

MARLBORO TOWNSHIP ZONING BOARD
September 10, 2019

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

SALUTE THE FLAG

VICE-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... MR. SOLON, MR. VERDI, MR. ZWERIN, MR. WEILHEIMER,
CHAIRMAN SHAPIRO, MS. DiGRANDE, MR. POWERS, and MR.
YOZZO

PRESENT ... {6} MR. SOLON, MR. ZWERIN, VICE-CHAIRMAN WEILHEIMER,
MR. POWERS, MS. DiGRANDE, & MR. YOZZO

ABSENT... {2} MR. VERDI, CHAIRMAN SHAPIRO

PROFESSIONALS PRESENT...
MS. LAURA NEUMANN, P.E., & MR. CUCCHIARO, ESQ.,

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

MINUTES

Minutes of 4-30-19 were Approved. Offered: Mr. Zwerin Seconded: Mr. Solon
Ayes: Mr. Solon, Mr. Zwerin, Mr. Powers

Minutes of 6/11/19 were Approved. Offered: Mr. Weilheimer Seconded: Mr. Powers
Ayes: Mr. Solon, Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande, Mr. Powers

Minutes of 6-25-19 were Approved. Offered: Mr. Weilheimer Seconded: Mr. Yozzo
Ayes: Mr. Solon, <Mr. Zwerin, Mr. Weilheimer, Mr. Powers, Mr. Yozzo

Z.B. 19-6687 Norman & Christina Swanson - Public Hearing for Bulk Variance to keep Tennis Court with an eight (8') foot high fence, insufficient side and rear yard setbacks and Other improvements (Pond, Bacci Court, 260 sq. ft. Shuffle Board Court, concrete walkways And concrete pool patio and slate patio) that were built without permits by former owner and to replace existing deck with a 1,520 sq. ft. multi-level patio, at 11 Cottage Lane, Block 420, Lot 26, in the R-80 zone.

Salvatore Alfieri, Esq. representing the applicant. Applicant, Norman Swanson was sworn in. Testimony was given stating that the applicant did receive a CCO when he purchased the property in 2008 and that all of the structures were present at that time. Ms. Neumann did state for the record that the CCO process and requirements have changed over the years since this property was purchased.

Mr. Powers asked if the Applicant would be willing to remove the Bacci Court as he did not use it and it was overgrown.

The following evidence was entered by the Applicant: A19 and A 20 Two (2) color photos of the right and left pillars (stanchions) at the front of the driveway. Also entered was exhibit A -21 a photo of the tennis court fence.

In his testimony, Mr. Swanson stated that there is no existing storm water or runoff issues on his property.

PUBLIC – There were no questions or comments from the Public

A motion in the affirmative as requested

Offered: Vice-Chairman Weilheimer
Seconded: Mr. Yozzo

Ayes: 5 Mr. Solon, Mr. Zwerin, Vice-Chairman Weilheimer, Ms. DiGrande, Mr. Yozzo
Nay(s): 1 Mr. Powers.
Absent: Chairman Shapiro, and Mr. Viridi

Z.B. 18-6652 Miller Landscaping, Co.- Public Hearing for Use Variance and Site Plan Approval to permit five (5) tenants to use the property for the same landscaping use and storage, accessory to principal use, located at 415 Texas Road, Block 147, Lot 12, in the LC zone.

Salvatore Alfieri Esq. on behalf of the applicant. Mr. Miller. Mr. Miller was sworn in and testified that he had received a use variance in 2000 to use the property for his landscape business and that over time he rented space to other businesses. He is here now to expand his use variance to include those other businesses. He went on to describe the property. A portion of the 22.9 acre site is dedicated to woodland farming. Exhibit A-24 was entered into evidence. In his letter summarizing what had been granted in the original use variance and what was being

proposed in this expansion of that use variance and site plan, Mr. Alfieri stated the following:

While the original approval was for his sole, individual business, he is now requesting to have five (5) different businesses on site. Where he was to have a maximum of twenty (20) vehicles on site, he is now requesting to have fifty (50) vehicles. While his use variance allowed for no outdoor storage of fuel on the site, he is now proposing a fuel truck to be on-site during the day and removed to the home of an employee who lives in South River overnight. While the original approval stated no recycling of material, Mr. Powers pointed out that he had seen a tub grinder on site. Mr. Miller stated that this piece of equipment was for sale and not to be used on site. The site would now have a refuse area and only Mr. Miller would be permitted to have retail sales on the site. There was discussion regarding the number of piles of materials that were being proposed and the size of the outdoor storage area. The Board found the response to be somewhat vague as there was no exact size for the area and the number of bins was going to double but the original number was somewhat uncertain as well.

This hearing was carried to October 22, 2019 with no further notice to be given. An extension of time was signed.

Z.B. 17-6616FS Goddard Estates, LLC – Public Hearing to approve a Final Major Site Plan for a four lot residential sub-division, located at 42 Vanderburg Road, Block 359.01, Lot 26 in the R-20AH-1 zone.

Salvatore Alfieri, Esq. on behalf of the Applicant. The Board had previously granted a Use Variance for Density and the Application was bifurcated. The original five (5) lots requested were reduced to four (4) lots. The applicant had been asked to meet with the Historic Committee to discuss the proposed improvements to the historic house on the site. During their talks with the Historic Committee they were asked to move the garage to the other side of the house and they complied. Exhibit A-22 was entered. The Historic Committee also approved the proposed name of the road. This was the Plan of Exterior Repairs that had been presented to the Historic Committee and had their approval and was signed by five of the Historic Committee members.

Carolyn Feigin, P.E., P.P. from DW Smith * Associates, was sworn and gave the following testimony. Three (3) of the lots will exceed the required 20,000 sq. ft. for the R-20AH-1 zone and one lot will exceed the required 15,000 sq. ft. They will all be graded towards the roadway. Ms. Feigin went over the requested variances for each lot. She requested that the Board allow the driveways to be left unpaved until each buyer decided what type of material they wanted for their driveway (as long as it meets code). The Board agreed, but stated that the driveway had to be paved prior to the final CO on the structure.

Christine Mazzarro Cafone, P.P. was sworn in and gave testimony as to which criteria of the Master Plan would be met by this proposed development. She referenced “M”, “C”, and “J” which deals with protecting historical sites.

PUBLIC - There were no questions or comments from the public.

In workshop the Board members all agreed that they were pleased with how the applicant had reduced the number of lots and how they worked so well in accommodating the requests of the Historic Committee.

A motion in the affirmative as requested

Offered: Vice-Chairman Weilheimer

Seconded: Mr. Zwerin

Ayes: 6 Mr. Solon, Mr. Zwerin, Vice-Chairman Weilheimer, Ms. DiGrande, Mr. Yozzo and Mr. Powers.

Nay(s) 0

Absent: Chairman Shapiro, and Mr. Viridi

Z.B. 18-6665 David Jones - Public Hearing requesting Certification of Pre-existing non-conforming use for Davy Jones Paving, an auto repair garage, and a residential rental on same lot, and Appeal of Zoning Officer's Decision, located at 184 Texas Road, Block 108, Lot 3 in the LC zone.

Bryan D. Plocker, Esq. on behalf of the applicant.

A-17 A written summary of the previous testimony, written by Mr. Plocker, was entered into evidence. Mr. Plocker stated that they had no further testimony and the Board opened the meeting up to the Public for questions and/or comments.

PUBLIC

1. Nekelle Myrick of 22 Wicker Place was sworn in and stated that her home is directly behind the Applicant. As a neighbor she has noticed an increase in activity. There are a lot more cars at the site, a lot of mechanical work going on with the cars and a lot of commercial vehicles and trucks on the site. Cars and trucks come and go all the time and the noise level has increased. Ms. Myrick also commented that the appearance of the property was unsightly.
2. Eric Myrick of 22 Wicker Place was sworn in. He stated that the property does not look good in this otherwise residential neighborhood. He said that if you went in 1 -2 miles of this property you would not find anything that looks as bad as this property. Mr. Myrick has notice a definite increase in intensity of the use. There are multiple trailers coming and going and mechanic work on the vehicles both inside and outside of the garage.
3. Ruben Cruz of 6 McBride Road, Manalapan was sworn in and testified that he grew up in this area since 2000. He owns Block 108, Lot 14 which is diagonal from this lot and he

is planning on building a house there. Mr. Cruz told the Board Members that in 2000 when he lived there, there was very little going on. There is a large increase in activity there now. He also said there was only a small shed where the garage stands today. The shed was removed and replaced with the garage at some point with no permits issued for it. This very day he noted 10-15 cars with a couple of people working on them both inside and outside of the garage. Mr. Cruz summed up by saying that from 2000 to now the site is completely different. The commercial usage has increased in the past year and a half even more.

4. Miguel Cruz of 29 Wicker Place was sworn in. He disagreed with the written summation (A-17) by Mr. Plocker. Mr. Cruz reminded the Board Members that the objects had submitted a 1980 Aerial map showing no office or storage trailer. These items just showed up one day as the use of the lot increased. He stated further that the lot was paved without any permits or permissions and that it was done with total disregard for a stream that ran through the lot. Mr. Cruz reminded the Board that when the applicant was noticed in 1990 by the Township that he needed to go before the Board to deal with his use of Paving, he waited nineteen (19) years to come before the Board and now with a much more intensified use that what he had in 1990. Mr. Cruz also offered the Record from the Tax Assessor that shows this property as a single family residential use. No Business was ever registered to this property. Even if there was once a person living on the site who worked for a landscaper and brought some equipment and a trailer to the site, it was not an approved use and it is clearly a much more intensified use today.

After all testimony was taken, Mr. Plocker asked the Board not to vote this night, as he would like to have a full compilation of seven (7) Board members to vote on this application. This meeting was carried to October 15, 2019 with no further notice. An extension of time was signed and the missing Board members will be forwarded the recording of this meeting.

RESOLUTIONS

Z.B. 16-6584 Tuhap Holdings, LLC. - Memorialization of Resolution granting 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.

Offered: Vice Chairman Weilheimer

Seconded: Ms. DiGrande

Ayes: (5) Mr. Solon, Mr. Zwerin, Mr. Weilheimer. Ms. DiGrande, Mr. Powers

Nays: (0)

Z.B. 18-6670 Tennent Road Wash & Lube, LLC – Memorialization of Resolution granting a Use variance to allow a car wash and lube in the C-2 Neighborhood Commercial zone, located at 6 Tennent Road, Block 122, Lot(s) 33 in the C-2 zone.

Offered: Mr.Solon Seconded: Mr. Zwerin

Ayes: (3) Mr. Solon, Mr. Zwerin, Ms. DiGrande

Nays: (0)

Z.B. 19-6675 Hindu American Temple & Cultural Center, Inc. - Memorialization of Resolution granting a lot line adjustment, located at 31 Wooleytown Road, Block 147, Lot 17.01 (f/k/a 13, 17 & 28.01) in the LC zone.

Offered: Vice Chairman Weilheimer Seconded: Ms. DiGrande

Ayes: (5) Mr. Solon, Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande, Mr. Powers

Nays: (0)

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

Respectfully submitted

Sarah Paris