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April 15, 2021

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

Re: *Neurology Center for Epilepsy & Seizures, LLC (ZB#20-6713A)*
Amended Use Variance – Engineering and Planning Review #1
Block 213 Lot 8.01
Location: 479 Route 520 (Newman Springs Road)
Zone: OPT-2 (Office Professional Transitional District II)
CME File No.: HMRZ0213.07

Dear Zoning Board Members:

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

- Site Plan (1 sheet) prepared by Michael Savarese Associates, LLC dated March 8, 2021, unrevised;
- A development application.

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

1. Project Description

The subject 5.1 acre property is within an OPT-2 Zone District and contains 325 feet of frontage along Monmouth County Route 520 to the north. Currently, the property is developed with two 2-story medical buildings, a 3-story medical building, parking, and a stormwater management basin. Access is provided by a full-movement drive along Monmouth County Route 520 with 224 delineated parking spaces.

The Applicant is seeking Use Variance approval at this time to expand the size of the medical office use within the limits of the existing rear medical building to incorporate overnight continuous video electroencephalography (EEG) Monitoring for patients for a period of 12-96 hours. No revisions to the existing and previously approved site improvements are proposed.

Overnight patient stays at clinics are not a permitted, accessory or conditional use within an OPT-2 Zone District thereby requiring the subject Use Variance approval.



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2. Surrounding Uses

Properties west of the site are similarly zoned OPT-2 and contain a mix of commercial uses as do properties opposite Route 520 from the site which are zoned C-2. A PAC-II Zone District also exists further north opposite Route 520 from the site containing a mix of residential parcels. Properties east and south of the subject site are zoned R-30/20 and contain lands owned by New Jersey Transit adjoining the site to the east, a residential parcel and residential/agricultural use further east and a house of worship, Saint Gabriel’s Church, to the south and southwest.

3. Zoning Compliance

The subject property is situated within an OPT-2 Zone District. The table below summarizes the zone requirements and bulk measures for the site:

| DESCRIPTION | REQUIRED | PROPOSED |
|-------------------------------------|------------|---------------------|
| Minimum Lot Area | 60,000 s.f | 220,696 s.f. |
| Minimum Lot Frontage | 100 feet | 325 feet |
| Minimum Lot Width | 100 feet | 325 feet |
| Minimum Lot Depth | 250 feet | 663 feet |
| Minimum Front Yard Setback | 40 feet | 40.5 feet |
| Minimum Side Yard Setback | 10 feet | 17.5 feet |
| Minimum Rear Yard Setback | 30 feet | 210.1 feet |
| Maximum Building Height | 35 feet | 30 feet / 3-stories |
| Maximum Building Height (Accessory) | 15 feet | N/A |
| Maximum Building Coverage | 20% | 13.8% |
| Maximum Impervious Lot Coverage | 50% | 61.7% (EC) |
| Maximum Floor Area Ratio | 0.20 | 0.26 (EC) |

(EC) – Existing Condition



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

- a. **Section 220-Attachment 9** – The maximum allowable impervious lot coverage is 50%; whereas the existing impervious coverage is 61.7%.
- b. **Section 220-Attachment 9** – The maximum floor area ratio is 0.20; whereas the existing floor area ratio is 0.26.

The subject property was granted previous approvals by the Zoning Board Resolutions dated April 26, 2016, October 24, 2017, and December 8, 2020. 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 2016, 2017 and 2020 Resolutions granting Amended Use and Preliminary and Final Site Plan approval listed existing conditions and proposed variances and design waivers for the following: Two principal uses, parking within 30 feet of the outer wall of any structure, parking located in the front yard area, off-street parking areas within the minimum 25 feet setback from property line, materials used in the construction of storm sewer shall be constructed of reinforced concrete, ductile iron, corrugated aluminum or steel, a safety barrier is required for walls in excess of 4 feet, exceeding the maximum percentage of impervious lot coverage, and exceeding permitted floor area ratio.

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. The Applicant has not requested any waivers from the required checklist submission items; however, the following would appear necessary:
 - a. **Checklist IV, Item a** – Graphic Scale
 - b. **Checklist IV, Item b** – Signature block for Chairman, Secretary, and Township Engineer.
 - c. **Checklist IV, Item c** – Tax Map sheet, block and lot number.
 - d. **Checklist IV, Item d** – Key map at a scale of not less than one inch equals 400 feet giving the general location of the parcel in relation to an area within 1,500 feet of the periphery of the entire property.
 - e. **Checklist IV, Item f** - A current certified property survey, including owner's name, prepared by a licensed land surveyor shall be submitted with the application.
 - f. **Checklist IV, Item g** – Name, address and signatures of the owners and the applicant.
 - g. **Checklist IV, Item i** – Surrounding property lines and the names of owners of such properties. Names of all property owners within a radius of 200 feet of the site.



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- h. Checklist IV, Item j* – Topographical information and survey of existing utilities within 200 feet.
 - i. Checklist IV, Item k* – The location of all natural and man-made facilities on the subject property and adjoining properties within 200 feet, including wooded areas, streams, bridges, railroad rights-of-way and showing easements affecting the site.
 - j. Checklist IV, Item l* – The location of existing and proposed structures and uses within 200 feet showing the ground covered by said structures, including all setback dimensions.
 - k. Checklist IV, Item p* – Any proposed and existing signs and descriptive schedules.
 - l. Checklist IV, Item s* – Estimate of staffing requirements for proposed operation as they affect parking.
 - m.* Existing block and lot number of the lot as it appears on the Tax Map.
 - n.* Schedule indicating all zone requirements of Section 220-34D, showing required, existing and proposed, including impervious lot coverage breakdown. Stormwater runoff calculations as per Section 220-151.
5. As overnight patient stays at clinics are not a permitted principal, accessory or conditional use within an OPT-2 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).
 - 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.



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6. 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.

7. The Applicant should be prepared to discuss the following issues with the Board:

- a. Overall operations associated with the proposed medical office use, including but not limited to: hours of operation; number of employees and employees per shift; etc.
- b. If any modifications are being made to the building that would constitute the need for the submission of architectural floor plans or elevations.
- c. The Applicant is seeking only Use Variance approval at this time. The Applicant shall verify that no existing structure will be removed and no site improvements will be constructed.
- d. 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
- e. Any approvals/permits required by outside agencies. The Applicant shall address the board regarding the need for any outside agency approvals and copies of all said approvals shall be forwarded to our office.



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8. Based upon our review, the Site Plan / Location Key Plan should be revised as follows:
- The Plan provided is noted as page 1 of 2. Verify if a second page has been prepared, and if so, it shall be provided to our office for review.
 - Provide a zoning compliance chart for the OPT-2 Zone.
 - Provide a signature block for the Board Chairman, Secretary, and Township Engineer.
 - Label the floor area size that is to be dedicated to the proposed use.
 - Revise the plan so that the text is legible.

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/JAR/MDG

cc: Dean Staknys, PE – Assistant Township Engineer
Ronald Cucchiaro, Esq. – Zoning Board Attorney
Mina Attalla – Community Development Department
Neurology Center for Epilepsy & Seizures, LLC – Applicant
Michael Savarese Associates – Applicant's Architect
Salvatore Alfieri, Esq. – Applicant's Attorney