

A-25

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

December 19, 2019
Revised January 2, 2020

Marlboro Township Zoning Board
1979 Township Drive
Marlboro, NJ 07746

Re: Northeastern Dev. Inc. (ZB19-6697)
Use Variance – Engineering/Planning Review #1
Block 351 Lots 2 & 3
Location: NJ State Highway Route 79 & School Road West
Zone: C-2 (Neighborhood Commercial)
CME File No.: HMRZ0351.01

Dear Zoning Board Members:

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

- Use Variance and Site Plan (4 sheets) prepared by French and Parrello Associates, dated November 18, 2019, unrevised;
- Architect Plan (1 Sheet) prepared by Perez and Radosti Associates, PC dated October 10, 2019, unrevised;
- Traffic Impact Analysis prepared by McDonough and Rea Associates, Inc. dated November 19, 2019, unrevised;
- A development application.

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

1. Project Description

The existing 8.3 acre properties are within a C-2 Zone District and together provide 535 feet of frontage along the west side of NJ State Highway Route 79, 373 feet of frontage along the south side of School Road West and 50 feet of frontage along the terminus of Kent Court at the southwest property corner. Currently, the properties contain a 1-story multi-tenant commercial building within the western portion of the site and a 1-story bank with drive-up lanes along Route 79. Access is provided by a right-in/right-out only driveway along Route 79 and two (2) full movement driveways along School Road West with associated parking provided throughout the site, with the exception of the southern portion

S:\Marlboro\ZB REPORTS\2019\351.01 - Use Variance & Prel. Site Plan - Rvw. #1 12-16-19.doc.docx



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 2

of the site which contains a wooded area and an apparent stormwater area. Various utility and access easements are also existing onsite.

The Applicant was granted Preliminary and Final Major Site Plan approval by the Township's Planning Board per Resolution (PB1177-18) dated December 5, 2018 to retain the existing improvements and construct a 12,000 s.f. (100 feet x 120 feet) 1-story building addition along the south side of the commercial building, a proposed 10,000 s.f. day-care facility with an attached fence enclosed play area, and a proposed 4,500 s.f. pad site retail building. Access is to remain as is along Route 79 with minor reconfiguration proposed for the two (2) driveways along School Road West. Reconfiguration of existing parking areas are proposed, as well as additional proposed parking, ultimately yielding 303 parking spaces to service the site, including 31 spaces designated as "commuter parking only" along and near School Road West.

Currently, the Applicant is seeking Use Variance approval to construct an approximately 3,663 s.f. drive-thru car wash building with five (5) parking spaces and five (5) vacuum station spaces within the southeast portion of the overall property. The subject car-wash facility is to be constructed in lieu of the previously approved 4,500 s.f. pad site retail building. No revision to existing and/or previously approved site access drives are proposed with this application and the car wash building is to have access utilizing existing interior access drives. The car wash building is to be serviced by municipal water and sanitary sewer systems by connection to existing onsite mains and a refuse enclosure is also indicated as proposed with this current application,

A car was facility is not a permitted accessory or conditional use within a C-2 Zone District thereby requiring the subject Use Variance.

2. Surrounding Uses

Properties south and west of the site are zoned R-30/20 containing a mix of residential parcels. Properties opposite Route 79 are similarly zoned C-2 while properties north of the site opposite School Road West and northeast opposite Route 79 are zoned C-1 with all containing predominately commercial uses with scattered residential and/or vacant/wooded parcels, including a gasoline service station adjoining the subject site at the School Road West and Route 79 intersection.

3. Zoning Compliance

The site is situated within a C-2 Zone District. The table below summarizes the zone requirements and bulk measures applicable to the development:



Marlboro Township Zoning Board
 Re: Northeastern Development, Inc. (ZB19-6697)
 Use Variance

December 19, 2019 Rev. January 2, 2020
 HMRZ0351.01
 Page 3

Description	Required	Previously Approved	Currently Proposed
Minimum Lot Area	3 Acres	8.3 acres	8.3 acres
Minimum Lot Frontage	300 feet	536.0 feet (Route 79) 373.1 feet (School Road West) 50.0 feet (Kent Rd)(EC)	536.0 feet (Route 79) 373.1 feet (School Road West) 50.0 feet (Kent Rd)(EC)
Minimum Lot Width	300 feet	>300 feet	>300 feet
Minimum Lot Depth	200 feet	>200 feet	>200 feet
Minimum Front Yard Setback	75 feet	79.4 feet (Route 79) (4,500 s.f. Retail)	78 feet (Route 79) (Car Wash)
Minimum Side Yard Setback	50 feet	171.6 feet (4,500 s.f. Retail)	155.8 feet (Car Wash)
Minimum Rear Yard Setback	50 feet	>50 feet (4,500 s.f. Retail)	>50 feet (Car Wash)
Minimum Side Yard Setback (Accessory)	40 feet	N/A	N/A
Minimum Rear Yard Setback (Accessory)	40 feet	N/A	N/A
Maximum Building Height	35 feet	<35 feet	21.5 feet ± (Roof) 30.5 feet ± (Tower) (Car Wash)
Maximum Building Height (Accessory)	15 feet	N/A	N/A
Maximum Building Coverage	30%	16.1% ±	15.8% ±
Maximum Impervious Coverage	60%	71.6% ± (V/P)	71.0% (V/R)
Maximum Floor Area Ratio	0.30	0.01 ± (4,500 s.f Retail)	0.01 ± (Car Wash)

(EC) – Existing Condition (V/P) – Variance Previously Approved (V/R) – Variance Required

The December 5, 2018 Planning Board Resolution (PB1177-18) granted the following variance and/or design waivers and the continued applicability of same toward the current application should be reviewed with the Board:

- a. **Section 220-85C (Table I)** – The minimum lot frontage required is 300 feet; 50 feet is provided along the terminus of Kent Court (existing condition).
- b. **Section 220-85C (Table I)** – The minimum lot width required is 300 feet; 50 feet is indicated as provided along Kent Court (existing condition).



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 4

- c. **Section 220-85.I(3)** – Where the property line of a proposed commercial lot abuts a residential zone or use, a buffer area shall be established which shall include an area of land 30 feet in width and all side and rear yard building setback lines shall be increased by a depth of 30 feet; approximately 12 feet appears provided along the westerly property line and approximately 16 feet appears provided along the southerly most property line both of which abut residential properties and no increase in setback depth has been provided along either property line (existing condition).
- d. **Section 220-85.I(4)** – Front yards may be used for parking, provided that no such parking shall be closer than 20 feet to any street line; parking is provided within 20 feet along both the Route 79 and School Road West right-of-way lines (existing condition).
- e. **Section 220-99D(10)** - Each office, commercial or industrial use located in a commercial or industrial zone, having a street frontage of at least 200 feet and a minimum lot size of 1 acre may erect one (1) freestanding sign; two (2) freestanding signs are provided along the Route 79 road frontage. We note that approximately 536 feet of road frontage exists for the subject properties along Route 79 which would thereby permit an additional freestanding sign per Ordinance Section 220-99D(11). We note also that a freestanding monument sign is proposed along the School Road West right-of-way which provides 373 feet of road frontage (existing condition).
- f. **Section 220-144C** – No structure, activity, or parking of vehicles shall be permitted in a required buffer area; apparent refuse enclosures and storage container units exist within the required buffer area along the western property line (existing condition).
- g. **Section 220-85C (Table I)** – The maximum percentage of impervious lot coverage permitted is 60%; approximately 71.6% is indicated as approved.
- h. **Section 220-97B** – Each off-street parking space shall measure not less than 10 feet by 20 feet; 9 foot x 20 foot spaces are indicated as provided.
- i. **Section 220-97B** – Parallel parking spaces shall be 9 feet by 23 feet; two parallel parking spaces of 12 feet by 22 feet are proposed north of the day-care building.
- j. **Section 220-97C(4)** – Driveways shall have a minimum width of 20 feet for one-way traffic for all non-single family residential uses; 19 feet is proposed west of the pad site retail building.
- k. **Section 220-97C(6)** – No parking shall be permitted within 30 feet of the outer walls of any structure; parking is proposed within 30 feet of the northwest corner of the existing



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 5

commercial building and along the proposed building addition for same as well as within 30 feet of the proposed day-care building and pad site retail building.

- l. **Section 220-97E(4)** – All parking areas for 20 or more vehicles shall contain grassed/landscaped island areas of at least 6 feet width separating rows of parking; 5 foot wide island areas appear proposed along various rows of parking and no island is proposed at adjacent parking south of the proposed commercial building addition.
- m. **Section 220-97E(6)** – All parking areas for 10 or more vehicles shall have artificial lighting that will provide an average of 0.5 footcandles throughout the parking area; greater than 0.5 footcandles appear proposed.

In addition to the above, the following variances appear necessary with this application:

- n. **Section 220-85C (Table I)** – The maximum percentage of impervious lot coverage permitted is 60%; approximately 71.0% is indicated as currently proposed. We note approximately 71.6% indicated as previously proposed and approved for the overall site.
- o. **Section 220-97B** – Each off-street parking space shall measure not less than 10 feet by 20 feet; 9 feet by 18 feet spaces are proposed with the car wash building.
- p. **Section 220-97C(4)** – Driveways shall have a minimum width of 20 feet for one-way traffic for all non-single family residential uses; one-way drive lanes of 12.5 feet, 15 feet and 18 feet are proposed with the car wash.

As part of the Use Variance approval, the Applicant must demonstrate that the above deviations from the Zone District requirements would be subsidiary to the granting of the Use Variance and therefore subsumed within said Use Variance, if approved.

- 4. As the proposed use is not a permitted principal, accessory or conditional use within a C-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 grant of a variance must be



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 6

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.
5. The Applicant has not requested any waivers from providing required checklist submission items, and none appear necessary.
6. Based on our review of the subject application, we estimate that the following fees are required:

a. **Nonrefundable Application Fees:**

Preliminary Application Fee	\$50.00
Preliminary Approval Fee: \$100.00 plus the sum of: \$1.00 per 1,000 s.f. of affected lot area x 42,000 s.f.) + \$25.00 per 1,000 s.f. of new gross floor area x 3,663 s.f. + \$10.00 per new or additional parking space x 5 spaces	\$284.00
Final Application Fee	\$100.00
Final Approval Fee (50% of Preliminary Approval Fee)	\$142.00
Use Variance – 5,000 s.f. or less of floor area	\$500.00
Subtotal:	\$1,076.00

b. **Professional Services Escrow Fees:**

Preliminary Site Plan – 2,000 to 10,000 s.f. of floor area	\$7,500.00
--	------------



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 7

Final Site Plan - 2,000 to 10,000 s.f. of floor area	\$3,750.00
Use Variance – Commercial	\$2,000.00
Subtotal:	\$13,250.00

We recommend the Township collect \$1,076.00 in nonrefundable application fees and \$13,250.00 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. The Applicant should review the overall general revisions from the previously approved Site Plan associated with this current Application.
 - b. The Applicant should discuss compliance with any Conditions of Approval contained within the December 5, 2018 Planning Board Resolution, specifically as follows:
 - i. The 50 designated "commuter" parking spaces which are to be maintained onsite and relocated toward the corner of the site as well as an additional 303 parking spaces provided. The Applicant should verify/clarify the number of overall and commuter parking spaces to be provided onsite with this current application. We note 270 spaces indicated to be provided onsite within the currently submitted Traffic Impact Analysis.
 - ii. Whether the storage containers onsite have been removed.
 - c. Overall operations associated with the proposed car wash use, including but not limited to: hours of operation; number of employees and employees per shift; trailer truck traffic, loading/unloading, delivery and overall site circulation; refuse management, including mandatory recyclables; buffering/screening and overall site aesthetics; etc. To the best of knowledge, the same issues should be discussed with the Board regarding operations of the overall site.
 - d. The need for any by-pass lane along the car wash reservoir lane(s), as well as whether the five (5) vacuum station spaces would qualify as proposed parking spaces for the subject use and/or overall site.



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 8

- e. Whether any water recycling/reclamation measures are proposed with the subject use must be reviewed with the Board.
- f. Whether retail sale of any car wash and/or automobile accessories is proposed should be discussed with the Board.
- g. The nature of any proposed and/or revision to existing onsite directional and or site identification signs, as well as any proposed building mounted signs.
- h. Access/maneuverability at the proposed refuse enclosure.
- i. The building height, including the tower structure, on the Architect Plans should be indicated per definition within Ordinance Section 220-4.
- j. Whether the proposed 6 foot high board-on-board fence should be terminated at the front setback line along Route 79.
- k. The effect of the development upon the various easements traversing the site. Agreements from the respective easement owners permitting site improvements within same must be procured.
- l. The nature of stormwater management on the site, and its compliance with NJDEP Regulations.
- m. The need for any cross access easement for the entry to and from adjoining Lot 19 (Gordons Corner Water Company) southwest of the property.
- n. Compliance with Ordinance Section 220-37, Performance Standards, including but not limited to: noise; glare; pollutants; solid/liquid waste; refuse management; flammable/hazardous materials; etc. should be reviewed with the Board.
- o. The Applicant is seeking Use Variance approval at this time and will be required to return to the Zoning Board for any subdivision and/or site plan approval deemed necessary.
- p. The need for any improvements (curb, sidewalk, widening, right-of-way dedication, etc.) along either roadway site frontage should be discussed with the Board. Our office defers all comment regarding any improvements within the Route 79 right-of-way to the NJDOT, including any Access Permit.



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 9

8. This application may be subject to the following outside agency approvals:
- a. Monmouth County Planning Board
 - b. Freehold Soil Conservation District
 - c. NJDOT Access Permit
 - d. NJDEP Letter of Interpretation
 - e. Marlboro Township Environmental Commission
 - f. Marlboro Township Fire Bureau
 - g. Marlboro Township Police Department
 - h. Western Monmouth Utilities Authority
 - i. Marlboro Township Municipal Utilities Authority
 - j. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of all outside agency approvals for the project. In addition, copies of all outside agency 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 in the Municipal Land Use.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.



Marlboro Township Zoning Board
Re: Northeastern Development, Inc. (ZB19-6697)
Use Variance

December 19, 2019 *Rev. January 2, 2020*
HMRZ0351.01
Page 10

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 of Adjustment
Engineer & Planner

LJN/GAC/pg

cc: Marlboro Township Engineering Department
Ronald Cucchiaro, Esq. -Zoning Board Attorney
Northeastern Development, Inc. – Applicant
French and Parrello Associates – Applicant’s Engineer and Surveyor
Perez and Radosti Associates, PC– Applicant’s Architect
Kenneth L. Pape, Esq. – Applicant’s Attorney