



August 17, 2020

Marlboro Township Zoning Board  
1979 Township Drive  
Marlboro, NJ 07746

**Re: 479 Route 520 Associates, LLC. (ZB20-6713)  
Use Variance and Amended Preliminary and Final Site Plan  
Engineering and Planning Review #1  
Block 213, Lot 8.01  
Location: 479 Route 520 (Newman Springs Road)  
Zone: OPT-2 (Office Professional Transitional)  
Our File: H-MR-Z0213-05**

Dear Zoning Board Members:

Our office received the following information in support of the above-referenced application for Use Variance and Amended Preliminary and Final Site Plan approval:

- Amended Preliminary and Final Major Site Plan (13 sheets) prepared by Insite Engineering, LLC dated July 10, 2020, unrevised;
- Topographic and Utility Survey (1 sheet) prepared by Insite Surveying, LLC dated May 14, 2020, unrevised.
- A development application.

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

1. Project Description

The subject 5.1 acre property is within an OPT-2 Zone District and contains 325 feet of frontage along the southerly side of Monmouth County Route 520 (Newman-Springs Road) opposite and east of the Osprey Court intersection. Currently the property contains two (2) 2-story medical office buildings (each approximately 24,000 s.f. total) with parking for 202 vehicles throughout the site. The property is also contains a 2-story building utilized as a spa facility which is to be removed with this current application. Access is provided by an apparent full-movement driveway along the Route 520 site frontage. All buildings are serviced by municipal water and sanitary sewer systems and a surface basin is provided along the rear of the site for stormwater management purposes. A site identification sign along Route 520, two (2) emergency generator units, refuse enclosure area and landscape/lighting improvements also exist onsite.

The Applicant is seeking Use Variance and Amended Preliminary and Final Site Plan approval to remove the existing 2-story spa facility building in order to construct a total 12,576 s.f., 3-story medical office building (52 feet by 82 feet; 4,203 footprint). Twenty-two (22) additional parking spaces are proposed to provide a total of 225 parking spaces throughout the site and no revision to existing site access or interior site circulation is proposed. Existing water and



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sanitary sewer connections are to be utilized for the proposed building and minimal revisions to existing stormwater management, including basin outlet structure modification and trench drain connection to an existing drainage system along Route 520 are proposed. Landscape and lighting improvements at the proposed building are also proposed.

As this current application is proposing to exceed the permitted floor area ratio within an OPT-2 Zone District the requested Use Variance approval is required.

2. Surrounding Uses

Properties west of the site are similarly zoned OPT-2 and contain a mix of commercial uses as do properties opposite Route 520 from the site which are zoned C-2. A PAC-II Zone District also exists further north opposite Route 520 from the site containing a mix of residential parcels. Properties east and south of the subject site are zoned R-30/20 and contain lands owned by New Jersey Transit adjoining the site to the east, a residential parcel and residential/agricultural use further east and a house of worship, Saint Gabriel's Church, to the south and southwest.

3. Zoning Compliance

The subject site is situated within an OPT-2 Zone District. The table below summarizes the bulk measures and zone requirements for the site.

DESCRIPTION	REQUIRED	PREVIOUSLY APPROVED	PROPOSED
Minimum Lot Area	60,000 s.f.	220,696 sf	220,696 sf
Minimum Lot Frontage	100 feet	325 feet ±	325 feet ±
Minimum Lot Width	100 feet	325 feet ±	325 feet ±
Minimum Lot Depth	250 feet	663 feet ±	663 feet ±
Minimum Front Yard Setback	40 feet	89 feet (Spa)	40.5 feet (3-story building)
Minimum Side Yard Setback	10 feet	23 feet (Spa)	17.5 feet (3-story building)
Minimum Rear Yard Setback	30 feet	210.7 feet	210.7 feet
Maximum Building Height	35 feet	28 feet ± (Spa)	30 feet (3-story building)
Maximum Building Coverage	20%	11.8% ±	13.8% ±
Maximum Floor Area Ratio	0.2	0.22 (EC)	0.26 (V)



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DESCRIPTION	REQUIRED	PREVIOUSLY APPROVED	PROPOSED
Maximum Impervious Coverage	50%	59.9% ± (EC)	61.7% ± (V)
Minimum Gross Floor Area	1,200 s.f.	49,650 s.f. ±	59,360 s.f. ±
Minimum Ground Floor Area	1,000 s.f.	1,325 s.f. ± (Spa)	4,203 s.f. (3-story building)
Minimum Side Yard Setback (Accessory)	10 feet	N/A	N/A
Minimum Rear Yard Setback (Accessory)	20 feet	N/A	N/A
Maximum Building Height (Accessory)	15 feet	N/A	N/A

(EC) – Existing Condition (V) – Variance Required

As part of the required Use Variance approval, the Applicant must also provide testimony demonstrating that the granting of the following bulk variances would be subsidiary to the granting of the Use Variance and therefore subsumed within said Use Variance, if approved.

- a. **Section 220-83C (Table II)** – The maximum permitted impervious lot coverage is 50%; approximately 61.7% is proposed. We note approximately 59.9% as existing or previously approved for the site.
- b. **Section 220-83C (Table II)** – The maximum floor area ratio permitted is 0.20; approximately 0.26 is proposed. We note a floor area ratio of approximately 0.21 as existing or previously approved.

The Applicant was previously granted approvals per Resolutions dated April 26, 2016 (16-6569) and October 24, 2017 (17-6627) to permit the existing site improvements. Said Resolutions granted the following variances and/or design waivers which would remain pertinent, except as noted, to the site:

- c. **Section 220-83** – Use Variance, for expansion of an existing nonconforming use as well as exceeding permitted floor area ratio.
- d. **Section 220-97C(6)** – No parking shall be allowed within 30 feet of the outer walls of any structure. Said requirement has since been rescinded and would no longer be applicable.
- e. **Section 220-97A(5)** – Parking areas may not be located in any required front yard area.



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- f. **Section 220-97E(1)** – Off-street parking areas which abut a residential or institutional use on any side shall be setback a minimum of 25 feet from the property line, whereas, 10 feet is provided along the easterly side property line abutting an R-30/20 Residential District.
  - g. **Section 220-152.1A** – Materials used in the construction of storm sewers shall be constructed of reinforced concrete, ductile iron and/or corrugated aluminum or steel, whereas, polyethylene pipe is provided.
  - h. **Section 220-171** – No more than one (1) principal use shall be permitted on one (1) lot; two (2) principal uses, medical office and spa, are provided onsite. Said variance would no longer appear applicable as the spa use is to be eliminated and replaced with permitted medical office use.
4. As the subject application is proposing to exceed the permitted floor area ratio within an OPT-2 Zone District, the Applicant must seek a “Special Reasons” Use Variance pursuant to NJSA 40:55D70d. 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 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, however, the following required submission items should be provided or waivers requested:
- a. Checklist IV, Item M – Type of structure proposed shall be illustrated by Floor Plans and front, side and rear elevation sketches drawn to scale.
6. Based on our review of the subject application, we estimate that the following fees are required:



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a. **Nonrefundable Application Fees:**

Preliminary Application Fee	\$50.00
Preliminary Approval Fee: \$100.00 plus the sum of: \$5.00 per 1,000 s.f. of affected lot area x 10,250 s.f.) + \$25.00 per 1,000 s.f. of new gross floor area x 12,576 s.f. + \$10.00 per new or additional parking space x 22 spaces	\$687.00
Final Application Fee	\$100.00
Final Approval Fee (50% of Preliminary Approval Fee)	\$344.00
Use Variance – 5,000 s.f. or less of floor area	\$500.00
<b>Subtotal:</b>	<b>\$1,681.00</b>

b. **Professional Services Escrow Fees:**

Preliminary Site Plan – 10,001 to 20,000 s.f. of floor area	\$10,000.00
Final Site Plan - 10,001 to 20,000 s.f. of floor area	\$5,000.00
Use Variance (Commercial)	\$2,000.00
<b>Subtotal:</b>	<b>\$17,000.00</b>

We recommend the Township collect \$1,681.00 in nonrefundable application fees and \$17,000.00 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.

7. The Applicant should be prepared to discuss the following issues with the Board:

- a. Overall operations of the site and proposed medical office building, including but not limited to: hours of operations; number of employees and employees per shift; whether the proposed additional medical office(s) would be multi-tenant or under one management entity; number of patients anticipated, both in total and within the building at any given time; loading/unloading and overall site circulation; refuse management, including mandatory recyclables; buffering/screening and overall site aesthetics, etc.



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- b. Compliance with any Conditions of Approval contained within any prior Resolutions of Approval for the site and use(s), especially Condition #1 within the October 24, 2017 Resolution requiring onsite directional signage and relocation of ADA parking spaces closer to Building B.
  - c. Whether any revision to site identification signage and/or additional site signage, including any proposed building mounted signage, are proposed. The location of existing site identification signage should be depicted on the Plans.
  - d. Adequacy of existing lighting at the 22 proposed parking spaces.
  - e. The existing and proposed stormwater management of the site and compliance with NJDEP regulations.
  - f. Whether any generator unit, as provided for the existing buildings, is proposed for the subject building.
  - g. The need for any Traffic Impact Report to be provided.
  - h. Compliance with Ordinance Section 220-37, Performance Standards, relative to: noise; glare; pollutants; solid/liquid waste; medical waste; hazardous/flammable materials; etc. should be reviewed with the Board.
  - i. Any permits/approvals required by outside agencies. 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.
8. Based upon our review, the Plans should be revised as follows:
- a. A safety barrier, in accordance with Ordinance Section 220-35D(24)(g)[5], should be provided along the retaining wall at the easterly side property line, also verify BW 152.50 grade and/or grading at same.
  - b. Maximum 4:1 grade (25%), in accordance with Ordinance Section 220-35D(24)(e), should be provided along the east side of the building.
  - c. Verify curb grades TC 155.83/G 155.43 at west end of five (5) vehicle parking area which does not provide 6 inch curb face.
  - d. Provide spot grades at the ends of the southerly/lower sidewalk ramp at the southeast building corner and a railing should be provided along the ramp landing which appears to be approximately 3 feet above grade.



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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/GAC/pg

cc: Marlboro Township Engineering Department  
Ronald Cucchiaro, Esq. – Zoning Board Attorney  
479 Route 520 Associates, LLC – Applicant  
Insite Engineering, LLC - Applicant's Engineer/Surveyor  
Salvatore Alfieri, Esq. – Applicant's Attorney