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February 21, 2020

Marlboro Township Zoning Board  
1979 Township Drive  
Marlboro, NJ 07746

**Re: MDLN Corporation "Smart Start Academy" (ZB #20-6704)  
Use Variance - Engineering & Planning Review #1  
Block 178, Lots 293 & 294  
Location: 165 Amboy Road  
Zone: IOR (Industrial-Office-Research District)  
CME File No.: HMRZ0178.09**

Dear Zoning Board Members:

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

- A development application;
- Architectural Floor Plan (1 sheet), signed and sealed, prepared by Albert Ondar, dated November 21, 2019, unrevised;
- Architectural Kitchen / Bathroom Addition Plan (2 sheets), signed and sealed, prepared by Albert Ondar, dated December 10, 2019, unrevised; and
- Alternate Striping & Layout Plan (1 sheet; sheet 3 of 4), prepared by Lorali E. Totten, PE, dated April 16, 2007, last revised July 10, 2007.

In accordance with your authorization, we have reviewed this application for Use Variance approval and offer the following comments:

1. Project Description and Approval History

The subject 569,764 s.f. (13.08 ac) property is within an IOR Zone District and contains 418 feet of frontage along Amboy Road to the east and 537 feet of frontage along NJ State Highway Route 18 to the west. In accordance with the Final Site Plan Approval dated April 20, 2005 from the Planning Board, the site contains seven (7) flexible industrial warehouse buildings, totaling approximately 102,800 s.f. Additional improvements include full movement access from Amboy Road, sanitary sewer and public water services, circulation aisles, parking, loading, drainage, landscaping, and lighting improvements.

By way of approval history:

- On December 19, 2007, the Applicant was granted Amended Final Site Plan approval to provide an alternate parking configuration, which allowed for the striping of parking spaces in front of the unused overhead garage doors. In addition, a six foot high chain link fence was proposed around Building F, a landscape island was removed at the site entrance, and the 10 foot by 10 foot guard house was eliminated.



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- On September 1, 2010, the Applicant was granted Amended Final Site Plan approval to convert 36,000 s.f. of the second story building area within Building "G" from approved attic/storage use to proposed office use, which would bring the total leasable building space to 138,800 s.f. In addition, the Applicant proposes to exceed the previously approved condition which limited the use of the various buildings to a maximum of 30% office use.
- On April 12, 2016 (Revised March 28, 2017), the Applicant was granted Use Variance approval to permit an adult medical day-care facility onsite within either Building A or Building B.

Currently, the Applicant is seeking Use Variance approval to operate a school, Smart Start Academy, within Suites 600-604 of the existing complex.

## 2. Surrounding Uses

Properties north and south of the subject site are similarly zoned IOR and contain a mix of commercial, industrial uses and a multi-family parcel further north within a MFD Zone District. Properties opposite the subject site are zoned LC containing a cemetery use.

## 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 currently developed property:

DESCRIPTION	REQUIRED	PROVIDED
Minimum Lot Area	5 acres	13.08 acres
Minimum Lot Frontage	300 feet	418 feet (Amboy Rd)(EC) 537 feet (Route 18) (EC)
Minimum Lot Width	300 feet	(EC) – Existing Condition
Minimum Lot Depth	300 feet	(EC)
Minimum Front Yard Setback	80 feet	(EC)
Minimum Side Yard Setback	70 feet	(EC)
Minimum Rear Yard Setback	80 feet	(EC)
Minimum Side Yard Setback (Accessory)	50 feet	(EC)
Minimum Rear Yard Setback (Accessory)	60 feet	(EC)
Maximum Building Coverage	35%	(EC)



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DESCRIPTION	REQUIRED	PROVIDED
Maximum Impervious Coverage	60%	(EC)
Maximum Floor Area Ratio	0.35	(EC)
Maximum Building Height (Principal/Accessory)	50 feet/30 feet	(EC)

**(EC) – Existing Condition**

Other than the Use Variance, the Applicant has not requested any additional variances and/or design waivers with this application and none appear necessary. Any previously granted variances and/or design waivers associated with the site would remain pertinent.

As part of the Use Variance approval, the Applicant has requested the following submission waivers:

- a. **Use Variance Application, II. Plat Details** – Approximate location of wooded area, streams, shoreline, flood plains, wetlands and existing and/or proposed buffer areas.
- b. **Use Variance Application, II. Plat Details** – Existing lot lines to be eliminated, if any.
4. As the proposed use is not a permitted, 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 has been and continues to be suited to the proposed 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 grant of a variance must be shown to implement one or more 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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5. Based on 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 less	\$300.00
<b>Subtotal:</b>	<b>\$300.00</b>

b. **Professional Services Escrow Fees:**

Use Variance - Commercial	\$2,000.00
<b>Subtotal:</b>	<b>\$2,000.00</b>

We recommend the Township collect \$300.00 in nonrefundable application fees and \$2,000.00 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 issues with the Board:

- a. Compliance with any previous Conditions of Approval contained within prior Resolutions and/or Applications associated with the site and/or uses.
- b. The overall operations of the proposed use and site, including but not limited to: hours of operation; number of employees and employees per shift; number of students; age range of students; vehicle traffic, loading/unloading and overall site circulation; refuse management including mandatory recyclables; buffering/screening and overall site aesthetics; etc.
- c. Clarify which building the school is proposed within.
- d. Transportation for students to proposed school, i.e, dropped off only or combination drop off and school buses.
- e. Use of kitchen and proposed kitchen utilities.
- f. Whether there are any revisions to any site identification and/or building mounted signage.
- g. The parking requirements for the proposed use. At a minimum, verify number of existing/proposed parking spaces as noted within application.
- h. Adequacy of existing pavement, access, stormwater management, lighting and buffering/screening to service the proposed use.



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- i. Compliance with 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.
- j. 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.
- k. 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.

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 within the Marlboro Township Land Use Ordinance and the Municipal Land Use Law.

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 with regard to the above matter, please do not hesitate to call.

Very truly yours,

**CME ASSOCIATES**

Laura J. Neumann, PE, PP  
Zoning Board Engineer & Planner

LJN/BM

Enclosure(s)

cc: Dean Staknys, PE – Assistant Township Engineer  
Ronald Cucchiaro, Esq. – Zoning Board Attorney  
MDLN Corporation – Applicant  
Marlboro Business Park, LLC – Owner  
Albert Ondar – Applicant's Architect  
Loralie E. Totten, PE – Applicant's Engineer  
Salvatore Alfieri, Esq. – Applicant's Attorney