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March 27<sup>th</sup>, 2023

Marlboro Township Environmental Commission  
1979 Township Drive  
Marlboro, NJ 07746

Attn: Rohit Gupta, Chairman

**Re: *Tahir, Mohammad (ZB#21-6758)***  
***Conditional Use Variance & Preliminary and Final Site Plan***  
***Environmental Review***  
***Block 300 Lot 58***  
***Location: 449 Tennent Road***  
***Zone: R-80 (Residential)***  
***CME File No.: HMRZ0300.05***

Dear Chairman Gupta and Environmental Commission Members:

Our office received the following information in support of the above-referenced application for Conditional Use Variance and Preliminary and Final Site Plan approval:

- Preliminary and Final Site Plan (8 sheets) prepared by Kashi Consulting Company, Inc. dated September 14, 2022, unrevised;
- Architectural Floor Plan and Elevations (2 sheets) prepared by Synergic Design, dated September 20, 2022, unrevised;
- Stormwater Management Report prepared by Kashi Consulting Company, Inc. dated October 5, 2022, unrevised;
- Environmental Impact Report prepared by Kashi Consulting Company, Inc. dated September 14, 2022, unrevised;
- Boundary and Topographic Survey (1 sheet) prepared by Geospatial Surveying & Layout, dated September 19, 2022, last revised October 6, 2022;
- Cover letter prepared by Kashi Consulting Company, dated September 12, 2022.

In accordance with the Township's authorization, our office has reviewed the Conditional Use Variance and Preliminary and Final Site Plan application package for the above-referenced site and offer the following comments, from an environmental perspective (please note that the background and zoning information contained herein is from previous letters we have submitted to the Zoning Board for this application). Environmental comments are provided in section 7:

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## 1. Project Description

The subject 5.16-acre property is within the R-80 Zone District and contains 60 feet of frontage along Tennent Road. Currently, the property is developed with a 1-story dwelling with a detached garage, and an asphalt driveway. Access is provided by a driveway along Tennent Road.

The Applicant is seeking Use Variance and Preliminary and Final Site Plan approval to remove the existing dwelling to construct a 13,337 s.f. mosque. The existing detached garage building is to remain and will be converted to an office building associated with the mosque. Driveway access will remain via one full movement driveway from Tennent Road. The site will contain 93 parking spaces, paved drive aisle, concrete sidewalk and curb. The application is also proposing new landscaping, lighting, two (2) underground infiltration basins, a private well and septic system.

Churches and places of worship are a permitted conditional use within an R-80 Zone District; however, the subject development does not comply with the following Conditional Use standards thereby requiring the subject Use Variance approval:

- a. **Section 220-105A(1)** – The minimum lot frontage shall be 150 feet and the minimum lot width shall be 150 feet within residential zoning districts; whereas the existing lot frontage is 59.71 feet and the lot width is 104.15 feet.
- b. **Section 220-105A(4)** – No accessory building and/or structure, including parking lots, shall be located within the front, rear and side yards; whereas the existing accessory building to remain is located within the side yard, and the proposed parking lot is located within the front and side yard.
- c. **Section 220-105A(8)** – For all sites within a residential zoning district there shall be provided a thirty-five-foot landscaped buffer to any existing residential use or zone in accordance with the design standards of the Township of Marlboro; whereas a 35-foot buffer is not provided along the entirety of the eastern and western property lines at the accessory building to remain and the row of 12 parking stalls.
- d. **Section 220-105A(9)** – Fences are subject to the provisions of Section 220-95, whereas the proposed fence does not comply with this section.



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2. Surrounding Uses

Properties adjacent to the site are similarly zoned R-80 and are mostly residential uses. The property directly to the north is an auto repair use. Properties north and east of the subject site are zoned R-40/30 and contain residential uses.

3. Zoning Compliance

The subject property is situated within an R-80 Zone District. The table below summarizes the zone requirements and bulk measures for the site:

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	80,000 s.f	217,673.07 s.f.
Maximum Lot Density	0.43 lots/acre	0.20 lots/acre
Minimum Lot Frontage	250 feet	59.71 feet <b>(EC)</b>
Minimum Lot Width	250 feet	104.15 feet <b>(EC)</b>
Minimum Lot Depth	300 feet	> 300 feet
Minimum Front Yard Setback (Principal)	50 feet	247.71 feet
Minimum Side Yard Setback (Principal)	50 feet	65.42 feet
Minimum Rear Yard Setback (Principal)	50 feet	+/- 370 feet
Maximum Building Height (Principal)	35 feet	28 feet
Minimum Front Yard Setback (Accessory)	50 feet	193.9 feet
Minimum Side Yard Setback (Accessory)	25 feet	3.8 feet <b>(EC)</b>



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Minimum Rear Yard Setback (Accessory)	25 feet	+/- 465 feet
Maximum Building Height (Accessory)	15 feet	18 feet <b>(EC)</b>
Minimum Gross Floor Area	1,800 s.f.	13,337 s.f.
Minimum Ground Floor Area	1,200 s.f.	9,817 s.f.
Maximum Lot Coverage by Buildings and Structures	15%	4.77%
Maximum Coverage for Principal Structure	5%	4.51%
Maximum Coverage for Accessory Structure	1,000 s.f.	561 s.f.
Maximum Total Building Coverage	6%	4.77%
Maximum Total Lot Coverage	15%; however, 28% (maximum for places of worship)	25.07%
Parking Requirements	House of Worship: 1 space/3 seats (270 seats) = 90 spaces  Office: 1 space/250 s.f. = 2.24 spaces  93 spaces total	93 spaces

(EC) – Existing Condition      (V) – Variance

The following existing conditions appear to remain pertinent to the site:

- a. **Section 220-Attachment 9** – The minimum required lot frontage is 250 feet; whereas the existing lot frontage is 59.71 feet.



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- b. **Section 220-Attachment 9** – The minimum required lot width is 250 feet; whereas the existing lot width is 104.15 feet.
- c. **Section 220-Attachment 9** – The minimum required side yard setback for accessory structures is 25 feet; whereas the existing accessory side yard setback is 3.8 feet.
- d. **Section 220-Attachment 9** – The maximum required accessory building height is 15 feet; whereas the existing garage, which is to be converted to an office, is 18 feet tall.

As part of the Use Variance approval, the Applicant must demonstrate that the following deviations from the Zone District requirements would be subsidiary to the granting of the Use Variance and therefore subsumed within said Use Variance, if approved:

- a. **Section 220-95A** – Fences hereafter erected, altered or reconstructed in any zone in the Township of Marlboro shall be open fences not to exceed three feet in height above ground level when located in a front yard area; whereas the proposed fence is 6 feet tall and opaque within the front yard.
- b. **Section 220-97A(5)** – Parking areas may be located in any rear or side yard, but may not be located in any required front yard area; whereas parking is proposed in the front yard.
- c. **Section 220-97B** – Each off-street parking space shall measure not less than 10 feet by 20 feet; whereas the proposed parking spaces are 9 feet wide by 18 feet long.
- d. **Section 220-97C(7)** – All off-street parking, off-street loading and service areas and outdoor dining and/or seating areas shall be separated from walkways, sidewalks, streets or alleys by curbing and other protective devices, such as bollards; whereas protective devices are not provided between the parking area and sidewalks.
- e. **Section 220-97E(5)** – For commercial and all nonresidential uses in business districts, required parking shall be provided within 150 feet of such use, measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve; whereas the proposed parking is in excess of 150 feet from the building.
- f. **Section 220-98(A)** – For every building, structure or part thereof having over 5,000 square feet of building area erected and occupied for commerce, hospital, laundry, dry cleaning, places of public and quasi-public assembly, industry and other similar uses involved in the receipt and distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services, in order to avoid undue interference with the public use of streets or alleys; a loading zone is not proposed.



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The Applicant has not requested any design waivers; however, the following appear to be necessary with this application:

- a. **Section 220-146A** – All curbs, where required, shall be granite curb, also known as "Belgian block"; concrete curb is proposed.
- b. **Section 220-159.1A(1)** – Preliminary Site Investigation Report and Soil Sampling Report.
4. The Applicant has not requested any waivers from providing the required checklist submission items; however, the following should be provided or a waiver requested:
  - a. Completed Site Plan Checklist
  - b. Completed Use Variance Checklist
  - c. **Checklist IV, Item j** – Topographical information and survey of existing utilities within 200 feet.
  - d. **Checklist IV, Item k** – The location of all natural and man-made facilities on the subject property and adjoining properties within 200 feet, included wooded areas, streams, bridges, railroad rights-of-way and easements.
  - e. **Checklist IV, Item l** – The location of existing and proposed structures and uses within 200 feet showing the ground area covered by said structures, including all setback dimensions.
  - f. **Checklist IV, Item o** – Proposed on-site circulation system for both pedestrians and vehicular traffic.
5. As the proposed use does not comply with the Conditional Use requirements for churches and places of worship within an R-80 Zone District, the Applicant must seek a "Special Reasons" Use Variance pursuant to NJSA 40:55D-70d. The Applicant shall provide testimony demonstrating compliance with the Medici case consistent with the following:
  - a. Positive Criteria
    - i) That the site is particularly suited to the use.
    - ii) There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D-2).



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b. Negative Criteria

- i) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
6. In our letter to the Zoning Board, the Applicant was asked to be prepared to discuss the following issues with the Board:
- a. Anticipated operations for the proposed mosque, office, and overall site, including but not limited to: times and days for services; number of employees; overall site circulation and loading/unloading; refuse management, including mandatory recyclables; buffering/screening and overall site aesthetics; etc.
  - b. The proposed building height appears to be as tall as 53.92 feet tall, whereas a maximum building height of 35 feet is permitted. The Applicant shall discuss the use of the spires, and how the proposed building complies with Section 220-163, which states that church spires shall have no height restrictions.
  - c. The anticipated utility connections that will need to be made to service the proposed building. All proposed utilities shall be indicated on the plans.
  - d. Whether a traffic impact statement has been prepared. The resubmission letter by Kashi Consulting indicates a report has been provided; however, no such report has been received by our office.
  - e. The use or activities to be conducted in the patio space, and if light fixtures should be proposed in this area.
  - f. Adequacy of the proposed buffer and if a fence should be provided, in accordance with Ordinance Section 220-100.
  - g. Whether any wall signs are proposed in addition to the ground sign.
  - h. Compliance with the state electric vehicle requirements, whereas 3 EV spaces are required for 93 total parking spaces.
  - i. While our office defers to the Fire Bureau, whether an individual Fire Lane striping and markings plan shall be provided.



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- j. Compliance with Ordinance Section 220-37, Performance Standards, including but not limited to: noise; glare; pollutants; solid/liquid waste; refuse management; flammable/hazardous materials; etc.
- k. The need for any improvements (curb, sidewalk, widening, right-of-way dedication, etc.) along the roadway frontage. We note that Tennent Road is under the jurisdiction of Monmouth County.
- l. Any approvals/permits required by outside agencies. The Applicant shall address the board regarding the status of all outside agency approvals and copies of all said approvals shall be forwarded to our office.

## 7. Environmental Review

### a. Township Ordinance

- In accordance with Ordinance § 220-137(d)(18) Plat design standards for subdivisions and site plans, the Applicant needs to evaluate soil profile pits and install groundwater monitoring wells, where the depth to the water table is to be monitored for a period of time between 12 and 36 weeks. We recognize, however, that soil logs have been submitted for the proposed individual subsurface sewage disposal system, stormwater management basins and within the building footprint, and that these logs included an estimate of the seasonal high water table. With this, the Applicant should indicate if a waiver from this Ordinance is sought.

We note that an additional soil profile pit needs to be conducted within each of the stormwater management basins, as a minimum of two pits are required for each basin. The submitted log for Basin #2 shows a depth the seasonal high water table at elevation 166, while the bottom of the stone is at elevation 166.5, thus not meeting the minimum separation requirement of 24". As such, the basin elevation needs to be revised.

- The Applicant needs to prepare a Site Investigation and Soil Sampling Report in accordance with Township Ordinance § 220-159.1.

### b. General

- A note needs to be added to the plans indication that any well or septic system needs to be closed in accordance with NJDEP, Monmouth County Health Department and/or Township requirements.





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- A note needs to be added to the plans stating that the characteristics of any imported fill has to meet the definition of clean fill as stated within the NJDEP's Technical Requirements for Site Remediation (as found at NJAC 7:26E-1.8).
- The Applicant needs to indicate if an underground storage tank has ever been used onsite.

If you have any questions regarding the above matter, please do not hesitate to contact the undersigned.

Very truly yours,

**CME ASSOCIATES**

Austin Bazuk  
*For the Firm*

AB

cc: Kashi Consulting Company, Inc. – Applicant's Engineer  
Salvatore Alfieri, Esq. – Applicant's Attorney