

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

MARLBORO, NJ 07746-2299

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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

NOVEMBER 1, 2011

8:00 P. M.

SALUTE TO FLAG

SUNSHINE LAW READ

PRESENT: Michael Shapiro, Matthew Weilheimer,
Adrienne Spota, Ira Levin, Ibrahim El-Naboulsi,
Stacey Di Grande, Alan Zwerin

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

ABSENT: Jennifer Bajar, Frank Yozzo

The minutes of the October 18, 2011 meeting were approved:

| | | | |
|--------------------|--------------------|-----------------|---|
| Offered By: | Mchael Shapiro | Ayes: | 6 |
| Seconded: | Matthew Weilheimer | Abstain: | 0 |
| | | Absent: | 3 |

Public Session.

Mr. Frank LaRocca, 3 Exeter Road. Mr. LaRocca, Council President, addressed the Zoning Board thanking them for their service. In our efforts to make Marlboro business friendly, we also wish to remain resident friendly. He wished the Board luck and asked they continue using their best judgment for the residents.

ZB11-6428 – Owitz, Keith & Francine

Public hearing for permission to construct an 8' x 12' shed one foot from the house and erect a six foot fence, having insufficient distance between structures and the fence at a distance other than the required twenty foot set back line, at 2 Ramsgate Drive, Morganville, NJ, Block 139, and Lot 1, located in an R-30/20 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 Survey of Block 260, Lot 1, prepared by Edward M. Weinert,
Shepherd, Weinert & Smildzins, 1108 Hooper Avenue,
Toms River, NJ, Dated 10-16-91.
- A – 14 Report prepared by James Priolo, Birdsall Services Group,
611 Industrial Way West, Eatontown, NJ 07724, Dated 10/26/11.

Alan Zwerin and Ibrahim El Naboulsi have joined the Board 8:15 pm.

Francine and Keith Owitz, residents of 2 Ramsgate, were each sworn in. They would like to erect an 8' x 12' shed and erect a fence on the property having three front yards, located behind the garage.

No Questions from the Public.

Questions from the Board:

Ms. Spota, said that upon inspection, there is a slope in the backyard that would disrupt the yard. The Board concurred that it is a good application and does no harm for the neighborhood.

Mr. Shapiro inquired as to why the shed is so close to the house. Mr. Owitz said the shed protrudes from the house; provides easier access and much easier with the stairway going down. Mr. Owitz also said there is a clearance there, making sure the water is away from the house without getting too close to the slope. Mr. Owitz also stated they will have access on the side.

Motion To Approve.

| | | | |
|--------------------|------------------------|--------------------|------------------|
| Offered By: | Michael Shapiro | Seconded By | Ira Levin |
| Ayes: | 7 | Nays: | 0 |
| Absent: | 2 | Recused: | 0 |

ZB11-6427 – Vintage Design LLC

Continuation of a 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.

Adrienne Spota recused herself.

The Board Attorney, Ronald Cucchiaro, addressed Mrs. Neib, 73 Vanderburg Road, Marlboro, NJ. On October 19, 2011, a letter was addressed to the Board requesting any member having familiarity with people mentioned in the correspondence, recuse themselves from hearing the application. The remaining Board Members agreed to not having any personal connection with the applicant.

The applicant, Mr. Scott Carbone, 44 Wooleytown Road, Morganville, NJ, was sworn in. He is the principal of Vintage Design. Mr. Alfieri inquired if he was involved with anyone mentioned in the correspondence. Mr. Carbone stated he did do some work on the September 11 Memorial and has not been involved with anything else.

Mr. Cucchiaro stated what you look for is a personal relationship with the applicant. The facts here do not rise to this. The only Board Member already recused herself.

The Board had already taken jurisdiction. Additional evidence was entered:

- A – 22 Correspondence from Ms. Bernette Nieb, 73 Vanderburg Road, Marlboro, NJ, Dated October 19, 2011.**
- A – 23 Series of color photos of Mr. Bonono’s classic cars**
- A – 24 Diagram of lifts used on site, four post lift used for storage, dated 10/17/11**
- A – 25 Two post lift taken from www.backyardbuddyliftsinc.com dated 9/22/11**
- A – 26 Survey prepared for Block 214.07, Lot 58 by Daniel P. Hundley, Crest Engineering Associates, Inc., 100 Rike Drive, Millstone, NJ, Dated 10/18/11.**
- A – 27 Aerial View of property**
- A – 28 Zoning Aerial Overlay submitted by Crest Engineering Inc., 100 Rike Drive, Millstone, NJ, Dated 10/18/11.**
- A – 29 Crest Engineering Associates, Inc., exhibit demonstrating various area businesses and homes, dated 10/18/11.**
- A – 30 2002 Site Plan 5/8/2002.**

Sal Alfieri, Esq., 5 Ravine Drive, Matawan, NJ, represents the applicant, Vintage Design. He stated that when you hear the testimony, you will understand that this is not an automotive repair shop. The applicant has someone who restores classic cars. There will be no outside work and will not be offensive to the public.

Mr. Carbone described the history, already having received site plan approval. He is now looking to sell.

There were no questions from Board.

Mr. Richard Bonanno, the contract purchaser of the property, was introduced and said the application is contingent upon this use. He restores classic cars (from 1930 to 1970). He is currently working on three cars and will be restoring other cars, worth about \$50,000 - \$60,000 each. A restoration takes about eight to nine months.

Mr. Bonanno would like to put down a floor with lifts for the cars, and an extensive camera and security system. The business is not a body shop, it is restoration. These are some of the best cars in the world. He will get cars from auctions, on line and eBay. His son will be part of the business and there will be three to five employees at most. There will be employee parking, with only some

purchasers coming to the business. Mr. Bonano said he would abide by the hours 8:00 am to 8:00 pm.

Mr. Bonanno explained that with full restoration you take everything gets taken out. He will also require a dumpster. All fire and safety rules of the township will be abided by. Deliveries will be UPS and FedEx. Mr. Bonanno also stated that he would like to keep signs saying “Monmouth County Classics”.

Mr. Bonanno stated work will be done in the rear of the building. There is no noise where he works at his house. All sanding is done by hand; everything is done with a personal touch. He is planning on sole ownership and not renting.

Mr. Cucchiaro said the fact that they are not taking gas out of the cars will go into the resolution.

Mr. Cramer asked about the maximum number of vehicles. Mr. Bonanno stated there will be 15 - 20 vehicles. There will be no lighting; they will have security lighting and hooked into the police station.

Questions from the Public:

Mrs. Bernette Neib, 73 Vanderburg Road, Marlboro, stated there is no buffer between properties. She would like to know the need for an auto body shop. Mr. Alfieri stated that this is not auto body.

Mr. Bonanno also stated there will be no motorcycles/boats/RV/Buses/farm machinery and no storage of chemicals per Mrs. Neib’s question. There will be no hazardous materials unless paints qualify as hazardous.

She also inquired about air conditioning. Mr. Carbone said there is a 14’ x 14’ office which has a unit inside the office; there is no air conditioning in the warehouse section.

Mr. Cucchiaro stated that if someone purchases, they cannot just turn the business into an auto body.

Mr. Weilheimer asked Mrs. Neib where her home is. Mrs. Neib, said she resides at 73 Vanderburg Road, and located the yellow ranch on the survey.

**A – 26 Survey prepared for Block 214.07, Lot 58 by Daniel P. Hundley,
Crest Engineering Associates, Inc., 75 Vanderburg Road, Marlboro, NJ**

Mr. Weilheimer also inquired if Mrs. Neib was an objector originally in 2003. Mrs. Neib said that she did have an attorney and that they reached a compromise.

Mr. San Lee, 5 Hopkinson Court, and backs up to Vanderburg Road. He wanted to know if there is a hardship here. How will this improve neighborhood?

He asked if the fumes will come out. Mr. Bonano said the bays are 150 feet back and the doors will be closed when working.

Mr. Ricky Lee, 1 Hopkinson Court, also inquired about restoration or work on other cars; Mr. Bonano said there would only be classics.

There were no more Public questions.

Robert Ferrarie, Baref Spray Painting Co, said he sell products only doing with paints. He has his business for twenty-six years. There will be one spray booth; Mr. Ferrarie presented exhibits of the two and four lifts.

A – 24 Diagram of lifts used on site, four post lift used for storage, dated 10/17/11

A – 25 Two post lift taken from www.backyardbuddyliftsinc.com dated 9/22/11

Mr. Ferrarie said that this is the type that will go in the business. It is enclosed and the air coming in will be clean. A permit is not required by NJDEP; building, sprinkler and electrical permits are required. No more than two gallons of paint can be sprayed per day. So with a spray booth, you can have the doors open.

Mr. Cucchiaro asked for a copy of this type of approval.

Mr. Shapiro asked about odor. Mr. Ferrarie said there is a filter to address odors (a corner in the rear was chosen).

There are motors that are 80 decibels on the ceiling in the spray booth. Outside the booth, the noise is minimal. The charcoal filter goes in the spray booth.

Mrs. Neib asked if the children playing outside the church will be compromised. She was told the filters are 99.6% efficient. Mr. Ricky Lee inquired if the .04% affect the outside? Mr. Ferrarie answered that this is minimal and not in a concentrated area.

Ms. Lorali E. Totten, Crest Engineering, 100 Rike Drive, Millstone, NJ, has previously provided professional testimony for the Board.

A – 27 Aerial View of property

**A - 28 Zoning Aerial Overlay submitted by Crest Engineering Inc., 100 Rike Drive, Millstone, NJ
Dated 10/18/11.**

**A - 29 Crest Engineering Associates, Inc., exhibit demonstrating various area business and homes,
dated 10/18/11**

A – 30 2002 Site Plan 5/8/02.

Ms. Totten explained in detail all of the various properties and residences in the LI zone surrounding the property. The positive criterion is that it is well suited for restoration of classic cars. The building is concealed with evergreen trees and you can barely see the area where the activity would occur.

A variance can be granted without degrading any types of the businesses there. It should not have an impact on the neighborhood. Other uses such as plumbing, woodworking, etc. would not be taking place inside a paint booth. This use is less intense than another applicant would be.

This is a very environmentally clean industry. It meets the goals of the Master Plan and the Vision Plan.

Motion To Approve.

Offered By: Michael Shapiro

Ayes: 5

Absent: 3

Seconded By Ira Levin

Nays: 0

Abstain: 1

Meeting Adjourned at 11:30 p.m.

Respectfully submitted,

Yvonne Cautillo

