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April 15, 2020

Marlboro Township Zoning Board
1979 Township Drive
Marlboro, NJ 07746

**Re: GFY Services, LLC
Use Variance - Engineering & Planning Review #1
Block 147 Lot 9
Location: 431 Texas Road
Zone: LC (Land Conservation)
CME File No.: HMRZ0147.19**

Dear Zoning Board Members:

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

- Use Variance Plan (1 sheet) prepared by Two River Engineering dated February 28, 2020, unrevised;
- A Development Application and Checklist.

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 10.5 acre property is within an LC Zone District and contains 1,192 feet of frontage along the easterly side of Texas Road approximately 1,671 feet north of the Spring Valley Road intersection. Currently, the property contains a 1-story dwelling, an accessory shed, and a paved driveway along the Texas Road site frontage. The remainder of the property is wooded with an unnamed water channel traversing the approximate midpoint of the site.

The Applicant is seeking approval to construct a 10,000 s.f. (80 feet x 125 feet) commercial building to be utilized as a landscape and paving business, with fence enclosed parking, including 12 feet by 30 feet truck spaces and an approximately 20 foot by 25 foot outdoor storage bin. Access to the proposed building is to be provided by a gated, gravel surface drive along the Texas Road site frontage and a stormwater management basin area is indicated as proposed onsite.

Neither the specific landscape/paving business use nor the mix-use of residential and commercial are permitted, accessory or conditional uses within an LC Zone District therefore requiring the subject Use Variance.



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2. Surrounding Uses

Properties north and east of the subject site as well as opposite Texas Road are similarly zoned LC and contain commercial and vacant/wooded parcels as well as automobile salvage and storage uses opposite Texas Road. Adjoining properties south of the site are zoned MFDII and contain a vacant/wooded parcel and a wooded residential parcel beyond.

3. Zoning Compliance

The subject property is situated within an LC Zone District. The table below summarizes the zone requirements and bulk measures for the property.

Description	Required	Existing	Proposed
Minimum Lot Area	5 acres	10.5 acres	10.5 acres
Minimum Lot Frontage	400 Feet	1,192feet	1,192 feet
Minimum Lot Width	400 Feet	1,175 feet ±	1,175 feet ±
Minimum Lot Depth	500 Feet	395 feet ±	395 feet ± (EC)
Minimum Front Yard Setback	75 Feet	85 feet ± (dwelling)	228 feet ± (commercial)
Minimum Side Yard Setback	75 Feet	93 feet ± (dwelling)	111 feet ± (commercial)
Minimum Rear Yard Setback	75 Feet	300 feet ± (dwelling)	125 feet ± (commercial)
Maximum Building Height	35 Feet	1-story/<35 feet	<40 feet (commercial)
Minimum Gross Floor Area	1,900 S.F.	2,585 s.f. ± (dwelling)	10,000 s.f. ± (commercial)
Minimum Ground Floor Area	1,200 S.F.	2,585 s.f. ± (dwelling)	10,000 s.f. ± (commercial)
Maximum Percentage of Total Lot Coverage	5%	1.1%	784% ± (V)
Minimum Front Yard Setback (Accessory)	100 Feet	>100 feet (shed)	N/A
Minimum Side Yard Setback (Accessory)	40 Feet	>40 feet (shed)	N/A
Minimum Rear Yard Setback (Accessory)	40 Feet	>40 feet ± (shed)	N/A
Maximum Building Height (Accessory)	40 Feet	<40 feet (shed)	N/A

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



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The following existing conditions would appear to remain pertinent to the property:

- a. **Section 220-47C (Table I)** – The minimum required lot depth is 400 feet; approximately 395 feet is provided.
- b. **Section 220-165C** – Each lot must front upon an approved public street at least 50 feet in width; the Texas Road right-of-way width along the site frontage appears to be less than 50 feet per Tax Map information.

As part of the Use Variance approval, the Applicant must demonstrate that the following 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.

- a. **Section 220-35D(3)** – No person shall store materials of any kind on the premises in any district except for the construction of a structure to be erected on the premises; an outdoor storage bin is proposed with the subject landscape/paving use.
- b. **Section 220-47C (Table I)** – The maximum percentage of permitted lot coverage is 5%; approximately 8.4% is proposed.
- c. **Section 220-47C (Table III)** – The maximum percentage of total permitted building coverage is 2%; approximately 2.7% is proposed for total building coverage.
- d. **Section 220-97E(3)** – All parking areas for ten (10) or more vehicles shall be landscaped with hedges and shade trees; one (1) shade tree is indicated at the proposed 18 vehicle parking area.

In addition to the above, it should be noted that the Use Variance Plan indicates a variance required for accessory building height whereas 15 feet is indicated as required and 26 feet indicated as proposed, however, the permitted accessory building height within an LC Zone District is 40 feet and the proposed commercial building would not be considered as an accessory structure on the property.

In addition to the above the following design waivers appear necessary:

- a. **Section 220-169D(1)(a)** – Any parking lot and access drives shall be paved; the proposed access drive for the landscape/paving use is indicated to be gravel and portions of the parking area are also to be gravel.
- b. **Section 220-171** – No more than one (1) principal use shall be permitted on one lot; two (2) principal uses are proposed.



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4. The Applicant has requested waivers from providing the following required checklist submission items:
- a. Stormwater runoff calculations as per Ordinance Section 220-151.
 - b. Location of wooded areas, streams, shoreline, flood plains, wetlands and existing or proposed buffer areas and top of bank of stream.

In addition to the above, the following required checklist submission items: should be provided or waiver requested:

- c. Submission of a signed and sealed survey
5. 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.

6. 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 more	\$500.00
Subtotal:	\$500.00



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b. **Professional Services Escrow Fees:**

Use Variance – (Commercial)	\$2,000.00
Subtotal:	\$2,000.00

We recommend the Township collect \$500.00 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.

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

- a. Overall operations associated with the proposed landscape/paving business use and overall site, including but not limited to: hours of operation; number of employees and employees per shift; amount and type of material, equipment, etc. to be retailed and/or stored onsite; loading/unloading and overall site circulation; parking/storage of any commercial vehicles and/or equipment onsite; refuse management, including mandatory recyclables; landscaping/screening and overall site aesthetics; etc.
- b. The parking requirements associated with the proposed use whereby Ordinance Section 220-97F (11) does not specifically address a landscape contractor use.
- c. Existing and proposed utility services must be clarified.
- d. Whether any wetland areas are associated with the apparent stream traversing the site, as well as whether any drainage easements exists along said stream and/or the various drainage structures along the Texas Road site frontage.
- e. Other than the depicted outdoor stage bin area, whether any additional outdoor storage of materials, equipment, vehicles, etc. is proposed.
- f. Whether any site identification and/or building mounted signage is proposed.
- g. The type and height of proposed fencing must be reviewed. In addition, address emergency access associated with the gated driveway.
- h. Whether any lighting is proposed.
- i. Whether any curbing is proposed along the driveway and/or parking area.
- j. Whether any onsite fueling of vehicles or equipment is proposed.
- k. The anticipated stormwater management of the propert.



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- l. The need to provide a copy of the Survey Plan referenced in General Note #1.
 - m. Compliance with RSIS relative to parking associated with the residential use. In addition, whether the dwelling contains a garage area per Section 220-35D(1) and/or 220-169A should be clarified.
 - n. Compliance with Ordinance Section 220-37, Performance Standards, relative to but not limited to: noise; glare; pollutants; solid/liquid waste; flammable. hazardous materials; refuse management, including mandatory recyclables, etc.
 - o. The need for any road improvements (curb, sidewalk, widening, right-of-way dedication, driveway apron etc.) along the Texas Road frontage should be reviewed.
 - p. 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.
 - q. 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.
8. Based upon our review, the Plan should be revised as follows:
- a. Verify maximum building height indicated as permitted within the Zone Data Schedule and variance designation for same.
 - b. Indicate all properties, including use, within 200 foot radius of the subject site within the Tax Map inset.
 - c. Clarify all existing sheds and fences to be removed or to remain. If the shed is to remain relief may be required per Section 220-140C, whereby 10 feet distance is required between an accessory building/structure and any other building on the same lot and approximately 7 feet would appear provided to the proposed commercial building.
 - d. Verify setback lines depicted on the Plan.

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.



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If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME ASSOCIATES

Laura Neumann

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

LJN/GAC/pg
Enclosure(s)

cc: Dean Staknys, PE – Assistant Township Engineer
Ronald Cucchiaro, Esq. – Zoning Board Attorney
GFY Services, LLC – Applicant
Two River Engineering – Applicant's Engineer
Salvatore Alfieri, Esq. – Applicant's Attorney