

MARLBORO TOWNSHIP ZONING BOARD
MAY 26, 2015

THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD ACTING CHAIRMAN MATTHEW WEILHEIMER 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 ... CHAIRMAN SHAPIRO, MR. SOLON, MR. ZWERIN, MR.
WEILHEIMER, MS. DI GRANDE, DR. ADLER**

ABSENT ... MR. LEVIN

**PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO ESQ. AND
MS. PARIS (Admin.Officer)**

SALUTE THE FLAG

**APPROVAL OF THE MARCH 24, 2015 ZONING BOARD OF ADJUSTMENT
MINUTES**

PUBLIC SESSION - No one signed up to speak.

Z.B. 14-6539 JAMES HARRISON – Public Hearing for Bulk Variance approval to install an above ground pool within 100" from top-of-bank of stream at 17 Eagle Road, Block 392 Lot 8, in the R-60/15 zone

James Harrison- 17 Eagle Road was worn in and gave testimony. Mr. Harrison stated that had purchased an above ground pool in the winter of 2014 so that his family could enjoy The pool while he's deployed. Mr. Harrison stated, it never occurred to him that he would have any issues with the installation of the swimming pool, considering both of his neighbors on either side of his home have in ground pools.

Ms. Neumann stated, there are no changes to the grade associated to the above ground pool. The relief that's being sought is its within 100 feet of the top of the stream bank. Having seen the property, the proposed location is appropriate.

Dr. Adler asked Ms. Neumann if an above ground pool is treated the same as an in ground pool. Ms. Neumann stated that the setback requirements, yes. They also need a pool permit from the building department and the engineering department. Typically, above ground pool installation does not required as much ground disturbance.

Mr. Weilheimer asked how far from the top of the bank the pool is proposed. Ms. Neumann answered 97 feet.

In workshop

Offered: Chairman Shapiro

Second: Mr. Solon

Mr. Solon in favor of the application. Mr. Zwerin is in favor of the application as well. Mr. Weilheimer is also in favor. Ms. DiGrande has no issue with the application. Dr. Adler wanted to hold off on commenting due to confusion of the distance of the pool to the top of the bank. Ms. Neumann corrected the measurement to be 80 feet to the top of the bank. Dr. Adler is in favor of the application. Chairman Shapiro is also in favor of this application.

Out of Workshop

Offered: Chairman Shapiro

Second: Dr. Adler

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 6 (Mr. Solon, Mr. Zwerin, Mr. Weilheimer,

Chairman Shapiro, Ms. DiGrande,
Dr. Adler).

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

Z.B. 14-6514 MICHAEL & VINCENTA RAYA – Continued Public Hearing for Bulk Variance approval for total lot coverage at 408 Basswood Lane, Block 120.05 Lot 23, in the RSCS zone

Ms. DiGrande recused herself for this application.

Salvatore Alfieri Esq. introduced the application to the board. Mr. Alfieri stated that a revised plan was submitted to the board. Mr. Alfieri asked Mr. Pentland to describe the proposed changes. Mr. Pentland stated the now proposed lot coverage was reduced by scaling back on areas that already existed. The square footage of a paved walkway on the side of the property was reduced. Some area was removed from the eastern side of the property as well as along the back of the addition, pavers were removed. In total the coverage was reduce from 3% to 1% over coverage, totaling 98 square feet. Mr. Alfieri commented that the shed is a plastic portable shed and is not affixed to the ground as well as the grill is not a permanent structure.

Public – No one from the public spoke

In workshop

Offered: Chairman Shapiro
Second: Mr. Zwerin

Mr. Solon acknowledged the effort that the applicant put in to reduce the lot coverage that was proposed would like clarification regarding the hot tub. Mr. Zwerin has some concerns as well. Mr. Weilheimer is in favor. Dr. Adler is in favor of the application with the currant revisions. Chairman Shapiro is also in favor of this application.

Out of Workshop

Offered: Chairman Shapiro
Second: Dr. Adler

Chairman Shapiro asked that Mr. Pentland explain the location of the hot tub. Mr. Pentland stated that the hot tub is located along the northern side in the rear of the property. It was previously located where the addition is now proposed. Chairman Shapiro asked if it was a permanent structure, Mr. Pentland responded “no”.

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes: 5 (Mr. Solon, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Dr. Adler).
Second:	Mr. Weilheimer	Abstained: 1 (Ms. DiGrande) Absent: 1 (Mr. Levin) Nays: 0

Ms. DiGrande rejoined the board.

Z.B. 15-6532 ERNEST & POLIVIA SERGHIS - Continued 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. reminded the board that this application was before the board at a previous meeting and gave testimony. The applicant has since come back with revisions to the plan after hearing the concerns of the neighbor as well as the board.

The applicant rotated the building to give some relief to the rear and side yard set-backs.

Mr. Brent Papi P.E. was sworn in and gave testimony. New evidence was entered A-29 a revised plan prepared by Eastpoint Engineering, with a revision date of April 15, 2015. The building detentions remain the same. The revised plan reflects the being rotated 90 degrees, and now meets the 40 foot rear yard setback. It is also now 35.25 feet from the southern side lot line as well as 35 feet from the northern side lot line. Mr. Alfieri summarized, the rear yard set-back variance has now been eliminated and the side yard variance for the southernmost property line went from 20 feet to 35 feet. Mr. Papi corrected Mr. Alfieri, stating that the southern side yard setback is 35.25 feet. Mr. Alfieri asked Mr. Papi if that's the line that is adjacent to the neighbor who appeared at the last meeting, Mr. Papi answered “correct”. Mr. Alfieri stated that “those are

the changes Mr. Chair. We are not going to be redundant with all the testimony in the last hearing, unless the board has any questions that we didn't cover last time." Chairman Shapiro asked if any of the board members had any questions. Dr. Adler asked if the applicant was aware of any concerns Mr. Borden may have regarding the driveway. Mr. Alfieri stated that he did speak with Mr. Boarden and that the agreed to address Mr. Borden's comments regarding the 20 foot minimum. Mr. Zwerin asked if the board had any questions regarding drainage at the last meeting. Mr. Alfieri said that at the last meeting the board did discuss putting in trenches. The applicant spoke with the neighbor, the neighbor didn't feel the need for the trenches with the rotation of the building and installation of landscaping.

Public - Ingrid Kiss – 3 Brown Rd. Morganville – Is satisfied with the revisions

In workshop

Offered: Chairman Shapiro

Second: Mr. Zwerin

Mr. Solon appreciates that the applicant listened to the concerns of the neighbor and addressed them in the revised plan. Mr. Solon is in favor of the application. Mr. Zwerin second what Mr. Solon stated and is in favor of the application as well. Mr. Weilheimer feels that the applicant's revised plan works well and is in favor. Ms. DiGrande agrees with the other board members. Dr. Adler is in favor of the application. Chairman Shapiro is also in favor of this application.

Out of Workshop

Offered: Chairman Shapiro

Second: Dr. Adler

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 6 (Mr. Solon, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler).
Absent: 1 (Mr. Levin)

Second: Dr. Adler

Nays: 0

Z.B. 15-6535 SINE-TRU TOOL CO., INC. –Public Hearing for Use Variance approval to continue auto body use in the Light Industrial zone, at 238 Boundary Road, Block 360 Lot 5, in the LI zone.

Salvatore Alfieri Esq. introduced the application to the board.

Mr. Kenneth Klawunn was sworn in and gave testimony. Mr. Alfieri asked Mr. Klawunn if he rents space in the location at 238 Boundary Rd. Mr. Klawunn stated “yes”. Mr. Alfieri asked Mr. Klawunn what type of business is Sine-Tru. Mr. Klawunn described the business as an old tool and dye business that he and his father started about fifty years ago. They engineer and fabricate tools. Mr. Alfieri asked Mr. Klawunn to describe to the board what they do in the back portion of the building. Mr. Klawunn stated they repair and paint mostly classic cars. They store up to ten vehicles inside the building, no storage outside. Mr. Alfieri asked if the board made it a condition if the application was granted, no storage outside of the building would be permitted would he agree, Mr. Klawunn agreed. Mr. Alfieri asked how long both business have been in business? Mr. Klawunn said “probably about 30 years”. Mr. Alfieri asked where Mr. Klawunn operated those businesses before moving to Boundary Road. Mr. Klawunn stated that they both were located at Beacon Hill Road, but had to relocate due to new development on that property. New evidence was entered A-28 Aerial view of the property. Mr. Alfieri asked Mr. Klawunn to point out which building his business occupies. Mr. Alfieri asked how a vehicle would enter the property to get to the building he occupies. Mr. Klawunn stated “off Boundary Rd”. Mr. Alfieri cars. Mr. Alfieri asked if parts are delivered, Mr. Klawunn said FedEx delivers the parts.

Public- Robert Cleary – Has concerns with the trash at the applicants location

Mr. Alfieri asked Mr. Klawunn if the debris that Mr. Cleary commented on is coming from his business, Mr. Klawunn said it’s coming from some other business on the site. Chairman Shapiro stated that the township would do an inspection of the site to remediate the debris problem.

Mr. John Leoncavallo P.P. was sworn in and gave testimony. Mr. Leoncavallo feels that this application will have no negative impact on the surrounding area. Mr. Leoncavallo feels that it is a positive that the applicant will be doing all work on the inside of the building. Mr. Leoncavallo doesn’t feel it’s necessary to add additional buffer. The wooded area between the residents and Mr. Klawunn’s building is dense.

In workshop

Offered: Chairman Shapiro

Second: Dr. Adler

Mr. Solon is in favor of the application. Mr. Zwerin is also in favor of this application. Mr. Weilheimer agrees with this application and is in favor. Ms. DiGrande has no issue with this application. Dr. Adler is in favor of the application. Chairman Shapiro is also in favor of this application.

Out of Workshop

Offered: Chairman Shapiro

Second: Dr. Adler

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 6 (Mr. Solon, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler).

Absent: 1 (Mr. Levin)

Second: Mr. Zwerin

Nays: 0

M E M O R A L I Z A T I O N S

Z.B. 15-6533 A&A LINDEN PROPERTIES, LLC.- Memorialization of Resolution granting 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.

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

Second: Ms. DiGrande Nays: 0
Absent: 1 (Mr. Levin)

Z.B. 14-6508 INSURANCE AUTO AUCTIONS, CORP. – Memorialization of Resolution granting 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.

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

Second: Ms. DiGrande Nays: 0
Absent: 1 (Mr. Levin)

A motion to adjourn was offered by Chairman Shapiro, seconded by Ms. DiGrande

Respectfully submitted
Jennifer Bajar