

**MARLBORO TOWNSHIP ZONING BOARD**

**June 25, 2019**

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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 TOWN HALL, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30 P.M.**

**SALUTE THE FLAG**

**CHAIRMAN MICHAEL 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... MR. SOLON, MR. VERDI, MR. ZWERIN, MR. WEILHEIMER, CHAIRMAN SHAPIRO, MS. DiGRANDE, MR. POWERS, and MR. YOZZO**

**PRESENT ... {7} MR. SOLON, MR. VERDI, MR. ZWERIN, MR. WEILHEIMER, CHAIRMAN SHAPIRO, MR. POWERS, and MR. YOZZO**

**ABSENT... {1} MS. DiGRANDE**

**PROFESSIONALS PRESENT...  
MS. LAURA NEUMANN, P.E., & MR. CUCCHIARO, ESQ.,**

**PUBLIC SESSION – *No one from the public signed up to speak.***

**Z.B. 18-6665 David Jones - Public Hearing requesting Certification of Pre-existing non-conforming use for Davy Jones Paving, an auto repair garage, and a residential rental on same lot, and Appeal of Zoning Officer's Decision, located at 184 Texas Road, Block 108, Lot 3 in the LC zone**

*Application carried to July 23, 2019 without further notice to property owners.*

**Z.B. 18-6651 Marlboro North Main, LLC.** – Continued Public Hearing for a Subdivision, Preliminary & Final Major Site Plan & Use and Bulk Variances to demolish two existing homes and construct a Convenience Store with a 16 fueling positions and a two story Medical building, located at 108 and 110 North Main Street (US Highway Route 79), Block 213, Lot(s) 3, 4, &10 in the C-2 zone.

*Application carried to July 9, 2019 without further notice to property owners.*

**Z.B. 16-6607A John & Lauren Lacognata** – Public Hearing seeking relief from condition #3 of the resolution of approval granted October 10, 2017 and memorialized April 10, 2018, to keep Belgium block curbing installed along the driveway, located at 253 Nottingham Road, Block 139, Lot 53 in the R-30/20 zone.

Salvatore Alfieri, Esq., gave a brief synopsis of the application to the board. Mr. Alfieri stated the Applicants were previously granted a bulk variance on April 10, 2018 permitting the retention of the existing driveway location which is within 5 feet of the property line. Condition #3 of the Resolution requires the removal of the Belgian block curbing along the driveway apron as well as along the side of the subject property where there is a deficient setback shared with the adjoining property. The Applicants are now seeking variance relief from the condition of the prior approval in order to retain Belgian block curbing within one foot of the property line along the subject driveway. The Applicant was now seeking a further approval in order to retain a portion of the Belgian block curbing.

Frank Baer, P.E., P.P., (Applicants' engineer and planner) was sworn in and gave testimony. Mr. Baer stated that the Belgian block curbing would assist in stormwater management for the subject property as well as the surrounding properties by containing all run off on the subject lot. Mr. Baer further confirmed that the other improvements approved in the prior Resolution had all been completed.

**PUBLIC** - *There were no members of the public expressing an interest in this application.*

***A motion in the affirmative as requested***

Offered: Chairman Shapiro, Ayes: 6 (Mr. Viridi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Mr. Powers, & Mr. Yozzo)

Second: Mr. Zwerin Nays: 0  
Absent: 1 (Ms. DiGrande)  
Recused: 1 (Mr. Solon)

**Z.B. 18-6670 Tennent Road Wash & Lube, LLC** - Continued Public Hearing for a Use variance to allow a car wash and lube in the C-2 Neighborhood Commercial zone, located at 6 Tennent Road, Block 122, Lot(s) 33 in the C-2 zone.

The subject Property contains 38,084 s.f. of lot area and is located within the C-2 Zone District with 150 feet of frontage along the northerly side of Tennent Road (County Route 3) approximately 305 feet west of the New Jersey State Highway Route 79 intersection. The subject Property is vacant and predominantly wooded. The Applicant is seeking bifurcated use Variance relief to construct a car wash and oil/lubrication service building on the site. Access is proposed by a channelized, paved access drive at the approximate midpoint of the site frontage providing looped, one-way circulation to and around the car wash portion of the building with paver block driveway to and from the service area of the building. Parking for twelve (12) vehicles, including two (2) handicap parking spaces, is proposed to the rear of the building and four (4) parallel vehicle spaces, for clean-out/vacuuming purposes, including an overhead canopy, are proposed east of the service building. A monument style site identification sign, building mounted signage and a refuse enclosure area are also proposed with this application.

A car wash and/or vehicle service (oil/lubrication) use is not a permitted principal, accessory or conditional use within the C-2 Zone District therefore requiring the requested Use Variance approval. The Applicant has requested only Use Variance approval at this time and shall be required to return before the Board for any Site Plan application and approval subsequent to the Use Variance approval, if granted.

David A. Cranmer, P.E. (Applicant's Engineer) briefly gave the history of application and continued his testimony before the Board. Mr. Cranmer testified that the subject Property is an undersized or irregularly shaped lot located in the C-2 Zone District. He stated the subject Property is currently vacant and previously contained a structure which was demolished prior to the date the Township Planning Board approved the application in 2014 for construction of an office building. He stated that office building was never constructed. He explained that all stormwater runoff would run to the east and west of the subject Property to an off-site receiving area. Mr. Cranmer explained that three (3) pre-existing non-conformities exist inclusive of 1) lot frontage where 300 feet is required and 150 feet is existing; 2) lot width where 300 feet is required and 135 feet exists; and 3) lot area where a 3-acre minimum is required and 0.878 acres exists.

Mr. Cranmer represented that a shopping center use is located north of the subject Property and residential uses and a gas station are located south of the subject Property. Mr. Cranmer further testified that commercial uses exist to the west of the subject Property. He stated that the Applicant requests use variance relief for the construction of an Express Car Wash and Express Lube facility. Mr. Cranmer stated that the Express Car Wash facility would not provide detailing, interior vehicle cleaning or waxing services. He added that four (4) lube bays would be constructed and auto repair services would not be provided.

Mr. Cranmer stated that singular access to the subject Property would be from Tennent Road. He stated that the proposed queueing lane could accommodate twenty-two (22) vehicles and the Applicant further proposed to construct a bypass lane in the event a customer wishes not to proceed with the car wash. Mr. Cranmer stated that the Applicant proposed to construct an approximate 4,570 square foot building which would include the car wash tunnel and lube facilities. He

explained that the proposed 0.12 Floor Area Ratio (“FAR”) is compliant with the Ordinance. He stated that the 90-foot long car wash tunnel would contain 1,665 square feet and that the lube facility would contain 1,675 square feet. Mr. Cranmer added that the Applicant also proposed a 455 square foot customer waiting area for the lube facility. He added that the proposed building would have an attractive design and would fit with the neighborhood. Mr. Cranmer testified that the Applicant proposed to install two (2) stormwater maintenance basins on the site and the Applicant proposed landscaping on-site which would breakup the impervious surfaces of the proposed uses. He stated that the proposed lot coverage of the subject Property would comply with the Ordinance. He further testified that the proposed driveway and two (2) stormwater basins would be consistent with the 2014 Planning Board approval for construction of an office building.

Mr. Cranmer testified that the Applicant also sought bulk variance relief for: 1) the driveway access where a 5-foot setback is required and a 1.8 foot setback from the easterly side property line is proposed; 2) the parking space size where a 10 foot by 20 foot space is required and a 9 foot by 18 foot space size is proposed; 3) a 13.5 foot wide access lane where a 20 foot minimum width is required; 4) an 18-foot wide one-way drive along the rear of the building where a 25 foot wide drive is required; 5) the side yard setback to the westerly property line where 50 feet is required and a 19.7 foot setback is proposed; and 6) the number of parking spaces where eighteen (18) parking stalls were required and sixteen (16) parking stalls were proposed. He stated that five (5) queuing stalls would be located outside the four (4) lube bays. Mr. Cranmer testified that the Applicant would employ a maximum of eight (8) persons on the facility’s busiest days. Mr. Cranmer further testified that the Applicant proposed 3 to 4 foot high retaining walls which were to line the proposed stormwater management facilities. Mr. Cranmer stated that oil removal and oil deliveries would occur once every two (2) weeks. Mr. Cranmer stated that a non-articulated truck would pump old oil from a basement storage tank and that the same truck would deliver new oil to the subject Property. Mr. Cranmer stated that the old oil would not be stored in drums on-site.

Gary Dean, P.E., (Applicant’s Traffic Engineer) was sworn in and gave testimony. Mr. Dean testified that he prepared a traffic impact study on behalf of the Applicant. Mr. Dean explained that a typical permitted use in the C-2 Zone would generate 100 to 250 peak hour evening trips. Mr. Dean stated that this use would generate 0 evening peak hour trips for approximately 4-1/2 months out of the year due to shorter daylight in the winter. Mr. Dean further testified that 40 to 50 peak hour trips would be generated during the evening peak hours with virtually no a.m. peak hour business during the week. Mr. Dean further testified that approximately 100 Saturday morning peak hour trips would be generated. Therefore, he concluded that the peak hour trips for the proposed use would be less than most of the uses permitted in the C-2 Zone. Mr. Dean further testified that approximately 50% to 60% of traffic entering the site would be pass-by traffic. Mr. Dean further testified that the lube facility would be a small traffic generator because a lube service would take 10 to 15 minutes and the Applicant proposed four (4) bays to perform that service. He further testified that the bypass allows for customers who do not wish to use the car wash facility to exit the subject property. Mr. Dean explained that a car wash conveyor would speed up the car wash time in the event that queuing backs up on busy days. He explained that the site can safely accommodate twenty-two (22) vehicles before vehicles would have to wait on the street for car wash services.

The Board expressed concern about conflict points between the oil change and car wash lanes. Mr. Dean testified that an employee would direct traffic on the site to avoid such conflict. He further

explained that it was possible that access to the vacuums would be reduced or constrained during heavy volume. Mr. Dean estimated that there may be four (4) weekends per year where the car wash would get “slammed” during winter months.

Robert Nash, P.E., (Board’s Traffic Engineer), expressed concern as to whether the Applicant considered the residential housing proposed to be built across the street from the subject Property. Mr. Dean stated that he would review the effect of those residential homes on the use and report his findings to the Board. The Board also noted that Tennent Road is a County Road. Mr. Dean further testified that he did not anticipate that an overflow of cars onto Tennent Road would occur on any busy weekend for the facility. Mr. Dean further testified that adequate space exists for the bypass lane and the exit lanes from the car wash and lube facility.

Marc Markowitz, (Applicant’s representative) was sworn in and gave testimony. Mr. Markowitz, stated the Applicant operates nine (9) car wash facilities in New Jersey, Brooklyn and Connecticut. Mr. Markowitz, stated that the proposed facility would provide express exterior car wash services only. Mr. Markowitz stated that the car wash conveyor can accommodate 25 to 30 cars per hour and the conveyor speed could be increased to accommodate additional cars in order to reduce the queuing. Mr. Markowitz, added that the Applicant proposed express exterior wash services only because the minimum wage would be increased to \$15.00 per hour and could not afford to provide full car wash service. Mr. Markowitz testified that the exit lane for lube facility would contain a yield sign. Mr. Markowitz, further testified that a vehicle could use the bypass lane from any point in the queue lane to exit the site. Mr. Markowitz stated that his car wash facilities used only one lane 90 to 95% of the time. Mr. Markowitz, acknowledged that any increase in conveyor speed might diminish the quality of the car wash. Mr. Markowitz, did confirm that all customers would stay in their car and when entering the car wash tunnel.

Christine Nazzaro-Cofone, P.P., AICP, (Applicant’s Planner) was sworn in and gave testimony. Ms. Cofone testified that the subject Property is located in the C-2 Zone and that a motor vehicle services use is a conditional use in that zone. She stated that the definition of “motor vehicle services” in the ordinance contemplated an oil change and car wash services, and she therefore concluded that the subject Property is particularly suitable for the proposed use. Ms. Cofone explained that while the subject Property was “seriously undersized,” the proposed express exterior car wash and lube facility use would not require significant frontage on Tennent Road. Ms. Cofone stated that these proposed uses would have less impact than other permitted uses in the C-2 Zone. Ms. Cofone explained that adequate space existed on the site for the two (2) queuing lanes and the proposed bypass lane. Ms. Cofone further testified that the ordinance required eighteen (18) space queuing and the Applicant proposed queuing for up to twenty-two (22) vehicles on the subject Property. Ms. Cofone, therefore, concluded that the benefits of the proposed use outweigh any detriments and explained that the facility would have no adverse impact on the neighboring commercial properties. She testified that the use would not be substantially detrimental to the zone plan or the zoning ordinance. She further testified the proposed use satisfies the goals of the Master Plan to promote continued growth of the Township’s economic base in order to enhance economic viability. Regarding the positive criteria for granting a use variance, Ms. Cofone testified that the application advances three (3) purposes of the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-2. Specifically, Ms. Cofone stated that N.J.S.A. 40:55D-2g is satisfied as the project

provides sufficient space for a variety of uses. N.J.S.A. 40:55D-2h is satisfied which promotes the free flow of traffic as the Applicant proposes separate queuing lanes and a bypass lane to channel traffic to, around and from the site. She added that N.J.S.A. 40:55D-2i is advanced as the improvements will upgrade the existing site and improve the aesthetics of the subject Property. Regarding the negative criteria, Ms. Cofone testified that the project would not be a substantial detriment to the zone plan because the existing C-2 Zone permits a broad variety of more intense uses such as shopping centers, restaurants and convenience stores. She noted that the bulk variance relief would be subsumed into the Applicant's request for use variance relief. Therefore, the proposed express car wash and lube use for the C-2 Zone presents no substantial detriment to the zone plan or the Township's Land Use Ordinance. Ms. Cofone concluded that the benefits of the project outweigh any detriments and those detriments would have to be substantial to prevent the Applicant from obtaining use variance relief.

**PUBLIC** - and Neal Betoff, 139 Yorkshire Drive, stated he supported the application. Eric Nemers, 107 Rico Drive North, stated he also supported the application.

***A motion in the affirmative as requested***

Offered: Chairman Shapiro, Ayes: 4 (Mr. Solon, Mr. Viridi, Mr. Zwerin, & Chairman Shapiro)

Second: Mr. Zwerin Nays: 0  
Absent: 1 (Ms. DiGrande)  
Recused: 2 (Mr. Weilheimer, & Mr. Powers)

**RESOLUTIONS**

**Z.B. 19-6682 Mark Allen Lefkowitz 2006 Irrevocable Trust** - Memorialization of Resolution granting a Bulk Variance to build additions to existing residential single family home which will exceed the permitted lot coverage for the principal structure and the total building coverage, located at 28 Calder Court, Block 225, Lot 140, in the R-30/20 zone

***A motion in the affirmative as requested***

Offered: Chairman Shapiro, Ayes: 5 (Mr. Solon, Mr. Virdi, Mr. Zwerin,  
Chairman Shapiro,  
Mr. Powers,)  
Nays: 0  
Second: Mr. Zwerin Absent: 3 (Mr. Weilheimer, Ms. DiGrande & Mr.  
Yozzo)  
Recused: 0

**Z.B. 16-6583 Marlboro Muslim Cemetery, Inc.** – Memorialization of Resolution granting a Use Variance and Amended Site Plan approval requesting to construct a 20’ x 30’ equipment shed and to utilize a separate section for smaller graves for babies where sixty-five already exist and where another one hundred and thirty-five plots are proposed, located at 340 Spring Valley Road, Block 146 Lot 48, in the LC zone

*A motion in the affirmative as requested*

Offered: Chairman Shapiro, Ayes: 5 (Mr. Solon, Mr. Virdi, Mr. Zwerin,  
Chairman Shapiro,  
Mr. Powers,)  
Nays: 0  
Second: Mr. Zwerin Absent: 3 (Mr. Weilheimer, Ms. DiGrande & Mr.  
Yozzo)  
Recused: 0

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

*Respectfully submitted*  
*Jennifer Bajar*