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

**PRELIMINARY AND FINAL SITE PLAN APPROVAL
MASS HEDD GREENE, LLC
FORMERLY, BROWNSTONE COMMONS
VARIANCE APPLICATION #2805-6188
BLOCK 299, LOT 3**

WHEREAS, Applicant, **Brownstone Commons at Marlboro, Inc.**, is the owner of property located at 362 Route 9 North, 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 Marlboro Township Zoning Board of Adjustment has previously granted a Use Variance, pursuant to N.J.S.A. 40:55D-70a(1);

WHEREAS, the Applicant has submitted an application for Preliminary and Final site plan approval for construction of a 94,090 sq. ft., two (2) story, age restricted residential rental complex consisting of twenty-six (26), one (1) bedroom and sixty-four (64), two (2) bedroom units, with amenities and site improvements on property situated in a C-3 Zone District; and

WHEREAS, the property contains 359 feet of frontage along the northerly intersection of Clayton Road and US Highway Route 9 North. The site currently contains an existing dwelling, a barn/horse stable, and accessory building with fenced paddock areas. The site is bordered by single-family residential development including an existing 30 ft. wide buffer along the south and east and commercial uses to the north and northwest. The site is encumbered by variable width drainage/utility and sanitary sewer easements along the common lot lines with Block 299, Lot 3 and along the Route 9 right-of-way; and

ORIGINAL DOCUMENT POOR QUALITY

WHEREAS, variances appear necessary for the following:

Section 84-29D(4) - Minimum lot frontage, 400 feet is required; 359 feet is provided (existing condition).

Section 84-29D(5) - Minimum lot width, 400 ft. is required; 358 ft. is provided (existing condition).

Section 84-52E(5) - Where the property line of a proposed commercial lot abuts a residential zone, a buffer area shall be provided 200 ft. in width. Side and rear yard setbacks shall be increased accordingly. The Applicant indicates 250 ft. required as side and rear setbacks, whereas 133.1 ft. is proposed as a side setback and 143.7 ft. proposed along the rear from the principal building to the adjacent residential lots along the southerly and easterly property lines. The Board should determine the applicability of said variances given the residential nature of the proposed site.

Section 84-60K(2) - Garden apartments and townhouses within a multi-family district require 2.5 parking spaces per unit, whereby 225 spaces are required and 169 spaces are proposed (Residential Site Improvement Standards pertaining to garden apartments require 1.8 spaces per 1-bedroom units and 2.0 spaces per 2-bedroom units thereby requiring 168 spaces).

WHEREAS, design waivers appear necessary for the following:

Section 84-104J(9) - The top of the excavation or toe of the outside slope shall be set back 50 ft. from the edge of pavement and 25 ft. from the right-of-way line of a public road, whereas 2 ft. +/- is proposed from the right-of-way line along Clayton Road and Route 9.

Section 84-104J(11) - Wet basins shall not be permitted.

ORIGINAL DOCUMENT POOR QUAL.

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 culminating on July 20, 2005 at which time the Applicant and all 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, Marlboro Grande, LLC (a/k/a Brownstone Commons @ Marlboro, Inc.) by Loralee Totten, P.E. of Crest Engineering and Gary Kendalstein, Architect; and

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

- A-1 Application Petition on Appeal;
- A-2 Notice to Adjoining Property Owners;
- A-3 Adjacent Property Listing;
- A-4 Certified White Receipts and Green Cards;
- A-5 Affidavit of Service;
- A-6 Affidavit of Publication;
- A-7 Tax Collector's Certification;
- A-8 Indemnification and Hold Harmless Agreement;
- A-9 Owner's Authorization Affidavit;

ORIGINAL DOCUMENT POOR QUAL

- A-10 Disclosure Statement;
- A-11 Preliminary and Final Site Plans with Soil Erosion and Sediment Control Plans, prepared by Loralee Totten of Crest Engineering, dated February 14, 2005;
- A-12 Architectural Drawings of Marlboro Grad prepared by David Danton, AIA, of KD Associates, dated February 11, 2005;
- A-13 Report from John Borda, Fire Sub-Code Official dated March 8, 2005;
- A-14 Report from Marlboro Township Traffic and Safety prepared by Chief Robert Holmes, dated March 2, 2005
- A-15 Subsurface Soils Investigation Report prepared by Loralee Totten of Crest Engineering, dated February 14, 2005;
- A-16 Environmental Impact Statement prepared by Loralee Totten of Crest Engineering dated February 14, 2005;
- A-17 Stormwater Management Plan prepared by Loralee Totten of Crest Engineering, dated February 14, 2005;
- A-18 Memorandum from Township Engineer, James Priolo, P.E. dated April 7, 2005;
- A-19 Resolution ZB 03-6130 granting Use Variance for Brewstone Commons;
- A-20 Letter of Final Approval for Site Plan Action, from Monmouth County Planning Board dated March 28, 2005;
- A-21 Report from CME Engineering, prepared by Ernest Petrus, P.E., dated April 15, 2005;
- A-22 Letter from Renaissance Properties, signed by Janet Briggs, Sr. V.P., dated

ORIGINAL DOCUMENT POOR QUAL

April 13, 2005;

- A-23 Colored rendering of Site Plan;
- A-24 Colored rendering of front elevation;
- A-25 Overall floor plans (Sheet A-10);
- A-26 Public Notice;
- A-27 List of Adjoining Property Owners;
- A-28 Green Cards and Certified Receipts;
- A-29 Affidavit of Publication;
- A-30 Affidavit of Service;
- A-31 Preliminary and final site plan revised June 14, 2005;
- A-32 Supplemental to Storm water Management Plan June 22, 2005;
- A-33 Manual for the Operation and Maintenance Wet Detention Basin dated June 20, 2005;
- A-34 Floor Plans by KD Associates dated February 11, 2005;
- A-35 Letter from Loralee Totten of Crest Engineering dated June 22, 2005;
- A-36 Notice to Adjoining Property Owners;
- A-37 Fire report issued by John Borden dated July 11, 2005;
- A-38 Site Plans reviewed by Traffic and Safety;
- A-39 Additional report from CMB dated July 15, 2005;
- A-40 Description of Operation by Architect;
- A-41 Colored rendering of Site Plan;

5

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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. The Applicant is the owner of real property located at 362 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.
2. The Applicant's property is located in the C-3 (Community Commercial District) Zoning District.
3. The Applicant has submitted an application for Preliminary and Final site plan approval for construction of a 94,000 sq. ft., two (2) story, age restricted residential rental complex consisting of twenty-six (26), one (1) bedroom and sixty-four (64), two (2) bedroom units, with amenities and site improvements on property situated in a C-3 Zone District.
4. The Applicant has previously received a Use Variance from the Marlboro Township Zoning Board of Adjustment.
5. Residents whose properties adjoin this property testified in favor of the Application and believe that the site plan as proposed protects their properties.
6. This use, a residential use, will be adjacent to other residential uses and therefore, variance relief is merited from those buffer restrictions that contemplate non-residential buffers.
7. 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.

6

ORIGINAL DOCUMENT POOR QUAL

8. 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 Preliminary and Final site plan approval, and the aforementioned variances and design waivers for construction of a 94,000 sq. ft., two (2) story, age restricted residential rental complex consisting of twenty-six (26), one (1) bedroom and sixty-four (64), two (2) bedroom units, with amenities and site improvements on property situated in a C-3 Zone District 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 Adjustments and no permits, including zoning permits, building permits or certificates of occupancy shall be issued to the Applicants until such payment is made.
3. Applicant shall pay all bond and inspection fees as required by Marlboro Township ordinance.
4. Applicant shall comply with the technical engineering report rendered by CME Associates dated July 15, 2005.
5. Applicant shall supply a revised plan to CME Associates showing all changes.

7

ORIGINAL DOCUMENT POOR QUALITY

6. Applicant shall provide keypad entry.
7. Applicant shall provide 24 hour employees on duty at the facility.
8. Applicant shall revise the plans to provide 9.5' x 20' parking spaces with hairpin striping; as a result of these 9.5' wide spaces, Applicant shall provide four extra parking spaces as provided.

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 Applicants 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 QUALITY

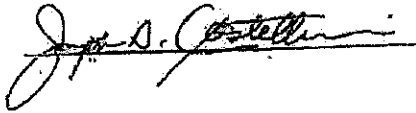
The following resolution was:

Moved by: MRS. HOFFER

Seconded by: MR. STERN

ROLL CALL:	YES	NO	ABSTAIN	ABSENT
Mrs. Sherry Hoffer	X			
Mr. Jeffrey Rosen	X			
Mr. Joseph Castellucci	X			
Mrs. Deborah Hoffman	X			
Mr. Michael Fishman	X			
Mrs. Adrianna Spota	X			
Mr. Seth Goldzweig				
ALTERNATES				
Mr. Jack Zatz				X
Mr. Michael Stern	X			

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 ADJUSTMENTS OF _____



The following resolution was:

Moved by: *Deborah Hoffman*

Seconded by: *Jeff Rosen*

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Mrs. Sherry Hoffer				✓
Mr. Jeffery Rosen	✓			
Mr. Joseph Castellucci	✓			
Mrs. Deborah Hoffman	✓			
Mr. Michael Fishman				✓
Mrs. Adrienne Spota	✓			✓
Mr. Seth Goldzwieg				
ALTERNATES				
Mr. Jack Zetz				✓
Mr. Michael Stern				✓

Joseph D. Castellucci
 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 8/10/05

Tracy Devita
 TRACY DEVITA, CLERK