

**MARLBORO TOWNSHIP ZONING BOARD**  
**OCTOBER 28, 2014**

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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 7:30P.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, CHAIRMAN SHAPIRO, MS. DI GRANDE, and DR. ADLER

PROFESSIONALS PRESENT... MS. NEUMANN AND MS. WEINER (From Weiner Lesniak LLP)

**SALUTE THE FLAG**

**PUBLIC SESSION**

**Marlene Powers – 34 Halifax Drive**

Ms. Powers wanted to know why it wasn't put on the agenda that 631 weren't going to be heard tonight.

**Daniel Matarese - 45 Texas Road**

Voiced his concerns regarding the Zoning Board's approval process even though Mr. Matarese used a Planning Board application as an example of a poor decision. Mr. Matarese requested that the board be a little more prudent when reviewing applications. Mr. Matarese also commented that the intersection of Route 9 and Texas Road is atrocious. Mr. Matarese said we should be mindful of our residents and what they want, not what the business wants.

**631 ASSOCIATES – Public Hearing - Use Variance**

**This application is being carried to the meeting of January 13, 2014, without further notice.**

**Z.B. 14-6519 JOSEPH DELLAVALLE – Public Hearing - Bulk Variance**

**Approval to construct a 192 sq. ft. Shed that exceeds permitted size for the lot and is within 100 feet of the top-of-the bank of a stream at 52 Stockton Drive, Block 238 Lot 2, in the R-30/20 zone**

Joseph Dellavalle of 52 Stockton Drive, Marlboro Township was sworn in and gave testimony. Applicant stated that his house does not have a basement and he's in need of additional storage. Mr. Dellavalle stated that due to the lack of storage available in the house, he's requesting approval for a slightly larger shed of 192 sq. ft. Mr. Dellavalle stated that if the shed was located 100 ft. from the creek, it would be a safety issue for the kids. He would like to install the shed 5' off the easement (40 ft. off the rear property line/center of stream) Mr. Dellavalle submitted two pictures of his backyard for evidence. Mr. Dellavalle stated that the shed would not be level with the creek, there's about a 10ft change in elevation. Dr. Adler asked the reason for the required 100 ft. setback to the stream. Ms. Neumann responded the setbacks are required for the conservation and the preservation of the waterways. This stream is a direct tributary to the Big Brook, that's why the regulations are set up.

**PUBLIC SESSION**

**Paul Schafin – 21 Stonehenge Way**

Mr. Schafin asked if the brook was a C1 watershed & is the setback 150' from the center of the stream? Does the applicant need to seek approval from the DEP. Ms. Neumann responded that the applicant will need to seek approvals from the DEP.

**Marlene Powers – 34 Halifax Drive**

Ms. Powers stated that this was the first time she ever attended a Zoning Board meeting. Ms. Powers wanted to know if the inspections that Mr. Dellavalle is getting is the same that all applicants receive? Ms. Neumann explained the process to Ms. Powers

**In workshop**

Offered: Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Levin Nays: 0

Mr. Solon has concerns with this application due to the stream. Mr. Levin doesn't want any petroleum products stored in the shed and has concerns with the distance to the stream. Mr. Zwerin agrees with Mr. Levin regarding the concerns with liquids being stored in the shed.

Mr. Weilheimer wanted to make sure that the applicant understood that he needs the DEP to grant approval due to the stream. Dr. Adler suggested that the shed have some type of rubberized floor so liquids don't leak out into the ground. Dr. Adler also suggested that the board limit the size of the shed to be 150 sq. ft. Ms. DiGrande has concerns with the distance of the shed to the stream.

**Out of Workshop**

Offered: Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Zwerin Nays: 0

Chairman Shapiro stated there are many locations to place the shed. Chairman Shapiro asked Mr. Dellavalle if he was open to other options. Mr. Dellavalle said he'd like to keep it on that side of the property and has no issue moving closer to the house.

**In workshop**

Offered: Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Zwerin Nays: 0

The board members discussed that the shed should be set back 60' from rear property line running parallel to side property line. The size of the shed can be 192 sq. ft. Applicant must get DEP approval. Mr. Weilheimer suggested that the resolution be recorded.

All members were satisfied with the application.  
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**Out of Workshop**

Offered: Shapiro Ayes: 7 (Mr. Solon, Mr. Levin, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Ms. DiGrande, & Dr. Adler).

Second: Levin Nays: 0

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

