

A-19

Preliminary List of Variances and Waivers

MARLBORO TOWNSHIP  
ZONING BOARD

Dated January 2021

JAN 15 2021

ZB# 21-6729

Proposed Retail & Restaurants w/ Drive-Thru  
Block 288, Lots 370 & 371  
405 NJSH Route 9  
Township of Marlboro  
Monmouth County, NJ  
DEC# 3307-99-001

Variances/Existing Non-Conformances

Zoning – C-3 Zone Bulk Requirements:

- [§ 220 Attachment 9] – Schedule of Area, Yard and Building Requirements
  - Required minimum lot area shall be 217,800 SF (5 Ac).  
*Existing non-conformance: 177,575 SF (4.08 Ac)*  
*Proposed lot area: 177,575 SF (4.08 Ac)*
  - Required minimum lot depth shall be 450 feet.  
*Existing non-conformance: 117.64 feet*  
*Proposed lot depth: 117.64 feet*
  - Required minimum rear yard setback (building) shall be 50 feet.  
*Existing non-conformance: 45.9 feet*  
*Proposed rear yard setback (building): 74.1 feet.*  
*Please note that the proposed development eliminates the existing non-conformance.*
  - Required minimum side yard setback (building) shall be 50 feet  
*Proposed side yard setback (building): 38.0 feet*
  - Required minimum side yard setback (accessory building) shall be 40 feet  
*Proposed side yard setback (accessory building): 12.3 feet*

**Drive-Thru Restaurant Conditional Use Requirements:**

- [§ 220-109.L] – The minimum lot depth shall be 300 feet.

*The existing lot depth is 117.64 feet. The existing lot depth is not sufficient for the conditional use, therefore variance relief is required.*

- [§ 220-109.L] – All paved areas other than driveways shall be located no closer than forty (40) feet to the right-of-way line.

*Proposed paved parking lots are located within forty (40) feet to the right-of-way line. Therefore, variance relief is requested for this requirement.*

**Off-Street Loading Requirements:**

- [§ 220-98.A] – For every building having over 5,000 square feet of building area, there shall be at least one (1) loading space not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

*No designated loading spaces are proposed as deliveries are proposed to occur during off-peak hours. The proposed parking and driveway areas will serve as a loading area. Therefore, variance relief is requested for this requirement.*

**Design Waivers**

**Landscape Design Standards:**

- [§ 220-97.E(4)] – All parking areas for twenty (20) or more vehicles shall contain grassed or landscaped island areas of at least six (6) feet in width separating rows of parking spaces. Such island areas shall be spread throughout the parking area in accordance with a site plan approved by the planning board and shall occupy a minimum of ten (10) percent of the area formed by the outer perimeter of the paved parking area. The island areas shall contain a minimum of one (1) shade tree for each ten (10) parking spaces in the parking area and shall be landscaped in accordance with a landscaping plan approved by the planning board.

*No intermediate landscaped islands are provided within the parking areas. Therefore, a design waiver is requested for this requirement.*

**Lighting Design Standards:**

- [§ 220-97.E(6)] – All parking areas for 10 or more motor vehicles shall have artificial lighting that will provide an average lighting level of 0.5 horizontal footcandle throughout the parking area. The minimum lighting level at any location within the parking area shall be 75% of the average level. Freestanding light poles shall be no higher than the height of the highest principal building served by the parking area, plus five feet.

*The proposed average lighting level in the parking areas exceeds the 0.5 average horizontal footcandle requirement. Therefore, a design waiver is requested for this requirement.*