

MARLBORO TOWNSHIP ZONING BOARD

May 8, 2018

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

SALUTE THE FLAG

CHAIRMAN MICHAEL 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 ... {5} MR. ZWERIN, CHAIRMAN SHAPIRO,
 DR. ADLER, MR. POWERS, and MR. YOZZO**

**ABSENT... {4} MR. SOLON, MR. VERDI, MR. WEILHEIMER, &
 MS. DiGRANDE,**

PROFESSIONALS PRESENT... MS. NEUMANN, P.P., and MR. CUCCHIARO, ESQ.

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

Z.B. 16-6584 Tuhap Holdings, LLC. - Continued Public Hearing for a Use variance to use existing single family home in front of site as two family home and to use a trailer as office and the rear building for storage of vehicles and equipment for an Industrial Steam Cleaning Company, located at 168 Tennent Road, Block 147, Lot 35 in the C-2 zone

Application to be carried to July 10, 2018 without further notice to property owners.

Z.B. 18-6645 Shantiniketan NJ1, LLC. - Public Hearing for Use Variance approval to allow the development of an age restricted (55+) residential apartment development containing 80 units and a community center approximately 6,700 s.f., located at 309 Texas Road, Block 120 Lot 29 & 31, in the RSCS zone

Application to be carried to July 24, 2018 without further notice to property owners.

Z.B. 16-6583 Marlboro Muslim Cemetery, Inc. - Public Hearing for Use Variance and Amended Site Plan approval requesting to construct a 20' x 30' equipment shed and to utilize a separate section for smaller graves for babies where sixty-five already exist and where another one hundred and thirty-five plots are proposed, located at 340 Spring Valley Road, Block 146 Lot 48, in the LC zone

Application to be carried to May 22, 2018 without further notice to property owners.

Z.B. 18-6647 Eugene Shvartsburd - Public Hearing for a Bulk variance to construct a pool code fence in second front yard set-back seven feet from property line, where a setback of 20 feet from property line is required, located at 3 Baldwin Ave, Block 125, Lot 4.01 in the R-30/20 zone

Eugene Shvartsburd was sworn in and gave testimony. Mr. Shvartsburd testified that he is seeking bulk variance relief in order to construct a rear yard perimeter fence 7' from the side yard property line along Wilson Avenue, which violates the setback requirements of the zone, due to the double front yard on the property. Mr. Shvartsburd stated that he intends to install a swimming pool and a deck off the back of his house in the future, and would like to maintain a safe play area for his children.

Mr. Powers asked the type of fence that's proposed. Mr. Shvartsburd stated that the fence would be made of solid PVC.

Ms. Neumann requested that a staggered row of evergreen trees as per the Township's Ordinance requirements. Mr. Shvartsburd agreed to Ms. Neumann's request.

Mr. Shvartsburd did not contest the Board Engineer's Report stated that the following existing non-compliant conditions existed on the property: Section 220-54C - The minimum lot frontage required for a corner lot shall be 150 feet; 100 feet is provided along Baldwin Street. Section 220-54C — the minimum lot width required for a corner lot is 150 feet 100 feet is provided.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative as requested

Offered:	Chairman Shapiro	Ayes: 5 (Mr. Zwerin, Chairman Shapiro, Dr. Adler, Mr. Powers & Mr. Yozzo)
		Nays: 0
Second:	Mr. Zwerin	Absent: 4 (Mr. Solon, Mr. Viridi, Mr. Weilheimer, & Ms. DiGrande)
		Recused: 0

Z.B. 18-6643 Matthew & Leslie Fischer - Public Hearing for a Bulk variance to keep two existing sheds and a hot tub that were built in violation of side and rear setback requirements, with insufficient distance between structures, and previously built driveway installed closer than five feet from side property line. Exceeds permitted Total lot coverage, where a setback of 20 feet from property line is required, located at 18 Cambridge Court, Block 139, Lot 16 in the R-30/20 zone

Matthew Fischer was sworn in and gave testimony. Mr. Fischer stated that he bought the property as-is and did not construct any of the improvements. Mr. Fischer is requesting to retain the two existing accessory sheds, and the hot tub, which currently violate the required zone district requirements.

Mr. Powers asked what is stored in both sheds. Mr. Fischer stated that he currently uses the one shed to store pool chemicals and equipment, and the other for his children's bikes, and toys. Dr. Adler asked if the items can be combined into one shed. Mr. Fischer stated he'd rather not have the pool chemicals mixed with his children's toys, seeing that the children go into the shed themselves.

Mr. Fischer next testified that he did not contest the Board Engineer's Report which stated that the following variance relief was required: Section 220-35C(4) — No paved terrace shall be permitted closer than 5 feet to any side or rear property line; the existing shed structure has a zero setback to the southerly side property line. Section 220-44D — Private recreational structures and equipment shall be setback a minimum of 20 feet from any other structures, such as fencing, sheds and pools; the play area is located within 20 feet of the pool and fencing/wall along the west side of the play area. Section 220-54C (Table II) — The minimum side yard setback required for an accessory building shall be 10 feet; approximately 1.5 feet is provided to the shed near the northeast property corner and approximately 2 feet is provided to the shed along the southerly side property line. Approximately 7 feet provided to the pool equipment along the northerly side property line as well. Section 220-54C (Table II) - The minimum rear yard setback required for an accessory building shall be 20 feet; approximately 2.5 feet is provided to the shed near the northeast property corner. Section 220-54C (Table II) - The maximum percentage of lot coverage permitted is 28%; 31.7% is indicated as provided. Section 220-140C - The minimum distance between an accessory building or

structure and any other building(s) on the same lot shall be 20 feet; the easterly shed is located within 20 feet of the dwelling and the hot tub is also within 20 feet of the dwelling. Section 220-140E(2)(b) - Sheds shall not be larger than 150 s.f. and not taller than 11 feet in height, and shall be setback a minimum of 5 feet from side and rear property lines on lots which are equal to 20,000 s.f. but equal to or less than 40,000 s.f. in size; side setbacks of approximately 1.5 feet and 2 feet as well as rear setback of approximately 2.5 feet are provided to the sheds as outlined in Item 3c and 3d above. Section 220-140E(2)(d) - Not more than one (1) shed shall be permitted to be placed on a property within a residential zone; two (2) sheds are provided onsite.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative as requested

Offered:	Chairman Shapiro	Ayes: 4 (Mr. Zwerin, Chairman Shapiro, Dr. Adler, & Mr. Yozzo)
		Nays: 1 (Mr. Powers)
Second:	Mr. Zwerin	Absent: 4 (Mr. Solon, Mr. Viridi, Mr. Weilheimer, & Ms. DiGrande)
		Recused: 0

RESOLUTIONS

Z.B. 18-6644 Jeffrey Guagliardo - Memorialization of Resolution granting a Bulk variance approval to build a 32' x 32' addition to existing home and keep an 8' x 12' shed that was built too close to property line and proposed addition, on an undersized lot, located at 43 Halifax Drive, Block 264, Lot 35 in the R-20 zone

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes: 2 (Chairman Shapiro, & Dr. Adler)
		Nays: 0
Second:	Dr. Adler	Absent: 5 (Mr. Solon, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande & Dr. Adler)

Z.B. 17-6608 Sunset Park, LLC. – Memorialization of Resolution granting a Bifurcated Use Variance to permit an assisted living facility with associated bulk variances to construct a three story, 114,000 sq. ft. building with a total of 121 living units, located on Texas Road, Block 103, Lots 10 in the R-60 zone.

A motion in the affirmative

Offered: Chairman Shapiro Ayes: 4 (Mr. Zwerin, Chairman Shapiro, Dr. Adler, & Mr. Powers)

Second: Dr. Adler Nays: 0
Absent: 2 (Ms. DiGrande, & Mr. Yozzo)

A motion to adjourn was offered by Chairman Shapiro, seconded by Dr. Adler.

Respectfully submitted
Jennifer Bajar