

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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

web: www.marlboro-nj.gov e-mail: zoning@marlboro-nj.gov

Chairperson

Michael Shapiro

Vice-Chairperson

Matthew Weilheimer

Secretary

Alan Zwerin

Members

Frank Yozzo

Ira Levin

Jennifer Bajar

Adrienne Spota

Ibrahim El Naboulsi - Alt #1

Stacey DiGrande- Alt # 2

Zoning Board Clerk

Yvonne Cautillo

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

Sarah Paris

MINUTES

ZONING BOARD OF ADJUSTMENT

OCTOBER 18, 2011

8:00 P. M.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT: Michael Shapiro, Matthew Weilheimer, Jennifer Bajar, Frank Yozzo, Adrienne Spota, Ira Levin, Ibrahim El-Naboulsi, Stacey Di Grande

ALSO PRESENT: Bryant Gonzalez, Esq., Board Attorney Alyssa Cummings, P.E., Birdsall Engineering Richard Cramer, P. P., T & M Associates Sarah Paris, Administrative Officer

ABSENT: Alan Zwerin

The minutes of the October 4th, 2011 meeting were approved:

Offered By:	Mchael Shapiro	Ayes:	7
Seconded:	Matthew Weilheimer	Abstain:	0
		Absent:	2

There was no Public Session.

ZB11-6427 – Vintage Design LLC

Public hearing for permission to obtain a use variance for auto body work to include painting, refurbishing and restoration of vehicles at 75 Vanderburg Road, Morganville, NJ, Block 214.07, and Lot 58, located in an LI Industrial 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 Owners Affidavit of Authorization and Consent
- A – 8 Notice To Adjoining Property Owners
- A – 9 List of Property Owners within 200 feet
- A – 10 Certified White Receipts and Green Cards
- A - 11 Affidavit of Publication
- A – 12 Affirmation of Local Pay to Play Ordinance
- A – 13 Affidavit of Service
- A – 14 Application Affidavit of Completeness
- A – 15 Completeness Checklist for Use Variance Application,
9-14-11.
- A – 16 As Built Site Plan prepared for Block 214.07 Lot 58, by Daniel P
Hundley, Crest Engineering Associates Inc., 100 Rike Drive,
Millstone Township, NJ, Dated August 23, 2011.
- A – 17 Report prepared for Block 214.07, Lot 58, by James Priolo, PE,
Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ,
Dated October 12, 2011.
- A – 18 Report prepared for Block 214.07, Lot 58, by Richard Cramer, PP,
T&M Associates, Eleven Tindall Road, Middletown, NJ,
Dated October 13, 2011.
- A – 19 Traffic Engineering Report prepared for Block 214.07, Lot 58,
by Mark W. Kataryniak, French & Parrello, 1800 Route 18,
Ste 101, Wall, NJ, Dated 12/13/11.
- A – 20 Report prepared for Block 214.07, Lot 58, by the Environmental
Commission, Township of Marlboro, 1979 Township Drive,
Marlboro, NJ, Dated 9/28/11.
- A – 21 Report prepared by John Borden, Fire Sub-Code Official,
Marlboro Township, 1979 Township Drive, Marlboro, NJ,
Dated September 28, 2011.

Sal Alfieri, 5 Ravine Drive, Matawan, NJ represents the applicant, Vintage Design. The hearing is moved to November 1, 2011, with no further notice.

ZB11-6421 – Picone, Paul & Beth

Public hearing for mixed commercial/residential use and bulk variances for a proposed in ground pool and new three car garage at 240 Spring Valley Road, Morganville, NJ, Block 147, Lot 4.03, located in an LC Land Conservation 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 Affidavit of Service
- A – 13 Owners Affidavit of Authorization and Consent
- A – 14 Application Affidavit of Completeness
- A – 15 Variance Map prepared for Block 147, Lot 4.03, by FWH Associates, PA, 1856 Route 9, Toms River, NJ by Christopher Rosati, and Dated 8/30/11.
- A – 16 Completeness Checklist for Use Variance Application
- A – 17 Completeness Check list for Bulk Variance Application
- A – 18 Report prepared for Block 147, Lot 4.03, by James, Priolo, Birdsall Engineering, 611 Industrial Way West, Eatontown, NJ, Dated 10/12/11.
- A – 19 Traffic Engineering Review No. 1, prepared for Block 147, Lot 4.03, by Mark W. Kataryniak, PE, Zoning Board Traffic Consultant, French & Parrello, 1800 Route 34, Ste 101, Wall, NJ and Dated 10/13/11.
- A – 20 Report prepared for Block 147 Lot 4.03 By Richard Cramer, PP, T&M Associates, Eleven Tindall Road, Middletown, NJ, and Dated October 13, 2011.
- A – 21 Environmental Report for Block 147, Lot 4.03, prepared by the Environmental Commission, Marlboro Township, 1979 Township Drive, Marlboro, NJ, Dated September 28, 2011.
- A – 22 Report prepared for Block 147, Lot 4.03, By John W. Borden, First Sub-Code Official, Marlboro Township, 1979 Township Drive, and Dated September 28, 2011.

Salvatore Alfieri, Esq., 5 Ravine Drive, Matawan, NJ, represents the applicant, Paul Picone, 240 Spring Valley Road, Morganville, NJ. The use is mixed and he will be bifurcating the application. The location is in the LC zone where a mixed use is not permitted.

Mr. Picone, 240 Spring Valley Road, Morganville was sworn in. He is the owner of the subject property for about eleven – twelve years. He and his wife reside there with their two children and mother. He started his own company installing synthetic pond liners at many various locations. Mr. Alfieri said the intended use is with operating the business on the property.

There is a non-conforming, two story house, 30' X 40' existing pole barn, pool and tractor trailer. There is also, a batting cage and no dumpsters on the site. Actual work is about 130 days per year work. Most workers are union workers with no employees on the property. All steady workers drive directly to a job.

All materials are delivered to the site. Mr. Picone has a utility pick up and flat bed trailer. In the last eleven years, he stated he does not have a problem with the neighbors or the back hoe. Materials are returned to the property and he dismantles the materials with the backhoe. The trailer is used to bring the materials back and the backhoe, which is used for lifting, does not leave the area. He also stated that any back hoe work is started after 8:00 a.m.

Photographs submitted as evidence:

A – 23 Two Photographs (2 pages) taken by Mr. Picone on 10/18/11 of the vehicles.

Mr. Yozzo arrived at 8:15 pm

Mr. Picone stated that the batting cage will come down. A proposed pole barn (40' X 50') will be used to store materials. Mr. Picone restores old cars which will be stored in the old pole barn and the garage is for his three personal vehicles.

There will be no exterior storage of equipment or vehicles. A general contractor will provide a dumpster at the job site.

Questions from the Board:

Ms. Bajar inquired if the existing pole barn is being retained; Mr. Picone answered yes. The garage would be used for the outside cars. Mr. Picone would like one building for the work and one for himself. He also stated that the flatbed is moved with the pickup.

Mr. Il Nabouli inquired how many workers were there; Mr. Picone, answered he and his wife.

Mr. Picone also answered Ms. Spota's questions about remnants returned from a job; Mr. Picone said they are then returned to another job.

Additional evidence was submitted:

A – 24 Colored version of the variance map (previously submitted to the board) showing a two story building, pool, garage, batting cage. The existing lean to is also being removed.

Mr. Picone also answered that the trailer park is behind the property.

Mr. Weilheimer asked if anything else has been added to the site. There was a previous variance with Mr. Albert. A lean-to, trailer, pool and batting cage were added.

Ms. Spota also inquired about the gaping hole with a 6' X 8' sand pile in the front yard.

Mr. Brian Murphy, FWH Associates, P.A., 1856 Route 9, Toms River, NJ, was sworn in. Mr. Murphy will also be doing the site plan. The site plan will provide drainage wells, possibly a light out front, and evergreens along east property line.

Mr. Murphy also submitted another exhibit as evidence:

A – 25 Aerial view showing trailer, junkyards, another single family dwelling, with storage.

There are other mixed uses with no intensity of traffic; it is extremely minor as far as traffic. Positive and negative criteria were presented with no impact on neighbors and light impact of uses.

Ms. Cummings inquired as to the extent of the use. Will the structure in the back be used for storage of equipment and materials? Ms. Cummings wanted to confirm the approval goes with the land.

Mr. Shapiro reminded the Board that the next meeting of November 1, 2011 there will be a discussion of the Year End Report and everyone should be prepared with their suggestions for discussion.

Items asked to be prepared for discussion are Mother/Daughter situations, pods, sidewalk funds, and carports.

Meeting adjourned at 9:25 pm

Offered By: Michael Shapiro Seconded: Jennifer Bajar

Meeting Adjourned at 9:50 p.m.

Respectfully submitted,

