

MARLBORO TOWNSHIP ZONING BOARD
JUNE 9, 2015

THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD CHAIRMAN SHAPIRO AT THE MARLBORO TOWNSHIP TOWN HALL, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30 P.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 ... CHAIRMAN SHAPIRO, MR. SOLON, MR. LEVIN, MR. ZWERIN,
MR. WEILHEIMER, MS. DI GRANDE, DR. ADLER**

ABSENT ...

**PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO ESQ. AND
MS. PARIS (Admin.Officer)**

SALUTE THE FLAG

**APPROVAL OF THE APRIL 14, 2015 ZONING BOARD OF ADJUSTMENT
MINUTES**

PUBLIC SESSION - No one signed up to speak.

Z.B. 15-6537 JESSICA JUNDEF - Public Hearing for Bulk Variance approval to construct a 6' vinyl fence on property line in second front yard , located at 12 Ellery Place, Block 359.01 Lot 2, in the R-20AH-1

Applicant didn't properly notice for this meeting. Applicant will re-notice and is now scheduled for the June 23, 2015 meeting.

Z.B. 14-6525 MARLBORO MUSLIM CEMETERY – Continued Public Hearing for Use Variance approval requesting a minor sub-division to create a second lot for use as a farm, located at 340 Spring Valley Road, Block 146 Lot 48, in the LC zone

Applicant requested to be carried. The Applicant will re-notice and is schedule for the July 28, 2015 meeting

Z.B. 14-6520 NEW YORK SMSA LP d/b/a VERIZON WIRELESS – Continued Public Hearing for Use Variance approval to construct 125 foot high monopole with associated equipment shelter, cabinet and 8 foot high chain link fence at 251 Spring Valley Road, Block 172 Lot 14, in the LC zone

Ronald Cucchiaro, Esq. (Board Attorney) gave a summary of past testimony to this point. Mr. Cucchiaro stated the only remaining issue was clarification on the merger of some or all of the lots in the area and the reorientation/relocation of the proposed pole to comply with the fall zone requirements.

Mr. Michael Beck Esq. agreed that Mr. Cucchiaro's summation was correct. Mr. Beck stated that the Applicant would agree to merge lots 13, 14, & 15. Laura Neumann requested clarification whether or not lot 13 was vacant. Mr. Beck stated that lot 13 is not vacant. Lot 13 is a grading lot that is presently being used for storage of vehicles. Lot 13 is a preexisting nonconforming use as a junk yard. Mr. Beck stated that the entirety of lot 13 is leased out and not available.

Sarah Paris (Zoning Code Enforcement Officer) was sworn in a gave testimony. Ms. Paris stated that lot 13 is a Junkyard, and has been for many years. Ms. Paris stated, after one of the hurricanes, the Township gave the Junkyard permission to rent the Junkyard to Insurance Auto Auctions for their overflow. The property is listed as Mr. Schechter's Junkyard, he gets the licenses for it.

Dr. Adler asked Mr. Beck if the Applicant can relocate the pole to accommodate the fall zone.

Mr. Cucchiaro stated that it appears now that the applicant is willing to merge the lots, it would appear that the fall zone could be complied with. Mr. Beck agrees.

Dr. Adler would like to see the mono-pole be at 150 feet with additional carriers on the pole.

Robert Foley P.E. was sworn in and gave testimony. Mr. Beck asked Mr. Foley revised plans were prepared for this application, Mr. Foley answered “yes”. Mr. Beck asked Mr. Foley to describe to the board the changes reflected in the revision. Mr. Foley referred to Z1 in the revised plan. Mr. Foley explained the wireless compound was relocated to the south of the property, approximately 22 feet further back. The relocation caused the front yard setback to Spring Valley Road to be increased to 133 feet to the edge of the antennas, from the original 111 feet. The center line of the mono-pole is 150 feet to the edge of Spring Valley Road, where the original plan was 128 feet. The equipment building is now going to be 53 feet, 5 inches from the rear property line as opposed to the original 75 feet, 4 inches.

Mr. Cucchiaro questioned the rear property line and its location. Mr. Cucchiaro indicated that the property line between lots 13 and 14 should no longer exist. Mr. Beck asked Mr. Foley to estimate the distance to the rear southern portion of lot 13. Mr. Foley gave a distance of approximately 590 feet. Side yard setback to the east from lot 13 to lot 12 would be 240 feet. Side yard setback from lot 15 to lot 16, approximately 130 feet. Ms. Neumann requested the setback from the right of way line. Mr. Foley stated that the setback would be 143 feet to the mono-pole. Mr. Beck asked Mr. Foley if the Applicant would object to move the mono-pole 7 feet further back to accommodate the 150 foot setback. Mr. Foley answered “no”.

William Perry Site Acquisition Consultant for Verizon Wireless. Mr. Beck asked Mr. Perry to describe the lot 13 to the board. The activity is minimal and it’s an unmanned facility. Basically a vacant lot. Matthew Weilheimer asked what goes on in that lot? Mr. Perry described the activity on lot 13 as minimal, maybe 5 vehicles, clean lot, no structures, and unmanned.

David Stern RF Engineer was asked if the proposed location cover Verizon Wireless coverage objectives, Mr. Stern answered “yes”.

William Masters P.P. stated that this is a suitable site for a wireless communication facility.

Public –

Daniel Matarese 485 Texas Rd.- Has concerns with the fall zone.

In workshop

Offered: Chairman Shapiro

Second: Mr. Levin

Mr. Solon in favor of the lot line being removed. Mr. Solon has concerns with the fall lines. Would like the mono-pole to be 125 feet. Mr. Levin has no issues with the fall zone. Mr. Zwerin is in favor of the application with the revisions. Ms. DiGrande agrees the lot lines need to be removed and is in favor of the revised location, and would like to see a 150 foot mono-pole. Dr. Adler is in favor of this application with the revisions, but would like to see the mono-pole to be constructed at 150 feet. Chairman Shapiro is also in favor of this application with the revisions. Mr. Weilheimer is also in favor of this application with the mono-pole at 125 feet.

Out of Workshop

Offered: Chairman Shapiro

Second: Mr. Levin

A motion in the affirmative

Offered: Chairman Shapiro

Ayes: 6 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Chairman Shapiro, Ms. DiGrande,
Dr. Adler).

Second: Mr. Levin

Absent: 0
Nays: 1 (Mr. Weilheimer)

MEMORIALIZATIONS

Z.B. 14-6514 MICHAEL & VINCENTA RAYA – Memorialization of Resolution granting Bulk Variance approval for total lot coverage at 408 Basswood Lane, Block 120.05 Lot 23, in the RSCS zone

Offered: Chairman Shapiro Ayes: 5 (Mr. Solon, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Dr. Adler)

Second: Mr. Zwerin Recused: 1 (Ms. DiGrande)
Absent: 1 (Mr. Levin)

Z.B. 14-6539 JAMES HARRISON – Memorialization of Resolution granting Bulk Variance approval to install an above ground pool within 100’ from top-of-bank of stream at 17 Eagle Road, Block 392 Lot 8, in the R-60/15 zone

Offered: Chairman Shapiro Ayes: 6 (Mr. Solon, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro
Ms. DiGrande)

Second: Mr. Zwerin Nays: 0
Absent: 1 (Mr. Levin)

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

Respectfully submitted
Jennifer Bajar