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March 12, 2021

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

Re: Lucas Holding, LLC (ZB#19-6686A)
Use Variance – Engineering and Planning Review #1
Block 178 Lot 292
Location: 173 Amboy Road
Zone: IOR (Industrial-Office-Research)
CME File No.: HMRZ0178.08

Dear Zoning 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 East Point Engineering, LLC dated February 22, 2021, 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 7.08 acre property is within an IOR Zone District and contains 195 feet of frontage along Amboy Road to the east and 264 feet of rear frontage along NJ State Highway Route 18 to the west. Currently, the property contains a warehouse/office building, a pole barn, and various accessory buildings, shed and trailer units. Access is provided by a full-movement drive along Amboy Road with 31 delineated parking spaces and gated access to an outdoor storage area. No access is provided along NJ State Highway Route 18.

The Applicant is seeking only Use Variance approval at this time to utilize a portion of the property as truck terminals. No revisions to the existing and/or previously approved site improvements are proposed.

Truck terminals are not a currently permitted, accessory or conditional use within an IOR Zone District thereby requiring the subject Use Variance approval.



Marlboro Township Zoning Board
 Re: Lucas Holding, LLC (ZB19-6686A)
 Use Variance – Engineering and Planning Review #1

March 12, 2021
 HMRZ0178.08
 Page 2

2. Surrounding Uses

Properties north and south of the subject site are similarly zoned IOR and contain a mix of commercial uses and a multi-family parcel further north within an MFD Zone District. The property opposite Amboy Road to the east is zoned LC and contains a cemetery. Route 18 is located to the west of the subject site.

3. Zoning Compliance

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

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	5 Acres	7.08 Acres
Minimum Lot Frontage	300 feet	195.49 feet (EC)
Minimum Lot Width	300 feet	199.59 feet (EC)
Minimum Lot Depth	300 feet	1,408.9 feet
Minimum Front Yard Setback	80 feet	238 feet +/-
Minimum Side Yard Setback	70 feet	40.8 feet / 68.2 feet (EC)
Minimum Rear Yard Setback	80 feet	868.4 feet
Minimum Side Setback (Accessory)	50 feet	30.8 feet (EC)
Minimum Rear Setback (Accessory)	60 feet	24 feet +/- (EC)
Maximum Building Height	50 feet	38 feet +/-
Maximum Building Height (Accessory)	30 feet	24 feet +/-
Maximum % of Lot Coverage (Buildings)	35%	7.3%
Maximum % of Lot Coverage (Impervious)	60%	47.4%



Marlboro Township Zoning Board
Re: Lucas Holding, LLC (ZB19-6686A)
Use Variance – Engineering and Planning Review #1

March 12, 2021
HMRZ0178.08
Page 3

Maximum Floor Area Ratio	0.35	0.10
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(EC) – Existing Condition

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

- a. **Section 220-Attachment 9** – The minimum lot frontage is 300 feet; whereas the existing lot frontage is 195.49 feet.
- b. **Section 220-Attachment 9** – The minimum lot width is 300 feet; whereas the existing lot width is 199.59 feet.
- c. **Section 220-Attachment 9** – The minimum side yard setback is 70 feet; whereas the existing building is setback 40.8 feet and 68.2 feet from the two side property lines.
- d. **Section 220-Attachment 9** – The minimum side yard accessory setback is 50 feet; whereas the existing accessory structure is setback 30.8 feet.
- e. **Section 220-Attachment 9** – The minimum rear yard accessory setback is 60 feet; whereas the existing accessory structure is setback approximately 24 feet.

The subject property was granted previous approvals by the Planning Board indicated per Resolutions dated March 6, 1985, March 19, 1986 and October 17, 2007. Any granted variances and/or design waivers contained within said Resolutions would appear to remain pertinent to the property, which should be verified with the Board by the Applicant. We note that the 2007 Resolution granting Preliminary and Final Major Site Plan approval listed existing condition and proposed variances and design waivers for the following: lot frontage, lot width, principal side yard setbacks, accessory side yard setback, parking within 30 feet of building, permanent 6 foot fence along lot lines, access drive to be a minimum 40 feet from property line and vehicles overhanging sidewalks.

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

4. As truck terminals are not a permitted principal, accessory or conditional use within an IOR 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.



Marlboro Township Zoning Board
Re: Lucas Holding, LLC (ZB19-6686A)
Use Variance – Engineering and Planning Review #1

March 12, 2021
HMRZ0178.08
Page 4

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. Based upon our review of the subject application, we estimate that the following fees are required:

a. **Nonrefundable Application Fees:**

Use Variance – Use with floor area of 5,000 s.f. or more \$500.00

Subtotal Nonrefundable Application Fees: \$500.00

b. **Professional Services Escrow Fees:**

Use Variance – Commercial/Industrial \$3,750.00

Subtotal Professional Services Escrow Fees: \$3,750.00

We recommend the Township collect \$500.00 in nonrefundable application fees and \$3,750.00 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.

6. The Applicant should be prepared to discuss the following issue with the Board:

a. Overall operations associated with the proposed use, including but not limited to: hours of operation; number of employees and employees per shift; vehicle storage location and overall site circulation; etc.

b. Compliance with Ordinance Section 220-37, Performance Standards, regarding but not limited to: noise; glare; pollutants; refuse management, including mandatory recyclables; solid/liquid waste; flammable and/or hazardous materials etc. must be reviewed with the Board



Marlboro Township Zoning Board
Re: Lucas Holding, LLC (ZB19-6686A)
Use Variance – Engineering and Planning Review #1

March 12, 2021
HMRZ0178.08
Page 5

- c. The Applicant is seeking only Use Variance approval at this time and may be required to return before the Board for any Site Plan application and approval deemed necessary subsequent to the Use Variance approval, if granted. The Applicant shall verify that no existing structure will be removed and no site improvements will be constructed, including parking stall striping, signage, etc.
 - d. 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. Based upon our review, the Plan should be revised as follows:
- a. Verify the block and lot indicated in the title block and General Note #1.
 - b. Verify the lot line dimensions.
 - c. Provide the dimension between the front property line and the building.
 - d. The zoning chart indicates that the accessory structure is setback 30.8 feet from a side property line and 24 feet from the rear property line. Identify this accessory structure on the plan. The setback from the pole barn should be indicated on the plan, and the second structure directly to the west of the pole barn should also be indicated on the plan and dimensioned to the property line. It appears these existing accessory structures are setback a distance that is less than what is indicated in the zoning chart.

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.



Marlboro Township Zoning Board
Re: Lucas Holding, LLC (ZB19-6686A)
Use Variance – Engineering and Planning Review #1

March 12, 2021
HMRZ0178.08
Page 6

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/JAR/MDG

cc: Dean Staknys, PE – Assistant Township Engineer
Ronald Cucchiaro, Esq. – Zoning Board Attorney
Lucas Holding, LLC – Applicant
East Point Engineering, LLC – Applicant's Engineer
Salvatore Alfieri, Esq. – Applicant's Attorney