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November 12, 2019

A-22

Marlboro Township Zoning Board
1979 Township Drive
Marlboro, NJ 07746

Re: Reck (ZB19-6694)
Use Variance and Preliminary and Final Major Subdivision –
Engineering and Planning Review #1
Block 219 Lots 4 and 5
Location: Hudson Street and Orchard Street
Zone: C-1 (Village Commercial) (Lot 4) and LI (Light Industrial) (Lot 5)
Our File: HMRZ0219.02

Dear Zoning Board Members:

Our office has reviewed the following information in support of the above-referenced application for Use Variance and Preliminary and Final Major Subdivision approval:

- Preliminary and Final Major Subdivision Plan (1 sheet) prepared by Insite Engineering, LLC dated June 24, 2019, last revised September 13, 2019;
- Boundary Survey (1 sheet) prepared by Insite Surveying dated June 4, 2019, last revised September 13, 2019;
- A Development Application and Checklist.

In accordance with your authorization, we have reviewed this application for Use Variance and Preliminary & Final Major Subdivision approval and offer the following comments:

1. Project Description

Lot 4 is 26,250 s.f. corner lot within a C-1 Zone District. The lot contains 150 feet of frontage along Hudson Street to the west and 175 feet of frontage along Orchard Street to the north. Currently, the property contains a 1-½ story dwelling with associated walks, rear deck, a paved drive from Orchard Street, as well as a 2-½ story dwelling with associated walks, side porch/deck, and a dirt drive from Hudson Street. A secondary stone drive with a paved apron also exists onsite along the Orchard street site frontage and we note existing fuel oil tanks indicated for each dwelling.

Lot 5 is 8,425 s.f. in size with 50 feet of frontage along Orchard Street, and is located within an LI Zone District. Currently, the property is vacant.



Marlboro Township Zoning Board
 Re: Reck (ZB19-6694)
 Use Variance and Preliminary and Final Major Subdivision
 Engineering and Planning Review #1

November 12, 2019
 HMRZ0219-02
 Page 2

The Applicant proposes to subdivide the existing properties into three (3) new lots as follows:

- Lot A will be a 11,250 s.f. corner lot containing 75 feet of frontage along Hudson Street to the west and 150 feet of frontage along Orchard Street to the north within a C-1 Zone District. The property would contain the existing 2-½ story dwelling with associated walk and retain the dirt drive along Hudson Street and the secondary stone drive along Orchard Street.
- Lot B will be 11,250 s.f. in size and contain 75 feet of frontage along Hudson Street within a C-1 Zone District. The property is to remain vacant at this time and developed with a future single-family dwelling.
- Lot C will be 12,175 s.f. in size and contain 75 feet of frontage along Orchard Street within both the C-1 and LI Zone Districts. The existing 1-½ dwelling would be removed from the property. The property is to remain vacant at this time and developed with a future single-family dwelling.

New single-family dwellings are not a permitted, accessory or conditional use within either the C-1 Zone or LI Zone thereby requiring the requested Use Variance.

2. Surrounding Uses

Properties opposite and along Hudson Street, including opposite Orchard Street, are similarly zoned C-1 while properties east, northeast and southeast of the subject site are zoned LI with all containing residential parcels with the exception of scattered commercial uses fronting along Vanderburg Road.

3. Zoning Compliance

Lots A and B would be wholly situated within a C-1 Zone District while Lot C would be split zoned within a C-1 and LI Zone District. Lot A would contain an existing dwelling whereby per Ordinance Section 220-81C(1)(f), area, yard and building requirements of the MFD-1 Residential Zone would be applicable to said existing residential uses. The tables below summarize the bulk measures and zone requirements applicable for the proposed properties:

Lot A – MFD-1 Zone District

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	6,000 s.f.	11,250 s.f.



Marlboro Township Zoning Board
 Re: Reck (ZB19-6694)
 Use Variance and Preliminary and Final Major Subdivision
 Engineering and Planning Review #1

November 12, 2019
 HMRZ0219-02
 Page 3

Minimum Lot Frontage	_____	75 feet (Hudson Street) 150 feet (Orchard Street)
Minimum Lot Width	50 feet	75 feet
Minimum Lot Depth	90 feet	150 feet
Minimum Front Yard Setback	20 feet	19.1 feet (Hudson Street)(EC) 24.2 feet (Orchard Street)
Minimum Side Yard Setback	5 feet/15 feet total	24.8 feet
Minimum Rear Yard Setback	20 feet	79.7 feet
Maximum Building Height	35 feet/2-½ story	<35 feet/2-½ story
Maximum Building Coverage	32%	10.8% ±
Maximum Lot Coverage	38% (1)	17.8% ±

(EC) - Existing Condition

- (1) - Per Ordinance Section 220-70C(1)(g), 32% is permitted for original buildings, driveways and/or walkways, however 38% is permitted to allow for specific accessory structures: decks, pools, gazebos, patios and/or sheds.

Lot B – C-1 Zone District

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	20,000 s.f.	11,250 s.f. (V)
Minimum Lot Frontage	100 feet	75 feet (V)
Minimum Lot Width	100 feet	75 feet (V)
Minimum Lot Depth	150 feet	150 feet
Minimum Front Yard Setback	25 feet (1)	>25 feet
Minimum Side Yard Setback	20 feet	>20 feet
Minimum Rear Yard Setback	50 feet	>50 feet
Maximum Building Height	35 feet	<35 feet



Marlboro Township Zoning Board
 Re: Reck (ZB19-6694)
 Use Variance and Preliminary and Final Major Subdivision
 Engineering and Planning Review #1

November 12, 2019
 HMRZ0219-02
 Page 4

Maximum Building Coverage	_____	_____
Maximum Lot Coverage	30%	<30%

(V) - Variance Required

(1) - New buildings may be constructed at the average of the front yard setbacks of all existing buildings located within 200 feet of the lot on the same side of the street and within the same block.

Lot C – LI Zone District

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	3 acres	12,175 s.f. (V)
Minimum Lot Frontage	300 feet	75 feet (V)
Minimum Lot Width	300 feet	75 feet (V)
Minimum Lot Depth	300 feet	168.5 feet (V)
Minimum Front Yard Setback	80 feet	TBD
Minimum Side Yard Setback	70 feet	TBD
Minimum Rear Yard Setback	80 feet	TBD
Maximum Building Height	50 feet	<50 feet
Maximum Building Coverage	35%	<35%
Maximum Lot Coverage	60%	<60%
Maximum Floor Ratio	0.35	<0.35

(V) – Variance Required
 TBD - To Be Determined

As Proposed Lot A will contain an existing dwelling whereby per Ordinance Section 220-81C(1)(f), area, yard and building requirements of the MFD-1 Residential Zone would be applicable to said existing residential uses, the following existing condition would appear to remain pertinent:



Marlboro Township Zoning Board
Re: Reck (ZB19-6694)
Use Variance and Preliminary and Final Major Subdivision
Engineering and Planning Review #1

November 12, 2019
HMRZ0219-02
Page 5

- a. **Section 220-70C(1)(c)[1]** – The minimum front yard setback required is 20 feet; 19.1 feet is provided to the covered porch for the existing dwelling to remain from the Hudson Street right-of-way line on Lot A.

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.

- b. **Section 220-81C(3)(a)** – The minimum required lot area required 20,000 s.f.; 11,250 s.f. is proposed for Lot B.
- c. **Section 220-81C(3)(b)** – The minimum required lot width is 100 feet; 75 feet is proposed for Lot B.
- d. **Section 220-81C(3)(d)** – The minimum required lot frontage is 100 feet; 75 feet is proposed for Lot B.
- e. **Section 220-90C (Table I)** – The minimum required lot area is 3 acres; 0.2 acres (12,175 s.f.) is proposed for Lot C.
- f. **Section 220-90C (Table I)** – The minimum required lot frontage is 300 feet; 75 feet is proposed for Lot C.
- g. **Section 220-90C (Table I)** – The minimum required lot width is 300 feet; 75 feet is proposed for Lot C.
- h. **Section 220-90C (Table I)** – The minimum required lot depth is 300 feet; 168.5 feet is proposed for Lot C.

In addition to the above, the following design waivers appear necessary with this application:

- i. **Section 220-165C** – Each lot must front upon an approved public street at least 50 feet in width; Lots A and B front upon Hudson Street which is indicated to have a 40 foot right-of-way width along the site frontage.
- j. **Section 220-169A(2)** – Driveways shall be paved with a uniform two-course pavement; a dirt driveway and a stone driveway are apparently to remain on Lot A.
4. As new single-family dwellings are not a permitted principal, accessory or conditional use within either a C-1 or LI Zone District, the Applicant must seek a “Special Reasons” Use



Marlboro Township Zoning Board
Re: Reck (ZB19-6694)
Use Variance and Preliminary and Final Major Subdivision
Engineering and Planning Review #1

November 12, 2019
HMRZ0219-02
Page 6

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 grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D-2).

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.

5. The following required ordinance and/or checklist submission items should be provided or waivers requested:

Bulk Variance Checklist

- a. For a proposed addition or new construction, a sealed Architect Sketch shall be submitted.

Preliminary Major Subdivision

- b. Checklist II, Item g – Existing and proposed elevations or contour lines over the entire area of the proposed subdivision at consistent 2 foot intervals.
- c. Checklist II, Item h – Proposed utility layouts for storm, sanitary sewer and water service.
- d. Checklist II, Item j – Stormwater management design and calculations.
- e. Checklist II, Item l – Landscaping Plan
- f. Checklist II, Item m – Lighting Plan
- g. Checklist II Item n – Soil Erosion and Sediment Control Plan and Details
- h. Checklist II Item q – Tree Removal and Replacement Plan



Marlboro Township Zoning Board
Re: Reck (ZB19-6694)
Use Variance and Preliminary and Final Major Subdivision
Engineering and Planning Review #1

November 12, 2019
HMRZ0219-02
Page 7

6. This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as NJAC 5:21-1 et. seq. The Applicant has not requested any waivers or de minimus exceptions from the RSIS requirements. An agreement to exceed said requirements should be filed with the DCA for any improvements which exceed the RSIS.
7. Based on our review of the subject application, we estimate that the following fees are required:

a. Nonrefundable Application Fees:

Preliminary Plat Application Fee	\$500.00
Preliminary Plat Review Fee - \$100 per lot x 3 Lots	\$300.00
Final Plat Application Fee	\$500.00
Final Plat Review Fee - \$50 per lot x 3 lots	\$150.00
Bulk Variance - Residential	\$250.00
Use Variance – Single or two-family residential use	\$200.00
Fee for each new tax lot – 1 to 5 lots	\$350.00
Subtotal:	\$2,250.00

b. Professional Services Escrow Fees:

Preliminary Major Subdivision – 3 to 25 units/lots	\$5,000.00
Final Major Subdivision – 25 lots or less	\$2,500.00
Use Variance – Residential	\$1,500.00
Bulk Variance – Single-family dwelling	\$1,500.00
Subtotal:	\$10,500.00

We recommend the Township collect \$2,250.00 in nonrefundable application fees and \$10,500.00 in professional services escrow fees from the Applicant prior to deeming the application complete. In addition, the Applicant will be required to pay all applicable revision fees as stipulated in the Township Ordinances.

8. The Applicant should be prepared to discuss the following issues with the Board:
 - a. Compliance with C-1 Zone Ordinance Section 220-81c(6)(a) whereby the storage of flammable liquids and gases shall not be permitted above ground, except that where such liquids and gases are used as a heating fuel, they may be stored within the building



Marlboro Township Zoning Board
Re: Reck (ZB19-6694)
Use Variance and Preliminary and Final Major Subdivision
Engineering and Planning Review #1

November 12, 2019
HMRZ0219-02
Page 8

- in accordance with the Township's Fire Prevention Code. We note an outdoor fuel tank apparently to remain along the rear of the existing dwelling on Lot A.
- b. Whether the existing dwelling to remain on Lot A provides a garage area in accordance with Sections 220-35D(10) and/or 220-169A.
 - c. The Zone Data Schedule provided on the Subdivision Plan indicates compliance with the LI Zone setback requirements for Lot C which must be discussed as same will be partially in the C1 Zoning District. In addition, address compliance with other LI Zone design standards per Section 220-90F.
 - d. The means of providing water and sanitary sewer services to the properties should be reviewed. We note cleanout structures depicted on Lots B and C and a well head depicted on Lot A but it is unclear whether they are to be removed or to remain.
 - e. The anticipated stormwater management of the properties.
 - f. The timing associated with the removal of existing site improvements should be discussed with the Board. Generally our office recommends removal of said improvements prior to filing of the Plat with the County Clerk's Office, if approved.
 - g. The need for any improvements (curb, sidewalk, widening, right-of-way dedication, etc.) along either roadway site frontage.
9. Based upon our review, the Plan should be revised as follows:
- a. Provide a Municipal Clerk's certification regarding future setting of monuments.
 - b. Documentation indicating proof of approval/assignment of the lot numbers for the subdivided properties must be provided.
 - c. Plot the required sight triangle easement at the roadway intersection of Hudson Street and Orchard Street along proposed Lot A.
 - d. Verify area of entire tract indicated within the lots.
 - e. Clarify whether the asphalt drive along Orchard Street is to remain or be removed.
 - f. Add a signature approval line for the Board Secretary to the Zoning Board approval certification.



Marlboro Township Zoning Board
Re: Reck (ZB19-6694)
Use Variance and Preliminary and Final Major Subdivision
Engineering and Planning Review #1

November 12, 2019
HMRZ0219-02
Page 9

- g. Major Subdivisions may not be filed with the County Clerk by deed, revise the approval certification accordingly.
 - h. Verify floor area ratio indicated as required for Lot C within the Zone Data Schedule.
 - i. Revise Zone Data footnote (1) to indicate existing rather than proposed single-family uses.
 - j. Revise Zone Data footnote (3) to include "on the same side of the street within the same block" in accordance with said Ordinance language.
 - k. A footnote should be provided in the Zone Data Schedule clarifying the lot coverage permitted for Lot A in accordance with Ordinance Section 220-70C(1)(g) per MFD-1 Zone standards.
10. This application may be subject to the following outside agency approvals:
- a. Monmouth County Planning Board
 - b. Freehold Soil Conservation District
 - c. NJDEP - Letter of Interpretation (LOI)
 - d. Marlboro Township Environmental Commission
 - e. Marlboro Township Fire Bureau
 - f. Marlboro Township Police Department
 - g. Marlboro Township Water Department
 - h. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of all outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.




Marlboro Township Zoning Board
Re: Reck (ZB19-6694)
Use Variance and Preliminary and Final Major Subdivision
Engineering and Planning Review #1

November 12, 2019
HMRZ0219-02
Page 10

If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME ASSOCIATES

Laura J. Neumann, PE, PP
Zoning Board of Adjustment
Engineer and Planner

LJN/GAC/pg

cc: Marlboro Township Engineering Department
Ronald Cucchiaro, Esq. - Planning Board Attorney
Frederick and Mary Reck - Applicant
Insite Engineering, LLC - Applicant's Engineer
Insite Surveying - Applicant's Surveyor
John A. Giunco, Esq. - Applicant's Attorney