

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

PHONE: (732) 536-0200 EXT.1809: (732) 617-7225

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Chairperson

Michael Shapiro

Vice-Chairperson

Matthew Weilheimer

Secretary

Alan Zwerin

Members

Frank Yozzo

Ira Levin

Jennifer Bajar

Adrienne Spota

Ibrahim Naboulsi - Alt #1

Stacey DiGrande- Alt # 2

Zoning Board Clerk

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Attorney

Weiner Lesniak

Ronald D. Cucchiaro, Esq.

Engineer

Birdsall Engineering

James Priolo, P.E.,

Planner

T & M Associates

Richard Cramer, P.P.

Traffic Engineer

French & Parrello

Mark Kataryniak, PE, PTOE

Administrative Officer

Zoning Officer

Sarah Paris

MINUTES

ZONING BOARD OF ADJUSTMENT

AUGUST 16, 2011

8:00 P.M.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT:

Michael Shapiro, Alan Zwerin,
Ira Levin, Adrienne Spota,
Matthew Weilheimer, Frank Yozzo,
Ibrahim El-Naboulsi

ALSO PRESENT:

Ronald Cucchiaro, Esq. Board Attorney
Sarah Paris, Administrative Officer
James Priolo, P.E., Birdsall Engineering
Richard Cramer, P.P., T&M Associates
Mark Kataryniak, PE, French & Parrello

ABSENT:

Jennifer Bajar, Stacey DiGrande

The minutes of the August 2nd, 2011 meeting were approved:

Offered: Michael Shapiro

Ayes: 4

Seconded: Alan Zwerin

Absent: 2

Abstain: 3

No one signed up for Public Session

ZB11-6423 - Avis Budget Rental Vehicles

Public hearing for use approval for auto leasing at 81 South Main Street, Morganville, NJ, Block 415, Lot 21.32, located in a C-5 Community Commercial II Zone.

The Board took jurisdiction. The following evidence was entered:

- A - 1 Petition on Appeal
- A - 2 Letter of Denial by Zoning Officer
- A - 3 Indemnification and Hold Harmless Agreement
- A - 4 Disclosure Statement
- A - 5 W-9
- A - 6 Tax Collector's Certification
- A - 7 Notice To Adjoining Property Owners
- A - 8 List of Property Owners within 200 feet
- A - 9 Certified White Receipts and Green Cards
- A - 10 Affidavit of Publication
- A - 11 Affirmation of Local Pay to Play Ordinance
- A - 12 Owners Affidavit of Authorization and Consent
- A - 13 Survey prepared for Block 415, Lot 21.32, by Gregory S. Gallas, BTS Marlboro, LLC, NJ Route 79, Marlboro, NJ/Control Point Associates, Inc., 776 Mountain Blvd, Watchung, NJ, Dated 3/28/2002.
- A - 14 Report prepared by John Borden, Fire Sub-Code Official/Fire Office, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated 7/12/11.
- A - 15 Amended Application received 7/18/11 seeking interpretation of the Ordinance substituted for previously submitted ZB11-6423.
- A - 16 Request for Interpretation of Ordinance signed by Kevin Eyres, Shore Rentals, Inc. t/a Avis/Budget Rental Vehicles, dated 7/18/11
- A - 17 Amended Petition on Appeal requesting an interpretation or use variance, dated 7/14/11.
- A - 18 Aerial Photo of Brooks Edge Plaza Shopping Center, dated 7/15/11.
- A - 19 Report prepared by Richard Cramer, PP, T&M Associates, Eleven Tindall Road, Middletown, NJ, for Block 415, Lot 21.32, Dated July 29, 2011.
- A - 20 Report prepared by Mark W. Kataryniak, PE, Zoning Board Traffic Consultant, French & Parrello, 1800 Route 34, Suite 101, Wall, NJ, Dated August 8, 2011.
- A - 21 Affidavit of Service for Shore Rentals, Inc. ta Avis/Budget Rental Vehicles.

Richard O'Connor, Esq., O'Connor & O'Connor, 509 Stillwells Corner Road, Freehold, NJ representing the applicant, Shore Rentals, Inc., Avis/Budget Rental Vehicles. They are seeking interpretation/use variance relief.

Maureen Staub for Avis/Budget Rental Vehicles was sworn in. This is a family owned business located in Marlboro for the last thirty out of fifty-one years. The current property must be vacated. They have many loyal customers and would like to remain in Marlboro.

Ms. Staub stated that most reservations are done through the internet and phone and customers usually just pick up and return automobiles. There are generally eight transactions per day, only closing Christmas and New Years Day. Regular hours of business are 8:00 am to 6 pm; Saturdays are 8:00 am to 2 pm and Sunday's hours are 9:00 am to 12:00 pm. Holiday hours are 8:00 am to 12:00 pm. There is one employee and if busy, there may be two.

Kevin Eyres, Vice President of Shore Rental, was sworn in. The business was started by his father. Per the agreement with Brooks Edge Plaza, they are seeking twenty-five parking spaces.

Given into evidence:

- A - 22 Color rendering map dated March 28, 2002, Control Point Associates, Inc., 776 Mountain Boulevard, Watchung, NJ, Dated 3/28/02.

The dark green spots are reserved area spaces: there are two in the front, with ten additional and the balance of twenty-five in the rear. The rear spaces are close to the residential with significant berm

and fencing, etc. At most there should be 10-11 cars parked here. Trucks that are leased include a van, with 16, 18 and 22 foot body trucks. Mr. Eyres added additional evidence showing the description of the trucks.

Additional Evidence:

A - 23 Board demonstrating description of smaller to larger vehicles.

Ms. Spota inquired how many trucks there were; Mr. Eyres said there is an average of four trucks in this area. The fleet consists of about 70 trucks and if additional trucks are required, they will obtain them from the Matawan location.

Mr. Shapiro inquired as to the signage. Mr. Eyres said that they will be using Brooks Edge.

A - 24 Board showing individual numbered Avis spaces

Ms. Paris stated there have been prior problems with the emptiness in the rear lot. Tractor trailers have used this area to park.

Mr. O'Connor asked if there will be maintenance at the sight; Mr. Eyres said there is none.

Mr. Cucchiaro inquired if they would be refilling the cars with gas on the site; Mr. Eyres answered that the cars are usually returned 90% full.

Mr. Kataryniak, PE, Traffic Engineer for the Zoning Board, asked if the larger trucks will be at the rear of the site: Mr. Eyres stated there will be five or six spaces marked in the rear, he also wanted to have designated spots.

Ms. Lorali Totten, Crest Engineering, NJ, 100 Rike Drive, Millstone Township, NJ, was sworn in. She was accepted and sworn in. She has previously testified before the Zoning Board. She stated that she investigated the property and read the planner and traffic engineer's reports.

She spoke regarding the use variance, and that the renting of vehicles is not specifically permitted in this zone. The proposed is a commercial retail service use and is properly buffered to the east and behind. Customers are on site for a short time.

Ms. Totten stated the proposed use will fit in well with other existing uses. This is just for the rental of vehicles. She reviewed all the positive and negative criteria. The cars will blend in, and there are other vehicle related businesses in the area. The business permits the continuation of the goal of serving the residents and it utilizes the existing facility.

She also said the rental of cars and trucks is not mentioned in the ordinance. The use is expressly not prohibited; the business has been in Marlboro for thirty years. Originally the zone was to be C3, with the purpose of increasing commercial use along the Route 79 corridor. Would think the proposed use increases more commercial use and the goal is to increase the economic stability.

There were no questions from the Board or the Public.

Mr. Kataryniak inquired the square footage of the offices being use. Ms. Totten answered is 1200 square feet. Mr. Kataryniak said parking equates to 5,000 square feet. There are five additional spaces that you can credit to this application which would be taking up a larger section of parking.

Trucks may not be able to turn around; Mr. Eyres explained how the trucks, which are cab forward, do not need much turn a round space.

There were no additional questions from the Planner.

Ms. Spota inquired about the lease. Mr. O'Connor stated the lease states for twenty-five spaces. If more are required, they can relocate into a new location. They will not have all twenty-five spaces full at one time.

Ms. Paris was sworn in as the Zoning Code Enforcement Officer. Whenever a business comes in, I look at how many spaces are required. This should be documented in a resolution. Having been there on previous inspections, there was always plenty of use.

Mr. Richard Cramer, Zoning Board Planner, said that this is a relatively small use in an overall conforming development. It will continue to function as a conforming site. There is a substantial buffer, which remains unchanged as there are no other improvements.

The Board can take into account the suitability and there is a strong emphasis on promoting economic stability.

There were no questions from the public.

Motion to Workshop:

Offered By: Michael Shapiro

Seconded By: Ira Levin

Mr. Shapiro questioned putting the two trucks in front with signage on Route 79.

Mr. El Naboulsi stated the application was reasonable positive and it should be able to be worked out with the trucks that are up front with the signs.

Ms. Spota agreed it is a positive existing business in town. The area is nicely buffered.

Mr. Zwerin stated that he does not have a problem with the application, just the two larger trucks up front. All the spots will never be used. They need to have signs up front.

Mr. Cucchiaro explained to Mr. Weilheimer that the interpretation should be voted on first.

Mr. Cramer stated we do not have set standards in town that are specific as to this type of facility. Mr. Cucchiaro that that there is no parking standard.

Shapiro, you can interpret.

Mr. Weilheimer stated he is definitely in favor of one sign in the rear and wanted to know if trucks can be backed into spots. The hours are from 8:00 a.m. to 6:00 p.m., but what happens on Sunday mornings. He is generally in favor of the application.

Mr. Yozzo said he is in favor of interpretation and didn't think parking will be an issue.

Mr. Levin agreed no to the interpretation and that it is not a permitted use. Trucks should not be an issue; there is a six foot solid fence. There should be an issue of lights.

Offered: Michael Shapiro
Ayes: 6
Absent: 2

Seconded By: Ibrahim El-Naboulsi
Nays: 0
Recused: 1

Motion Approved.

MEMORIALIZATIONS

ZB11-6418 - Mautone, Anna Marina

Memorialization of a resolution granting site plan approval to construct a single family residential at 450 Tennent Road, Morganville, NJ, Block 147, Lot 33, located in a C-2 Neighborhood Commercial Zone.

Offered: Mr. Shapiro Ayes: 4
Seconded: Mr. El-Naboulsi Nays: 0

ZB 10-6395-Vladimir DeLevi

Memorialization of a resolution granting approval of bulk variances to construct a single family dwelling having insufficient lot area, depth, front and rear yard setback for principal structure at 17 Hawkins Corner Road, Marlboro, NJ, Block 282, Lot 6, located in the R - 60 Residential Zone.

Offered: Mr. Shapiro Ayes: 4
Seconded: Mr. Zwerin Nays: 0

ZB11-6422 - Venetucci, Jennifer & Mawby, Daniel

Memorialization of a resolution granting approval to add a 14' x 30' extension with insufficient side yard setback for principal structure and to keep existing gravel driveway exceeding permitted building and total lot coverage at 404 Tennent Road, Morganville, NJ, Block 299, Lot 173, located in a R-80 Zone.

Offered: Mr. Shapiro Ayes: 4
Seconded: Mr. Zwerin Nays: 0

Meeting Adjourned at 10:05 p.m.

