

**MARLBORO TOWNSHIP ZONING BOARD**

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**JANUARY 14, 2014**  
**REORGANIZATION**  
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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 OFFICES, 1979 TOWNSHIP DRIVE, MARLBORO AT 8:00P.M.**

**MR. 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.**

**ROLL CALL**

**PRESENT ... MR. SOLON, MR. LEVIN, MR. ZWERIN, MR. WEILHEIMER, MR. SHAPIRO, MS. DI GRANDE, DR. ADLER, MR. WILDMAN**

**ABSENT... NONE**

**PROFESSIONALS PRESENT... MS. NEUMANN, MR. CRAMER, MR. CUCCHIARO, MR. KATARYNIAK**

**SALUTE THE FLAG**

Mr. Cucchario, Esq. acting as Chairman called the meeting to order.

A motion to appoint Mr. Shapiro as Board Chairman was offered by Mr. Weilheimer, seconded by Mr. Zwerin. In Favor: Mr. Solon, Mr. Levin, Mr. Zwerin, Ms. Di Grande, Dr. Adler, Mr. Wildman.

A motion to appoint Mr. Weilheimer as Board Vice Chairman was offered by Mr. Levin, seconded by Mr. Zwerin. In favor: Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Shapiro, Ms. Di Grande, Dr. Adler, Mr. Wildman.

A motion to appoint Mr. Zwerin as Board Secretary was offered by Mr. Weilheimer, seconded by Ms. Di Grande. In favor: Mr. Solon, Mr. Levin, Mr. Weilheimer, Mr. Shapiro, Ms. Di Grande, Dr. Adler, Mr. Wildman.

A motion to appoint Ronald Cucchiaro from Weiner, Lesniak Associates as Board Attorney was

offered by Mr. Levin, seconded by Mr.Zwerin. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr.Shapiro, Ms.DiGrande, Dr.Adler, Mr. Wildman.

A motion to appoint Lawrence Sachs as Board conflict Attorney was offered by Mr.Weilheimer, seconded by Mr. Zwerin. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr. Shapiro, Ms. DiGrande, Dr.Adler, Mr. Wildman.

A motion to appoint Laura Neumann from CME Associates was offered by Mr.Weilheimer, seconded by Mr. Levin. In favor: Mr.Solon, Mr. Levin, Mr.Zwerin, Mr.Weilheimer, Mr.Shapiro, Ms.DiGrande, Dr.Adler, Mr. Wildman.

A motion to appoint Charles Carley from Delaware-Raritan Engineering as the conflict Engineer was offered by Mr.Weilheimer, seconded by Mr. Wildman. In favor: Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr. Shapiro, Ms.DiGrande, Dr. Adler, Mr. Wildman.

A motion to appoint Richard Cramer from T & M Associates as the Board Planner was offered by Mr.Weilheimer, seconded by Mr. Levin. In favor: Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr. Shapiro, Ms. DiGrande, Dr. Adler, Mr. Wildman.

A motion to appoint Hyer Gruel as the Board conflict Planner was offered by Mr.Weilheimer, seconded by Mr. Zwerin. In favor: Mr. Solon, Mr. Levin, Mr. Zwerin, Mr.Weilheimer, Mr. Shapiro, Ms.DiGrande, Dr. Adler, Mr. Wildman.

A motion to appoint Mark Kataryniak as the Board Traffic Engineer was offered by Mr. Levin, seconded by Mr. Zwerin. In favor: Mr. Solon, Mr. Levin, Mr. Zwerin Mr. Weilheimer, Mr. Shapiro, Ms.DiGrande, Dr.Adler, Mr. Wildman.

A motion to appoint Sarah Paris as Administrative Officer for the Board was offered by Dr.Adler, seconded by Mr. Wildman. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr.Weilheimer, Mr. Shapiro, Ms. DiGrande, Dr. Adler, Mr. Wildman.

A motion to use the Asbury Park Press and Star Ledger as the newspaper for advertising was offered by Mr.Weilheimer, seconded by Mr. Levin. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr. Shapiro, Ms. DiGrande, Dr.Adler, Mr.Wildman.

A motion to adopt the meeting dates was offered by Mr.Weilheimer seconded by Mr.Levin. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr. Shapiro, Ms.DiGrande, Dr.Adler, Mr. Wildman.

A motion to change the meeting time to 7:30 P.M. starting in March was offered by Mr.Shapiro, seconded by Mr.Zwerin. In favor: Mr.Solon, Mr. Levin, Mr.Zwerin, Mr.Weilheimer, Mr. Shapiro, Ms.DiGrande, Dr.Adler, Mr. Wildman.

## **REGULAR MEETING**

A motion to approve the minutes of October 22, 2013 was offered by Mr.Shapiro, seconded by Dr.Adler. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr.Weilheimer, Mr.Shapiro, Ms.DiGrande

A motion to approve the minutes of November 26, 2013 was offered by Mr. Shapiro, seconded by Mr.Solon. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr. Shapiro, Ms. DiGrande, Dr.Adler, Mr.Wildman.

**Z.B. 13-6485 SHELDON ROGERS – MEMORIALIZATION OF RESOLUTION GRANTING A USE VARIANCE & PRELIMINARY & FINAL SITE PLAN APPROVAL**

A motion in the affirmative was offered by Mr.Shapiro, seconded by Mr.Weilheimer. In favor: Mr.Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Mr. Shapiro, Ms.DiGrande, Dr.Adler, Mr. Wildman.

**Z.B. 13-6486 TMC MARLBORO, LLC – CONTINUED PUBLIC HEARING – USE VARIANCE**

This application is being carried to the meeting of January 28, 2014, without further notice

**Z.B. 13-6490 SARAI MANAGEMENT, LLC. – PUBLIC HEARING – SUBDIVISION**

This application is being carried to the meeting of February 25, 2014, without further notice.

**Z.B. 13-6493 GARY & DEBRA RIKER – PUBLIC HEARING – BULK VARIANCE-USE VARIANCE**

This application is being carried to the meeting of January 28, 2014, without further notice.

**Z.B. 13-6495 KISELEV – PUBLIC HEARING – BULK VARIANCE**

This application is being carried to the meeting of February 25, 2014, without further notice.

**Z.B. 13-6485 ROGERS – AMEND FINAL SITE PLAN**

This application is being carried to the meeting of January 28, 2014, without further notice.

**Z.B. 13-6494 BHATTACHARYA – PUBLIC HEARING – BULK VARIANCE**

This application is being carried to the meeting of February 11, 2014, without further notice.

**Z.B. 13-6491 JAKUBIAK/SOOHOO – PUBLIC HEARING – BULK VARIANCE**

This application is being carried to the meeting of February 11, 2014, without further notice.

**Z.B. 13-6478 INSURANCE AUTO AUCTION CORPORATION – CONTINUED PUBLIC HEARING USE VARIANCE**

Salvatore Alfieri,Esq. represented the applicant. The site contains 1,370 feet of frontage along

the west side of Texas Road and frontages of 202 feet and 193 feet along Tylers Lane to the south within the LC zone, Block 146 Lots 28, 30, 31 & 33. Currently, the property contains an automobile storage use consisting of a one story building containing an office associated with the site, a shed, a temporary tent and a propane and gasoline fuel tank area. The property also contains a perimeter 10 foot high metal fence enclosing the site.

The applicant is seeking Use Variance Approval to modify the previously approved hours of operation of the site, as stipulated as a condition of approval within a previous Use Variance Resolution and to maintain the existing conditions of the site. No other site improvements are proposed.

Entered into evidence were the following exhibits:

- A-27 Letter prepared by Richard Stockton confirming the property lines,  
Dated January 9m 2014
- A-28 Marlboro Township License J9008, dated May 1, 1990
- A-29 Aerial of subject site and surrounding area, dated 3-22-90

Ken Neuberger, Insurance Auto Auction area manager, testified that vehicles are auctioned every Tuesday at 9:00 A.M. The office hours are from 8:00 A.M. UNTIL 5:00 P.M.

Attorneys Lee Shelly and Kevin Quinlan represent two sets of neighboring objectors. They claim that a 9 acre portion of the property never received approval to function as it has since 1988 and therefore requires a Use Variance.

Mr.Alfieri stated that the property owner, who leases the space to Insurance Auto Auctions, received a junkyard license to run an auction business on this property. This became eligible to host such an operation after Marlboro settled a lawsuit with a group of junkyard owners.

Mr.Shelly stated that just because the applicant operated without permission authorizing them to do it for 20 years does not excuse the fact that this is the first time they are making application.

After a Board discussion, the applicant agreed to cut the proposed hours of operation. The morning hours would not be extended and the evening hours would run to 7:00 P.M. during the week instead of 8:00 P.M.

James Higgins, P.P. testified on behalf of the applicant and stated that the relief ought by the applicant would not harm the neighbors or the community.

Mr. Quinlan stated that his client objects to the height and location of the fence, the proposed hours of operation, the potential for contamination and the dust and noise that is generated at the site. He has in his possession 24 police reports which state that Insurance Auto Auctions has been operating after hours.

This application is being carried to the meeting of January 28, 2014, without further notice.

A motion to adjourn was offered by Mr.Shapiro, seconded by Ms. DiGrande. One vote was cast.

Respectfully submitted

Donna Pignatelli