

MARLBORO TOWNSHIP ZONING BOARD
APRIL 14, 2015

THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD ACTING CHAIRMAN SHAPIRO AT THE MARLBORO TOWNSHIP TOWN HALL, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30 P.M.

ACTING CHAIRMAN MR. WEILHEIMER 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 ... MR. SOLON, MR. LEVIN, MR. ZWERIN, MR. WEILHEIMER
CHAIRMAN SHAPIRO, MS. DI GRANDE,**

ABSENT ... DR. ADLER

**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. 14-6528 ERIC PARETS - Continued Public Hearing for Bulk Variance approval to construct a 400 sq. ft. addition to existing home, which exceeds permitted lot coverage for principal structure at 10 Wabash Road, Block 234 Lot 11, in the R-30/20 zone.

Eric Parets (Applicant) and Chester DiLorenzo P.E Midstate Engineering were sworn in at the March 10, 2015 meeting. Mr. DiLorenzo gave testimony with regards to the revised drainage

plan. as well as the size of the addition (14' x 20').

Eric Salant - 9 Vernon Rd asked if all the gutters will be tied into the storm-basin?
Mr. DiLorenzo stated that they would.

In workshop

Offered: Chairman Shapiro

Second: Mr. Solon

Out of Workshop

Offered: Chairman Shapiro

Second: Mr. Zwerin

All members were in favor of the application.

A motion in the affirmative

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

Second: Ms. DiGrande Nays: 0

Absent: Dr. Adler Recused: Mr. Levin

Z.B. 15-6532 ERNEST & POLIVIA SERGHIS- Public Hearing for Mixed Use Variance and Site Plan approval to construct a 26' x 40' pole-barn for storage of plumbing business equipment, and to maintain the existing dwelling to reside in, with insufficient side and rear yard setbacks for existing accessory structure. Insufficient lot area, frontage, width, depth, and side yard setback for principal structure at 379 Route 79, Block 151 Lot14, in the C-2 zone.

Salvatore Alfieri Esq. introduced the application to the board. Ernest Serghis was sworn in and gave testimony. Mr. Serghis stated that he runs his small plumbing service business out of his house (379 Route 79) The business hours are Monday through Friday 9:00 am. – 5:00 pm. Mr. Serghis stated that he has one part time employee. Mr. Serghis and his wife performs all the billing and clerical duties from the house. Mr. Serghis would like to construct the 26' x 40' Pole-barn to store the plumbing materials for his business. Mr. Alfieri asked if vehicles or chemicals will be stored in the building, Mr. Serghis replied “no vehicles or chemicals will be stored in the building”. Mr. Alfieri asked what type of vehicles Mr. Serghis has for his plumbing business. Mr. Serghis stated that he has two box trucks and they will be stored in the back of the property. Mr. Alfieri asked if the existing trailer will be removed, Mr. Serghis stated that it would. Mr. Serghis stated that the business closes down around five o'clock. Mr. Alfieri asked if Mr. Serghis is planning on installing a sign for his business. Mr. Serghis stated “no, it's my personal house. I don't want to put any signs in the front of our house”.

Chairman Shapiro asked Mr. Serghis if he plans on installing a bathroom within the proposed building. Mr. Serghis stated “no”. Chairman Shapiro asked if gas, water, and electric will be run to the building. Mr. Serghis replied “water for a garden hose, electric for some lights obviously, and gas just for a heater in the winter time”.

Ms. DiGrande asked if Mr. Serghis would be running a wholesale or retail out of the building. Mr. Serghis stated “no”.

Marc Leber P.E. was sworn in and gave testimony. Mr. Leber described the property and the character of the neighboring properties. Mr. Leber stated that the applicant will be providing some trees in the rear of the building as an additional buffer. Security lights will be installed on the building as per the code requirement. The applicant is requesting a waiver from providing a Storm water management plan. The proposed building is only 1,200 sq. ft. and the property is draining to the woods in the rear. The applicant is proposing 20.25 feet to the South side yard where 40 feet is required, and 40 feet to the North side yard which complies. The required rear yard set-back is 40 feet, where as 10 feet is proposed. The lot is undersized. Because the width of the lot is 100 feet, which creates a partial hardship. A conforming lot would have a 300 foot width.

Chairman Shapiro asked if the applicant can explain to him what the detriment would be to resituate the building, to alleviate the side and rear yard set-back. Mr. Alfieri stated that the building can be moved. The applicant chose to place the building in its proposed location, because it backs up to the woods, and he would like to maintain the yard for his family.

Ms. Neumann (Board Engineer) stated that the board could waive whether or not the applicant should shift the building, or perhaps shrinking their usable yard to comply with the set-backs of the zone. Mr. Cucchiaro Esq. asked Mr. Leber, “if that rear lot were to be developed, you don't feel that there would be any detriment to that property owner having the reduced set-back?”

Mr. Leber stated that if the board would want a taller fence in the rear for additional buffering, Mr. Serghis would be willing to offer that. Chairman Shapiro stated that the issue is with the distance to the fence not its height, what's that detriment to moving the building further away

from the rear property line. Mr. Leber is now proposing rotating the building and moving it forward to alleviate some of the rear set-back issue. The building will now be 20 feet from the rear property line and 20.25 feet to the South side property line. Mr. Cucchiaro Esq. asked Ms. Neumann to explain the reorientation. Ms. Neumann stated “ the orientation would change 90 degrees coming towards the edge of the gravel as depicted on the plan, which would provide for turning and vehicles turning into the driveway”. This would provide a greater rear yard set-back. Mr. Alfieri asked Mr. Leber to provide him with the approximate set-backs for the side and rear. Mr. Leber stated that the new set-back would be 40 feet to the North side property line, and 40 feet to the rear property line, as well as 30 feet to the South property line.

PUBLIC –

Ingrid Kiss – 3 Brown Rd. has concerns regarding the set-backs of the building to the property lines. Wanted more detail regarding the lighting, the gas line, and the water line. Mr. Serghis explained to Mrs. Kiss that the lighting will only be over the door of the building. The gas line is for heating the building, and the water line is for the use of a hose.

Chairman Shapiro requested that the applicant revise his plan, reflecting the changes discussed tonight. Mr. Alfieri and Mr. Leber agreed.

This application is being carried to the meeting of May 26, 2015, without further notice.

Z.B. 15-6533 A&A LINDEN PROPERTIES, LLC.- Public Hearing for Mixed Use Variance and Site Plan approval Requesting to use existing two story dwelling as a mixed commercial/residential use with an electrical contracting office on first floor and an apartment on the second floor at 301 Route 79, Block 169 Lot 17, in the LC zone.

Salvatore Alfieri Esq. introduced the application to the board.

Anthony Vincent Accardo (Applicant) of 14 Warren Dr. was sworn in and gave testimony. The applicant would like to operate his small electrical contracting business at the proposed location. He plans on storing several vehicles on the property. He presently has 5 office employees including himself. The applicant plans on occupying the first floor for his office space. Hours of operations will be 7:00am to 3:30pm or 7:00am to 5:00pm., Monday through Friday. The existing structures will be used to store electrical materials for the applicants business. The applicant doesn't intend to store any construction materials or vehicles outside of the structures. No vehicle repairs will be performed on site. No customers will be visiting the office, nor will their be any sales out of the office. The applicant would rather not have signage, since they are not open to the public. The applicant is planning to utilize the second floor as a residential use. The second floor is currently planned out to accommodate living quarters, with four bedrooms, living room, dining room, kitchen and 2½ baths. The applicant plans on having his son's family move into the second floor residence.

Andrew Stockton P.E, P.P. (Planner) was sworn in and gave testimony. Mr. Stockton gave a brief description of the property and the character of the neighborhood. Mr. Stockton stated that the existing dwelling is set back on the property away from Route 79, approximately 355 feet and heavily wooded. Mr. Stockton stated that the dwelling has been utilized in the similar way. Previously the first floor was utilized for a Surveying company.

Public -

Bruce Castiglioni- 311 Route 79 Has some concerns with water runoff. He would rather no signage, as to keep a residential feel to the property.

In workshop

Offered: Chairman Shapiro

Second: Mr. Levin

The board is satisfied with the application.

Out of Workshop

Offered: Chairman Shapiro

Second: Ms. DiGrande

A motion in the affirmative

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

Second: Ms. DiGrande Nays: 0

Absent: Dr. Adler

Z.B. 14-6508 INSURANCE AUTO AUCTIONS, CORP. – Public Hearing for Final Site Plan phase II to approve existing conditions and to construct a pole barn for automobile storage and auction business at 425 Texas Road, Block 146 Lot 28, 30, 31 & 33 in the LC zone.

Salvatore Alfieri Esq. introduced the application by giving a re-cap of prior approvals over the years given to the applicant to conduct his business.

Mr. Cucchiaro, Esq. asked if there were any other council present that would like to enter their appearance?

Kevin Quinlan Esq. representing adjacent property owner, Mr. Szatmari

Andrew Stockton P.E. P.P. was sworn in and gave testimony.

Mr. Cucchiaro, Esq. read into record a letter received from Lee W. Shelly, Esq. on behalf of Mrs. Carmella Manzo dated 4/14/15 re: Mrs. Manzo's objections of the existing ten foot fence.

Mr. Alfieri asked Mr. Stockton to describe the final site plan improvements and or existing conditions the applicant is seeking. Mr. Stockton referred to exhibit A-21 a color aerial prepared by Eastern Civil Engineering, LLC. dated on 4/10/14 it shows the existing property boundaries. The existing tract area is about 21 acres all together. Insurance Auto Auctions, LLC. presently conducts their business on the property. They store cars on the property within the fenced area. They control the access of visitors to the property through an existing main office building.

Mr. Cucchiaro, Esq. stated that the applicant already has preliminary approvals for the improvements, so Mr. Cucchiaro suggested that Mr. Stockton concentrate on what is going into the area that was previously the tent area. What the fenced area is going to look like for the after houses drop off. Go over the buffer requirements that fall within the zoning ordinance. Mr. Stockton stated that a new Pole-barn structure (60' x 40') is proposed to replace the 60'x40' tented area, in the exact location. One section of the solid metal fence that is encroaching onto the neighboring property, will be relocated onto the applicant's property. Adjacent to the property line by Texas Road & Tylers Lane is an existing gate, that area is intended to be use for the after-hours drop off location. The applicant is proposing to install an interior fence at that location to secure the drop off area from the rest of the lot. Mr. Cucchiaro asked if the height and set-back of the existing fence is in compliance with licensing ordinance. Mr. Stockton answered "yes".

Mr. Kevin Quinlan Esq. asked if the memo that was discussed was put into evidence. Mr. Alfieri stated that it was submitted as part of the application. Mr. Cucchiaro added the Inter-office memo to John Capp from Sarah Paris dated 11/6/14 as evidence A-22. Ms. Sarah Paris was sworn in and gave testimony. Mr. Quinlan asked Ms. Paris if the subject property is located in the LC zone, Ms. Paris responded "yes, this junkyard is". Mr. Quinlan asked if she had

considered that the requirements of the Land Conservation district regarding fences be applicable. Ms. Paris said “I don’t believe they would, no”. Mr. Quinlan asked why it wouldn’t. Ms. Paris stated that all eleven junkyards were granted Non-conformity in 1984. The junkyards were given Use variances at that time as part of a court settlement. Ms. Paris stated that she inspects the junkyards once a year and that she uses section 212 as her guideline.

Public -

Daniel Matarese - 45 Texas Road Voiced his concerns regarding the approval of Insurance Auto Auctions

Adam Szatmari – Represented by Mr. Kevin Quinlan Esq. Voiced his concerns regarding the dust generated by the subject property.

Paul Smela Branch Manager of Insurance Auto Auctions (IAA) was sworn in and gave testimony. Mr. Alfieri asked Mr. Smela what the recent activity has been on the site. Mr. Smela stated, once the town approved the applicant to resurface the yard, IAA spent approximately \$150,000.00 in clean blue stone to control the dust. The truck traffic area was all resurfaced with the stone. Mr. Alfieri asked where the off-hour activity took place. Mr. Smela stated that the off-hour drop area is proposed on the western, adjacent to Tylers Ln. on the opposite side of the neighbor’s property. Mr. Quinlan asked is the applicant has plans to resurface the entire site. Mr. Smela stated that he would have to refer to the company real-estate department for that answer.

In workshop

Offered: Chairman Shapiro

Second: Ms. DiGrande

The board is satisfied with the application.

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).

Second: Mr. Solon Nays: 0

Absent: Dr. Adler

MEMORIALIZATIONS

Z.B. 14-6527 ANDREW AUGUST – Memorialization of Resolution granting Bulk Variance approval to construct a 24' x 36' free standing garage at 98 Buckley Road, Block 421 Lot 5, in the R-80 zone

Offered: Zwerin Ayes: 4 (Mr. Solon, Mr. Zwerin,
Chairman Shapiro, Ms. DiGrande)

Second: DiGrande Nays: 0
Absent: 1 Adler
Abstained: 2 Levin, Weilheimer

Z.B. 15-6530 YU – Memorialization of Resolution granting Use Variance approval to construct two additions, a 12.6' x 7' one story addition in the rear of the house and a two level 18' x 4' addition to side of house. There will be a second story addition built over the existing one story house at 59 Tennent Road, Block 149 Lot 7, in the OPT-2 zone.

Offered: Weilheimer Ayes: 5 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Ms. DiGrande)

Second: DiGrande Nays: 0
Absent: 1 Adler

Z.B. 15-6534 COLLIER SERVICES, INC. – Memorialization of Resolution granting Use Variance approval for placement and hook-up of five modular temporary classrooms pending construction of a new addition at 160 Conover Road, Block 153 Lot 38, in the LC zone.

Offered:	Weilheimer	Ayes: 5 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande,)
Second:	Levin	Nays: 0 Absent: Dr. Adler

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

Respectfully submitted
Jennifer Bajar