-80 zone

*A motion in the affirmative*

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Viridi, Mr. Zwerin,  
Mr. Weilheimer, Chairman Shapiro,  
Ms. DiGrande, & Dr. Adler)  
Nays: 0  
Second: Mr. Zwerin Absent: 0

**Z.B. 17-6635 Dante & Dawn Hadley** - Memorialization of Resolution granting a Bulk variance to construct an in-ground swimming pool, associated patios, fence and future parking pad within 100 feet of top-of-bank of stream or body of water, located at 41 Lloyd Road, Block 118, Lot 19 in the R-30/20 zone

*A motion in the affirmative*

Offered: Chairman Shapiro Ayes: 7 (Mr. Solon, Mr. Viridi, Mr. Zwerin,  
Mr. Weilheimer, Chairman Shapiro,  
Ms. DiGrande, & Dr. Adler)  
Nays: 0  
Second: Mr. Zwerin Absent: 0

**Z.B. 17-6639 Harry Rarig** - Memorialization of Resolution granting a Bulk variance approval to

add a covered porch to existing house on undersized lot located at 29 Reids Hill Road, Block 143.10, Lot 3 in the LC zone

*A motion in the affirmative*

Offered:	Chairman Shapiro	Ayes: 7 (Mr. Solon, Mr. Viridi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler)
		Nays: 0
Second:	Mr. Zwerin	Absent: 0

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

*Respectfully submitted*

*Jennifer Bajar*