



May 4, 2021

Marlboro Township Zoning Board of Adjustment
1979 Township Drive
Marlboro, NJ 07746

Re: *Richard Faviano (ZB21-6738)*
Use Variance Application – Engineering and Planning Review #1
Block 214.04, Lot 3
Location: 5 Linford Court
Zone: SCPR (Stream Corridor Preservation Residential District)
Our File No.: HMRZ0214.23

Dear Zoning Board Members:

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

- Proposed Addition to Faviano Residence Plan (2 sheets) prepared by Saizan & Winkler, Architects, LLC, dated March 25, 2021, unrevised;
- A development application.

In accordance with your authorization, our office has reviewed the Use Variance application package for the above-referenced site and offer the following comments:

1. Project Description

The subject 0.76-acre property is located within an SCPR Zoning District, and contains 170 feet of frontage along the Linford Court cul-de-sac. Currently, the property contains a 2-story dwelling, with an in-ground pool, concrete patio, paver walkway and a paved driveway.

The Applicant is seeking Use Variance approval to construct a single-story addition to the 2-story existing dwelling to create a mother-daughter home. The addition will include two bedrooms, a bathroom, living room, kitchenette, and finished basement.

The proposed two-family dwelling is not a permitted use within the SCPR Zone thereby requiring Use Variance approval.

2. Surrounding Uses

Properties surrounding the subject site are also residential uses located within the SCPR zone.



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3. Zoning Compliance

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

<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Minimum Lot Area	25,000 sf	32,997 sf
Minimum Lot Frontage	125 feet	170 feet
Minimum Lot Width	125 feet	154 feet
Minimum Lot Depth	150 feet	190 feet
Minimum Principal Building Front Yard Setback	40 feet	48 feet +/-
Minimum Principal Building Side Yard Setback	15 feet	16.87 feet
Minimum Principal Building Rear Yard Setback	25 feet	73.75 feet
Minimum Side Yard Setback (Accessory)	15 feet	34 feet
Minimum Rear Yard Setback (Accessory)	25 feet	0 feet (E)
Maximum Building Coverage for Buildings and Structures	25%	9.7%

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

The following existing condition would remain pertinent to the property:

- a. **Section 220-44B** – Private recreational equipment shall be setback 10 feet from a property line; whereas the existing playset structure is set back 0 feet from the rear property line.

The applicant has not requested any bulk variances or design waivers with the application and none appear necessary.

- 4. The Applicant has not requested any waivers from providing required checklist submission items, however, the following Use Variance Checklist items should be provided or waivers requested:

- a. Completed Checklist



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- b. Survey of the property
 - c. Key Map
5. Based upon our review of the subject application, we estimate that the following fees are required:

a. Nonrefundable Application Fees:

Use Variance (Two-Family Residential Use) \$200.00

Subtotal Nonrefundable Application Fees: \$200.00

b. Professional Services Escrow Fees:

Use Variance (Residential) \$2,000.00

Subtotal Professional Services Escrow Fees: \$2,000.00

We recommend the Township collect \$200.00 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. As the proposed two-family dwelling is not a permitted principal, accessory, or conditional use within the SCPR Zone, 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 shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D-2).



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b) Negative Criteria

- iii) 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.

7. The Applicant should be prepared to discuss the following issues with the Board.
- a. Whether any lot regrading and/or tree removal is required to accommodate the proposed building addition.
 - b. Compliance with Residential Site Improvements Standards (RSIS) parking requirements for the dwelling.
 - c. The stormwater management of the property, including the need for any drywell system.
 - d. If access to the rear entrance of the building addition is proposed. If a walkway is proposed, provide a detail for same.
 - e. 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.
8. Based upon our review, we offer the following comments:
- a. Provide a copy of the survey of the property that was utilized in the design.
 - b. Provide spot grades for each corner of the proposed addition, as well as existing topography in the areas surrounding the addition to verify that the addition will not negatively impact the adjacent properties.
 - c. Provide the height of the proposed addition on the building elevations.

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.



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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,

Laura J. Neumann, PE, PP
Zoning Board of Adjustment Engineer and Planner

LJN/JAR/MDG

cc: Marlboro Township Engineering Department
Ronald Cucchiaro, Esq. – Zoning Board Attorney
Salvatore Alfieri, Esq. – Applicant's Attorney
Richard Faviano- Applicant