

**TOWNSHIP OF MARLBORO**  
Zoning Board of Adjustment

**- VARIANCE APPLICATION -**

1. Identification of all sections of zoning ordinances from which relief is sought.

220-35(D)(1)(a): No structure shall be built within 100 feet of the top of the  
bank of a stream or other body of water or within any drainage or conservation  
easement, and no fence shall be constructed on a conservation easement.

No building shall be constructed within the one-hundred-year floodplain of any

stream or watercourse, or on land subject to periodic overflow, or on land which

has a water table within two feet from the bottom of the structure's lowest footing or  
slab, whichever is lowest.

2. Statement of reasons why variance(s) is/are needed.

The project was designed by Morgan Engineering using the guidance  
provided on the NJDEP website for 'permits-by-rule for residential swimming pools'.  
As per the NJDEP guidelines we believe this project meets those requirements and  
the project does not require approval from the NJDEP. The NJDEP regulations state  
that no disturbance is allowed within 25' of the top of stream bank. The 100' setback  
is a separate township ordinance. That ordinance states that 'No structure shall be  
built within 100 feet of the top of the bank of a stream.' The intent of the NJDEP  
regulations is to prevent any above-grade structures that would restrict any flood water flow.

The allowance of in-ground pools (as long as they meet the permit-by-rule definitions) is  
an exception because it would not interfere with the flood water.