

**MARLBORO TOWNSHIP ZONING BOARD**  
**AUGUST 11, 2015**

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**THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD CHAIRMAN SHAPIRO AT THE MARLBORO TOWNSHIP TOWN HALL, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30 P.M.**

**CHAIRMAN 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 ... CHAIRMAN SHAPIRO, MR. LEVIN, MR. WEILHEIMER,  
MS. DI GRANDE, DR. ADLER**

**JOINED MEETING WHIEL IN SESSION... MR. ZWERIN {7:37PM}**

**ABSENT ... 1 MR. SOLON**

**PROFESSIONALS PRESENT... MS. NEUMANN, MR. CUCCHIARO ESQ. AND  
MS. PARIS (Admin.Officer)**

**SALUTE THE FLAG**

**PUBLIC SESSION - No one signed up to speak.**

**Z.B. 15-6543 TRI STATE RESTORATION, INC. – Public Hearing for a Use Variance to continue auto body repair in the LI zone, located at 238 Boundary Road, Block 360 Lot 5, in the LI zone.**

*Application to be carried to August 25, 2015with notice to property owners.*

**Z.B. 15-6544 TUNIT** – Public Hearing for Bulk Variance for existing non-conformities and for structures built without permits in a residential zone, located at 30 Boundary Road, Block 214 Lot 31, in the LC zone

Armen McOmbler Esq. was sworn in and gave testimony. Mr. McOmbler called Mark Leber. Marc Leber P.E. was sworn in and gave testimony. Mr. Leber stated the property was part of a three lot subdivision in 1978. This property is in the LC zone but was subdivided using the R-20 requirements. After doing a planning analysis the property complies with the R-20 zone. Mr. Leber stated that part of the retaining wall along the driveway is in the right of way. Due to the topography of the property, there is approximately a four to five foot elevation change along the driveway right up to the road. The retaining walls will need to remain in order to retain the earth and permit the entry to the property. If the walls were to be removed, significant grading would need to take place even into the neighboring property. Mr. Cucchiaro inquired about the retaining wall in the rear of the property. Mr. Leber stated that a fence will be proposed for safety reasons. Ms. Neumann asked about a proposed hedgerow along the wall for a safety barrier. Mr. Leber stated again that a fence would be installed, not a hedge. Ms. Neumann asked if the retaining wall was going to be modified or will it be removed and reconstructed. Mr. McOmbler stated that the Architect will answer to that. Mr. Cucchiaro stated that the applicant needs to get a property right from the Township regarding the encroachment of the right of way. Jerry Lemega Architect for the applicant was sworn in and gave testimony. Mr. Lemega stated that he inspected the wall for its structural integrity and recommended that the applicant reinforce the wall. Mr. Lemega found that the retaining wall crossed over the property line onto the neighbor's property. Mr. McOmbler asked what Mr. Lemega would propose to remediate the concerns of the neighbor with regards to the height of the wall. Mr. Lemega suggested that the applicant elevate the grade to help support the wall as well as remove one to two courses of the wall.

Mr. Cucchiaro recommended that the applicant come back with a detailed plan correcting the issues that the Board and the Board's professionals have with this application.

*Application to be carried to September 8, 2015 without further notice to property owners.*

**Z.B. 15-6542 MEL CORPORATION d/b/a CHAMPION SPORTS** – Public Hearing for a Use Variance to construct a 10,000 sq. ft. warehouse addition to the existing warehouse with 600 sq. ft. addition for loading docks, located at 1 Champion Way, Block 359 Lot 2.01, in the LI zone.

Salvatore Alfieri was sworn in and introduced the application to the board. The applicant proposes to construct a 10,000 square foot (50 feet by 200 feet) one-story addition along the front façade of the building and a 600 square foot (20 feet by 30 feet) loading area building addition near the southeast building corner. Minor revisions to the existing pavement area

are also proposed at the loading area addition as well as an existing refuse enclosure to be relocated onsite, which will provide a 15 foot setback from the Vanderburg Road right-of-way line.

Salvatore Alfieri, Esq. stated that preliminary and final site plan approval had previously been received from the Planning Board for the existing structures and improvements. He stated the Applicant is now seeking to expand and requires a variance for floor area ratio requirements.

Howard Miller was sworn in and gave testimony. Mr. Meller explained that he currently operates a business on the site where he distributes sporting goods. He stated that his business was expanding and he needed additional warehouse space to store materials. He testified that he is a wholesaler and does not conduct retail sales out of the site. Mr. Meller further stated that the existing sign is located within the right-of-way and as a result of this application would be relocated from its current location. He further stated that there will not be any tree removal in the area of the relocated dumpster.

Laurelei Totten, PE, PP. was sworn in and gave testimony. Ms. Totten stated that the Applicant was seeking a 10,000 square foot building addition along with a 600 foot addition in the rear of the building near the loading dock. She stated that stormwater on the site is handled through roof leaders which drain into inlets on the property.

## **PUBLIC**

### ***In workshop***

Offered: Chairman Shapiro

Second: Mr. Levin

Mr. Levin has no issues with this application. Mr. Zwerin has no issues with the proposed application. Mr. Weilheimer stated that it was a well done application. Ms. DiGrande has no issues. Dr. Adler has no issues with the application. Chairman Shapiro said he has no issue with the application.

### ***Out of Workshop***

Offered: Chairman Shapiro

Second: Mr. Zwerin

*A motion in the affirmative*

Offered: Chairman Shapiro Ayes: 6 (Mr. Levin, Mr. Zwerin,  
Mr. Weilheimer, Chairman Shapiro,  
Ms. DiGrande, Dr. Adler)  
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Second: Mr. Levin Absent: 1 Mr. Solon  
Nays: 0

**MEMORIALIZATIONS**

**Z.B. 15-6546 IRENE WYSOCKI** – Memorialization of Resolution granting Bulk Variance to keep existing gazebo structure which houses a hot tub within 20 feet from principal structure, located at 26 Freneau Drive, Block 117 Lot 7, in the R- 30/20 zone.

Offered: Chairman Shapiro Ayes: 6 (Mr. Levin, Mr. Zwerin,  
Mr. Weilheimer, Chairman Shapiro  
Ms. DiGrande, Dr. Adler)

Second: Ms. DiGrande Absent: 1 (Mr. Solon)  
Nays:

A motion to adjourn was offered by Chairman Shapiro, seconded by Mr. Zwerin

Respectfully submitted  
Jennifer Bajar