

MARLBORO TOWNSHIP ZONING BOARD

January 14, 2020

REORGANIZATION MEETING

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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 TO 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.

The following members were sworn in:

Matthew Weilheimer - four year term (12/31/2023)  
Ira Levin - Alternate No.1 - unexpired one year term  
(12/31/2020)  
Frank Yozzo - Alternate No.2 - two year term (12/31/2021)

ROLL CALL:

PRESENT: DIGRANDE, LEVIN, POWERS, SOLON, VIRDI,  
WEILHEIMER, YOZZO, ZWERIN, and CHAIRMAN SHAPIRO,

ABSENT: NONE

PROFESSIONALS PRESENT: LAURA NEUMANN, P.E., & RONALD D.  
CUCCHIARO, , ESQ.

Boardmember Solon nominated Michael Shapiro for Chairperson, seconded by Boardmember Weilheimer. In favor: Digrande, Levin, Powers, Solon, Virdi, Weilheimer, Yozzo, Zwerin.

Chairman Shapiro nominated Matthew Weilheimer for Vice Chairperson, seconded by Boardmember Powers. In favor: Digrande, Levin, Powers, Solon, Virdi, Yozzo, Zwerin and Chairman Shapiro.

Chairman Shapiro nominated Alan Zwerin for Secretary, seconded by Boardmember Weilheimer. In favor: Digrande, Levin, Powers, Solon, Virdi, Weilheimer, Yozzo, and Chairman Shapiro.

Election of Administrative Officer was carried to the January 28, 2020 regular meeting.

The following Resolution #2020-1 (Authorizing contract Board Attorney - Ronald D. Cucchiaro, Esq., Weiner Law Group, LLP ) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Zwerin and passed on a roll call vote of 9 - 0 in favor.

RESOLUTION #2020-1

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO RONALD D. CUCCHIARO, ESQ OF WEINER LAW GROUP, LLP FOR THE YEAR 2020 PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Zoning Board of Adjustment requires a Board Attorney, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Zoning Board of Adjustment received a proposal from Weiner Law Group, LLP, 629 Parsippany Road, Parsippany, NJ 07054 in response to the Request for Qualifications for professional services which set forth the terms and conditions under which such services are to be rendered under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Zoning Board of Adjustment of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to Weiner Law Group, LLP, 629 Parsippany Road, Parsippany, NJ 07054, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and in accordance with the proposal for Board Attorney; and

3. That notice of the award of this contract shall be published in accordance with law.

The following Resolution #2020-2 (Authorizing contract Board Engineer - Laura Neumann, P.E., CME Engineering, Inc.) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Zwerin and passed on a roll call vote of 9 - 0 in favor.

RESOLUTION #2020-2

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO LAURA NEUMANN, P.E. OF CME ENGINEERING, INC. FOR THE YEAR 2020 PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Zoning Board of Adjustment requires an Engineer, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such services, and accordingly, such

services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Zoning Board of Adjustment received a proposal from CME Engineering, Inc., 1460 Route 9 South, Howell, NJ 07731 in response to the Request for Qualifications for professional services which set forth the terms and conditions under which such services are to be rendered under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Zoning Board of Adjustment of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to CME Engineering, Inc., 1460 Route 9 South, Howell, NJ 07731, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and in accordance with the proposal for Engineer; and

3. That notice of the award of this contract shall be published in accordance with law.

The following Resolution #2020-3 (Authorizing contract Board Planner - Laura Neumann, P.E., CME Engineering, Inc.) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Zwerin and passed on a roll call vote of 9 - 0 in favor.

RESOLUTION #2020-3

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO LAURA NEUMANN, P.E. OF CME ENGINEERING, INC. FOR THE YEAR 2020 PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Zoning Board of Adjustment requires a Planner, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Zoning Board of Adjustment received a proposal from CME Engineering, Inc., 1460 Route 9 South, Howell, NJ 07731 in response to the Request for Qualifications for professional services which set forth the terms and conditions under which such services are to be rendered under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Zoning Board of Adjustment of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to CME Engineering, Inc., 1460 Route 9 South, Howell, NJ 07731, pursuant to a fair

and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and in accordance with the proposal for Planner; and

3. That notice of the award of this contract shall be published in accordance with law.

The following Resolution #2020-4 (Authorizing contract Board Traffic Engineer - Robert Nash, P.E., Remington & Vernick Engineers) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Zwerin and passed on a roll call vote of 9 - 0 in favor.

RESOLUTION #2020-4

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO ROBERT NASH, P.E. OF REMINGTON & VERNICK FOR THE YEAR 2020 PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Zoning Board of Adjustment requires a Traffic Engineer, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Zoning Board of Adjustment received a proposal from REMINGTON & VERNICK of 51 Haddonfield Road, Suite #200, Cherry Hill, New Jersey 08002 in response to the Request for Qualifications for professional services which set forth the terms and conditions under which such services are to be rendered under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Zoning Board of Adjustment of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to REMINGTON & VERNICK of 51 Haddonfield Road, Suite #200, Cherry Hill, New Jersey 08002, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and in accordance with the proposal for Traffic Engineer; and

3. That notice of the award of this contract shall be published in accordance with law.

The following Resolution #2020-5 (Zoning Board of Adjustment Meeting Dates - 2020) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Powers and passed on a roll call vote of 9 - 0 in favor.

RESOLUTION # 2020-5

ZONING BOARD OF ADJUSTMENT MEETING DATES OF 2020

BE IT RESOLVED by the Zoning Board of the Township of Marlboro that it hereby adopts the following dates for its regularly scheduled meetings in 2020, shall be noticed to the Asbury Park Press, the Star Ledger, News Transcript and published in the Asbury Park Press; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77 in accordance with the requirements of the Open Public Meetings

Act, N.J.S.A. 10:4-18. Notice of any other meetings of the Zoning Board of Adjustment shall be provided in accordance with the Open Public Meetings Act. All meetings shall be held at 7:30 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

January 28, 2020

February 11, 2020  
March 10, 2020  
April 14, 2020  
May 12, 2020  
June 9, 2020

February 25, 2020  
March 24, 2020  
April 28, 2020  
May 26, 2020  
July 14, 2020

August 11, 2020

September 8, 2020  
October 13, 2020  
November 10, 2020

September 22, 2020  
October 27, 2020  
December 8, 2020

BE IT FURTHER RESOLVED, that notice of this resolution shall be published in accordance with law.

The following Resolution #2020-6 (Official Newspapers) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Yozzo and passed on a roll call vote of 9 - 0 in favor.

RESOLUTION # 2020-6

OFFICIAL NEWSPAPERS

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Marlboro that the following newspapers are hereby designated as the official newspapers for the year 2020:

ASBURY PARK PRESS

NEWARK STAR LEDGER

BE IT FURTHER RESOLVED, that notice of this resolution shall be published in accordance with law.



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

**Z.B. 18-6652** MILLER LANDSCAPING, CO.- 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 was carried to carried to March 10, 2020 without further public notice.

**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 a LC zone will file an amended application and re-notice.

**Z.B. 19-6698** BUBBLEWORKS AUTO SPA - Public Hearing for an amended site plan approval and use variance relief to permit the installation of self-service vacuum stations to an existing car wash, located at 33 Route 9 South, Block 175, Lot 4 in a C-4 zone carried to March 10, 2020 without further public notice.

**Z.B. 19-6694** FREDERICK AND MARY RECK - Public Hearing requesting preliminary and final major subdivision approval for subdividing two lots into three lots with bulk and use variance relief, located at 30 Hudson Street, Block 219, Lots 4 & 5, in a C1-1, and L1 zones carried to February 25, 2020 without further public notice.

The following Resolution ZB 17-6616FS (Goddard Estates, LLC) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Powers and passed on a roll call vote of 7 - 0 in favor, with Levin and Viridi abstaining.

**Z.B. 17-6616FS** Goddard Estates, LLC - Memorialization of Resolution granting a Density Use variance to create a five lot sub-division, located at 42 Vanderburg Road, Block 359.01, Lot 26 in the R-20AH-1 zone.

The following Resolution ZB 19-6683 (Buckdale, LLC) was introduced by reference, offered by Chairman Shapiro, seconded by Boardmember Powers and passed on a roll call vote of 5 - 0 in favor, with Levin, Viridi, Yozzo and Zwerin abstaining.

Z.B. 19-6683 Buckdale, LLC - Public Hearing for a Preliminary and Final Site Plan approval to develop 45 residential homes comprised of 26 single family homes and 19 townhouses, in the C-2 Neighborhood Commercial zone, located at Buckley Road, Block 355, Lot(s) 6, 7, 8, & 11 in the C-2 zone.

A motion to adjourn was offered by Chairman Shapiro, seconded by Boardmember Levin at 7:50 p.m.

Respectfully submitted,

Susan A. Branagan