

**MARLBORO TOWNSHIP ZONING BOARD**

**May 26, 2020**

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THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD HELD REMOTELY WAS CALLED TO ORDER BY THE ZONING BOARD CHAIRMAN MICHAEL SHAPIRO AT 7:30 P.M.

SALUTE THE FLAG

CHAIRMAN MICHAEL SHAPIRO OPENED UP THE MEETING AND ANNOUNCED THAT PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, NOTICE OF THIS REGULARLY SCHEDULED MEETING OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MARLBORO WAS SENT TO THE ASBURY PARK PRESS, THE STAR LEDGER, NEWS TRANSCRIPT ON MAY 8, 2020; PUBLISHED IN THE ASBURY PARK PRESS ON MAY 11, 2020; POSTED IN THE MUNICIPAL BUILDING IN THE TOWNSHIP OF MARLBORO, FILED IN THE OFFICE OF THE MUNICIPAL CLERK AND PLACED ON THE TOWNSHIP WEBSITE AND CHANNEL 77.

ROLL CALL

PRESENT: MS. DIGRANDE, Mr. LEVIN, MR. POWERS, MR. SOLON, Mr. WEILHEIMER, MR. VIRDI, MR. YOZZO, MR. ZWERIN AND CHAIRMAN SHAPIRO

ABSENT: None

PROFESSIONALS PRESENT: MS. LAURA NEUMANN, P.E., & RONALD D. CUCCHIARO, ESQ.

PUBLIC SESSION - There was no one who wished to speak.

Chairman Shapiro moved that the minutes of January 28, 2020 be adopted. This was seconded by Board member Levin, and passed on a roll call vote of 6 - 0 in favor.

Chairman Shapiro moved that the minutes of February 11, 2020 be adopted. This was seconded by Board member Zwerin, and passed on a roll call vote of 5 - 0 in favor.

Chairman Shapiro moved that the minutes of February 25, 2020 be adopted. This was seconded by Board member DiGrande, and passed on a roll call vote of 7 - 0 in favor.

**ZB: 20-6703 Vincent Graffia** - Public Hearing for a Bulk Variance Relief to construct a 24' x 38' addition to an existing home, an 18" x 36" raised deck and a 20" x 30" in-ground pool with a 5 foot paver walkway/patio around pool, located at 467 Texas Road Block 147, Lot 3, in the LC Zone.

The Board took jurisdiction and entered evidence A-1 through A-26.

The Applicant is seeking bulk variance relief to construct an 864 s.f. (24 ft. x 35 ft.) two story building addition along the west side of the existing dwelling and an elevated deck along the rear of the subject building addition. An inground swimming pool (20 ft. x 30 ft.) with a 5 ft. paver surround is also proposed within the rear yard fencing and portions of the existing driveway are to be removed and reconfigured to provide access to a proposed garage area within the subject building addition.

The subject Property was previously granted variance relief in a Resolution memorialized March 13, 1996 to permit use of an accessory structure as a recreational playhouse. The Applicant was also granted bulk variance relief (Resolution ZB #16-6594, dated 9/27/2016) to maintain and renovate an existing detached garage structure and accessory one story building as well as to retain five accessory shed structures on the site. The Applicant testified that the garage is intended to store collectable cars.

Chester DiLorenzo, Engineer, P.E. for the Applicant stated that the following new variance relief was required: The minimum required front yard setback for an accessory structure shall be 100 feet; 84 feet is proposed to the in ground swimming pool the maximum permitted percentage of total lot coverage is 5%; approximately 7.1% is proposed and 7.4% exists, the maximum permitted total building coverage is 2%; 2.8% is proposed.

Public Hearing opened.

There was no one else who wished to speak.

Public Hearing closed.

The Board received, reviewed, and considered various exhibits and reports with regard to this application.

The applicant agreed to comply with all of the conditions proposed by the resolution.

Mr. Viridi, Mr. Yozzo and Mr. Levin were recused from voting on this application.

A motion was offered by Chairman Shapiro and 2<sup>nd</sup> by Ms. DiGrande, to grant a Bulk Variance Relief, and passed with a roll call of 6-0. Approve: Ms. DiGrande, Mr. Powers, Mr. Solon, Mr. Weilheimer, Mr. Zwerin and Chairman Shapiro. Abstain: Mr. Levin, Mr. Viridi and Mr. Yozzo.

**ZB: 20-6705 Brain Baum** - Public Hearing for a Bulk Variance Relief to construct a 14' X 20' deck and a 10' x 12' shed within 100' from top of bank of stream on an undersized lot located at 45 Harbor Road, Block 170, Lot 21, in the LC Zone.

The Board took jurisdiction and entered evidence A-1 through A-22.

The Applicant testified that his property was recently renovated with a one story dwelling including an associated walk and porch. He was seeking bulk variance relief to permit the construction of a wood deck around the dwelling as well as an accessory shed. Moreover, the lots surrounding his property are similarly zoned and include a mix of residential and agricultural parcels. A portion of a tributary to the Sandy Brook traverses along the rear property line.

The Applicant also confirmed that an existing shed straddles the property line with a neighboring parcel. The Applicant agreed to execute an easement permitting the encroachment. The easement as well as this resolution would be recorded in the office of the Monmouth County Clerk.

Public Hearing opened.

There was no one who wished to speak.

Public Hearing closed.

The Board received, reviewed, and considered various exhibits and reports with regard to this application.

The applicant agreed to comply with all of the conditions proposed by the resolution.

A motion was offered by Chairman Shapiro and 2<sup>nd</sup> by Mr. Zwerin, to grant a Bulk Variance Relief, and passed with a roll call of

7-0.Approve:Ms. DiGrande, Mr. Powers, Mr. Solon, Mr. Viridi, Mr. Weilheimer, Mr. Zwerin and Chairman Shapiro.

**ZB: 20-6706 Phillip & Mia Whitman** - Public Hearing for a Bulk Variance Relief to construct a 1,055 square foot in-ground pool with a 1097 square foot patio, located at 15 Saratoga Court, Lot 159 Block 10.16 in the R-80 Cluster (60/30) Zone.

The Board took jurisdiction and entered evidence A-1 through A-21.

The Applicant testified that his property was improved for a two (2) story dwelling with associated porch and walks, a rear deck and patio, a shed, and a paved driveway. He and his wife were seeking bulk variance relief to install an in ground swimming pool with fencing within the rear yard area. The applicant also proposed re-locating an existing shed further from the rear property line.

Public Hearing opened.

There was no one who wished to speak.

Public Hearing closed.

The Board received, reviewed, and considered various exhibits and reports with regard to this application.

The applicant agreed to comply with all of the conditions proposed by the resolution.

A motion was offered by Chairman Shapiro and 2<sup>nd</sup> by Ms. DiGrande, to grant a Bulk Variance Relief, and passed with a roll call of 7-0.Approve: Ms. DiGrande, Mr. Powers, Mr. Solon, Mr. Viridi, Mr. Weilheimer, Mr. Zwerin and Chairman Shapiro.

**Z.B. 19-6701 Rahab Khalil** - Memorialization of a Resolution granting approval for bulk variance.

A motion in the affirmative was offered by Mr. Levin, seconded by Mr. Zwerin. In favor: Ms. DiGrande, Mr. Powers, Mr. Levin, Mr. Zwerin and Mr. Weilheimer.

**Z.B. 19-6700 49 Route 520, LLC**- Memorialization of a Resolution granting approval for bulk variance.

A motion in the affirmative was offered by Chairman Shapiro, seconded by Mr. Zwerin. In favor: Ms. DiGrande, Mr. Levin, Mr. Powers, Mr. Zwerin Mr. Solon, and Chairman Shapiro.

A motion to adjourn at 8:21 p.m. was offered by Chairman Shapiro, seconded by Mr. Zwerin. One vote was cast.

Respectfully submitted,

Suzanne Rubinstein