

MARLBORO TOWNSHIP ZONING BOARD
MARCH 8, 2016

THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE TEMPORARY CHAIRMAN MR. RONALD D. CUCCHIARO, ESQ. AT THE MARLBORO TOWNSHIP OFFICES, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:00P.M.

ACTING CHAIRMAN 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. LEVIN, MR. ZWERIN, MR. WEILHEIMER,
MS. DI GRANDE, MR. NAPPI and MR. VERDI**

ABSENT... {1} CHAIRMAN SHAPIRO

ARRIVED... {7:08PM} MR. ADLER, {7:12PM} MR. SOLON

PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO, MS. SARAH PARIS

SALUTE THE FLAG

**APPROVAL OF THE FEBRUARY 23, 2016 ZONING BOARD OF ADJUSTMENT
MINUTES**

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

Z.B. 15-6536 ANTISELL - Continued Public Hearing for Use Variance and approval of a major 5 lot subdivision with bulk variances that is located on Reids Hill Road, Block 154, Lots 17 & 18 in a split zone (C-3 and LC)

Application to be carried to April 26, 2016 without further notice to property owners.

Z.B. 15-6561 SCHECHTER FAMILY, LLC. - Public Hearing to keep a newly constructed single family residence that was constructed without permits on a lot that already has an existing non-conforming use of a junkyard and a single family home. This additional house represents an expansion of a non-conforming use, located at 158 Tennent Road, Block 147, Lots 34 in the C-2 zone

Application to be carried to April 26, 2016 without further notice to property owners.

Z.B. 15-6543 TRI STATE RESTORATION, INC. – Continued Public Hearing for a Use Variance to continue auto body repair in the LI zone, located at 238 Boundary Road, Block 360, Lot 5 in the LI zone

Salvatore Alfieri, Esq. gave a brief synopsis of the application.

Eugene Chillemi, was sworn in at a previous meeting, described the Applicant as a business which rebuilds classic and collectible cars. Mr. Chillemi stated that the cars are sent out to other shops for priming and painting. Mr. Chillemi stated that he would like all operations would be conducted on site, and would like to install a paint booth. Mr. Chillemi stated that some complaints from a neighboring tenant had been made to OSHA which had triggered an investigation of his business. He stated, that OSHA did not issue any violations. Mr. Chillemi stated that he only does restoration of classic cars, and does not work on any automobiles with insurance claims and does not do any collision work on site. Mr. Chillemi also testified, there would be no activity outdoors. He also stated that there would be no more than ten (10) cars being worked on-site at any point in time.

Kenneth Klawuun was sworn in and gave testimony. Mr. Klawuun stated that he is the owner of Sin-Tru Tools Company, which is also located on the same lot in the Industrial Park. He stated that he occupies Building No. 4 and that he performs general auto body work and also performs the paint work on the Applicant's cars.

Tom Beck, Chief Design Engineer for the company which designs the proposed paint booth. Mr. Beck stated that the paint booth was completely enclosed and has an independent air filtration system that would capture all particulate matter. He further noted that a stack is located on the roof at a height of 16-1/2 feet to discharge any emissions and that such discharge is regulated and complies with all state and federal requirements. Mr. Beck testified that the stack would normally be 6-1/2 feet high, but the Applicant had taken extra precaution locating it in a higher elevation.

Christine Cofone, PP, AICP. was sworn in and gave testimony. Ms. Cofone stated that the Applicant required variance relief pursuant to N.J.S.A. 40:55D-70d(1). Ms. Cofone stated that relief had previously been granted for an auto body shop. Ms. Cofone provided a general location of the property and stated that the surrounding uses along Boundary Road are all similarly zoned LI and contain Light Industrial uses. Ms. Cofone stated that the property south of the site along the rear portion of the properties as well as further south along Boundary Road are zoned R-80 and

contain residential properties with some vacant/wooded parcels. Ms. Cofone further testified that the Applicant has satisfied the positive criteria. It was her opinion that the restoration use was very similar to the permitted Light Industrial uses in the zone and was consistent with the 2012 Master Plan which encouraged the diversity of businesses in the zone. Ms. Cofone stated that while Sin-Tru works on auto accident and insurance cases, the proposed use was very limited to working on restoration of classic cars and that such work would be limited to only ten (10) cars at a time. Ms. Cofone testified that the Applicant also satisfied the negative criteria. She stated that all activities would be conducted indoors and that the painting would be contained in the paint booth which is to be compliant with all State and Federal emissions regulations. She also noted that there would be no outdoor activity and that the perception of the public would have would be no different for the proposed use than it would be for the existing use. It was, therefore, her opinion that the application satisfied both the positive and negative criteria and was entitled to use variance relief pursuant to N.J.S.A. 40:55D-70d(1).

PUBLIC SESSION - *No one spoke on behalf of this application.*

A motion in the affirmative

Offered:	Acting Chairman Weilheimer	Ayes: 7 (Mr. Levin, Mr. Zwerin, Acting Chairman Weilheimer, Ms. DiGrande, Dr. Adler, Mr. Nappi, Mr. Verdi)
Second:	Ms. DiGrande	Nays: 0 Absent: 1 (Chairman Shapiro) Abstain: 1 (Mr. Solon)

MEMORIALIZATIONS

Z.B. 16-6566 SHELDON PAPIERMAN – Memorialization of Resolution granting a Bulk Variance to construct a 16’ x 30’ addition (patio enclosure) having insufficient side yard setback for principal structure, located at 1 Macleish Dr., Block 284, Lot 1 in the R-20 zone

Offered: Acting Chairman Weilheimer

Ayes: 8 (Mr. Levin, Mr. Zwerin,
Acting Chairman Weilheimer,
Ms. DiGrande, Mr. Verdi)

Nays: 0

Second: Ms. DiGrande

Absent: 1 Chairman Shapiro

Abstain: 2 Mr. Solon, Dr. Adler, Mr. Nappi

Z.B. 09-6371A TDA CAPITAL, LLC. - Memorialization of Resolution granting an Amended Final Site Plan located at 114 Tennent Road, Block 147, Lots 28.02 in the C-2 zone

Offered: Acting Chairman Weilheimer

Ayes: 8 (Mr. Levin, Mr. Zwerin,
Acting Chairman Weilheimer,
Ms. DiGrande, Mr. Verdi)

Nays: 0

Second: Ms. DiGrande

Absent: 1 Chairman Shapiro

Abstain: 2 Mr. Solon, Dr. Adler, Mr. Nappi

Z.B. 15-6563 JOSEPH HANNA - Memorialization of Resolution granting a Bulk Variance to construct a pole barn and horse stalls which exceeds permitted lot coverage located at 115 Dutch Lane Road, Block 362, Lots 32 in the R-80 zone

Offered: Acting Chairman Weilheimer

Ayes: 8 (Mr. Zwerin, Acting Chairman
Weilheimer, Ms. DiGrande,
Mr. Verdi)

Nays: 0

Second: Ms. DiGrande

Absent: 1 (Chairman Shapiro)

Abstain: (Mr. Solon, Mr. Levin, Dr. Adler,
Mr. Nappi)

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

Respectfully submitted

Jennifer Bajar