

MAY 24 2021

ZB# 21-6747 A-20

MEMORIALIZING RESOLUTION
FOR
MARLBORO TOWNSHIP ZONING BOARD OF ADJUSTMENT

JENNIFER AND HENRY LEE
VARIANCE APPLICATION 99-5884
BLOCK 412, LOT 214

WHEREAS, Applicants Jennifer and Henry Lee are the owners of property located at 32 Hummingbird Court, Marlboro Township otherwise known as Block 412, Lot 214 on the Tax Map of the Township of Marlboro, County of Monmouth and State of New Jersey, hereinafter referred as premises, and

WHEREAS, the Applicants have submitted an application to construct a six (6) foot high wooden fence in the side and rear yards of 32 Hummingbird Court, and

WHEREAS, the fence will be located in an area partially designated as a 60 foot wide buffer easement, and

WHEREAS, variance appear necessary from Section 84-30D(1)a and Section 84-123B prohibiting construction of fences in conservation, drainage or utility right-of-way easements, and Section 84-49.1C(4)(a) and (b) indicating that no fences shall be erected in a side yard in this zone, and

WHEREAS, Applicants served notice of the said public hearing upon all property owners entitled to such notice in accordance with the requirements of N.J.S.A. 40:55(d)-12 and therefore the Zoning Board of Adjustment has the power to hear and render a decision upon the instant application; and

WHEREAS, the Zoning Board of Adjustment of the Township of Marlboro did conduct a public hearing on said application on July 14, 1999 at which time the applicants and all interested parties and the public were afforded an opportunity to appear, speak and present testimony and evidence with respect to said application and;

WHEREAS, testimony was given by Jennifer Lee and Henry Lee, and;

WHEREAS, the following exhibits were moved into evidence and the Board has considered these exhibits :

- A-1 Application-Petition on Appeal;
- A-2 Letter of Denial;
- A-3 Affidavit of Service;
- A-4 Adjacent Property Listing;
- A-5 Certified white receipts and green cards;
- A-6 Affidavit of Publication;
- A-7 Tax Collector's Certification;
- A-8 Indemnification and Hold Harmless Agreement;
- A-9 Owner's Affidavit of Authorization;
- A-10 Engineer's Report from Dean Staknys, Township Engineer dated;
- A-11 Survey and Plot Plan prepared by Crest Engineering Associates, Inc., dated March 30, 1998; and
- P-1 Photo taken by Mr. Pallcove,

NOW THEREFORE, based upon the testimony and evidence presented at the public hearing, the Zoning Board of Adjustment makes the following findings of fact and reaches the following conclusions of law:

1. Jennifer and Henry Lee are the owners of real property located at 32 Hummingbird Court, Township of Marlboro, Monmouth County, New Jersey designated as Block 412, Lot 214 on the official Tax Map of the Township of Marlboro; and
2. Taxes on said property are paid and current; and
3. The said property is located in the PAC II zone as established in the Township of Marlboro; and
4. Applicants wish to install a six (6) foot high wooden fence in their backyard partially across the designated buffered easement; and
5. The purpose for this fence is for the protection of their young, active son; and
6. The Lees are concerned about busy traffic in the neighborhood and wish to fence the yard so that their son cannot wander into traffic; and
7. The residents of Hummingbird Court raised concerns that the location of the fence would prohibit access to the rear yards of any interior units; and
8. Based upon the concerns raised by the residents, the Zoning Board members requested and the Lees agreed to move the back fence 30 feet from the rear property line from the originally proposed 20 feet.

THEREFORE, be it resolved by the Marlboro Township Zoning Board of Adjustment that the relief requested by the Applicants for variances on Section 84-30D(1)a, Section 84-

123B and Section 84-49.1C(4)(a) and (b) can be granted without substantial detriment to the public good and without substantially impairing the intent and propose of the Zoning Ordinance of the Township of Marlboro.

BE IT FURTHER RESOLVED by the Marlboro Township Zoning Board of Adjustment that on the 14th day of July, 1999 variances are granted subject to the following conditions:

1. The payment of all professional review fees, including attorney's fees and engineer fees incurred by the Zoning Board of Adjustment in connection with the application.
2. No further improvements shall be granted by the Marlboro Township Zoning Board of Adjustments and no permits, including zoning permits, building permits or certificates of occupancy shall be issued to the Applicant until such payment is made.
3. The back of the fence shall be 30 feet from the rear property line.
4. The front of the fence shall be in line with the neighbors' fences.
5. Prior to installation, Applicants shall submit a revised plan indicating the locations of the two (2) proposed gates.
6. Prior to installation, Applicants shall supply a letter from the developer indicating that no further plantings are contemplated.
7. Applicants are responsible for maintaining the area between the two fences.
8. The fence shall be installed in such a way that it will not inhibit the roof drain.
9. The fence shall be installed in such a way as to permit overland storm water flow.

BE IT FURTHER RESOLVED, that a copy of the within Resolution certified by the Secretary of the Marlboro Township Zoning Board of Adjustment to be a true copy shall be afforded to the applicant herein, the Clerk of the Township of Marlboro, the Zoning Officer of the Township of Marlboro, and to the Clerk of the Township of Marlboro, who is hereby directed to cause same to be published in an official newspaper in the Township of Marlboro within ten (10) days from the date hereof.

The following resolution was:

Moved by: Mrs. Hoffer

Seconded by: Mr. Castellucci

ROLL CALL	YES	NO	ABSTAIN	ABSENT
MR. ERIC MENAKER	()	()	()	(X)
MRS. IRENE STALETTS	(X)	()	()	()
MRS. MILDRED MOSES	()	()	()	(X)
MR. GERALD NEWMAN	()	()	()	(X)
MRS. SHERRY HOFFER	(X)	()	()	()
MRS. DEBORAH HOFFMAN	(X)	()	()	()
MR. STEVE WEXLER	(X)	()	()	()
MR. STEVEN SUKEL	(X)	()	()	()
MR. JOSEPH CASTELUCCI	(X)	()	()	()

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION IS A TRUE COPY OF THE RESOLUTION PASSED AT A REGULAR MEETING OF THE MARLBORO TOWNSHIP BOARD OF ADJUSTMENT ON JULY 14, 1999.

Gerald Newman

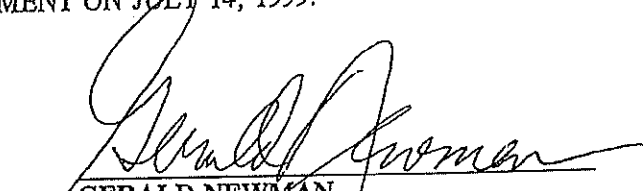
The following resolution was:

Moved by:

Seconded by:

ROLL CALL	YES	NO	ABSTAIN	ABSENT
MR. ERIC MENAKER	()	()	()	()
MRS. IRENE STALET'S	(X)	()	()	()
MRS. MILDRED MOSES	()	()	()	()
MR. GERALD NEWMAN	()	()	()	()
MRS. SHERRY HOFFER	(X)	()	()	()
MRS. DEBORAH HOFFMAN	(X)	()	()	()
MR. STEVE WEXLER	(X)	()	()	()
MR. STEVEN SUKEL	(X)	()	()	()
MR. JOSEPH CASTELUCCI	(X)	()	()	()

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GERALD NEWMAN
SECRETARY OF MARLBORO TOWNSHIP
ZONING BOARD OF ADJUSTMENT

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED AT THE MARLBORO TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD ON JULY 14, 1999.

CERTIFICATION

I hereby certify the above to be a true and exact copy of a Resolution adopted by the Marlboro Township Zoning Board of Adjustment at a meeting held on 7/28/99

ETHEL TUKACHINSKY, CLERK


Zoning Board Clerk