

# 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**

**DECEMBER 6, 2011**

**8:00 P. M.**

### **SALUTE TO FLAG**

### **SUNSHINE LAW READ**

**PRESENT: Michael Shapiro, Matthew Weilheimer,  
Jennifer Bajar, Adrienne Spota, Ira Levin,  
Ibrahim El-Naboulsi, Alan Zwerin**

**ALSO PRESENT: Ronald D. Cucchiaro, Esq., Board Attorney  
James Priolo, P.E., Birdsall Engineering  
Sarah Paris, Administrative Officer**

**ABSENT: Stacey Di Grande, Frank Yozzo**

### **Public Session.**

**Burnette Nieb, 73 Vanderburg Road, Morganville, NJ. Spoke regarding the minutes of 11/22/11. A particular phrase from one of the members was omitted. Mr. Cucchiaro explained that the minutes were not verbatim.**

**The minutes of the November 22, 2011 meeting were approved:**

<b>Offered By:</b>	<b>Michael Shapiro</b>	<b>Ayes:</b>	<b>5</b>
<b>Seconded:</b>	<b>Ibrahim El Naboulsi</b>	<b>Abstain:</b>	<b>1</b>
		<b>Absent:</b>	<b>Frank Yozzo, Stacey DiGrande</b>

**ZB11-6429 – Ida Automotive, Inc.**

**Public hearing for permission to obtain a use variance for a mixed residential and business use and bulk variances for expanding the driveway for commercial business use at 600 Texas Road, Morganville, NJ, Block 174, and Lots 1 & 2, located in a C-4 Zone.**

**Ken Pape, Esq., Heilbrunn & Pape, on behalf of the applicant. Ida Automotive, Inc., which has been in existence in Old Bridge for twenty years, is a unique application. It is landlocked with two residences in front.**

**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          Preliminary & Final Site Plan Dated 8/16/11.**
- A – 15          Site Plan Application Form, Monmouth County Planning Board, One East Main Street, Freehold, NJ, Dated 10/3/11.**
- A – 16          Old Bridge Township Zoning Board of Adjustment, Application No.:39-10Z, Preliminary and Final Site Plan Approval, Dated April 21, 2011.**
- A – 17          Old Bridge Township Zoning Board of Adjustment, Application No.: “D-1” Variance Approval, Dated May 6, 2010.**
- A – 18          Application Affidavit of Completeness, Dated September 28, 2011.**
- A – 19          Correspondence regarding Ida Automotive, Inc. Site Plan, from Robert Clark, PP, Director, Monmouth County Planning Board, One East Main Street, Freehold, NJ, Dated November 14, 2011.**
- A – 20          Engineering Review prepared by Mark W. Kataryniak, PE, French & Parrello, 1800 Route 34, Suite 101, Wall, NJ, Dated November 29, 2011.**

**The shop, built by Mr. Ida, was reviewed and certain site restrictions were imposed. He builds hot rods and this requires a D2 variance with a minor site plan and is a mixed use. His driveway, which is between two shops, enters Marlboro. It has been this way for over twenty years. His approval requires an approval from Marlboro for driveway reconfiguration. They would like to make the driveway as safe as possible.**

**Mr. Cucchiaro said a driveway takes on the characteristics of the principal use it serves.**

**Lorali Totten, PE, Crest Engineering, 100 Rike Avenue, Millstone, New Jersey, was sworn in. She has previously testified as an engineer before this Board.**

**Ms. Totten referred to Sheet 3 of the Survey. The plan is to widen the driveway a minimum of twenty-four feet. It will be coordinated with the improvements and not be too steep.**

**The plan includes a complete dedication; the conveyance offered is with no stipulations.**

### **Questions from the Board**

**Ms. Bajar inquired how many parking spaces there are. The sections show 6, 8, 7 and 4 spaces saying this would be significant traffic in and out of the site. Ms. Bajar stated that the resolution from Old Bridge states there are fourteen spaces and eleven for trailers.**

**Mr. Cucchiaro stated that if the principal use changes on the Old Bridge side, the applicant should agree to come back before the Board.**

**Mr. Maurice, PE, Crest Engineering, 100 Rike Avenue, Millstone, NJ, is a civil engineer for twenty-five years and accepted as a professional witness.**

**Mr. Kataryniak, PE, French & Parrello, arrived at 8:30 pm.**

**The driveway has been made wider and the grade has been improved. He said he has spoken with Mark Kataryniak and agreed upon the additional improvement. It will be make wider and a little more flat. He agreed that parking is more than needed. There are one to two clients per month; and twelve to fifteen customers per year. The revised grading plans will be submitted.**

**Per Mr. Pape, the owner will comply with Traffic Engineer's suggestions.**

**Mr. Kataryniak stated the land does drop off, going westerly the line of site is limited and the grading should be resolved. Mr. Rachee said that he is comfortable Mr. Kataryniak's suggestions.**

**There were no questions from the Public.**

**Mr. Priolo asked how will the storm water run off be addressed and Mr. Pape stated that Old Bridge suggested Crest Engineering prepare a storm water management system. Ms. Totten said that Crest Engineering prepared a complete collection system where there never was one previously. The water will follow pattern as in the past and they can provide calculations.**

**Mr. Priolo also stated that the existing driveway looks as if it is going toward the house. Ms. Totten said that we can work with the engineer to come up with something suitable.**

**Ms. Bajar asked if there were car shows. There are none. The hours are from 7 am to 5 pm, 7 days a week.**

**Ms. Allyson Coffin, PP, was sworn in. She stated this is a C4 zone developed within two tax lots. They are preexisting, a non conforming residence and it is an expansion of preexisting variances. The use is not likely to be discontinued in the foreseeable future. It is her opinion that it meets the concept of special uses. It will not impact in a detrimental way and there is no detriment to the Master Plan.**

**Maintenance of the driveway will be by Ida Automotive, Inc. Mr. Pape said it is currently occupied by two members of the Ida family.**



**Mr. Bonano will sell his cars on line. Mr. Shapiro inquired if he was flexible with the working hours. Mr. Bonano agreed to end work on his cars at 5:00 pm. He is willing to work with the Township.**

**Board questions:**

**Mr. El Naboulsi commented that the clear coating cannot be water based.**

**Ms. Bajar inquired where fluids will be drained from the cars; Mr. Bonano said the company will send drums.**

**Ms. Bajar stated there could be sixteen cars on lifts. What if there are extra vehicles.**

**Mr. Cucchiaro answered that since there will be no cars outside, he will have to go off site.**

**Mr. Shapiro confirmed with Mr. Bonano that there will be no gasoline. He said the gas goes out immediately.**

**Mr. Weilheimer thanked Mr. Bonano for approaching the church. He did not think that they were selling cars.**

**Mr. Bonano said you could not buy this type of car without looking at and stated that he did not plan on obtaining a dealer's license.**

**Questions from the Public:**

**Henry Neib, 73 Vanderburg Road, was sworn in.**

**If you take gas and interior out, engine, transmission, rotisserie (rotates the body), there is then priming and painting to be done.**

**Mr. Bonano stated there will not be sandblasting at this site.**

**Mr. Neib stated that after being there forty years, he will have a building twenty feet away working on steel. He knows the noise involved when working on cars.**

**Mr. El Naboulsi commented that when you purchased your home, you did know there might be Light Industrial.**

**Mr. Neib inquired as to the difference between auto body and auto restoration.**

**Mr. Bonano said you are working on all different cars with auto body.**

**Mr. Nieb again stated he does not want to hear the noise.**

**There were no more public questions.**

**Brook Crossan, a licensed engineer has a Masters Degree and Doctorate. He has testified for Planning and Zoning and before Superior Courts. He is accepted as a professional witness.**

**Mr. Crossan said he looked at the specifications. The filter for discharge is 99.84 effective for removing air flow. The clear coat is allowable up to five pounds. The solids that are paint that gets**

onto metal will have a certain percentage in the air. An air spray gun maximizes particulates that get on to product.

Mr. Crossan did his calculations base on fifty cars painted in the year. Discharge would be out rear wall; an elbow would discharge four to five feet above the building.

He did calculations base on fifty cars per year, using one gallon and one-half gallon and the emissions would be less than 1% of particulates. Amount of emissions coming from this stack would be diminimous.

Mr. Shapiro asked if Mr. Crossan could say how loud the decibels would be; Mr. Crossan was not prepared to answer at present.

Mr. Crossan said there will be no odors due to carbon filters due to the fact that the filter will collect 99%. Mr. Shapiro asked if the 1% released can cause headaches, nausea. Mr. Crossan answered "no".

Mr. Alfieri inquired if there are other uses in the zone that may have less of an impact. Mr. Crossan said it could be a machine shop, welding, or cabinet making that would handle materials in greater quantities.

Mr. Crossan stated that less than ½ gallon usage you are under the DEP threshold. Since you are doing the spraying at one time, and going over that amount, you will apply for a DEP permit.

Mr. Shapiro inquired as to how this is controlled. Mr. Cucchiaro said that this is the only requirement.

#### Questions from the Public:

Mr. Ricky Lee, 1 Hopkinson Court, Marlboro, questioned whether the 1% emission was toxic. His wife had a double lung transplant and is taking drugs that will not be able to take in any particles. Can you guarantee it will not harm her? Mr. Crossan answered yes. It is so diminimous; emission from the vehicles on Vanderburg would harm her.

Mr. Crossan stated that the car will dry in the paint booth and then removed outside the building. There are temperatures that are good for painting; it cannot be painted below 40-50 degrees. They will be limited by outside temperatures. This is why he testified that some months there will be no painting

Mr. Nieb spoke again saying a first coat of paint is required on steel.

Ms. Bajar inquired about combustion in the building, what provisions are made?

Robert Ferreri, Baref Spray Painting Company, said that all spraying is required to have a sprinkler system within it. A self contained system is checked five months to one year. Usually two large containers are dropped in. Hookup with louver to allow air into building, then taking tempered air into the building. A temperature of forty degrees is ambient.

There were no additional public questions.



