



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

January 14, 2021

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

MARLBORO TOWNSHIP
ZONING BOARD

Re: Real Edge, LLC (B20-6723)
Use Variance – Engineering and Planning Review #2
Block 120.02 Lot 38
Location: 14 Wooleytown Road and Sorrel Road
Zone: RSCS (Residential)
CME File No.: HMRZ0120.14

JAN 19 2021

A-22

ZB# 20-6723

Dear 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 DW Smith Associates, LLC dated September 1, 2020, last revised December 14, 2020;
- Plan of Survey (1 sheet) prepared by Brunswick West, Inc. dated February 26, 2020, unrevised.

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 0.8 acre property is a corner lot within an RSCS Zone District and contains 124 feet of frontage along Wooleytown Road to the southwest and 355 feet along Sorrel Road to the southeast. Currently, the property contains a 1-story dwelling with an inground swimming pool, patio area, pond area, perimeter rear yard fencing, and a paved driveway along the Wooleytown Road site frontage.

The Applicant is seeking only Use Variance approval at this time to subdivide the approximate 0.8 acre property into two (2) new lots as follows:

- Proposed Lot 38.01 will be a 19,158 s.f. corner lot, with 124 feet of frontage along Wooleytown Road and 154 feet of frontage along Sorrel Road. A 10 foot wide right-of-way easement is indicated along the Wooleytown Road frontage as well as a sight triangle easement at the Sorrel Road intersection on the proposed lot. The existing



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dwelling is indicated to remain and the existing inground pool is indicated to be removed.

- Proposed Lot 38.02 will be 16,879 s.f. in size and provide 201 feet of frontage along Sorrel Road. The lot would be developed with a future single-family dwelling, however, whether said dwelling would be serviced by municipal water and sanitary sewer systems is unclear.

It should be noted that with the updated submission, the Applicant has reduced the number of proposed lots to two, where previously three were proposed.

Single-family dwellings are not a currently permitted, accessory or conditional use within an RSCS Zone District thereby requiring the subject Use Variance approval. The Applicant is seeking only Use Variance approval at this time, and if granted, would be required to return before the Board for Preliminary and Final Major Subdivision application and approval.

2. Surrounding Uses

Properties surrounding the subject site north of Wooleytown Road, including opposite Sorrel Road, are similarly zoned RSCS containing a mix of residential parcels. Properties opposite Wooleytown Road are zoned LC and contain residential parcels opposite the subject site.

3. Zoning Compliance

The subject property is situated within an RSCS Zone District. The table below summarizes the zone requirements and bulk measures for the proposed lots as per requirements in effect when single-family residential was a permitted use within said zone:

DESCRIPTION	REQUIRED	LOT 38.01	LOT 38.02
Minimum Lot Area	7,500 s.f.	19,158 s.f. (17,819 s.f. excluding right of way easement)	16,879 s.f.
Minimum Lot Frontage	75 feet	124 feet (Wooleytown Rd) 154 feet (Sorrel Road)	201 feet ±
Minimum Lot Width	75 feet	153 feet ±	180 feet ±
Minimum Lot Depth	100 feet	124 feet ±	124 feet ±



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DESCRIPTION	REQUIRED	LOT 38.01	LOT 38.02
Minimum Front Yard Setback	25 feet	25.1 feet	20 feet (V)
Minimum Side Yard Setback	10 feet	18.1 feet	10 feet
Minimum Rear Yard Setback	30 feet	35 feet ±	30 feet
Minimum Rear Yard Setback (Accessory)	20 feet	N/A	N/A
Maximum Building Height	35 feet	<35 feet	<35 feet
Maximum Building Height (Accessory)	15 feet	N/A	NA
Maximum % of Lot Coverage (Buildings)	32%	16% ±	<32%
Maximum % of Lot Coverage (Impervious)	38%	40% ± (V)	<38%

Other than the Use Variance, the Applicant has not requested any additional variances and/or design waivers with this application. However, as part of the Use Variance approval, the Applicant must demonstrate that the following deviations from the Zone District regulations would be subsidiary to the granting of the Use Variance and therefore subsumed within said Use Variance, if approved.

- a. **Section 220-64B(1)(e)** – The minimum front yard setback is 25 feet; 20 feet is proposed on proposed lot 38.02.
 - b. **Section 220-Table III** – The maximum required lot coverage is 38%; approximately 40% is proposed on proposed lot 38.01.
4. As new single-family dwellings are not a permitted principal, accessory or conditional use within an RSCS 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:



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- 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 required ordinance and/or checklist submission items and none appear necessary.
6. The Applicant should be prepared to discuss the following issues with the Board:
 - a. The existing property on the Plan of Survey and Use Variance Plan is indicated to contain 0.816 acres which equals approximately 35,545 s.f., however, the proposed lot areas total 36,037 square feet. In addition, the tract boundary on the Use Variance Plan is indicated with duplicate line work which should be clarified.
 - b. The limits to which the existing inground pool and concrete patio will be removed. It appears that if the concrete patio is to remain, an impervious coverage variance would be required for proposed lot 38.01.
 - c. Clarify whether the right-of-way easement, sight triangle easement and landscape easement along the lot frontages are existing or proposed. Also verify the 332.20-foot dimension along Wooleytown Road.
 - d. Address the need for additional right-of-way dedication on Lot 38.01 to provide a curve radius at the roadway intersection.
 - e. The Applicant would be required to return before the Board for Preliminary and Final Major Subdivision application and approval subsequent to the Use Variance approval, if granted, and the need for any time frame regarding said application should be reviewed with the Board.



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7. Based upon our review, we note the following:
- a. Provide the rear yard setback dimension from the property line to the existing dwelling on proposed lot 38.01.

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 regarding 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

cc: Dean Staknys, PE – Assistant Township Engineer
Ronald Cucchiaro, Esq. – Zoning Board Attorney
Real Edge, LLC – Applicant
DW Smith Associates, LLC. – Applicant's Engineer
Dante M. Alfieri, Esq. – Applicant's Attorney