

MARLBORO TOWNSHIP PLANNING BOARD  
RESOLUTION NO. PB1177-18

<p><b>IN THE MATTER OF NORTHEASTERN DEVELOPMENT, INC. FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL IN ORDER FOR APPLICANT TO CONSTRUCT A 12,000 S.F. ONE-STORY BUILDING ADDITION ALONG THE SOUTH SIDE OF THE COMMERCIAL BUILDING AS WELL AS A 10,000 S.F. DAYCARE CENTER AND A 4,500 S.F. RETAIL BUILDING (PRELIMINARY ONLY)</b></p>	<p><b>FINDINGS OF FACT AND CONCLUSIONS OF LAW</b></p> <p><b>Block 351, Lots 2 &amp; 3 Marlboro Township, Monmouth County Zone: C-2 (Neighborhood Commercial)</b></p> <p><b>Application No. PB1177-18 Approval Date: October 3, 2018</b></p>
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BE IT RESOLVED, by the Marlboro Township Planning Board ("Board") that the action taken on October 3, 2018, on the above referenced matter, is hereby memorialized by the adoption of this written resolution setting forth the Board's findings and conclusions.

**RELIEF SOUGHT AND JURISDICTION**

1. Project Description

The subject 8.3 acre properties are within a C-2 Zone District and together provide 535 feet of frontage along the west side of NJ State Highway Route 79 and 373 feet of frontage along the south side of School Road West. Currently, the properties contain a 1-story multi-tenant commercial building within the western portion of the site and a 1-story bank with drive-up lanes along Route 79. Access is provided by a right-in/right-out only driveway along Route 79 and two (2) full movement driveways along School Road West with associated parking provided throughout the site, with the exception of the southern portion of the site which contains a wooded area and an apparent stormwater area. Various utility and access easements are also existing onsite.

The Applicant proposes to retain the existing improvements and construct a 12,000 s.f. (100 feet x 120 feet) 1-story building addition along the south side of the commercial building, a proposed 10,000 s.f. day-care with an attached fence enclosed play area, and a proposed 4,500 s.f. retail building. Access is to remain as is along Route 79 with minor reconfigurations proposed for the two (2) driveways along School Road West. Reconfiguration of existing parking areas are proposed, as well as additional proposed parking, ultimately yielding 303 parking spaces to service the site, including 31 spaces designated as "commuter parking only" along and near School Road West.

2. Surrounding Uses

Properties south and west of the site are zoned R30/20 containing a mix of residential parcels. Properties opposite Route 79 are similarly zoned C-2 while properties north of

the site opposite School Road West and northeast opposite Route 79 are zoned C-1 with all containing predominately commercial uses with scattered residential and/or vacant wooded parcels, including a gasoline service station adjoining the subject site at the School Road West and Route 79 intersection.

3. Zoning Compliance

The site is situated within a C-2 Zone District. The table below summarizes the zone requirements and bulk measures applicable to the development:

<u>Description</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area	3 Acres	8.3 acres	8.3 acres
Minimum Lot Frontage	300 feet	536.0 feet (Route 79) 373.1 feet (School Road West) 50.0 feet (Kent Rd) (EC)	536.0 feet (Route 79) 373.1 feet (School Road West) 50.0 feet (Kent Rd) (EC)
Minimum Lot Width	300 feet	>300 feet	>300 feet
Minimum Lot Depth	200 feet	>2000 feet	>200 feet
Minimum Front Yard Setback	75 feet	75.4 feet (Ex bank) (Route 79) 120.7 feet (Ex Comm)/109.8 feet (Ex Canopy) (School Road West)	75.4 feet (Ex bank) (Route 79) 120.7 feet (Ex Comm)/109.8 feet (Ex Canopy) (School Road West) 79.4 feet (prop. Retail) (Route 79)
Minimum Side Yard Setback	50 feet	100.0 feet (Ex Bank)/60 feet ± (Bank Canopy)	>80.2 feet (proposed day care)
Minimum Rear Yard Setback	50 feet	80 feet (Ex Comm)	>80.2 feet (Comm Addition)
Minimum Side Yard Setback (Accessory)	40 feet	N/A	N/A
Minimum Rear Yard Setback (Accessory)	40 feet	N/A	N/A
Maximum Building Height	35 feet	<35 feet	<35 feet
Maximum Building Height (Accessory)	15 feet	N/A	N/A
Maximum Building Coverage	30%	8.7% ±	16.1 % ±
Maximum Impervious Coverage	60%	63.7% ± (EC)	71.6 % ± (V)
Maximum Floor Area Ratio	0.30	0.08 ±	0.16 ±

(EC) – Existing Condition

(V) – Variance Required

The following existing conditions remain pertinent to the site:

- a. **Section 220-85C (Table 1)** – The minimum lot frontage required is 300 feet; 50 feet is provided along the terminus of Kent Court.
- b. **Section 220-85C (Table 1)** – The minimum lot width required is 300 feet; 50 feet is indicated as provided along Kent Court. The Board should determine the applicability of said existing nonconformance whereby approximately 418 feet of width would appear to be provided along said frontage.
- c. **Section 220-85.1(3)** – Where the property line of a proposed commercial lot abuts a residential zone or use, a buffer area shall be established which shall include an area of land 30 feet in width and all side and rear yard building setback lines shall be increased by a depth of 30 feet; approximately 12 feet appears provided along the westerly property line and approximately 16 feet appears provided along the southerly most property line both of which abut residential properties and no increase in setback depth has been provided along either property line.
- d. **Section 220-86I(4)** – Front yards may be used for parking, provided that no such parking shall be closer than 20 feet to any street line; parking is provided within 20 feet along both the Route 79 and School Road West right-of-way lines.
- e. **Section 220-99D(10)** – Each office, commercial or industrial use located in a commercial or industrial zone, having a street frontage of at least 200 feet and a minimum lot size of 1 acre may erect one (1) freestanding sign; two (2) freestanding signs are provided along the Route 79 road frontage. We note that approximately 536 feet of road frontage exists for the subject properties along Route 79 which would thereby permit an additional freestanding sign per Ordinance Section 220-99D(11). We note also that a freestanding monument sign is proposed along the School Road West right-of-way which provides 373 feet of road frontage which must also be discussed with the Board regarding applicability.
- f. **Section 220-144C-** No structure, activity or parking of vehicles shall be permitted in a required buffer area; apparent refuse enclosures and storage container units exist within the required buffer area along the western property line.

The Applicant also needs the following variances with this application:

- g. **Section 220-85C (Table 1)** – The maximum percentage of impervious lot coverage permitted is 60%; approximately 71.6% is indicated as proposed. We note that approximately 63.7% coverage is indicated as an existing condition for the site.

- h. **Section 220-97B** – Each off-street parking space shall measure not less than 10 feet by 20 feet; 9 foot x 20 foot spaces are indicated as proposed.

The following variances are necessary as well:

- i. **Section 220-97B** – Parallel parking spaces shall be 9 feet by 23 feet; two parallel parking spaces of 12 feet by 22 feet are proposed north of the day-care building.
- j. **Section 220-97C(4)** – Driveways shall have a minimum width of 20 feet for one-way traffic for all non-single family residential uses; 19 feet is proposed west of the pad site retail building.
- k. **Section 220-97C(6)** – No Parking shall be permitted within 30 feet of the outer walls of any structure; parking is proposed within 30 feet of the northwest corner of the existing commercial building and along the proposed building addition for same as well as within 30 feet of the proposed day-care building and pad site retail building.
- l. **Section 220-97E(4)** – All parking areas for 20 or more vehicles shall contain grassed/landscaped island areas of at least 6 feet width separating rows of parking; 5 foot wide island areas appear proposed along various rows of parking and no island is proposed at adjacent parking south of the proposed commercial building addition.
- m. **Section 220-97E(6)** – All parking areas are 10 or more vehicles shall have artificial lighting that will provide an average of 0.5 footcandles throughout the parking area; greater than 0.5 footcandles appear proposed.

- 4. The Applicant has not requested any waivers from providing required checklist submission items, however, the following required checklist submission items should be provided or waivers requested:

- a. **Checklist IV, Item k** – Location of all natural and man-made facilities onsite and within 200 feet radius.
- b. **Checklist IV, Item l** – Location and use of all structures within 200 foot radius.
- c. **Checklist IV, Item m** – Building floor plans and elevations (proposed retail and day-care buildings and existing bank building).

- 5. The Applicant is subject to the following fees:

- a. Nonrefundable Application Fees:
  - Preliminary Application Fee \$ 50.00
  - Preliminary Approval Fee
  - \$100.00 plus the sum of:
  - \$2.00 per 1,000 s.f. of affected lot area x 364,855 s.f.



**THE HEARING**

12. On October 3, 2018, a public hearing took place before the Marlboro Township Planning Board at the Marlboro Township Municipal Building, located at 1979 Township Drive, Marlboro, New Jersey 07746-2299.
13. The Applicant presented five (5) Exhibits:
  - A-1, A Regional Location Map, dated October 3, 2018
  - A-2, Existing Conditions Map, dated October 3, 2018
  - A-3, Lay-Out Dimensional Plan, dated July 17, 2018, showing commuter parking area.
  - A-4, Colorized Landscaping Plan, which is (sheet 10) of the application, dated July 17, 2017.
  - A-5, Conceptual Floor Plan and Elevations for the site.

**PLANS PRESENTED AND OTHER DOCUMENTS REVIEWED**

- a. Preliminary and Final Major Site Plan (18 sheets) prepared by French and Parrello Associates, dated July 17, 2018; unrevised
- b. Boundary and Topographic Survey (1 sheet) prepared by French and Parrello Associates, dated December 11, 2017, unrevised
- c. Architect Plan (3 sheets) prepared by Perez and Radosti Associates, PC, dated July 17, 2018, unrevised
- d. Stormwater Management Report by French and Parrello Associates, dated July 19, 2018, unrevised
- e. Environmental Impact Report prepared by French and Parrello Associates, dated July 19, 2018, unrevised
- f. Traffic Impact Analysis prepared by McDonough and Rea Associates, Inc., dated July 24, 2018, unrevised
- g. Development application

**TOWNSHIP REPORTS/MEMORANDUM**

14. The following reports were presented to the Board:

- a. CME Associates Engineering Reports, dated June 8, 2018, September 7, 2018 and September 17, 2018.
- b. Fire Official Report by Chris Weltner, dated September 7, 2018.
- c. Traffic & Safety Report by Sgt. John Loyer, dated August 13, 2018
- d. Traffic Impact Analysis by Scott T. Kennel of McDonough & Rea Associates, Inc., dated July 24, 2018.
- e. Environmental Commission Report, dated September 12, 2018

#### TESTIMONY AND PUBLIC INPUT

15. The Applicant was represented by **Kenneth L. Pape, Esq., 516 Highway 33, Millstone Township, N.J. 08535**
  - a. Mr. Pape presented the following (4) witness: Brian Decina, the Applicant's Engineer, John Rea, the Traffic Engineer, Steven Ridowski, the Applicant's Architect and Peter Pascella, President of the Applicant's company.
  - b. Mr. Pape began testimony by stating that this is an existing underutilized Shopping Mall, known as the Marlboro Mall, which has a "sea of asphalt" for parking and is sorely in need of an update. The site also contains 50 spaces for commuters, which will be maintained. Finally, he stated that the Applicant is applying for Preliminary Approval for the 4,500 s.f. Retail building but only Final Approval on the addition and the Daycare Center.
  - c. Brian Decina, the Engineer, testified with regard to Exhibits A-1 through Exhibit A-4, showing where the site was located, the existing conditions of the site and the dimensions of the buildings. He also reviewed the Landscaping Plan.
  - d. Brian Decina stated that this existing strip mall has become outdated and that the site needs to be modernized. The application will do that.
  - e. Brian Decina then turned towards Stormwater maintenance, stating that the current Stormwater maintenance system is ready and can handle the site. With regard to Landscaping, he said there will be a significant increase in it and that the Applicant would satisfy all concerns contained in the CME and other reports from the Township.
  - f. Brian Decina then reviewed the Lighting Plan with the Board, showing a significant upgrade in lighting.
  - g. Brian Decina testified that there was a dry cleaning spill at the site many years ago but stated that the site had been properly cleaned up.

- h. John Rea, the Traffic Engineer, reviewed with the Board the circulation of the site and where the commuter spaces will be located. These fifty (50) spaces will be relocated toward the corner of the site so that it can be more easily accessed by commuters. Parking itself will also have an additional 303 spaces, which are proposed, using 9 x 20 stalls.
- i. Steven Ridowski, the Applicant's architect, reviewed with the Board, signage and placement of the signs.
- j. Steven Ridowski reviewed Exhibit A-5, the Conceptual Floor Plan and Elevations, for the buildings, stating that all Codes will be met and will be consistent with the Ordinance.
- k. Peter Pascella, President of Applicant's company, then testified that that paving would only take place during work hours and that the center will stay open during construction. He also stated that he anticipates beginning construction in late Spring and will continue with sod signage upgrades and internally illuminated signs being placed upon the buildings; the builders having gooseneck sign lighting.
- l. Peter Pascella stated that it is unclear as to the number of businesses that will be at the site, but that will be reviewed at the Final Approval for the 4,500 s.f. building.
- m. Brian Decina stated that with regard to any easements needed for the site, the Applicant will comply with the Township's requirements but that all cross easements were in place for the site to function.
- n. Brian Decina testified that the one-way drive along the south side of the proposed Retail building shall continue being used as is.
- o. Peter Pascella testified that any storage containers at the site will be removed as part of the overall site improvements.
- p. Brian Decina testified regarding the pads for waste containers and where they would be located.
- q. Peter Pascella agreed to comply with Ordinance Section 220-37 with regard to construction noise, glare, pollutants and so forth.
- r. Brian Decina stated that all improvements along the Route 79 right-of-way will be done in accordance with NJDOT standards.
- s. Laura Neumann, the Board Planner/Engineer stated that the application complies with all conditions of prior approval.



16. The following Township staff/professionals gave advice to the Board:
- a. Michael W. Herbert, Esq., Planning Board Attorney
  - b. Laura J. Neumann, PE, PP, Planning Board Engineer and Planner
17. Members of the public were provided an opportunity to speak on the application:
- One (1) member of the public spoke.
  - a. Stanish Hiscin of 14 Molly Picture Road was concerned about the number and types of businesses that would be at the site.

The Applicant, Peter Pascella, responded that this is yet to be determined.

#### DETERMINATION OF THE BOARD

18. Board Findings
- a. The Board approves the application for Preliminary and Final Major Site Plan Approval with Final Approval being given to upgrade of the existing site along with the Daycare Center and Preliminary Approval only given to the 4,500 s.f. Retail building, which is yet to be fully designed.
  - b. The Board finds that there is no negative impact upon the public's health, safety and welfare or upon the neighborhood's wellbeing or overall Township Master Plan.
  - c. Applicant is granted the variances listed in the Zoning/Compliance table, as stated above.
  - d. The Applicant is also granted all of the waivers as stated above.
  - e. The Board finds that the granting of these variances and waivers does not violate the Township's Master Plan nor does it have a negative impact on the public's health, safety and welfare.
  - f. The granting of these variances actually enhances the application and the overall area.

19. Conditions of Approval

The Board finds that in order to address the concerns expressed in the course of the hearing, and to limit the relief to that which is reasonably necessary to satisfy the

Applicant's legitimate requirements, the relief granted is subject to the following conditions:

- a. The Applicant agreed to comply with Ordinance Section 220-37 with regard to construction noise, glare, pollutants and so forth.
- b. The Applicant shall comply with all testimony placed upon the record before the Board.
- c. The Applicant is subject to all local township ordinances including backfill ordinance and silt fence ordinance and is required to comply with stormwater requirements for the site, as it is a Site Plan application.

20. This application is subject to the following outside agency approvals if applicable:

- a. Monmouth County Planning Board
- b. Freehold Soil Conservation District
- c. NJDEP Letter of Interpretation (LOI)
- d. Marlboro Township Environmental Commission i.e. Marlboro Township Fire Bureau
- e. Marlboro Township Police Department
- f. Marlboro Township Water Department
- g. Western Monmouth Utilities Authority
- h. All other outside agency approval 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.

### CONCLUSION

The Board at its October 3, 2018 meeting voted to approve the application.

This Resolution of Memorialization was adopted December 5, 2018 by a vote of the majority of the members present, who voted to approve Preliminary and Final Major Site Plan.

The date of decision shall be October 3, 2018, except that the date of the adoption of this memorializing resolution is the date of decision for the purpose of (1) mailing a copy of the decision to the Applicant within ten (10) days of the date of this decision; (2) filing a copy of the decision with the administrative officer; and, (3) publication of a notice of decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

**ROLL CALL VOTE ON MOTION FOR  
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL  
OCTOBER 3, 2018**

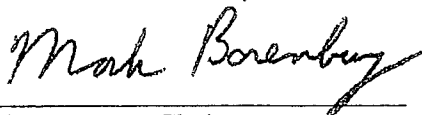
Moved By: Andrew Pargament  
Seconded By: Michael Slotopolsky  
Those In Favor: David Gagliano, Mark Barenburg, Carol Mazzola, Lynn Franco,  
Andrew Pargament, Michael Slotopolsky  
Those Opposed: None  
Those Absent: Neil Betoff, Christopher Cherbini, Rohit Gupta, Mayor Hornik,  
Steven Kansky

**ROLL CALL VOTE ON MOTION TO APPROVE  
RESOLUTION OF MEMORIALIZATION  
DECEMBER 5, 2018**

Moved By: Andrew Pargament  
Seconded By: David Gagliano  
Those in Favor: Michael Slotopolsky, David Gagliano, Andrew Pargament,  
Mark Barenburg, LynnFranco  
Those Opposed: None  
Those Absent: Councilwoman Mazzola, Mayor Hornik, Steven Kansky  
Present But  
Ineligible to Vote: Neil Betoff, Rohit Gupta

**CERTIFICATION**

I do hereby certify that the foregoing resolution was adopted by the Marlboro Township Planning Board at its regular meeting held on December 5, 2018. The Resolution memorializes the formal action taken by the Board at this regular meeting held on October 3, 2018.



Mark Barenburg, Chairman  
Marlboro Township Planning Board