

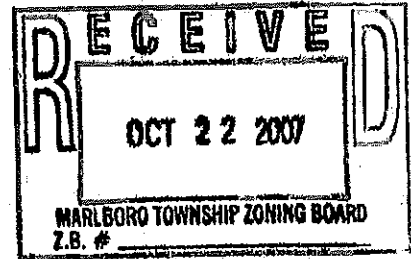
MARLBORO TOWNSHIP
ZONING BOARD

MAR - 4 2021

ZB# 19-606A

RESOLUTION

of the



**PLANNING BOARD OF THE TOWNSHIP OF MARLBORO
GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH VARIANCES AND WAIVERS**

APPLICANT: Lucas Construction Group, Inc.
Block 178, Lot 292
Planning Board #992-07

WHEREAS, the Applicant, Lucas Construction Group, Inc. is the tenant of the premises owned by Lucas Development known as Block 178, Lot 292 on the tax map of the Township of Marlboro, County of Monmouth and State of New Jersey, hereinafter referred to as "premises"; and

WHEREAS, the Applicant has submitted an application for Preliminary and Final Major Site Plan Approval; and

WHEREAS, the property is located on the west side of Amboy Road between Tennent Road and Point of Woods Boulevard and is in the Industrial Office-Research District (IOR) Zone; and

WHEREAS, the property contains 7.08 acres with an existing one story warehouse/office building, nine (9) parking spaces, a concrete pad, a pole barn, a clock building, a metal overhand, a shed, two soil poles and septic facilities; and

WHEREAS, the Applicant, is proposing to add 8,750 square feet of warehouse/office space to the rear of the existing building, a 759 square foot office to the side of the exiting building, eight (8) additional parking spaces, and extend a paved area to the rear of the property; and

WHEREAS, the Applicant proposes to replace the septic facilities by connecting to the sanitary system, remove the existing concrete pad and remove part of the pole barn; and

WHEREAS, a review of the notices and publication indicates the Board has jurisdiction to hear this application; and

WHEREAS, the Applicant has produced the sworn testimony of A.J. Garrito, P.E., and Mr. Lucas, Applicant, and the following exhibits were submitted with the application, reviewed by the Board and shall be considered marked in evidence as follows:

A-1 One (1) copy of a set of plans titled "Preliminary and Final Amended Major Site Plan For Block 178 ~ Lot 292, Township of Marlboro, Monmouth County, New Jersey" consisting of eight (8) sheets dated 6/22/07, last revised 8/30/07 prepared by A.J. Garrito, Jr. of Two River Engineering.

A-2 A colored rendering of overall site plan

A-3 A colored rendering of the 200 foot map

A-4 Blow up of the tax map

A-5 8 photographs of the existing conditions on the subject premises

WHEREAS, a duly noticed public hearing was held on September 19, 2007; and

WHEREAS, the no members of the public testified and/or made statements; and

WHEREAS, the Planning Board of the Township of Marlboro having considered all of the evidence, exhibits and testimony presented makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction to hear and decide this application.
2. Applicant is the owner of the premises upon which it seeks Preliminary and Final Site Plan Approval.

3. The premises is located in the IOR Zone.
4. The proposed use is a permitted use in the IOR Zone.
5. The Board finds that the applicant has satisfied its burden of proof pursuant to N.J.S.A. 40:55D-1 et seq. upon the meeting of certain conditions.
6. The applicant has requested the following variances:
 - A. Minimum Lot Width-300 feet is required whereas 199 feet is proposed.
(Existing condition.)
 - B. Minimum Lot Frontage-300 feet is required whereas 195.49 feet is proposed.
(Existing condition.)
 - C. Minimum Side Yard Setback Principal Building-70 feet is required whereas 39.94 feet is proposed from the southern lot line. (Existing condition.)
 - D. Minimum Side Yard Setback Principal Building-70 feet is required whereas 44.69 feet is proposed from the northern lot line.
 - E. Minimum Side Yard Setback for Accessory Building-50 feet is required whereas 6.44 feet is proposed for the shed, 17 feet is proposed for the block building, 11 feet is proposed for the metal overhand and 32 feet is proposed for the pole barn. (Existing conditions.)
 - F. No parking is permitted within 30 feet of the outer wall of any structure whereas 15 feet is proposed. (Existing condition.)
 - G. A permanent six (6) foot fence is required along lot lines which abut residential zones or uses. A variance is required as no fencing is proposed along the rear property line or along the front lot line along Amboy Road.
(Existing condition.)

With respect to the Variance noted as "6(D)" above, the Board finds that the Applicant has met its burden. The Side Yard Setback for the warehouse is within the existing paved area sitting approximately 20 feet below the grade of the adjacent property to the north. Moreover, the addition to the warehouse would not be visible from Amboy Road. Therefore, the Applicant demonstrated that the proposed addition would improve the site without having any negative aesthetic effect on adjoining properties. Because the addition will replace a concrete pad, there is no proposed increase to impervious coverage. The Applicant also proposes landscaping around the warehouse building which will be an improvement from the existing conditions.

With respect to the variances noted as "6(A)", through "6(C)" and "6(E)" through "6(G)" these are existing conditions which will not be exacerbated by the proposed site modifications. Therefore the Board finds that those variances may be granted.

7. The Applicant has requested the following waivers:

- A. The Applicant has requested a waiver from submitting an Environmental Impact Report although same is required by Code §84-105.
- B. Access to sites shall be located a minimum of 40 feet from any property line whereas the existing access is located 32 feet from Lot 66. The Applicant has requested a waiver for this existing condition.
- C. Vehicles shall not overhang internal sidewalks. Existing parking spaces overhand the sidewalks.

With respect to the waiver noted above as "7(A)", the Board finds that the waiver may be granted. Because the addition will replace a paved area, there will be no perceivable environmental effect. Therefore the waiver can be granted as de minimis.

With respect to the waivers noted as "7(B)" and "7(C)", the Board finds that the waivers may be granted because they are existing conditions. It would be a hardship to require the Applicant to conform to these requirements as the site has already been developed and the improvements proposed will have little or no effect on these existing non-conformities.

With respect to the above requested variances and waivers, for the reasons expressed above, the Board finds that the purposes of the Municipal Land Use Law will be advanced by the deviations from the zoning ordinance requirements and the benefits of the deviations will substantially outweigh any detriment.

The Board further finds that the requested variances and waivers can be granted without substantial detriment to public good or substantial impairment of the intent and purposes of zone plan and zoning ordinance.

The Board further notes that the granting of these variances and waivers are based upon strict compliance with the conditions of this approval and construction of the site improvements as embodied in this approval.

NOW, THEREFORE, BE IT RESOLVED that this resolution serves as a memorialization of the Board's decision to grant Preliminary and Final Major Site Plan Approval September 19, 2007 subject to the conditions as follows:

1. Applicant shall obtain all state, county and local government approvals as required by law.
2. Applicant shall pay all fees, post all bonds and pay all taxes as required by law and ordinance.
3. Any adverse impacts on adjoining property owners from storm water runoff shall be immediately addressed by the owner of the property.

4. The Applicant shall add a note to the plans indicating that the Applicant shall strictly comply with the Township's Backfill Ordinances and
5. The Applicant shall add a note to the plans indicating that the Applicant shall strictly adhere to the Ordinance requirements for the installation of silt fence.
6. The Applicant shall meet with the Township Engineer to address any curb and road dedication(s) for the right of way half width of 30 feet any future improvements including sidewalk and curbing along the site frontage.
7. The Applicant shall provide sidewalk if Triangle Business Park has sidewalks. Otherwise, the Applicant shall make the appropriate contribution in lieu of sidewalks.
8. The Applicant shall provide sight distances on the plans and shall meet with the Board Engineer as to whether a "no left turn" sign may be required.
9. The Applicant shall clear all brush or other obstructions in the sight triangles.
10. The throat of the entry way into the parking area shall be a minimum of 25 feet wide.
11. Sheet three (3) of the Plans indicates Lot 291 as the lot to the south and to the north of the subject property. The Applicant shall clarify and correct the plans.
12. The dimensions on Sheet 1 do not coincide with the dimensions on the plans. The Applicant shall correct this on the plans.
13. The Applicant shall submit a Tax Collector's Certification.
14. The Applicant shall provide the seasonal high water table elevation on the plans.
15. The Applicant shall provide the type of foundation proposed.
16. The Applicant shall provide a storage area to accommodate one to four weeks accumulation of recyclable materials in accordance with Code §84-63.1(C).
17. General Note #8 shall be revised to indicate the property is located in the "IOR" zone.

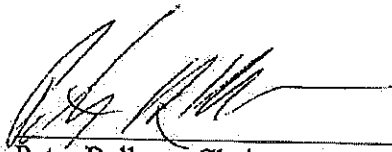
18. The Applicant shall revise the key map to indicate the correct foot radius of 1,600 feet.
19. The Applicant shall revise the plans to accurately reflect the two (2) sections of the existing pole barn to be removed. The Board Engineers scaled the sections at approximately 40 feet rather than the 60 feet indicated on the plans.
20. All lots being filled shall be filled with clean fill and/or topsoil in such a manner as to allow complete surface draining of the lot into local storm sewer systems or natural drainage rights of way.
21. A certification shall be provided for the retaining wall proposed along the south property line in accordance with Code §84-30(D)(24)(f)(1). The Applicant testified that there will be a six foot fence at the property line adjacent to the retaining wall thereby negating the need for any additional safety barrier. Calculations for the retaining wall shall be submitted and a detail of the retaining wall shall be shown on the plans.
22. The Applicant shall comply with Code §84-133 regarding soil erosion and sediment control.
23. The Applicant shall obtain a soil removal permit if more than 300 cubic yards of soil is to be removed from the site.
24. The Applicant shall deed restrict the stormwater system on the site to ensure proper maintenance giving the Township the right but not the obligation to make necessary repairs to the stormwater system to the extent it is adversely effecting neighboring property owners.

25. Arrows showing the direction of flow shall be shown on the storm pipes in accordance with Code §84-95(A)(3) between inlets A11 and A10 and also A10 with the existing inlet.
26. The Applicant shall provide an emergency access easement in the form of a blanket easement for the stormwater management system subject to the review and approval of the Township Attorney.
27. The Applicant shall install drywells or other approved Best Management Practices system(s) to eliminate the increase of 229.5 cubic feet for the 100 year storm subject to the review and approval of the Board Engineer.
28. The Profile for Inlet A11 of the storm sewer shall be shown on the plans.
29. The Applicant shall comply with all of the Township's environmental regulations including, but not limited to those set forth in Code §84-31.
30. The Applicant shall be responsible for the regular collection and removal of all refuse on the premises.
31. The Applicant shall provide shade trees every 50 feet along the project's frontage subject to the Township Engineer's review and approval for any such trees which may be located in any public right of way.
32. All shade trees which are additional to those existing shall have a minimum caliper of two inches and a height of ten to 14 feet.
33. The Applicant shall clearly mark all trees to be saved and protect same with snow fence.
34. The Applicant shall replace any tree nine inches or larger in diameter on site if possible. If the site does not permit replacement, trees shall be planted at an off site

- tract selected by the Board or the Applicant may pay \$250 for each tree not replanted or replaced into the "Marlboro Township Tree Bank Account".
35. No lighting use shall produce a strong dazzling light or glare beyond its lot lines.
 36. The Applicant shall shield, buffer and angle exterior lighting and shall reduce or eliminate lighting which spills onto the property to the north.
 37. The Applicant shall provide the hours of operation for the lighting on the plan.
 38. The spacing of the lights shall be adjusted to comply with Code § 84-113 (Spacing shall not exceed 5 times the mounting height.)
 39. The Applicant shall add the actual detail of the light pole footing to the plans.
 40. All pavement serving as appurtenant passageways shall be adequately illuminated (0.3 foot candles minimum) during hours between sunset and sunrise when the use is in operation.
 41. The Applicant shall provide pavement markings and signs to identify fire fighting aisles and fire zones to be reviewed and approved by the fire marshal.
 42. The Applicant shall verify and revise the amount of existing parking spaces on the plans.
 43. The plans shall indicate the type of curbing near the egress of the property.
 44. A detail of the proposed concrete apron shall be shown on the plans.
 45. The concrete strength shall be shown for the sidewalk detail.
 46. The Applicant shall show the landscaping strip to the north of the proposed warehouse/office on the circulation plan.
 47. The Applicant shall install a Handicap Space and Handicap Sign to meet ADA guidelines including a penalty plate showing the new \$250 fines.

48. The Applicant shall place a stop sign and 24 inch stop bar at the egress to Amboy Road.
49. The Applicant shall provide floor plans to illustrate the type of structure proposed along with front, rear and side elevation sketches drawn to scale.
50. The Applicant shall show the location of any outside storage facilities.
51. A wetlands statement shall be added to the plans.
52. The plans shall include a written description of the proposed operations of the building(s), including the number of employees, the proposed number of shifts to be worked and the maximum number of employees on each shift, expected truck and tractor trailer traffic, emission of noise, glare, air and water pollution, safety hazards, and anticipated expansion plans incorporated into the building design.

BE IT FURTHER RESOLVED that a notice shall be published in the official newspaper of the Township and a certified copy of this resolution shall be forwarded to the Applicant.

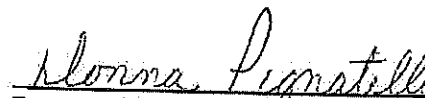


Peter Bellone, Chairman

Dated: 10-18-07

Adopted: 10-17-07

I hereby certify that the above resolution was adopted by the Planning Board of the Township of Marlboro at its meeting of *October 17*, 2007.



Donna Pignatelli, Administrative Officer

OFFERED BY: MR. BELLONE
SECONDED BY: MR. BERGH
IN FAVOR: MR. BERGH, MS. FERNANDEZ, MR. MAHON,
MR. BELLONE
OPPOSED: NONE
ABSTAIN: NONE

**I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND EXACT COPY OF A
RESOLUTION ADOPTED BY THE MARLBORO TOWNSHIP PLANNING BOARD
AT A MEETING HELD ON WEDNESDAY OCTOBER 17, 2007.**

Donna Pignatelli
Donna Pignatelli
Administrative Officer