

MARLBORO TOWNSHIP ZONING BOARD

February 26, 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 ... {7} MR. SOLON, MR. ZWERIN, MR. WEILHEIMER, CHAIRMAN SHAPIRO, MS. DiGRANDE, MR. POWERS, and MR. YOZZO

ABSENT... {1} MR. VERDI

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

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

Z.B. 18-6655 John Mullan – Continued Public Hearing 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

The subject application was previously submitted to the Township Planning Board and was thereafter transferred to jurisdiction of the Zoning Board due to the necessity for density variance relief whereby

0.16 lots per acre is permitted within the LC Zone District and 0.53 lots per acre is proposed with this application.

Salvatore Alfieri, Esq., Applicant's Attorney introduced the application to the Board. Mr. Alfieri stated the Applicant is seeking a density variance relief in order to subdivide the subject property into three (3) lots. Mr. Alfieri further stated that the neighboring properties all contained residential development of a higher density. These included lots located to the northeast and northwest which are within the R-30/20 Zone. Mr. Alfieri further stating that when the original subdivision was approved by the Planning Board, the Board elected not to require a cul de sac to reduce the impervious coverage. In addition, the applicant met with the Township Fire Official to discuss the comments contained within his report.

Walter Hopkin, PE (The Applicant's Engineer) was sworn in and gave testimony. Mr. Hopkin testified that the subject parcels contain a total of 5.5 acres with frontage along a cul-de-sac terminating at Roosevelt Ave. He noted that the two (2) lots are both currently improved with single family structures. Mr. Hopkin then testified that the Applicant was seeking to subdivide the existing lots into three (3) lots with Proposed Lot 14.11 containing 66,903 s.f., Proposed Lot 14.12 containing 102,357 s.f. and Proposed Lot 14.13 containing 72,880 sf. He stated that a density variance was required because the LC Zone permits 0.16 lots per acre and 0.53 units were being proposed.

Mr. Hopkin testified that the following existing non-compliant conditions were proposed to remain: Section 220-47C(Table I) - The minimum required rear yard setback is 75 feet; 69.7 feet is provided on Lot 14.11 as an existing condition; Section 220-165B – In so far as practical, side lot lines shall not deviate more than 10 degrees from either the right angle to straight streets or radial to curved streets; the existing lot line to remain common between Lots 14.11 and 14.13 as well as the existing northerly side property line of Lot 14.11 deviate more than 10 degrees from perpendicular and radial.

Mr. Hopkin further explained that the existing structures which are proposed to remain previously were granted the following design waiver relief: Maximum longitudinal street grade of 10% permitted; 14% provided, presumably for the onsite paved driveway. 10 foot wide minimum sidewalk easement required; none provided. 36 foot minimum pavement width required; 20 feet to 27 feet is indicated as provided. 20 foot driveway width required; 16 feet provided. Maximum slope of 10% permitted within 5 feet of a building and 25% permitted for lawn areas more than 5 feet from a building; 40% and 120% are indicated as provided. Cul-de-sac tangent (presumably required to the right) whereas a left side tangent is provided for the Roosevelt Avenue cul-de-sac. Mr. Hopkin then testified that the following new non-compliant conditions were being proposed: Section 220-35C(3)(b) – Irregularly shaped lots fronting on a cul-de-sac may provide lot frontage not less than 75% of the minimum lot width requirement, whereby 300 feet would be required; 78.3 feet is proposed for 14.11 matching existing conditions and 54.1 feet and 50.0 feet are proposed for Lots 14.12 and 14.13 respectively. Section 220-35C(4) – No paved terrace shall be permitted within 5 feet to any side or rear property lines; the existing paved driveway from Roosevelt Avenue to remain would be located within 5 feet of the proposed side lot lines on each Lot 14.11, 14.12 and 14.13. Less than 5 feet is provided to the paver area around the pool to remain on Lot 14.12 from

the southerly side property line. Section 220-47C (Table I) – The minimum required lot area is 5 acres; 1.5 acres is proposed for Lot 14.11; 2.3 acres for Lot 14.12, and 1.6 acres for Lot 14.13.

Section 220-47C (Table I) – The minimum required lot width is 400 feet; approximately 208 feet is provided for Lot 14.11 as an existing condition and approximately 83 feet is proposed for both Lots 14.12 and 14.13. **Section 220-47C (Table I)** – The minimum required lot depth is 500 feet; approximately 332 feet is proposed for 14.13 and approximately 175 feet is provided on Lot 14.11 as an existing condition. **Section 220-47C (Table I)** – The minimum required side yard setback is 75 feet; 50 foot side setbacks are proposed on 14.13 and 51 feet is provide along both sides of Lot 14.12 as existing conditions, as well as 64.5 feet provided on Lot 14.11 also as an existing condition. **Section 220-47C (Table I)** – The maximum percentage of total lot coverage permitted is 5%; approximately 7.7 % is proposed for Lot 14.11 and approximately 13.5% is proposed for Lot 14.12. We note that the existing paved drive to remain on Lot 14.13 would provide approximately 5.4% coverage whereas “to comply” is indicated for said lot within the Zone Data Schedule. (Proposed 13%.) **Section 220-47C (Table III)** – The maximum percentage of building coverage permitted for a principal building shall be 2%; approximately 3.1% is provided on Lot 14.11 and approximately 2.6% is provided on Lot 14.12. (Proposed 3.2%.)

Christine Cofone, PP, AICP, (The Applicant’s Planner) was sworn in and gave testimony. Ms. Cofone testified that density variance relief was required because the LC Zone required a density of no greater than 0.16 lots per acre and that the Applicant was proposing 0.53 lots. Ms. Cofone characterized the subject lots as a “fringe” area which was already developed with two single family homes. Ms. Cofone further identified that several nearby properties also contained residential development of a similar density. In discussion with the Board, she stated that the Applicant would remove the existing shed from the subject Property. Ms. Cofone further stipulated that the driveways would have a minimum width of 20 feet. Dry wells would also be utilized in connection with the one future residential dwelling. It was her opinion that the increase in density would not be particularly perceptible and that the lots continued to be suitable for residential development at the proposed density despite any deviations from ordinance requirements.

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: 7 (Mr. Solon, Mr. Zwerin, Mr. Weilheimer,
Chairman Shapiro, Ms. DiGrande,
Mr. Powers, & Mr. Yozzo)

Second: Mr. Zwerin Nays: 0
Absent: 1 (Mr. Viridi)

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.

Ronald Cucchiaro Esq. (Board's) Attorney requested any Attorneys with regard to this application come forward and place their name and clients on record.

Frank Yozzo put on record that he listed to the previous recording, as did Alon Solon, and Stacey DiGrande.

Edward Listen, Esq. on behalf of J&B Holding Company, and Joseph Vichy on behalf of Saint Gabriel's church

Mr. Cucchiaro asked if Mr. Listen had any objection to the Board taking jurisdiction of this application. Mr. listen had no objection.

Jason Truval Esq., Applicant's Attorney gave a brief synopsis of the Application to the Board. Mr. Truval stated that the Applicant had an updated tree survey to address some of the comments of the Board and the Board professionals. Mr. Truval further stated, the traffic study was also updated to address some of the Board's comments at the previous hearing

Laura Neumann stated she had some minor comments to the Board with regard to the tree inventory plan that was submitted by the applicant. Ms. Neumann recommends trees 8 – 10 feet in height for the 78 trees listed in the plan. Ms. Neumann also stated she would like to discuss the list of vehicles that would not be served at the service station. Ms. Neumann at a prior hearing, requested the Applicant follow up on the buildings ability to have a generator hook up, but would like to know if a permanent generator would be available on site.

Mr. Truval stated the building is equipped to have a hook up for a generator, but requested that the engineer update it in the site plan. Mr. Truval asked if a memo would be satisfactory for the list of vehicles. Ms. Neumann agreed.

Chairman Shapiro invited Mr. Listen up to cross examine

Michael Gallagher, P.E. (Applicant's Attorney) who was previously sworn in at a prior hearing, was brought for cross examination. Mr. Listen requested Mr. Gallagher to go over the variance that the Applicant is seeking and why they are necessary. Mr. Gallagher gave a brief description of the site

indicating the necessary variances. Mr. Gallagher testified the Applicant is proposing to provide a subdivision. Keeping lot 4 in its current configuration, and incorporating a portion of lot 10 with former lot 3 to create lot 3.01. On lot 3.01 the following variances are required: 200' is provided along Route 79 and 213' is provided along Newman Springs Road, where 300' is required for both. Side yard setback of 23.5' for the Wawa convenience store, and 11.7' to the fueling canopy. 5' buffer to residential use, where 30' is required along lot 2. Sidewalks must be elevated 6" above parking areas, where all proposed concrete is flush with bollard system. Mr. Listen requested the D variances be listed. Mr. Gallagher stated, lot frontage along. Lot 4 impervious coverage variance 60% permitted where 62% is proposed. Four foot fence is proposed in the front around a retention basin where three feet is permitted. Variance is required for parking space size for the medical office. Applicant is proposing 9'x18', where 10'x20' is required. Parking setback of 30' is required where 10' is proposed.

Mr. Listen asked what conditions proposed application doesn't meet. Mr. Gallagher stated lot frontage, driveway, distance between service station and that of a church, as well as service station to service station. Mr. Listen asked the distance from the proposed service station to that of the high school, Mr. Gallagher stated the distance is approximately 550 feet. Mr. Listen asked what the requirement is, Mr. Gallagher stated 1000 feet.

Mr. Cucchiaro which section of the ordinance they were referring to, Mr. Gallagher stated it was section 220-108.

Mr. Listen asked if the subject properties would be in the same ownership of separate ownership. Mr. Truval stated if the application is approved lot 4 would be sold to the owner of the medical building. Mr. Listen asked if any variances would be required if the separation occurs. Mr. Truval stated that a cross access easement would be required between both properties. Mr. Listen asked if a cross access easement would be required for the church, Mr. Truval testified, yes. Mr. Listen asked the width of the access road, Mr. Gallagher stated it is 25 feet at its narrowest and 36 feet at its widest at Route 79. Mr. Listen asked the width of the opening on Newman Springs Road. Mr. Gallagher stated its 30 feet wide. Mr. Listen asked the number of required spaces for the medical building, Mr. Gallagher stated 86 spaces are required. Mr. Listen asked how many are proposed, Mr. Gallagher testified 104. Mr. Listen asked the dimensions of the parking spaces for the convenience store, Mr. Gallagher stated 10'x20', Mr. Listen asked how many spaces are being proposed 57. Mr. Listen asked what was required, Mr. Gallagher stated 37. Mr. Listen asked if the parking could be shared between the medical building & the convenience store, Mr. Gallagher stated, yes. Mr. Listen asked if lot 4 was undersized as per the ordinance as a stand alone lot. Mr. Gallagher stated, yes, three acres are required and two acres proposed. Mr. Listen asked what the proposed impervious coverage was for lot 4, Mr. Gallagher stated 62%, where 60% is required. Mr. Listen asked if the applicant were to reduce the size of the building, you could comply, Mr. Gallagher stated yes.

Chairman Shapiro asked Mr. Truval to give a brief synopsis of what professionals he will be putting on tonight. Mr. Truval stated only the Applicant's Engineer & Traffic Engineer will be speaking

tonight.

Michelle Brief P.E. P.P., (Applicant's Traffic Engineer) was sworn in and gave testimony. Ms. Brief gave a brief synopsis of the application. Ms. Brief stated the Applicant is proposing a full ingress which means a right in and a left in along Route 79, as well as just the right out. The Applicant is proposing to restrict the left out to Route 79. The Applicant is proposing a full movement access off Newman Springs Road. Mr. Brief stated an updated traffic study was performed to include Sunday 8:30am – 12:30pm (Church traffic). Mr. Truval asked if the study included school traffic, Ms. Brief stated it did. Ms. Brief stated the weather conditions were standard and no school closing at the time they were performing the study. Ms. Brief testified that she had compared the updated counts to the previous counts and not much had changed. The numbers were within 10%, but fully updated according the new counts.

Robert Nash (Board Traffic Engineer) testified the Gap study performed compared left-turning vehicles at Meglio Drive with available gaps in traffic along Newman Springs Road. The comparison, does not account for right-turning vehicles that will reduce the number of critical gaps for the left-turning vehicles at the single lane approach. The queue is spilling back passed the intersection, and needs to be resolved.

Mr. Truval asked if Mr. Nash would be preparing an updated report, Mr. Nash testified he would.

Ms. Neumann recommended the intersection be completed by adding a fourth pedestrian crossing along with pedestrian signal equipment. Ms. Brief responded, "understood".

Mr. Listen read Sgt. Jon Loyer of the Marlboro Township Traffic & Safety Bureau dated August 10, 2018 review A-42. Mr. Listen asked if the Applicant is planning to re-engineer the intersection. Ms. Brief testified the Applicant is not planning on redesigning the intersection. Ms. Brief further testified the Applicant is planning on optimizing the timing directive to make the intersection work more efficiently. Mr. Listen confirmed that vehicles are not permitted to turn left onto Route 79, Ms. Brief responded "correct".

Ms. Neumann stated the Township needs to be involved with the planning of the intersection along with the DOT, and the Applicant's Engineers.

PUBLIC: There were no members of the public expressing an interest in this application

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

RESOLUTIONS

Z.B. 18-6659 Gouinda & Sridevi Mondrati – Memorialization of Resolution granting a Bulk Variance to place a 6’ fence in the side of the property and keep the portion in the rear yard that is in violation of a permit previously granted and to keep a patio that was built within five feet of the rear property line, 12 Mallard Lane, Block 412.04, Lot 13, in the PAC-II zone.

A motion in the affirmative

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

Second: Mr. Solon Nays: 0
Absent: 4 (Mr. Viridi, Mr. Zwerin, Ms. DiGrande & Mr. Yozzo)
Recused: 0

Z.B. 18-6672 Ernest And Polivia Serghis - Memorialization of Resolution granting a Use Variance to construct a 16’ x 18.5’ addition to existing residential home and two new decks 6’ x 9’4” and 11’ x 16’ attached to existing deck with a new 8’ x 12’ pool installed in the larger if the two new deck sections located at 379 Route 79, Block 151, Lot 14, in the C-2 zone.

A motion in the affirmative

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

Second: Mr. Solon Nays: 0
Absent: 4 (Mr. Viridi, Mr. Zwerin, Ms. DiGrande & Mr. Yozzo)
Recused: 0

Z.B. 17-6616 Goddard Estates, LLC – Memorialization of Resolution granting 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

A motion in the affirmative

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

Second: Mr. Powers Nays: 0
Absent: 3 (Mr. Viridi, Mr. Weilheimer, &
Ms. DiGrande)
Recused: 0

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

Respectfully submitted
Jennifer Bajar