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December 1, 2020

Marlboro Township Zoning Board of Adjustment  
1979 Township Drive  
Marlboro, NJ 07746

**Re: Real Edge, LLC (B20-6723)**  
**Use Variance – Engineering and Planning Review #1**  
**Block 120.02 Lot 38**  
**Location: 14 Wooleytown Road and Sorrel Road**  
**Zone: RSCS (Residential)**  
**CME File No.: HMRZ0120.14**

Dear Board Members:

Our office received the following information in support of the above-referenced application for Use Variance approval:

- Use Variance Plan (1 sheet) prepared by DW Smith Associates, LLC dated September 1, 2020, unrevised;
- A development application.

In accordance with your authorization, our office has reviewed the Use Variance application package for the above-referenced site and offer the following comments:

1. Project Description

The subject 0.8 acre property is a corner lot within an RSCS Zone District and contains 124 feet of frontage along Wooleytown Road to the southwest and 355 feet along Sorrel Road to the southeast. Currently, the property contains a 1-story dwelling within an inground swimming pool, a patio area, a pond area, perimeter rear yard fencing, and a paved driveway along the Wooleytown Road site frontage.

The Applicant is seeking only Use Variance approval at this time to subdivide the approximate 0.8 acre property into three (3) new lots as follows:

- Proposed Lot 38.01 will be a 11,694 s.f. corner lot, with 124 feet of frontage along Wooleytown Road and 95 feet of frontage along Sorrel Road. A 10 foot wide right-of-way easement is indicated along the Wooleytown Road frontage as well as a sight triangle easement at the Sorrel Road intersection on the proposed lot.



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- Proposed Lot 38.02 will be 9,398 s.f. in size and provide 75 feet of frontage along Sorrel Road.
- Proposed Lot 38.03 will be 14,846 s.f. in size and provide 185 feet of frontage along Sorrel Road.

The properties would be developed with future single-family dwellings, however, whether said dwellings would be serviced by municipal water and sanitary sewer systems is unclear.

Single-family dwellings are not a currently permitted, accessory or conditional use within an RSCS Zone District thereby requiring the subject Use Variance approval. The Applicant is seeking only Use Variance approval at this time, and if granted, would be required to return before the Board for Preliminary and Final Major Subdivision application and approval.

2. Surrounding Uses

Properties surrounding the subject site north of Wooleytown Road, including opposite Sorrel Road, are similarly zoned RSCS containing a mix of residential parcels. Properties opposite Wooleytown Road are zoned LC and contain residential parcels opposite the subject site.

3. Zoning Compliance

The subject property is situated within an RSCS Zone District. The table below summarizes the zone requirements and bulk measures for the proposed lots as per requirements in effect when single-family residential was a permitted use within said zone:

DESCRIPTION	REQUIRED	LOT 38.01	LOT 38.02	LOT 38.03
Minimum Lot Area	7,500 s.f.	11,694 s.f. (10,453 s.f. excluding right of way easement)	9,398 s.f.	14,846 s.f.
Minimum Lot Frontage	75 feet	124 feet (Wooleytown Rd) 95 feet (Sorrel Road)	75 feet ±	185 feet ±
Minimum Lot Width	75 feet	95 feet ±	75 feet ±	174 feet ±
Minimum Lot Depth	100 feet	124 feet ±	124 feet ±	124 feet ±



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DESCRIPTION	REQUIRED	LOT 38.01	LOT 38.02	LOT 38.03
Minimum Front Yard Setback	25 feet	20 feet	20 feet	20 feet
Minimum Side Yard Setback	10 feet	10 feet	10 feet	10 feet
Minimum Rear Yard Setback	30 feet	30 feet	30 feet	30 feet
Minimum Rear Yard Setback (Accessory)	20 feet	N/A	N/A	N/A
Maximum Building Height	35 feet	<35 feet	<35 feet	<35 feet
Maximum Building Height (Accessory)	15 feet	N/A	NA	N/A
Maximum % of Lot Coverage (Buildings)	32%	<32%	<32%	<32%
Maximum % of Lot Coverage (Impervious)	38%	<38%	<38%	<38%

Other than the Use Variance, the Applicant has not requested any additional variances and/or design waivers with this application.

4. As new single-family dwellings are not a permitted principal, accessory or conditional use within an RSCS 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 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).



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

Use Variance Checklist

- a. Two (2) signed and sealed copies of a Survey of the property for which the variance relief is requested.
6. Based upon our review of the subject application, we estimate that the following fees are required:

a. **Nonrefundable Application Fees:**

Use Variance – Single or two-family residential use                      \$200.00

**Subtotal Nonrefundable Application Fees:                                      \$200.00**

b. **Professional Services Escrow Fees:**

Use Variance – Residential    \$1,500.00

**Subtotal Professional Services Escrow Fees:                                      \$1,500.00**

We recommend the Township collect \$200.00 in nonrefundable application fees and \$1,500.00 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.

7. The Applicant should be prepared to discuss the following issue with the Board:
- a. The need to provide the property survey, as the existing property is indicated to contain 0.816 acres which equals approximately 35,544 s.f., however, the proposed lot areas total 35,938 square feet. In addition, the tract boundary is indicated with duplicate line work which should be clarified.



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- b. Clarify whether the right-of-way easement, sight triangle easement and landscape easement along the lot frontages are existing or proposed, also verify the 332.20-foot dimension along Wooleytown Road.
- c. Address the need for additional right-of-way dedication on Lot 38.01 to provide a curve radius at the roadway intersection.
- d. The Applicant would be required to return before the Board for Preliminary and Final Major Subdivision application and approval subsequent to the Use Variance approval, if granted, and the need for any time frame regarding said application should be reviewed with the Board.

Based upon the minor nature of the information requested, we recommend that this application be deemed complete subject to the Applicant complying with all applicable notification requirements as set forth in the Marlboro Township Land Use Ordinance and the Municipal Land Use Law and the granting of various submission waivers indicated above.

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

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

Very truly yours,

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

LJN/GAC/pg

cc: Dean Staknys, PE – Assistant Township Engineer  
Ronald Cucchiaro, Esq. – Zoning Board Attorney  
Real Edge, LLC – Applicant  
DW Smith Associates, LLC. – Applicant's Engineer  
Dante M. Alfieri, Esq. – Applicant's Attorney