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March 27th, 2023

Marlboro Township Environmental Commission
1979 Township Drive
Marlboro, NJ 07746

Attn.: Rohit Gupta, Chairman

Re: Aleksandr, Alisa, and Arthur Krivoruk (ZB22-6797)
Minor Subdivision with Use Variance – Environmental Review
Block 213.01 Lot 48
Location: 11 Buck Lane
Zone: LI (Light Industrial)
Our File: HMRZ0213.11

Dear Chairman Gupta and Environmental Commission Members:

Our office has reviewed the following information that was submitted in support of the above-referenced application for Minor Subdivision with Use Variance approval:

- Minor Subdivision Plan (5 sheets) prepared by East Point Engineering, LLC, dated July 8, 2022, unrevised;
- Architectural Floor Plans and Elevations (7 sheets) prepared by Winton Group Architecture dated August 2, 2022, unrevised;
- Survey of Property (1 sheet) prepared by Morgan Engineering & Surveying dated June 30, 2021 unrevised;
- Completed Use Variance and Minor Subdivision Checklist, prepared by Erica Edwards, dated September 28, 2022;
- A Development Application.

In accordance with the Township's authorization, we have reviewed this application for Minor Subdivision with Use Variance approval, from an environmental perspective, and offer the following comments (Please note that the background and zoning information contained herein is based on our engineering review letter as submitted to the Zoning Board, dated December 8, 2022). Environmental comments are provided in section 10:

1. Project Description

The subject 1-acre property is located within the LI Zone District and contains 210 feet of frontage along Buck Lane. Currently, the property is vacant and contains several sheds,

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concrete walls and a chain-link fence. The front of the property is primarily cleared, while the back portion of the property is wooded.

The Applicant proposes to subdivide the property into two (2) new lots as follows:

- Proposed Lot 48.01 would be 21,871.84 s.f. in size and contain 105 feet of frontage along Buck Lane.
- Proposed Lot 48.02 would be 21,706.08 s.f. in size and contain 105 feet of frontage along Buck Lane.

Both lots are proposed to be developed with a two-story single-family dwelling with attached deck, two car garage, and driveway access from Buck Lane. In addition, both lots will be serviced by public water and sanitary sewer conveyance pipes from Bucks Lane.

The proposed single-family dwellings are not a permitted use within the LI Zone District, thereby requiring the subject Use Variance approval.

2. Surrounding Uses

Properties surrounding the subject site to the South and West are similarly zoned LI and contain residential uses. Properties further West are located within the C1 zone and contain primarily commercial uses. The Henry Hudson Trail is located directly to the East within the ROS zone. Beyond the trail are various industrial uses within the LI zone, including Gordon’s Corner Water, and a residential development within the SCPR zone. The Property directly to the North is zoned GH-1 and is undeveloped/wooded.

3. Zoning Compliance

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

Description	Required	Proposed Lot 48.01	Proposed Lot 48.02
Minimum Lot Area	3 acres	0.502 acres (V)	0.498 acres (V)
Minimum Lot Frontage	300 feet	105.0 feet (V)	104.3 (V)
Minimum Lot Width	300 feet	+/- 105 feet (V)	+/- 105 feet (V)
Minimum Lot Depth	300 feet	209.7 feet (V)	208.0 feet (V)



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Minimum Front Yard Setback	80 feet	30.5 feet (V)	39.9 feet (V)
Minimum Side Yard Setback	70 feet	10 feet (V)	10 feet (V)
Minimum Rear Yard Setback	80 feet	115.4 feet	100.4 feet
Minimum Front Yard Setback (Accessory)	80 feet	N/A	N/A
Minimum Side Yard Setback (Accessory)	50 feet	N/A	N/A
Minimum Rear Yard Setback (Accessory)	60 feet	N/A	N/A
Maximum Building Height (Principal)	50 feet	26.6 feet	26.6 feet
Maximum Building Height (Accessory)	30 feet	N/A	N/A
Maximum Percentage of Lot Coverage by Buildings and Structures	35%	13.8%	14.1%
Maximum Percentage Impervious Lot Coverage	60%	21.9%	25.9%
Maximum Floor Area Ratio (FAR)	0.35	0.21	0.22
Minimum Number of Parking Spaces	RSIS: 4 bedroom dwelling: 2.5 spaces	> 3 spaces	> 3 spaces

(EC) – Existing Conditions (V) – Variance



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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 - Attachment 9** – The required minimum lot area is 3 acres; whereas proposed Lot 48.01 is 0.502 acres and Lot 48.02 is 0.498 acres.
- b. **Section 220 - Attachment 9** – The required minimum lot frontage is 300 feet; whereas the proposed Lot 48.01 frontage is 105.0 feet and the Lot 48.02 frontage is 104.3 feet.
- c. **Section 220 - Attachment 9** – The required minimum lot width is 300 feet; whereas the proposed lot widths for Lots 48.01 and 48.02 are approximately 105 feet each.
- d. **Section 220 - Attachment 9** – The required minimum lot depth is 300 feet; whereas the proposed Lot 48.01 depth is 209.7 feet and Lot 48.02 depth is 208.0 feet.
- e. **Section 220 - Attachment 9** – The required minimum front yard setback for a principal building is 80 feet; whereas the proposed dwelling on Lot 48.01 is set back 30.5 feet and the proposed dwelling on Lot 48.02 is setback 39.9 feet.
- f. **Section 220 - Attachment 9** – The required minimum side yard setback for a principal building is 70 feet; whereas the proposed dwelling on Lot 48.01 and Lot 48.02 are both set back 10 feet.
- g. **Section 220-35C(4)** – No paved terrace shall be permitted closer than five feet to any side or rear property line; whereas the proposed driveway on both lots is less than 5 feet from the side property line.
- h. **Section 220-90F(4)** – Prior to commencing construction of any building, structure, railroad tracks, driveway or parking areas, a permanent fence shall be constructed along the entire length of any front, side or rear lot line that abuts a residential zone or use. Such fence shall be at least six feet in height and shall be of a type and material approved by the Planning Board as part of site plan approval. Whereas the project does not propose to install fencing along the property lines adjacent to residential uses.
- i. **Section 220-90F(5)** – A buffer area 50 feet in width shall be provided along any front, side or rear lot line that abuts a residential zone or use. Such buffer area shall be suitably landscaped with trees, shrubs and/or ground cover in accordance with a landscaping plan approved by the Planning Board as part of site plan approval and as per Section [220-100](#). Whereas a 50-foot buffer is not provided to the adjacent residential uses.



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The Applicant has not requested any design waivers with this application, however, the following relief appears necessary:

- a. **Section 220-159.1** – Site Investigation Report and Soil Sampling Report
 - b. **Section 220-169A(1)** – Side entry garages shall have a minimum 12-foot width with a minimum 25-foot by 25-foot driveway apron in front of the doors conforming to the driveway requirements in all other aspects. Whereas the side entry garages provide a 24-foot by 24-foot turning area outside of the garage.
4. The Applicant has requested the following waiver from providing the required Use Variance checklist submission items:
- a. Scale of not less than 1" =50'. **We note that this waiver does not appear to be required.**

Additionally, it appears that the following Minor Subdivision Checklist submission items shall either be provided or a waiver requested:

- b. Signatures of the Owner and Applicant.
 - c. All existing structures and wooded areas within 200 feet of the property.
 - d. All streets or roads and streams within 500 feet of the subdivision.
 - e. All buildings and structures, streams, lakes, conservation drainage and utility right-of-way easements within the limits of the tract and within 200 feet thereof, including the location, size, and direction of flow and top of bank of all streams, brooks, drainage structures and drainage rights-of-way.
5. This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as NJAC 5:21-1 et. seq. The Applicant has not requested any waivers or de minimus exceptions from the RSIS requirements. An agreement to exceed said requirements should be filed with the DCA for any improvements which exceed the RSIS.
6. As the proposed single-family dwellings are not a permitted principal, accessory, or conditional use within a LI 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 is particularly suited to the use.



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- ii. There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the granting 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.
7. In our review letter to the Zoning Board, the Applicant was asked to be prepared to discuss the following issues with the Board:
- a. The Subdivision history of the tract.
 - b. Timing associated with removal of the existing site improvements subsequent to approval of the proposed subdivision, if granted. Generally, our office recommends removal of existing site improvements prior to filing of the Plat with the County Clerk's office. Anticipated timing associated with construction of the proposed dwellings should also be reviewed with the Board.
 - c. The Survey indicates that the site contains existing sheds, walls, fences, etc. However, the Existing Conditions Plan shows that there is only a concrete pad to be removed. The current state of the property shall be reviewed.
 - d. Proposed tree removal, replacement and woodlands management of the site must be clarified and reviewed. No existing or proposed trees have been identified.
 - e. Compliance with the residential look-a-like requirements of the two proposed dwellings in accordance with Sections 220-38 and 220-181.
 - f. Whether any drywells are proposed to recharge the roof runoff.
 - g. The need for any improvements (curb, sidewalk, widening, right-of-way dedication, etc.) along the roadway frontage.
8. Based upon our review, the Plans should be revised as follows:



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- a. Provide a copy of the survey referenced in General Note #3. The survey that has been provided has a different date.
- b. A subdivision Plat has not been provided for review, and the Cover Sheet notes that the subdivision will be filed by deed. A description shall be provided to our office for review prior to recording.
- c. Provide documentation certifying that the proposed lot numbers have been approved by the Tax Assessor.
- d. It appears that the front property line of proposed Lot 48.01 may be on a curve. Provide the curve information on the plan, or alternatively, the 105-foot dimension may be inaccurate.
- e. The Layout/Grading & Utility Plan indicates that the proposed dwellings will have basements. Provide soil log information in the location of each proposed dwelling to demonstrate that the seasonal high water table is at least two feet below the basement slab elevation.
- f. Demonstrate compliance with Section 220-90F(3) which states no tree having a caliber of more than three inches and located within 100 feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone or lot utilized for residential purposes in a commercial or industrial zone shall be removed unless such removal is in accordance with an approved site plan. The plans do not indicate existing vegetation, nor the removal of same.
- g. Provide shade trees within the front yard in accordance with Section 220-177. Currently, trees have not been proposed.
- h. Revise the plans to provide existing tree information and tree replacement calculations, in accordance with Section 337-15 and 337-19. Also, graphically depict tree protection fencing and provide a detail of same, in accordance with Section 337-16.
- i. Revise the plans to provide general planting notes and details, for further review.
- j. Indicate the location of the gas and electric services to the proposed dwelling.
- k. Provide a note on the Site Plan within the Architectural Plans (sheet T-001.01) that indicates the Site Plan is for reference only and that the Minor Subdivision plans prepared by East Point Engineering, shall govern. This will avoid any confusion as the necessary plan revisions are made to the subdivision plans. Alternatively, the Applicant may wish to remove all Site Plan information from the Architectural Plans entirely.



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9. This application may be subject to the following outside agency approvals:

- a. Monmouth County Planning Board
- b. Freehold Soil Conservation District
- c. NJDEP
- d. Marlboro Township Environmental Commission
- e. Marlboro Township Fire Bureau
- f. Marlboro Township Police Department
- g. Marlboro Township Water Department
- h. 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.

Based upon the minor nature of the information requested, it was recommended that this application be deemed complete subject to the Applicant complying with all applicable notification requirements as set forth in the Marlboro Township Land Use Ordinance and the Municipal Land Use Law and the granting of various submission waivers indicated above.

10. Environmental Review

a. General

- A note needs to be added to the plans indication that any well or septic system needs to be closed in accordance with NJDEP, Monmouth County Health Department and/or Township requirements.
- A note needs to be added to the plans stating that the characteristics of any imported fill has to meet the definition of clean fill as stated within the NJDEP's Technical Requirements for Site Remediation (as found at NJAC 7:26E-1.8).
- The Applicant needs to indicate if an underground storage tank has ever been used onsite.
- As stated above, the Layout/Grading & Utility Plan indicates that the proposed dwellings will have basements. Provide soil log information in the location of each



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proposed dwelling to demonstrate that the seasonal high water table is at least two feet below the basement slab elevation.

- As stated above, a Site Investigation and Soil Sampling Report (as found within Section 220-159.1 of the Ordinance) needs to be submitted.

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

Very truly yours,

CME ASSOCIATES

Austin Bazuk
For the Firm

AB

cc: Erica Edwards, Esq. – Applicant's Attorney
East Point Engineering, LLC – Applicant's Engineer (mleber@eastpointeng.com)