

MARLBORO TOWNSHIP ZONING BOARD
JANUARY 12, 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.

MR. CUCCHIARO 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.

MR. CUCCHIARO ADMINISTERED THE OATH OF OFFICE TO REAPPOINT MR MATTHEW WEILHEIMER AND MR. JOSEPH NAPPI TO THE ZONING BOARD OF ADJUSTMENT

ROLL CALL

PRESENT ... MR. SOLON, MR. LEVIN, MR. ZWERIN, MR. WEILHEIMER, MR. SHAPIRO, MS. DI GRANDE, DR. ADLER, MR. VERDI, and MR. NAPPI

ABSENT... NONE

PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO, MR. ANGELASTRO

SALUTE THE FLAG

Mr. Cucchiaro, Esq. acting as Chairman called the meeting to order.

A motion to appoint Mr. Shapiro as Board Chairman:

Offered:	Adler	Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr. Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi, Mr. Nappi).
		Nays: 0
Second:	Levin	Absent: 0

A motion to appoint Mr. Weilheimer as Board Vice Chairman:

Offered:	Chairman Shapiro	Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi, Mr. Nappi).
		Nays: 0
Second:	DiGrande	Absent: 0

A motion to appoint Mr. Zwerin as Board Secretary:

Offered:	Chairman Shapiro	Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi, Mr. Nappi).
		Nays: 0
Second:	Weilheimer	Absent: 0

A motion to appoint Ronald Cucchiaro from Weiner, Lesniak Associates as Board Attorney:

Offered:	Chairman Shapiro	Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi, Mr. Nappi).
		Nays: 0
Second:	DiGrande	Absent: 0

A motion to appoint Laura Neumann, P.E., of CME Associates as the Board Engineer:

Offered:	Chairman Shapiro	Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi, Mr. Nappi).
		Nays: 0
Second:	DiGrande	Absent: 0

A motion to appoint Laura Neumann, P.E., of CME Associates as the Board Planner:

Offered: Chairman Shapiro Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler, Mr. Verdi,
Mr. Nappi).
Nays: 0
Second: Nappi Absent: 0

A motion to appoint Michael Angelastro, P.E., of Remington & Vernick as the Board Traffic Engineer:

Offered: Chairman Shapiro Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler, Mr. Verdi,
Mr. Nappi).
Nays: 0
Second: Weilheimer Absent: 0

A motion to appoint Sarah Paris as Administrative Officer for the Board:

Offered: Chairman Shapiro Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler, Mr. Verdi,
Mr. Nappi).
Nays: 0
Second: Nappi Absent: 0

A motion to use the Asbury Park Press and Star Ledger as the newspaper for advertising:

Offered: Chairman Shapiro Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler, Mr. Verdi,
Mr. Nappi).
Nays: 0
Second: Weilheimer Absent: 0

A motion to adopt the meeting dates:

Offered: Chairman Shapiro Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Dr. Adler, Mr. Verdi,
Mr. Nappi).
Nays: 0
Second: Levin Absent: 0

A motion to adopt the meeting time to 7:00 P.M.:

Offered: Chairman Shapiro Ayes: 6 (Mr. Levin, Mr. Zwerin,
Mr. Weilheimer, Chairman Shapiro,
Ms. DiGrande, Mr. Nappi)
Nays: 3 (Mr. Solon, Dr. Adler, Mr. Verdi)
Second: Levin Absent: 0

REGULAR MEETING

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

Z.B. 15-6559 JIN WANG d/b/a Lin's HVAC - Public Hearing for a Mixed Use Variance and a Preliminary 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

Application to be carried to January 26, 2016 without further notice to property owners.

Z.B. 15-6543 TRI STATE RESTORATION, INC. – Continued Public Hearing for a Use Variance to continue auto body repair in the LI zone, located at 238 Boundary Road, Block 360 Lot 5 in the LI zone

Application to be carried to March 8, 2016 without further notice to property owners.

Z.B. 15-6536 ANTISELL - Continued Public Hearing for Use Variance and approval of a major 5 lot subdivision with bulk variances that is located on Reids Hill Road, Block 154 Lots 17 & 18 in a split zone (C-3 and LC)

Application to be carried to March 8, 2016 without further notice to property owners.

Z.B. 15-6563 JOSEPH HANNA - Public Hearing for Bulk Variance to construct a pole barn and horse stalls which exceeds permitted lot coverage located at 115 Dutch Lane Road, Block 362 Lots 32 in the R-80 zone

Application to be carried to January 26, 2016 without further notice to property owners.

Z.B. 15-6561 SCHECHTER FAMILY, LLC. - Public Hearing to keep a newly constructed single family residence that was constructed without permits on a lot that already has an existing non-conforming use of a junkyard and a single family home. This additional house represents an expansion of a non-conforming use, located at 158 Tennent Road, Block 147 Lots 34 in the C-2 zone

Application to be carried to March 8, 2016 without further notice to property owners.

Z.B. 09-6371A TDA CAPITAL, LLC. - Public Hearing to Amend Final Site Plan located at 114 Tennent Road, Block 147 Lots 28.02 in the C-2 zone

Application to be carried to February 23, 2016 without further notice to property owners.

MEMORIALIZATIONS

Z.B. 15-6551 STEVEN DICKMAN – Memorialization of Resolution granting a Major Subdivision to create three new non-conforming lots with Bulk and Density Variances, located 17 Thomas Lane., Block 106 Lot 6 in the R-30/20 zone

Offered:	Chairman Shapiro	Ayes: 8 (Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi, Mr. Nappi).
		Nays: 0
Second:	Mr. Weilheimer	Absent: 1 (Mr. Solon)

Z.B. 15-6558 PETTY - Memorialization of Resolution granting a Bulk Variance to keep in-ground pool and patio which was built in violation of building permit and exceeds permitted lot coverage located at 409 Georgetown Drive, Block 159 Lots 3.12 in the R-20AH-2 zone

Offered:	Chairman Shapiro	Ayes: 6 (Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler).
		Nays: 0
Second:	Mr. Weilheimer	Absent: 4 (Mr. Solon, Mr. Levin, Mr. Verdi, Mr. Nappi)

Z.B. 15-6564 BEAR BROOK COMMONS, LLC. - Public Hearing for Use Variance to allow Pool Equipment, Sales and Service in a zone which does not specifically permit this use, which is specifically listed as a permitted use in the CS Commercial Services zone located at 455 Route 520, Block 255 Lots 192 in the C-2 zone

Linda M. Herlihy Esq. introduced the application to the Board.

Mr. Cucchiaro explained to the Board members that the Applicant requested a submission waiver, and that the Board members don't have a site plan to review in this case. Mr. Cucchiaro explained to the Board members that they have the right to request a site plan if they feel the need for it. Chairman Shapiro asked each Board member if they could carry-on without a site plan, all members were comfortable continuing on without a site plan.

Ms. Feradov explained that retail is permitted in the C-2 zone, but a pool supply store is not a listed permitted use. Ms. Herlihy stated that C-S zone allows for service uses, with sales permitted for incidentals for service use, and does list pool equipment and sales.

Ms. Nevin Feradov was sworn in and gave testimony. Ms. Feradov is the principal of The Pool Shop. Ms. Feradov stated that she is proposing to sell pool toys, chemicals, pool equipment and service. Ms. Feradov stated that the service division is all off site, and her service truck will not remain on site.

Ms. Neumann reiterated to the applicant that there will be no overnight parking at the proposed site. Ms. Feradov stated "no, we didn't do it at the other store."

Ms. Feradov stated that 90% of her business is retail and 10% is service. Ms. Herlihy asked Ms. Feradov if she sells to pool contractors, Ms. Feradov stated that she only sells to homeowners. Ms. Feradov stated that she only has three employees, one of which is the Service Tech, she may hire one additional Service Tech. Ms. Feradov stated that the hours of operation will be Monday – Friday 9:00 am. – 6:00 pm., Saturday 9:00 am. – 5:00 pm., and Sunday 9:00 am. – 3:00 pm.

Chairman Shapiro asked Ms. Feradov if she will be doing bulk sales, Ms. Feradov stated no. Ms. Feradov stated that she will be selling retail packaged chemicals.

Mr. Zwerin asked how Ms. Feradov receives deliveries. Ms. Feradov stated that her distributor delivers twice per week with a moving truck, in the rear of the store. Mr. Solon asked if Ms. Feradov would be disposing of any chemicals, Ms. Feradov responded, no. Mr. Levin asked Ms. Feradov what the largest container of chemical she would be selling, Ms. Feradov responded chlorine tables 25lbs. Sometimes the 1lb. prepackaged shock comes in a 50lbs. drum. That would be the largest. Mr. Verdi asked if anything will be displayed outside of the store. Ms. Feradov responded, nothing outside the store at all.

Evidence was introduced to the Board, A-16 Planning Exhibits for Bear Brook Commons Associates, LLC. prepared by John McDonough consisting of three pages.

John McDonough, L.A., P.P., A.I.C.P. was sworn in and gave testimony. Mr. McDonough described the existing businesses within the shopping center and its surrounding area. Mr. McDonough testified that the parking is adequate within the existing shopping center to accommodate the proposed use, and sees it as a positive application. Mr. McDonough testified that there will be no substantial change to the shopping center with the addition of this use. The building will not be modified in any way.

PUBLIC SESSION - *No one spoke on behalf of this application.*

In workshop

Offered: Chairman Shapiro

Second: Mr. Zwerin

Mr. Solon is in favor of this application, he likes the use for this location. Mr. Verdi is in favor of the application. Mr. Levin is satisfied with the application. Mr. Zwerin is in favor of this application. Mr. Weilheimer stated that application works well in this location, he would like to know if the location is equipped with sprinklers. Mr. Nappi likes the application. Ms. DiGrande is in favor as well. Dr. Adler likes this application, but would like the employees to park in the rear of the building. Chairman Shapiro sees the application as a retail use and is in favor of this use.

Out of Workshop

Offered: Chairman Shapiro

Second: Mr. Levin

Chairman Shapiro asked Ms. Herlihy if the location is equipped with a sprinkler system, Ms. Herlihy stated that it is. Ms. Herlihy stated that with respect to the parking, it's not a requirement of the center, that employees park in the rear. Mr. Cucchiaro asked if the applicant would agree to having her employees park in the rear of the building. Ms. Herlihy stated that the applicant would agree.

A motion in the affirmative

Offered:	Chairman Shapiro	Ayes: 9 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, Dr. Adler, Mr. Verdi, Mr. Nappi).
Second:	Mr. Solon	Nays: 0 Absent: 0

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

Respectfully submitted

Jennifer Bajar