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January 5, 2023

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

Re: Parker Family Farm, LLC (ZB# 22-6800)
Use Variance Application – Engineering and Planning Review #1
Block 214, Lot 14
Location: 5 Dugans Lane
Zone: LC (Land Conservation)
Our File No.: HMRZ0214.28

Dear Zoning Board Members:

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

- Boundary & Topographic Survey (1 Sheet) prepared by WJH Engineering, dated June 30, 2021, unrevised;
- Change of Use Plan (3 Sheets) prepared by WJH Engineering, dated November 8, 2022, unrevised;
- A completed application and checklist.

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 5.23-acre property is located within an LC Zone District and contains 484 feet of frontage along the east side of Dugans Lane. Currently, the subject property contains a 2-story residential dwelling, along with a number of accessory structures including a remote garage, sheds and other buildings accessory to the principal building. In addition, the property also contains a cable tower which is located within a 50-foot-wide JCP&L easement on the East of the property. A portion of this tower extends onto the adjacent lot to the east. The property is indicated to be served by private well water and septic system. Access to the property is provided via two driveways from Dugans Lane, one paved and one stone.

The Applicant is seeking Use Variance Approval to change the use for the subject property from single-family residential to a commercial landscaping business. All existing structures,



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with the exception of one container along the southern property line, are to remain. The project is also proposing to construct a new 1,600 square-foot pole barn in the southeastern corner of the property. Access to the pole barn is provided from the existing stone driveway, which will need to be extended by approximately 20 feet. No other changes to the site are proposed at this time.

Landscaping businesses are not a permitted principal, accessory or conditional use within the LC Zone, thereby requiring the subject Use Variance approval.

2. Surrounding Uses

Properties surrounding the subject site are similarly zoned LC and contain residential uses. Properties to the southwest within 200 feet of the site are located within a ROS (Recreation and Open Space) District.

3. Zoning Compliance

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

DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	5 acres	5.23 acres
Maximum Gross Density	0.16 lots/acre	0.19 lots/acre (EC)
Minimum Lot Frontage	400 feet	484.01 feet
Minimum Lot Width	400 feet	507.21 feet
Minimum Lot Depth	500 feet	401.46 feet (EC)
Minimum Front Yard Setback (Principal)	75 feet	8.81 feet (EC)
Minimum Side Yard Setback (Principal)	75 feet	132.84 feet
Minimum Rear Yard Setback (Principal)	75 feet	331.81 feet
Minimum Front Yard Setback (Accessory)	100 feet	12.17 feet (Garage) (EC)
Minimum Side Yard Setback (Accessory)	40 feet	71.44 feet (Pole Barn)



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Minimum Rear Yard Setback (Accessory)	40 feet	0 feet (Cable Tower) (EC)
Maximum Building Height (Principal)	35 feet	25.41 feet
Maximum Building Height (Accessory)	40 feet	To Be Verified
Minimum Gross Floor Area	1,900 s.f.	> 1,900 s.f.
Minimum Ground Floor Area	1,200 s.f.	1,664.92 s.f.
Maximum Building Coverage (Principal)	2%	0.73%
Maximum Building Coverage (Accessory)	1,089 s.f.	6,823.32 s.f. (V)
Maximum Total Building Coverage	2%	3.78% (V)
Maximum Lot Coverage by Buildings and Structures	5%	3.78%
Maximum Lot Coverage	5%	9.16% (V)

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

The following existing conditions would appear to remain pertinent to the property:

- a. **Section 220-47 (Table 1)** – The maximum gross density is 0.16 lots/acre; whereas the existing density is 0.19 lots/acre.
- b. **Section 220-47 (Table 1)** – The minimum required lot depth is 500 feet; whereas the lot depth is 401.46 feet.
- c. **Section 220-47 (Table 1)** – The minimum required front yard setback for a principal structure is 75 feet; whereas the 2-story dwelling has a front yard setback of 8.81 feet.
- d. **Section 220-47 (Table 1)** – The minimum required front yard setback for an accessory structure is 100 feet; whereas the garage has a front yard setback of 12.17 feet.
- e. **Section 220-47 (Table 1)** – The minimum required rear yard setback for an accessory structure is 40 feet; whereas the cable tower has a rear yard setback of 0 feet.



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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 220-47 (Table 3)** – The maximum required building coverage for an accessory structure is 1,089 square feet; whereas the proposed building coverage for accessory structures is 6,823.32 square feet.
 - b. **Section 220-47 (Table 3)** – The maximum required total building coverage is 2%; whereas the proposed total building coverage is 3.78%.
 - c. **Section 220-47 (Table 3)** – The maximum total lot coverage is 5%; whereas the proposed total lot coverage is 9.16%.
 - d. **Section 220-97A(4)** – All parking areas and appurtenant passageways and driveways serving commercial and industrial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation upon the premises; whereas the driveways and parking areas are not illuminated.
 - e. **Section 220-97C(4)** – Driveways shall have a minimum width of 25 feet for two-way traffic for non-residential uses; whereas the existing driveways are less than 25 feet wide.
 - f. **Section 220-97F(11)** – Required off-street parking spaces. The Applicant has not identified parking spaces for the proposed use. The Applicant shall provide more information about the proposed use; however, it appears the closest use in this section would be “Other Industrial” which requires one space per employee on largest shift, plus one per company vehicle regularly stored on premises.
4. The Applicant has not requested any design waivers with the application; however, the following appear necessary:
- a. **Section 220-140C** – The minimum distance between an accessory building or structure and any other building(s) on the same lot shall be 10 feet; whereas the proposed pole barn is approximately 4 feet from the existing shed to remain.
 - b. **Section 220-159** – Environmental Impact Report
 - c. **Section 220-169D(1)** – Any parking lot and access drives shall be paved; whereas one of the existing driveways is stone.



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- d. **Section 220-169D(2)(a)** – All off-street parking lots shall be provided with curbing or the equivalent so that vehicles cannot be driven onto required landscaped areas, buffer zones and street rights-of-way and so that each parking lot has controlled entrances and exits and drainage control; whereas curbing is not proposed.
 - e. **Section 220-169D(3)** – All off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces; whereas same is not provided.
 - f. **Section 220-169H(1)** – Drive aisle widths for two-way travel shall be 25 feet; whereas the existing drive aisles are less than 25 feet wide.
5. The Applicant has not requested any waivers from providing the required Use Variance checklist submission items, and it does not appear that any are required.
 6. As the proposed use is not a permitted principal, accessory, or conditional use within the LC 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 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).
 - 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. Based upon our review of the subject application, we estimate that the following fees are required:

a. **Nonrefundable Application Fees:**

Site Plan Application Fee (less than 2,000 sf)	\$500.00
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Use Variance – Use with floor area of 5,000 sf or less \$300.00

Environmental Impact Statement - Waiver \$100.00

Subtotal Nonrefundable Application Fees: \$900.00

b. **Professional Services Escrow Fees:**

Commercial – Involving Structures (1,250 sf – 1,999 sf) \$5,000.00

Final Site Plan (1,250 sf – 1,999 sf) \$2,500.00

Use Variance – Commercial/Industrial \$3,750.00

Subtotal Professional Services Escrow Fees: \$11,250.00

We recommend the Township collect \$900.00 in nonrefundable application fees and \$11,250.00 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.

8. The Applicant should be prepared to discuss the following issues with the Board:
 - a. The proposed use for the application. We note that the application form indicates the proposed use is a commercial farm, whereas General Note #5 indicates the proposed use is a landscaping business.
 - b. Overall operations associated with the proposed use, including but not limited to: hours of operation; number of employees and employees per shift; truck traffic and circulation, loading/unloading, delivery, refuse management, including mandatory recyclables; buffering/screening and overall site aesthetics; etc.
 - c. The use of each existing building/structure to remain, as well as the proposed pole barn. Whether the existing dwelling will be utilized as the principal structure for the commercial operation, or if this building, or any structure, will be utilized for residential purposes. For the purposes of this review, the existing dwelling is considered the principal structure for the commercial operation and the other structures are accessory.
 - d. Whether any tree removal is required in the location of the proposed pole barn or to provide construction access to same.



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- e. Whether Architectural plans have been prepared for the proposed pole barn. The maximum height for accessory structures is 40 feet, whereas the proposed height has not been identified.
 - f. Adequacy of the existing vegetation surrounding the site as a buffer to the adjacent residential uses. No new landscaping is proposed with this application.
 - g. Provide a summary of the existing utilities, and whether any utilities will be provided to the proposed pole barn.
 - h. The type and frequencies of vehicles accessing the site, and whether the existing driveways are sufficient in size, or if a loading space would be necessary. We also note that Dugans Lane is only 12 feet in width and may not accommodate larger sized vehicles.
 - i. The on-site location that trash refuse will be stored and how it will be collected.
 - j. If any signage is proposed with the Application.
 - k. If any site lighting is proposed or is required for the operation.
 - l. Whether any changes to the existing fences are proposed. It appears that an existing fence may protrude onto the subject Lot 28.02 to the South. The Applicant shall verify ownership of same.
 - m. The existing and proposed stormwater management for the property.
 - n. Compliance with Section 220-37, Performance Standards, including but not limited to: noise; glare; pollutants; solid/liquid waste; refuse management; flammable/hazardous materials; etc.
 - o. 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.
9. Based upon our review, the Plan should be revised as follows:
- a. Provide the 200-foot property owners list on the cover sheet.
 - b. Revise the subject Lot number in General Note #3.



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- c. Revise the proposed grading near the pole barn to be no greater than 25% (4:1) in accordance with Section 220-35D(24)(e).
- d. Identify the location and quantity of parking spaces provided.
- e. Provide an ADA compliant parking space.

We recommend 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.

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/MPR

cc: Dean Staknys, PE – Assistant Township Engineer
Ronald Cucchiaro, Esq. – Zoning Board Attorney
Parker Family Farm, LLC – Applicant
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Salvatore Alfieri, Esq. – Applicant's Attorney