

MARLBORO TOWNSHIP ZONING BOARD

November 22, 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 7:30P.M.

CHAIRMAN SHAPIRO 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 ... {7} MR. SOLON, MR. ZWERIN, MR. WEILHEIMER,
 CHAIRMAN SHAPIRO, MS. DI GRANDE, DR. ADLER, and
 MR. POWERS**

ABSENT... {1} MR. VERDI

**PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO,
 MR. ANGELASTRO and MS. SARAH PARIS**

SALUTE THE FLAG

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

Z.B. 16-6585 Amboy Avenue Partners, LLC. - Continued Public Hearing for a Bulk Variance to construct an outdoor sports field with an inflatable dome and a 20' x 30' storage shed, and a Use Variance for an expansion of a non-conforming use, located at 185 Amboy Road, Block 178, Lot 291 in the IOR zone

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

Richard Schommer, Jr. P.E. was previously sworn in and gave testimony. Mr. Schommer testified that the plans were revised to reflect changes in the access & circulation to the dome at the rear of the property. A-36 Revised Site Plan was submitted into evidence. Mr. Schommer stated that the driveway was widened to on the north side of the tennis, noting that it is a one way drive pattern. The revision proposes a 20' wide driveway, with a 12' wide drive path, along with an 8' pull-off area for pick-up and drop-off only, no parking. The other revision was additional parking along the main access driveway. The revision now shows 76 parking spaces. Mr. Schommer testified that the peak demand is less than that, but they over-parked the site, due to the Boards concerns. Mr. Schommer stated that they added the requested signage for the pick-up and drop-off area

Laura Neumann commented that advertisement signs that are cluttering up the site frontage and would suggested that they be removed.

Mr. Alfieri asked that Mr. Schommer describe the buffer between the subject site and that of the neighboring residential site. Mr. Schommer stated that along the northerly property line, approximately fifteen feet in is an existing 6' high, board-on-board fence. Mr. Schommer stated that the buffer includes an evergreen screening.

Corey Chase P.E. of Atlantic Traffic Engineers was previously sworn in and gave testimony. Mr. Chase stated that they did increase the number of parking stalls to 76 spaces which gives a 10-15% parking buffer. Mr. Chase also mentioned that they increased the width of the driveway and added the drop-off and pick-up area. Mr. Chase stated that a revised traffic analysis was conducted in October, and that the analysis concluded that the site would operate at an acceptable level.

Kevin Costello Director of the facility was previously sworn in and gave testimony. Mr. Costello stated that there is more than adequate parking proposed at this facility. Mr. Costello stated if the Board has concerns with the parking, they would shut down the programming at the Tennis facility during tournaments being held in the Dome.

Chairman Shapiro commented that he has concerns with the two facilities conducting tournaments at the same time.

Christine Nazzaro Cofone, P.P., was sworn in and gave testimony. Ms. Cofone stated that this proposed facility would make an excellent transitional use. Ms. Cofone stated she doesn't see a

substantial detriment to the zone plan or the public good. Ms. Cofone stated that the application meets its statutory burden of proof for a D-1 Use variance, and that the positive and negative criteria have been satisfied.

Chairman Shapiro commented that he still has concerns with number of vehicles entering and exiting the facility, as well as traffic on Amboy Road. Chairman Shapiro suggested that the applicant come back to the Board with a revised Traffic Analysis to include the intersection of Amboy Rd. and Texas Rd., as well as Amboy Rd. and Tennent Rd.

Application to be carried to January 10, 2017 without further notice to property owners.

Z.B. 16-6596 Amerco Real Estate Company d/b/a U-Haul – Public Hearing to Amend Site Plan to construct a canopy to one of the existing buildings, and to construct a loading dock, located at 409 Route 9 South, Block 288, Lots 372 & 373 in the C-3 zone.

The Applicant is seeking an amended use variance, as well as an amended preliminary and final site plan approval to construct a loading dock (14 feet x 2 feet) and associated 40 foot loading ramp at the southwest corner of the U-Haul showroom/ warehouse building and a proposed canopy (20 feet x 20 feet) at the northeast corner of the on-site retail building both within the existing on-site pavement areas. A vehicle/truck rental facility is not a permitted, accessory or conditional use within the C-3 Zone District and the proposed improvements therefore require use variance relief, as well as preliminary and final site plan approval.

John A. Giunco, Esq., was sworn in and gave testimony. Mr. Giunco stated the Applicant had previously received use variance relief, as well as preliminary and final site plan approval. Mr. Giunco noted that this application simply seeks to add a loading dock and canopy for customer returns. The

Jason Fichter, P.E., was sworn in and gave testimony. Mr. Fichter stated that the subject site was located along Route 9 and confirmed that the sole improvements to be made involve a loading dock and canopy. Mr. Fichter stated that the improvements would create a more efficient operation and do not constitute any new services being offered.

Andrew Janiw, P.P., was sworn in and gave testimony. Mr. Janiw stated that use variance relief had already been granted along with preliminary and final site plan approval. It was Mr. Janiw opinion that the addition of the loading dock which provided more efficient services on the property did not alter the Board's prior decision that the site was particularly suitable for the present use. Mr. Janiw, therefore, stated that the positive criteria had been satisfied. Mr. Janiw also opined that the more efficient use of the site resulted in less impact to the zone plan and zoning ordinance in the previously approved plan. It was, therefore, his opinion that the prior finding that the negative criteria had also been satisfied remained unchanged.

Application to be carried to December 13, 2016 re-noticing property owners.

Z.B. 16-6602 Exotic & Classic Car Investment Group, Inc. – Continued Hearing for a Use Variance for classic car storage business to hold up to 60 vehicles, 30 on the ground and 30 on lifts in a 7,676 sq. ft. warehouse space, located at 234 Boundary Road, Block 360, Lots 5 in the LI zone.

Salvatore Alfieri, Esq. introduced the application to the Board.

Michael Chillemi (Applicant) was sworn in and gave testimony. Mr. Alfieri asked Mr. Chillemi to describe the subject location and what he was proposing to do there. Mr. Chillemi stated that he wanted to utilize units 103A and 104. Mr. Chillemi stated, the two units combine, equal approximately 7,500 sq. ft. Mr. Alfieri stated that there were three other businesses in the complex with similar uses, Mr. Chillemi confirmed Mr. Alfieri's statement. Mr. Alfieri asked Mr. Chillemi to describe what would take place on site if approved. Mr. Chillemi stated that he would maintain his car collection at the subject location and seek out additional cars of the same caliber, in order to store and or sell them to other Collectors. Mr. Chillemi stated that he's proposing to store 60 cars within the subject location. Mr. Chillemi stated that all cars are driven to subject location. Mr. Chillemi stated that no mechanical work would be done on site. Mr. Chillemi further stated that there would be no outside storage of any kind. Mr. Chillemi stated that he plans on utilizing the existing sign space on the pylon that the previous tenant utilized. Mr. Chillemi testified that he wouldn't have any employees. The hours of operation would be by appointment only, 9:00 am to 6:00pm, Monday through Friday, and 9:00am to 3:00pm on Saturdays.

Ronald Cucchiaro, Esq. (Board's Attorney) suggested that the Applicant come back to the Board with a Planner to supply the Board with proper positive and negative criteria. Chairman Shapiro agreed with Mr. Cucchiaro's suggestion.

Application to be carried to January 10, 2017 without further notice to property owners.

Z.B. 16-6592 Champagne Smiles – Public Hearing for a Use Variance to permit a 13 foot high x 5 feet x 7 feet Inflatable tooth in the front yard, located at 480 Route 79, Block 126, Lot 33 in the R30/20 zone.

Dr. Adler recused himself from this application.

Salvatore Alfieri, Esq. introduced the application to the Board.

Dr. Richard Champagne was sworn in and gave testimony. Mr. Alfieri asked Dr. Champagne if he currently operates his dental practice at the subject property, Dr. Champagne responded, yes.

Mr. Alfieri asked how long has Dr. Champagne been practicing at this location, Dr. Champagne testified four years. Mr. Alfieri described the building at the subject property, to resemble a residential appearance, Dr. Champagne confirmed. Mr. Alfieri asked Dr. Champagne to explain to the Board the reason he wants approval to display the inflatable tooth. Dr. Champagne stated that his intent was to maintain a residential look with his building. Dr. Champagne testified that he found that he needed to identify his location as a dental practice in order to draw new business, so to keep the residential look, he put up “Rooty” the inflatable tooth. Dr. Champagne further testified that he set the inflatable up on a timer. It went up 9:00 am and down by 5:00pm and it was not inflated on the weekends.

Chairman Shapiro asked Mr. Cucchiaro if the Applicant wanted to install a sign on the facade of the building, is that permitted? Mr. Cucchiaro stated that is was not permitted. Mr. Cucchiaro stated that the Applicant needs a variance because he is not a permitted use in the zone. Mr. Alfieri asked to carry the application so that the he and the Applicant can review the original approval.

Application to be carried to January 10, 2017 without further notice to property owners.

RESOLUTIONS

Z.B. 15-6559 Ying and Wang Lin d/b/a Lin’s HVAC - Memorialization of Resolution granting to amend a condition of a previously approved Mixed Use Variance and Final Site Plan to construct a pole barn for storage of business equipment, located at 98 Tennent Road, Block 120 Lot 43 in the C-2 zone

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 4 (Zwerin, Weilheimer,
Chairman Shapiro, DiGrande)

Recused: 0

Nays: 0

Second: Ms. DiGrande

Absent: 3 (Solon, Verdi & Adler)

Abstain: 0

Z.B. 16-6598 Maureen DeGulis Revocable Trust - Memorialization of Resolution granting of a Bulk Variance to keep improvements including a deck and a shed built without permits on an undersized lot located at 18 Boundary Road, Block 214, Lot 26 in the LC zone

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	3 (Zwerin, Weilheimer, Chairman Shapiro,
		Recused:	0
		Nays:	0
Second:	Mr. Zwerin	Absent:	4 (Solon, & Verdi, DiGrande, & Adler)
		Abstain:	0

Z.B. 16-6599 Maksim Lazarev – Memorialization of Resolution granting of a Bulk Variance to construct a 547 sq. ft. addition to existing residential dwelling, located at 50 School Road West, Block 230, Lot 17 in the R-30/20 zone.

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	4 (Solon, Zwerin, Weilheimer, & DiGrande)
		Recused:	0
		Nays:	0
Second:	Mr. Zwerin	Absent:	3 (Chairman Shapiro, Verdi & Adler)
		Abstain:	0

Z.B. 16-6583 Marlboro Muslim Cemetery, Inc. – Memorialization of Resolution granting of a Use Variance and associated Bulk Variances to pave existing gravel circulation driveway and adding 2,612 additional plots, located at 340 Spring Valley Road, Block 146, Lots 48 in the LC zone.

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	4 (Zwerin, Weilheimer, Chairman Shapiro, DiGrande)
		Recused:	0
		Nays:	0
Second:	Mr. Zwerin	Absent:	3 (Solon, Verdi & Adler)
		Abstain:	0

Z.B. 16-6601 Michael Sapoznik – Memorialization of Resolution granting of a Bulk Variance to keep a 6’ fence and a patio with a sitting wall in the buffer easement, located at 30 Hummingbird Court, Block 412, Lot 213 in the PAC-II zone.

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes:	4 (Solon, Zwerin, Weilheimer, DiGrande)
		Recused:	0
		Nays:	0
Second:	Mr. Zwerin	Absent:	3 (Chairman Shapiro, Verdi & Adler)
		Abstain:	0

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

Respectfully submitted

Jennifer Bajar