

MARLBORO TOWNSHIP ZONING BOARD
November 26, 2019

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: DiGRANDE, POWERS, VIRDI, WEILHEIMER, YOZZO,
ZWERIN and CHAIRMAN SHAPIRO

ABSENT: SOLON

PROFESSIONALS PRESENT: JOHN HESS, P.E., & STEVEN R. TOMBALAKIAN, ESQ.

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

Chairman Shapiro moved that the minutes of May 14, 2019 be adopted. This was seconded by Boardmember Zwerin, and passed on a roll call vote of 6 - 0 in favor.

Chairman Shapiro moved that the minutes of May 28, 2019 be adopted. This was seconded by Boardmember Zwerin, and passed on a roll call vote of 6 - 0 in favor.

Chairman Shapiro moved that the minutes of October 15, 2019 be adopted. This was seconded by Boardmember Zwerin, and passed on a roll call vote of 6 - 0 in favor.

Chairman Shapiro moved that the minutes of October 22, 2019 be adopted. This was seconded by Boardmember Zwerin, and passed on a roll call vote of 6 - 0 in favor.

Z.B.: 18-6665 David Jones - Continued 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 was carried to January 14, 2020 without further public notice.

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 was carried to January 14, 2020 without further public notice.

Z.B.: 19-6692 Sunset Park, LLC - Public Hearing for Preliminary and Final Site Plan with Bulk Variance approval to construct a two-story assisted living facility with a seventy-seven vehicle parking area, located at Texas Road, Block 103 Lot 10, in the R-60 Zone.

The Board took jurisdiction and entered evidence A-1 through A-28.

Counsel for the Applicant, Salvatore Alfieri, Esq., explained that the Applicant had previously received bifurcated use variance relief permitting the proposed use on the subject property. He explained that the Applicant was now seeking bifurcated preliminary and final site plan approval for the proposed two (2) story, 95 bed assisted-living facility. Mr. Alfieri also stated that the plans had been revised to address all Environmental Commission comments. A deed restriction reserving 15% of the beds for Medicaid patients would also be executed. He also confirmed that a Presence/Absence letter dated 8/15/19 had been submitted to the Board. The Township Fire Bureau Report dated 4/18 was also addressed.

The Applicant's Engineer William Kurtz, PE, PP, testified that the plans had been revised to comply with all comments from the Township Fire Bureau as well as the Environmental Commission. This included adding an emergency access to Wicker Place which would be gated. The availability of public water and sewer were also confirmed. A backup generator had also been added to the site and refuse details were now depicted on the plans. Mr. Kurtz also provided testimony concerning the compliance of stormwater management with all Ordinance requirements and specifically identified the proposed basin on the northern side of the subject property.

The Applicant's Architect David Fontes, AIA, testified that the generator would utilize diesel fuel. He also confirmed that the proposed structure would be 35' high. The structure would also be energy star rated. Mr. Fontes further stated that multiple dining locations would be located within the building as well as amenities including, but not limited to, a gym and nail salon.

The Applicant's Planner, Christine Cofone, PP, AICP, testified that the Applicant was required to prove that the negative criteria continued to be satisfied as a requirement of receiving preliminary and final site plan approval. She referenced the Resolution granting bifurcated use variance relief and stated that the proposed site plan was the exact development contemplated by the first bifurcated approval. She further testified that the plan addressed the comments of the Environmental Commission as well as the Fire Bureau. The site would also have an emergency access as well as a back-up generator. It was therefore her opinion that the site plan did not result in a substantial detriment to the zone plan or zoning ordinance or to the public good.

Public Hearing opened.

There was no one else who wished to speak.
Public Hearing closed.

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

A motion in the affirmative was offered by Chairman Shapiro, seconded by Mr. Zwerin. In favor: DiGrande, Powers, Weilheimer, Yozzo, Zwerin and Chairman Shapiro. Absent: Solon and Virdi.

Z.B. 18-6656 Peter & Patty Bellone - Memorialization of a Resolution granting approval for bulk variance.

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

ZB 19-6685 Lane & Caroline Rosen - Memorialization of a Resolution granting approval of bulk variance.

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

ZB 19-6689 Vincenzo Nigro - Memorialization of a Resolution granting approval of bulk variance.

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

ZB 19-6693 Oren Borenstein - Memorialization of a Resolution granting approval of bulk variances.

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

ZB 19-6695 Ivan Skala - Memorialization of a Resolution granting approval of bulk variances.

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

ZB 19-6690 Anthony Campitiello - Memorialization of a Resolution granting approval for bulk variance

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

A motion to adjourn at 8:25 p.m. was offered by Chairman Shapiro, seconded by Mr. Zwerin. One vote was cast.

Respectfully submitted
Susan A. Branagan