

**MARLBORO TOWNSHIP ZONING BOARD**

**March 12, 2019**

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

**SALUTE THE FLAG**

**ACTING CHAIRMAN MATTHEW WHEILHEIMER 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 ... {4} MR. ZWERIN, MR. WEILHEIMER, MS. DiGRANDE, and MR. POWERS,**

**ABSENT... {4} MR. SOLON, MR. VERDI, CHAIRMAN SHAPIRO, and MR. YOZZO**

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

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

**Z.B. 19-6678 Alice & Samuel Rein - Public Hearing for Bulk Variance to keep amenities (patio and walks) built during the construction of an in-ground pool which require a variance for exceeding principal building, and total lot coverage, located at 145 Micki Drive, Block 306, Lot 2, in the R-20 zone.**

***Applicant did not properly notice, therefore they are carried to the March 26<sup>th</sup> Zoning Board hearing date. Applicant will re-notice property owners***

**Z.B. 18-6652 Miller Landscaping, Co.**- Continued Public Hearing for Use Variance 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.

***The Applicant requested to carry due to the Board not having a full compliment. Application to be carried to April 30, 2019 without further notice to property owners.***

**Z.B. 18-6671 Robert & Dana Stein** - Public Hearing for Bulk Variance to place a fence in second front yard with the fence coming off of the front corner of the house and being setback ten (10') feet from the property line, located at 2 Plowshare Court, Block 374, Lot 33, in the R-30/20 zone.

***Application to be carried to April 9, 2019 without further notice to property owners.***

**Z.B. 19-6673 Joseph & Jenna Corrado** - Public Hearing for Bulk Variance to construct a new covered front porch which will go into the front yard setback, located at 306 Clare Court, Block 119.03, Lot 2, in the RSCS zone.

Joseph Corrado was sworn in and gave testimony. Mr. Corrado testified that he was seeking variance relief in order to construct a 167 square foot (5.5 s.f. x 30.5 s.f.) covered front porch which he believed would result in an aesthetic enhancement. Mr. Corrado stated that the following variance relief was required for insufficient front yard set back, where 20 feet is required and 18.9 feet proposed.

Laura Neumann P.E. (Board's Engineer) asked Mr. Corrado if there was an existing porch on the Home. Mr. Corrado stated that the home doesn't have a front porch, just a small roof over the front door. Ms. Neumann asked if the proposed porch would replace the existing overhang, Mr. Corrado testified it would. Ms. Neumann informed the Board the proposed 2<sup>nd</sup> floor addition

was not subject to a variance. Ms. Neumann further stated the proposed porch doesn't create a negative impact on the surrounding properties

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

***A motion in the affirmative as requested***

Offered:            Acting Chairman Weilheimer            Ayes: 4 (Mr. Zwerin, Mr. Weilheimer,

Ms. DiGrande, & Mr. Powers)

Second: Mr. Zwerin  
Nays: 0  
Absent: 2 (Mr. Mr. Solon, Mr. Viridi,  
Chairman Shapiro, & Mr. Yozzo)  
Recused: 0

**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 Plocker Esq. introduced the application. Mr. Plocker stated the Applicant is seeking approvals for continued use of a Single Family Dwelling, a contractors yard, storage of construction company supplies, a garage and office. Mr. Plocker noted the maintenance of the vehicles on the property would only be that of the Applicant's commercial vehicles

David Jones was sworn in and gave testimony. Mr. Plocker ask Mr. Jones to verify the 1979 deed that he took tile of the property, Mr. Jones confirmed that is was. Mr. Plocker asked why Mr. Jones purchased the subject property, Mr. Jones stated "because it was a construction yard". Mr. Plocker asked Mr. Jones to describe the yard at the time he purchased it. Mr. Jones noted construction equipment, and construction vehicles. Mr. Plocker asked if the house, garage, and trailer were existing when he purchased the subject property, Mr. Jones testified "yes". Mr. Plocker asked what the condition of the property at the time of his purchasing it. Mr. Jones testified it was a little run down, but livable. Mr. Plocker submitted A-14 a Journal. Mr. Plocker asked Mr. Jones when if found the journal. Mr. Jones testified he found it while cleaning out the house in 1979. Mr. Plocker asked the reason Mr. Jones kept it. Mr. Jones testified he found it interesting. Mr. Plocker referenced the seventh page in the journal. He asked Mr. Jones to read the date noted on that page, Mr. Jones read May 10, 1943. Mr. Plocker asked Mr. Jones if he ever altered the journal. Mr. Jones testified "no". Mr. Plocker referenced page 13 and asked Mr. Jones to read the date, Mr. Jones read August 14, 1943. Mr. Plocker reference page 18 asking Mr. Jones to read the date, Mr. Jones read, January 1, 1944. Mr. Plocker asked Mr. Jones how he uses the property today. Mr. Jones stated he uses it for his construction business. Mr. Plocker asked Mr. Jones if he maintains his vehicles on the property, Mr. Jones stated he does. Mr. Plocker asked who does the repairs. Mr. Jones testified he has a mechanic. Mr. Plocker ask if the mechanic use to repair vehicles belonging to other people, Mr. Jones stated yes. Mr. Plocker asked if he still works on other vehicles, other than Mr. Jones', Mr. Jones testified he doesn't. Mr. Plocker asked if Mr. Jones has a tenant residing on the subject property, Mr. Jones testified he does. Mr. Plocker asked the name of the tenant. Mr. Jones testified that his tenant's name is Larry Stevens and he has resided at the subject property since 1979.

**PUBLIC:** – Mikaela Daly Owner of Block#108 Lot#17 & Block#108 Lot#15 has concerns with type

of business being conducted at the subject property.

Ms. Daly submitted exhibit P-1 File Map pg1. case# 28.4 11/10/1939 pg2. case# 1-24 10/23/1942  
Mr. Plocker asked where Ms. Daly obtained the document. Ms. Daly stated the document was obtained via her father (Miguel Cruz of 29 Wicker Pl.) from the Monmouth County Clerk.

Ruben Cruz (Ms. Daly’s brother) testified he was with Miguel Cruz when the documents were received.

Ms. Daly asked if the subject property was part of the original subdivision as referenced in the deeds submitted. Mr. Plocker testified he didn’t know.

Ruben Cruz owner of Block#108 Lot#14 submitted P-2 (13) Photos of subject property taken from November 2018 through today, consisting of 5 pages. Mr. Cruz asked if the vehicles depicted in the photos are used for the business and or the residential. Mr. Jones testified, “yes”. Mr. Cruz asked if Mr. Jones has employees working for him on the site. Mr. Jones testified “yes”. Mr. Cruz asked if the bulldozer would fit in the garage. Mr. Jones testified “yes”.

*Application to be carried to April 9, 2019 without further notice to property owners.*

### **RESOLUTIONS**

**Resolution appointing Ronald Cucchiaro, Esq., of Weiner Law Group** as Attorney for the Zoning Board if Adjustment of the Township of Marlboro

Offered: Acting Chairman Weilheimer Ayes: 4 (Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande, & Mr. Powers)

Second: Mr. Zwerin Nays: 0  
Absent: 2 (Mr. Solon, Mr. Viridi, Chairman Shapiro, & Mr. Yozzo)

Recused: 0

**Resolution appointing Laura Neumann, P.E., of CME Associates** as the Engineer for the Zoning Board if Adjustment of the Township of Marlboro

Offered: Acting Chairman Weilheimer Ayes: 4 (Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande, & Mr. Powers)  
Nays: 0  
Second: Mr. Zwerin Absent: 2 (Mr. Mr. Solon, Mr. Viridi, Chairman Shapiro, & Mr. Yozzo)  
Recused: 0

**Resolution appointing Laura Neumann, P.E., of CME Associates** as the Planner for the Zoning Board if Adjustment of the Township of Marlboro

Offered: Acting Chairman Weilheimer Ayes: 4 (Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande, & Mr. Powers)  
Nays: 0  
Second: Mr. Zwerin Absent: 2 (Mr. Mr. Solon, Mr. Viridi, Chairman Shapiro, & Mr. Yozzo)  
Recused: 0

**Resolution appointing Remington & Vernick Engineers and Affiliates** as the Traffic Engineer for the Zoning Board if Adjustment of the Township of Marlboro

Offered: Acting Chairman Weilheimer Ayes: 4 (Mr. Zwerin, Mr. Weilheimer, Ms. DiGrande, & Mr. Powers)  
Nays: 0  
Second: Mr. Zwerin Absent: 2 (Mr. Mr. Solon, Mr. Viridi, Chairman Shapiro, & Mr. Yozzo)  
Recused: 0

*A motion to adjourn was offered by Acting Chairman Whielheimer, seconded by Mr. Zwerin.*

*Respectfully submitted  
Jennifer Bajar*