

OCT-31-2026 13:10 FROM: GLUCK, WALRATH

609 276 9200

TO: 732 945 2256

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A-14

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**MEMORIALIZING RESOLUTION
FOR
MARLBORO TOWNSHIP ZONING BOARD OF ADJUSTMENT**

**BROWNSTONE COMMONS
VARIANCE APPLICATION #ZB03-6130
BLOCK 299, LOT 3**

WHEREAS, Applicant, Brownstone Commons at Marlboro, Inc., is the contract purchaser of property located on Route 9 and Clayton Road, Marlboro Township, otherwise known as Block 299, Lot 3, on the Tax Map of the Township of Marlboro, County of Monmouth and State of New Jersey, hereinafter referred as premises; and

WHEREAS, the Applicant has submitted an application for a use variance to permit construction of 120 age-restricted residential rental apartment units, a non-permitted use on property situated in an C-3 Zoning District; and

WHEREAS, the Applicant has bifurcated the Application and is seeking only use and density variances at this time; and

WHEREAS, Applicant served notice of the said public hearing upon all property owners entitled to such notice in accordance with the requirements of N.J.S.A. 40:55(d)-12 and therefore the Zoning Board of Adjustment has the power to hear and render a decision upon the instant application; and

WHEREAS, the Zoning Board of Adjustment of the Township of Marlboro did conduct public hearings on said application on January 5, 2004, January 21, 2004, March 17, 2004, May 19, 2004, September 29, 2004, and December 15, 2004 at which time the Applicant and all

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interested parties and the public were afforded an opportunity to appear, speak and present testimony and evidence with respect to said application; and

WHEREAS, testimony was given on behalf of the Applicant, Brownstone Commons by Steven Meiternan of Meiternan Holdings, Elizabeth McKenzie, P.P., Jay Troutman of McDonough & Rea and Lorelei Totten, P.E. of Crest Engineering and

WHEREAS, the following exhibits were moved into evidence and the Board has considered these exhibits:

- A-1 Application Petition on Appeal
- A-2 Letter of Denial
- A-3 Affidavit of Service
- A-4 Adjacent Property Lining
- A-5 Notice to Adjoining Property Owners
- A-6 Certified White Receipts and Green Cards
- A-7 Affidavit of Publication
- A-8 Tax Collector's Certification
- A-9 Indemnification and Hold Harmless Agreement
- A-10 Owner's Authorization Affidavit
- A-11 Disclosure Statement
- A-12 Concept plan prepared by Crest Engineering dated September 17, 2003
- A-13 Report from Fire Prevention - J. Borden dated November 24, 2003
- A-14 CME report prepared by Mr. Peters dated December 3, 2003
- A-15 T & M Assoc. report prepared by Mr. Cramer dated December 9, 2003

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- A-16 Traffic & Safety report prepared by Sgt. Longe dated December 10, 2003
- A-17 Aerial photo of the subject site and surrounding properties
- A-18 Colored rendering of the concept plan
- A-19 Land use patterns of area
- A-20 Elizabeth McKenzie's Curriculum
- A-21 Colored elevation of building facade
- A-22 Colored elevation of building facade
- A-23 Floor plan of unit
- A-24 Floor plan of unit
- A-25 Floor plan of unit
- A-26 Revised conceptual plan prepared by Crest Engineering dated March 2, 2004
- A-27 CME Report prepared by Mr. Peters dated March 10, 2004
- A-28 Fire Prevention Bureau Report prepared by J. Borden dated March 8, 2004
- A-29 Letter from Mr. Meiterman regarding changes to the application dated March 4,

2004

- A-30 Certified white and green receipts
- A-31 Notice of Public Hearing
- A-32 Affidavit of Publication
- A-33 200 foot list
- A-34 T & M Report prepared by Mr. Cramer dated March 12, 2004
- A-35 Color rendering of A-26 (Concept Plan)
- A-36 LOI from Mr. Schuster dated October 10, 2002

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- A-37 Conceptual Commercial Plan
- A-38 Conceptual Plan prepared by Crest Engineering dated February 2, 2004
- A-39 Traffic Impact Study prepared by McDonough & Rea dated May 3, 2004
- A-40 T & M report prepared by Mr. Cramer dated May 14, 2004
- A-41 CME report prepared by Mr. Peters dated May 18, 2004
- A-42 Affidavit of Service
- A-43 200 foot Ilt
- A-44 Notice of Public Hearing
- A-45 Certified green and white cards
- A-46 Affidavit of Publication
- A-47 Fiscal Impact Analysis
- A-48 Aerial
- A-49 DVD of Route 9 traffic covered by Mr. Meitzman dated May 19, 2004
- A-50 T & M Report prepared by Mr. Cramer dated July 16, 2004
- A-51 CME report prepared by Mr. Peters dated July 16, 2004
- A-52 Conceptual Plan prepared by Crest Engineering dated June 8, 2004

NOW THEREFORE, based upon the testimony and evidence presented at the public hearing, the Zoning Board of Adjustment makes the following findings of fact and reaches the following conclusions of law:

1. Meitzman Holdings Inc., is the contract purchaser of real property located at 262 Route 9 North, Township of Marlboro, Monmouth County, New Jersey designated as Block 299, Lot 3 on the official Tax Map of the Township of Marlboro.

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2. The Applicant's property is located in the C-3 Zoning District.
3. The Applicant has submitted an application to construct 120 age-restricted residential rental apartment units, a non-permitted use, on property situated in an C-3 Zoning District.
4. Jay Troutman, Traffic Engineer, testified that the residential use proposed by the Applicant would create less traffic than the permitted uses in the C-3 Zone; the Board finds Mr. Troutman's testimony to be credible and finds as fact that a residential development of this nature would provide less traffic than the permitted uses in the C-3 Zone.
5. Elizabeth McKenzie, P.P. testified for the Applicant and found that this property was particularly suited to development of age-restricted residential rental units in light of the current development patterns in this neighborhood; the Zoning Board finds Ms. McKenzie to be credible and finds as fact that the development of this neighborhood is residential in nature and that permitting a residential development on this parcel would be consistent with the development patterns in the neighborhood.
6. This particular parcel, while zoned commercial, has limited appeal for commercial development due to the relatively small frontage on Route 9 and the requirement that any commercial development on this site would require traffic to pass through Clayton Lane, a residential community.
7. Numerous members of the public, who live in the neighborhood surrounding this parcel testified concerning this Application; every member of the public who testified expressed a preference for residential development of this parcel instead of commercial development.

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8. All of the members of the public testifying concerning this Application expressed fears that commercial development of this parcel would have a negative impact upon their neighborhood.

9. The Zoning Board agrees that commercial development of this parcel would negatively impact the residents in the surrounding neighborhood.

10. Although the Zoning Board agreed with the concept of residential development of this parcel, several members expressed concerns about the proposed density and height of the structures; as a result of those concerns, the Applicant amended its Application to a 90-unit two-story residential age-restricted rental apartment complex.

11. Based upon the amended Application for use and density variances to permit a 90-unit, two-story, age-restricted rental apartment complex on this parcel, the Zoning Board finds that the proposed development is uniquely suited to the particular parcel and will not negatively impact the surrounding neighborhood.

12. Due to the fact that the surrounding neighborhood is largely residential, and that the patterns of development in this neighborhood have tended to be residential, the Zoning Board finds that permitting this residential age-restricted rental development will not impair the intent and purpose of the Zoning Plan or Zoning Ordinance.

13. The Zoning Board finds that the benefits of providing this age-restricted rental development outweigh any detriment caused by the proposed development.

NOW THEREFORE, be it resolved by the Marlboro Township Zoning Board of Adjustment that the relief requested by the Applicant for use and density variances to permit a

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90-unit two-story residential rental apartment complex can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the Township of Marlboro.

BE IT FURTHER RESOLVED by the Marlboro Township Zoning Board of Adjustment that the relief requested can be granted subject to the following conditions:

1. The payment of all professional review fees, including attorney's fees and engineer fees incurred by the Zoning Board of Adjustment in connection with the application.
2. No further improvements shall be granted by the Marlboro Township Zoning Board of Adjustment and no permits, including zoning permits, building permits or certificates of occupancy shall be issued to the Applicant until such payment is made.
3. Applicant shall pay all bond and inspection fees as required by Marlboro Township ordinance.
4. The Applicant shall return to the Zoning Board and obtain Site Plan Approval prior to any development of this parcel.

BE IT FURTHER RESOLVED, that a copy of the within Resolution certified by the Secretary of the Marlboro Township Zoning Board of Adjustment to be a true copy shall be afforded to the Applicant herein, the Clerk of the Township of Marlboro, the Zoning Officer of the Township of Marlboro, and to the Clerk of the Township of Marlboro Zoning Board of Adjustment, who is hereby directed to cause a brief notice of this decision to be properly published in an official newspaper in the Township of Marlboro.

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ORIGINAL DOCUMENT, POOR QUAL

ZB #03-6150

The following resolution was:

Moved by: MS. HOFFER

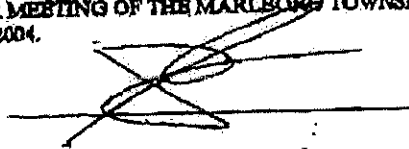
Seconded by: MR. WEXLER

ROLL CALL	YES	NO	ABSTAIN	ABSENT
MR. ERIC MENAKER	()	()	()	(X)
MR. JEFFREY ROSEN	(X)	()	()	()
MRS. SHERRY HOFFER	(X)	()	()	()
MRS. DEBORAH HOFFMAN	(X)	()	()	()
MR. STEVEN WEXLER	(X)	()	()	()
MR. STEVEN SUKEL	()	()	()	(X)
MR. JOSEPH CASTELLUCCI	(X)	()	()	()

ALTERNATES

MR. MURRAY KARP	()	()	()	(X)
MR. SETH GOLDZWEIG	(X)	()	()	()

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION IS A TRUE COPY OF THE RESOLUTION PASSED AT A REGULAR MEETING OF THE MARLBOROUGH TOWNSHIP BOARD OF ADJUSTMENT ON 2004.



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ORIGINAL DOCUMENT POOR QUALITY

ZB #63-6130

The following resolution was:

Moved by: *Sherry Hoffer*

Seconded by: *Seth Goldzweig*

ROLL CALL	YES	NO	ABSTAIN	ABSENT
MR. ERIC MENAKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MR. JEFFREY ROSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MRS. SHERRY HOFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MRS. DEBORAH HOFFMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MR. STEVEN WEDLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MR. STEVEN SUKEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MR. JOSEPH CASTELLUCCI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ALTERNATES

MR. MURRAY KARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MR. SETH GOLDZWEIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION IS A TRUE COPY OF THE RESOLUTION PASSED AT A REGULAR MEETING OF THE MARLBORO TOWNSHIP BOARD OF ADJUSTMENT ON 12/22/20

[Signature]
SECRETARY OF MARLBORO TOWNSHIP ZONING BOARD OF ADJUSTMENT

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED AT THE MARLBORO TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING HELD ON 12/22/20

[Signature]
TRACY DEVITA, CLERK